



# City of Whitehorse

## MINUTES

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### Virtual Council Meeting

Held via Zoom

on

**Monday 18 October 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  
S McMillan, J Green, L Letic, S Cann, S White, S Sullivan, V Ferlaino, J Russell, C Altan

## 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 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."*

## 2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

## 3 DISCLOSURE OF CONFLICT OF INTERESTS

The Chief Executive Officer, Simon McMillan disclosed Conflict of interest in Item 12.1 relating to personal affairs.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council Meeting 20 September 2021 and Council Meeting 23 September 2021.

### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Massoud

***That the minutes of the Council Meeting 20 September 2021 and Council Meeting 23 September 2021 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## 5 RESPONSES TO QUESTIONS

None submitted

## 6 NOTICES OF MOTION

### 6.1 Notice of Motion No. 154: Cr Davenport

#### COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

*It is requested that Council staff carry out a review of the existing residential parking scheme to determine if residents of Rooming Houses or similar should be eligible to access permits.*

*The basis for the review is to consider the impact that the increasing number of vehicles due to Rooming Houses has on local amenity including access to street parking.*

*The review can form part of the existing continuous improvement initiative planned to look at the residential parking scheme which is scheduled to commence in October 2021.*

**CARRIED UNANIMOUSLY**

### 6.2 Notice of Motion No. 155: Cr McNeill

#### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Cutts

**That Council:**

1. ***Acknowledge that the State Government and the LXP have agreed to rebuild the Heritage Mont Albert Station Building for community use.***
2. ***Recognise the hard work of Whitehorse Council officers in supporting the community in achieving this outcome.***
3. ***Urgently write to the Minister for Transport Infrastructure, Minister for Planning and Minister for Veteran Affairs urging the State Government to protect and retain the Avenue of Honour in Mont Albert, a World War 1 commemorative avenue of nine trees in Churchill Street.***
4. ***Urgently calls on the State Government and the LXP to immediately release to Council and the community the detailed Urban Management Plan Map showing which trees are to be removed and why and which trees are to be retained, including for the Avenue of Honour and trees in Lorne Parade, Lorne Parade Reserve, Windsor Crescent, Beresford Street, Churchill Street and surrounding streets.***
5. ***Urgently calls on the LXP and State Government to:***
  - a) ***Save as many mature and heritage trees as possible, including in surrounding streets; and***
  - b) ***Replace mature trees with suitable varieties that will survive, grow quickly and to a significant height providing tree canopy for residents to enjoy well into the future.***

6. ***Calls upon the State Government and the LXP to have regard to Council's Urban Realm Vision for the Level Crossing Removal Project, which is currently out for community consultation.***
7. ***Conveys Council and community concerns to the relevant Ministers.***
8. ***Expresses serious concern to the Minister for Transport Infrastructure about the significant distance people with disabilities will have to travel from all three major drop off points to access the new station.***

**CARRIED UNANIMOUSLY**

### **6.3 Notice of Motion No. 156: Cr Stennett**

#### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Carr

***That Council receive a report outlining the costs and implications of opening public toilets at Walker Park seven days a week.***

**CARRIED**

**A Division was called.**

#### **Division**

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

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

### **6.4 Notice of Motion No. 157: Cr Stennett**

***That Council seek a report from officers on the feasibility of implementing a 4 hour parking restriction Monday to Friday along the northern side of Whitehorse Road (Service Road) outside Walker Park, Nunawading from Humphreys Avenue to Dunlavin Road, on both sides of the Service Road including kerbside and indented parking areas.***

**LAPSED**

## **7 PETITIONS**

### **7.1 Planning Matters**

A petition signed by 57 signatories has been received requesting Council represent the municipality to promote social and environmental sustainability of the area in relation to planning matters.

#### **COUNCIL RESOLUTION**

Moved by Cr McNeill, Seconded by Cr Barker

*That the petition be received and referred to the Director City Development for appropriate action and response.*

**CARRIED UNANIMOUSLY**

## **8 URGENT BUSINESS**

None submitted

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **9.1.1 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) Construction of two (2) double storey dwellings including basement and associated buildings and works within 4 metres of protected SLO9 trees and removal of protected SLO9 trees**

FILE NUMBER: WH/2021/93  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 14 objections were received. The objections raised issues with amenity, drainage, demolition of existing dwelling, excavation, landscaping, loss of neighbourhood character, removal of vegetation and traffic impacts. A Consultation Forum was held on-line via Zoom on 14th July 2021, chaired by Councillor McNeil, and attended by objectors, planning officers and the applicant. During the forum, the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **MOTION**

Moved by Cr Barker, Seconded by Cr Davenport

#### **That Council:**

- A. Being the Responsible Authority, having caused Application WH/2021/93 for 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees, subject to the following conditions:**
  - 1. Before the development starts, or vegetation removed, amended plans shall be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:**
    - a) The changes included within the 'discussion plans' dated 30/07/21 and prepared BHC drafting which include:**
      - Removal of Dwelling 2 ground floor master bedroom external access door.**
      - Removal of Dwelling 2 deck within southern side setback.**
      - Removal of Dwelling 2 retaining wall within eastern and southern courtyard area.**
      - The inclusion of a fixed external screen section plan and overlooking diagram for Dwelling 1 first-floor northern non-habitable stairwell window on elevation plans.**

**9.1.1**  
(cont)

*And further modified to show:*

- b) The locations of the Structural Root Zone and Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.*
- c) The fixed permanent external screens to be nominated as being no more than 25% transparent.*
- d) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- e) Dwelling 2 ground-floor southern laundry, pantry and wc (water closet) setback a minimum 3 metres to the boundary.*
- f) A screening and window material schedule.*
- g) The pedestrian pathway within the front setback to each dwelling to have a maximum width of 1.2 metres and the arm of the pathway that is to the north within the front setback to be deleted. This is to increase capacity for landscaping opportunity and permeability with the front setback.*
- h) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-9. A notation must be provided on the site plan stating landscaping, letter boxes, fencing and any other obstruction located within the sight line triangle must be no greater than 900mm in height.*
- i) The internal width and door opening of each garage to increase from 5.5 to 5.8 metres, without reducing setbacks to the northern and southern side boundaries.*
- j) The width of the driveways to be widened to 3.6 metres as per AS2890.1 page 22, section 2.5.2 (a).*
- k) The vehicle crossovers width for both dwellings to be dimensioned.*
- l) Demonstration that the ramp grades within the parking area of the garages must not exceed 1 in 20 (5%) parallel to the angle of parking and 1 in 16 (6.25%) in any other direction as per AS 2890.1. Clause 2.4.6 (Gradients within parking modules).*
- m) The overall building height dimensioned on the eastern elevation plans.*
- n) Location and height of letterboxes notated on site plan.*
- o) Development plans to reflect the development's approach towards stormwater management to the satisfaction of the Responsible Authority, supporting the Responsible Authority's requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters):*
  - i. Rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each dwelling.*
  - ii. An annotation that each rainwater tank is allocated for reuse/retention purposes and excludes any volume allocated for detention.*
  - iii. An annotation that each rainwater tank is connected to all toilet flushing, laundry systems and irrigation areas associated with the dwelling.*
  - iv. Permeable paving identified and annotated to the driveway areas in lieu of raingardens.*



**9.1.1**  
(cont)

- p) **Revised Landscape Plan in accordance with Condition 3 including:**
- **Additional landscaping areas to reflect changes required in conditions 1 a).**
  - **Planting one extra canopy tree in the courtyard of Dwelling 2 and one extra canopy tree at the southwest corner of Dwelling 2 POS.**
  - **Proposed new trees to be planted at a minimum height of 2 metres at the time of planting.**

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

2. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
3. **No building or works must be commenced (and no trees or vegetation are to be removed) until a revised landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. The amended Landscape Plan must be generally in accordance with the submitted landscape plan prepared by BHC Drafting 16 April 2021 Revision 02 but modified to show:**
- a) **Any changes required by Condition 1.**
  - b) **All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).**
  - c) **Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.**
  - d) **A revised 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.**
  - e) **A maintenance plan for plant establishment. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.**
  - f) **Irrigation system for all trees and landscaping, including details of frequency and water delivery method.**
  - g) **Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
    - **Irrigation frequency and delivery method.**
    - **Pruning and mulching.**
  - h) **Permeable paving product and design specifications.**
  - i) **Replacement tree species to be selected from the following list or to the satisfaction of the Responsible Authority:**
    - **Acacia implexa – Lightwood.**
    - **Acer buergerianum - Trident Maple.**
    - **Acer x freemanii - Autumn Blaze.**
    - **Acer platanoides - 'Cleveland' Norway Maple 'Cultivar'.**
    - **Allocasuarina littoralis - Black She-oak.**
    - **Banksia marginate - Silver Banksia.**
    - **Banksia serrata - Saw Tooth Banksia.**
    - **Cornus capitata - Himalayan Dogwood.**
    - **Elaeocarpus reticulatus - Blueberry Ash.**
    - **Tristaniopsis laurina – Water Gum.**

**9.1.1**  
(cont)

***Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved these plans become the endorsed plans of this permit.***

- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.***
- 5. Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
  - a) Tree Protection Zone distances:***
    - i. Street Tree 1 (Quercus palustris) – 2.3 metre radius from the centre of the tree base***
    - ii. Street Tree 2 (Quercus palustris) – 2.4 metre radius from the centre of the tree base***
    - iii. Tree 9 (Liquidambar) – 3.4 metre radius from the centre of the tree base.***
  - b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:***
    - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.***
    - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
    - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.***
    - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.***
    - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.***
    - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.***
    - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.***
    - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.***

**9.1.1**  
(cont)

6. ***During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:***
- a) ***For Tree 9, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.***
  - b) ***All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land (which includes trenching and site scrapes) within greater than 10% of the TPZ of Tree 9.***
  - c) ***No trenching is allowed within the TPZ of Tree 9 for the installation of utility services. All utility services must be bored to a depth of 600mm below natural ground level where within the TPZ of this tree and the entering points for the boring works must be outside the TPZ.***
  - d) ***The builder / site manager must ensure that any buildings and works within or adjacent to the TPZ of Tree 9 do not adversely impact the health and / or stability of the tree now or into the future.***
  - e) ***The builder / site manager must ensure the TPZ Fencing Conditions, and the Tree Protection Conditions for Tree 9 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.***

**Construction Management Plan**

7. ***Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by the Responsible Authority.***

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

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

**General Requirements**

9. ***The existing street trees must not be removed or damaged, without the prior written consent of Council.***
10. ***The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.***
11. ***All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.***
12. ***None of the basement level rooms (ie store room / wine and cellar room) must not be used for the purpose of a habitable room or bedroom to the satisfaction of the Responsible Authority.***

**9.1.1**  
(cont)

13. *Dwellings 1 & 2 must only contain four (4) bedrooms to the satisfaction of the Responsible Authority.*

**Assets Engineering Conditions**

14. *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.*
15. *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.*
16. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
17. *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.*
18. *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.*
19. *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.*

**Expiry**

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

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

**9.1.1**  
(cont)

**Permit Notes:**

- A. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.**
- B. 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.**
- C. 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.**
- D. All proposed changes to the vehicle crossing(s) are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings.**
- E. 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.**
- F. 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.**
- G. 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.**
- H. 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.**
- I. Redundant vehicle crossing(s) must be removed at the same time as the construction of any new vehicle crossing(s), prior to the completion of development works and where access to a property has been altered by changes to the property.**
- J. Floor levels need to be amended if vehicle access to the garage cannot be achieved.**
- K. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890).**
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

## 9.1.1

(cont)

### AMENDMENT

Moved by Cr McNeill, Seconded by Cr Cutts

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

- A. *Being the Responsible Authority, having caused Application WH/2021/93 for 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees, subject to the following conditions:***
- 1. *Before the development starts, or vegetation removed, amended plans shall be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) *The changes included within the 'discussion plans' dated 30/07/21 and prepared BHC drafting which include:***
      - *Removal of Dwelling 2 ground floor master bedroom external access door.***
      - *Removal of Dwelling 2 deck within southern side setback.***
      - *Removal of Dwelling 2 retaining wall within eastern and southern courtyard area.***
      - *The inclusion of a fixed external screen section plan and overlooking diagram for Dwelling 1 first-floor northern non-habitable stairwell window on elevation plans.***

#### ***And further modified to show:***

- b) *Retention of Trees 10 (Common Olive) and 11 (Lillypilly).***
- c) *All buildings and works (including soil level changes) setback 1.9 metres from the base of Tree 10.***
- d) *All buildings and works (including soil level changes) setback 3.3 metres from the base of Tree 11.***
- e) *All Dwelling 1 and 2 pathway topping/pebble areas to be a maximum width of 1 metre.***
- f) *Modified site areas schedule to reflect the changes.***
- g) *The locations of the Structural Root Zone and Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
- h) *The fixed permanent external screens to be nominated as being no more than 25% transparent.***
- i) *Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.***
- j) *Dwelling 2 ground-floor southern laundry, pantry and wc (water closet) setback a minimum 3 metres to the boundary.***
- k) *A screening and window material schedule.***

**9.1.1**  
(cont)

- l) The pedestrian pathway within the front setback to each dwelling to have a maximum width of 1.2 metres and the arm of the pathway that is to the north within the front setback to be deleted. This is to increase capacity for landscaping opportunity and permeability with the front setback.*
- m) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-9. A notation must be provided on the site plan stating landscaping, letter boxes, fencing and any other obstruction located within the sight line triangle must be no greater than 900mm in height.*
- n) The internal width and door opening of each garage to increase from 5.5 to 5.8 metres, without reducing setbacks to the northern and southern side boundaries.*
- o) The width of the driveways to be widened to 3.6 metres as per AS2890.1 page 22, section 2.5.2 (a).*
- p) The vehicle crossovers width for both dwellings to be dimensioned.*
- q) Demonstration that the ramp grades within the parking area of the garages must not exceed 1 in 20 (5%) parallel to the angle of parking and 1 in 16 (6.25%) in any other direction as per AS 2890.1. Clause 2.4.6 (Gradients within parking modules).*
- r) The overall building height dimensioned on the eastern elevation plans.*
- s) Location and height of letterboxes notated on site plan.*
- t) Development plans to reflect the development's approach towards stormwater management to the satisfaction of the Responsible Authority, supporting the Responsible Authority's requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters):*
  - i. Rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each dwelling.*
  - ii. An annotation that each rainwater tank is allocated for reuse/retention purposes and excludes any volume allocated for detention.*
  - iii. An annotation that each rainwater tank is connected to all toilet flushing, laundry systems and irrigation areas associated with the dwelling.*
  - iv. Permeable paving identified and annotated to the driveway areas in lieu of raingardens.*
- u) Revised Landscape Plan in accordance with Condition 3 including:*
  - Additional landscaping areas to reflect changes required in conditions 1 a).*
  - Planting one extra canopy tree in the courtyard of Dwelling 2.*
  - Proposed new trees to be planted at a minimum height of 2 metres at the time of planting.*

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

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

**9.1.1**  
(cont)

3. **No building or works must be commenced (and no trees or vegetation are to be removed) until a revised landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. The amended Landscape Plan must be generally in accordance with the submitted landscape plan prepared by BHC Drafting 16 April 2021 Revision 02 but modified to show:**
- a) **Any changes required by Condition 1.**
  - b) **All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).**
  - c) **Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.**
  - d) **A revised 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.**
  - e) **A maintenance plan for plant establishment. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.**
  - f) **Irrigation system for all trees and landscaping, including details of frequency and water delivery method.**
  - g) **Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
  - h) **Irrigation frequency and delivery method.**
    - **Pruning and mulching.**
  - i) **Permeable paving product and design specifications.**
  - j) **Replacement tree species to be selected from the following list or to the satisfaction of the Responsible Authority:**
    - **Acacia implexa – Lightwood.**
    - **Acer buergerianum - Trident Maple.**
    - **Acer x freemanii - Autumn Blaze.**
    - **Acer platanoides - 'Cleveland' Norway Maple 'Cultivar'.**
    - **Allocasuarina littoralis - Black She-oak.**
    - **Banksia marginate - Silver Banksia.**
    - **Banksia serrata - Saw Tooth Banksia.**
    - **Cornus capitata - Himalayan Dogwood.**
    - **Elaeocarpus reticulatus - Blueberry Ash.**
    - **Tristanopsis laurina – Water Gum.**
- Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved these plans become the endorsed plans of this permit.**
4. **The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**



**9.1.1**  
(cont)

5. **Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:**
  - a) **Tree Protection Zone distances:**
    - i. **Street Tree 1 (*Quercus palustris*) – 2.3 metre radius from the centre of the tree base**
    - ii. **Street Tree 2 (*Quercus palustris*) – 2.4 metre radius from the centre of the tree base**
    - iii. **Tree 9 (*Liquidambar*) – 3.4 metre radius from the centre of the tree base.**
    - iv. **Tree 10 (*Common Olive*) – 2.8 metre radius from the centre of the tree base.**
    - v. **Tree 11 (*Lillypilly*) – 4.8 metre radius from the centre of the tree base.**
  - b) **Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
    - i. **Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
    - ii. **Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
    - iii. **Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.**
    - iv. **No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
    - v. **All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
    - vi. **No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
    - vii. **Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
    - viii. **Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**
6. **During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
  - a) **For Trees 9, 10 and 11, no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.**
  - b) **All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land (which includes trenching and site scrapes) within greater than 10% of the TPZs of Trees 9, 10 and 11.**

**9.1.1**  
(cont)

- c) *No trenching is allowed within the TPZs of Trees 9, 10 and 11 for the installation of utility services. All utility services must be bored to a depth of 600mm below natural ground level where within the TPZs of these trees and the entering points for the boring works must be outside the TPZs.*
- d) *The builder / site manager must ensure that any buildings and works within or adjacent to the TPZs of Trees 9, 10 and 11 do not adversely impact the health and / or stability of the trees now or into the future.*
- e) *The builder / site manager must ensure the TPZ Fencing Conditions, and the Tree Protection Conditions for Trees 9, 10 and 11 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.*

**Construction Management Plan**

7. *Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by the Responsible Authority.*

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

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

**General Requirements**

9. *The existing street trees must not be removed or damaged, without the prior written consent of Council.*
10. *The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
11. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
12. *None of the basement level rooms (ie store room / wine and cellar room) must not be used for the purpose of a habitable room or bedroom to the satisfaction of the Responsible Authority.*
13. *Dwellings 1 & 2 must only contain four (4) bedrooms to the satisfaction of the Responsible Authority.*

**9.1.1**  
(cont)

**Assets Engineering Conditions**

14. *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.*
15. *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.*
16. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
17. *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.*
18. *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.*
19. *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.*

**Expiry**

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

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

**Permit Notes:**

- A. *The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.*

**9.1.1**  
(cont)

- B. 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.**
- C. 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.**
- D. All proposed changes to the vehicle crossing(s) are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings.**
- E. 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.**
- F. 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.**
- G. 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.**
- H. 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.**
- I. Redundant vehicle crossing(s) must be removed at the same time as the reconstruction of any new vehicle crossing(s), prior to the completion of development works and where access to a property has been altered by changes to the property.**
- J. Floor levels need to be amended if vehicle access to the garage cannot be achieved.**
- K. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890).**
- 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.**

LOST

**Attendance**

Cr Barker left the virtual meeting at 8:11pm, returning at 8:12pm.

**9.1.1**  
(cont)

**COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

**That Council:**

- A. Being the Responsible Authority, having caused Application WH/2021/93 for 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 2 Gawler Court, MONT ALBERT (LOT 2 LP 47014 ECSS) for the Construction of two (2) double storey dwellings including basement, associated buildings and works within 4 metres of protected trees and removal of protected trees, subject to the following conditions:**
- 1. Before the development starts, or vegetation removed, amended plans shall be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:**
    - a) The changes included within the 'discussion plans' dated 30/07/21 and prepared BHC drafting which include:**
      - **Removal of Dwelling 2 ground floor master bedroom external access door.**
      - **Removal of Dwelling 2 deck within southern side setback.**
      - **Removal of Dwelling 2 retaining wall within eastern and southern courtyard area.**
      - **The inclusion of a fixed external screen section plan and overlooking diagram for Dwelling 1 first-floor northern non-habitable stairwell window on elevation plans.**

**And further modified to show:**

- b) The locations of the Structural Root Zone and Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.**
- c) The fixed permanent external screens to be nominated as being no more than 25% transparent.**
- d) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.**
- e) Dwelling 2 ground-floor southern laundry, pantry and wc (water closet) setback a minimum 3 metres to the boundary.**
- f) A screening and window material schedule.**
- g) The pedestrian pathway within the front setback to each dwelling to have a maximum width of 1.2 metres and the arm of the pathway that is to the north within the front setback to be deleted. This is to increase capacity for landscaping opportunity and permeability with the front setback.**

**9.1.1**  
(cont)

- h) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-9. A notation must be provided on the site plan stating landscaping, letter boxes, fencing and any other obstruction located within the sight line triangle must be no greater than 900mm in height.*
- i) The internal width and door opening of each garage to increase from 5.5 to 5.8 metres, without reducing setbacks to the northern and southern side boundaries.*
- j) The width of the driveways to be widened to 3.6 metres as per AS2890.1 page 22, section 2.5.2 (a).*
- k) The vehicle crossovers width for both dwellings to be dimensioned.*
- l) Demonstration that the ramp grades within the parking area of the garages must not exceed 1 in 20 (5%) parallel to the angle of parking and 1 in 16 (6.25%) in any other direction as per AS 2890.1. Clause 2.4.6 (Gradients within parking modules).*
- m) The overall building height dimensioned on the eastern elevation plans.*
- n) Location and height of letterboxes notated on site plan.*
- o) Development plans to reflect the development's approach towards stormwater management to the satisfaction of the Responsible Authority, supporting the Responsible Authority's requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters):*
  - i. Rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each dwelling.*
  - ii. An annotation that each rainwater tank is allocated for reuse/retention purposes and excludes any volume allocated for detention.*
  - iii. An annotation that each rainwater tank is connected to all toilet flushing, laundry systems and irrigation areas associated with the dwelling.*
  - iv. Permeable paving identified and annotated to the driveway areas in lieu of raingardens.*
- p) Revised Landscape Plan in accordance with Condition 3 including:*
  - Additional landscaping areas to reflect changes required in conditions 1 a).*
  - Planting one extra canopy tree in the courtyard of Dwelling 2 and one extra canopy tree at the southwest corner of Dwelling 2 POS.*
  - Proposed new trees to be planted at a minimum height of 2 metres at the time of planting.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. No building or works must be commenced (and no trees or vegetation are to be removed) until a revised landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. The amended Landscape Plan must be generally in accordance with*

**9.1.1**  
(cont)

*the submitted landscape plan prepared by BHC Drafting 16 April 2021 Revision 02 but modified to show:*

- a) *Any changes required by Condition 1.*
- b) *All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).*
- c) *Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.*
- d) *A revised 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.*
- e) *A maintenance plan for plant establishment. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.*
- f) *Irrigation system for all trees and landscaping, including details of frequency and water delivery method.*
- g) *Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
  - *Irrigation frequency and delivery method.*
  - *Pruning and mulching.*
- h) *Permeable paving product and design specifications.*
- i) *Replacement tree species to be selected from the following list or to the satisfaction of the Responsible Authority:*
  - *Acacia implexa – Lightwood.*
  - *Acer buergerianum - Trident Maple.*
  - *Acer x freemanii - Autumn Blaze.*
  - *Acer platanoides - 'Cleveland' Norway Maple 'Cultivar'.*
  - *Allocasuarina littoralis - Black She-oak.*
  - *Banksia marginate - Silver Banksia.*
  - *Banksia serrata - Saw Tooth Banksia.*
  - *Cornus capitata - Himalayan Dogwood.*
  - *Elaeocarpus reticulatus - Blueberry Ash.*
  - *Tristaniopsis laurina – Water Gum.*

*Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved these plans become the endorsed plans of this permit.*

4. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
5. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
  - a) *Tree Protection Zone distances:*
    - i. *Street Tree 1 (Quercus palustris) – 2.3 metre radius from the centre of the tree base*





**9.1.1**  
(cont)

**Construction Management Plan**

7. *Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by the Responsible Authority.*

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

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

**General Requirements**

9. *The existing street trees must not be removed or damaged, without the prior written consent of Council.*
10. *The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
11. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*
12. *None of the basement level rooms (ie store room / wine and cellar room) must not be used for the purpose of a habitable room or bedroom to the satisfaction of the Responsible Authority.*
13. *Dwellings 1 & 2 must only contain four (4) bedrooms to the satisfaction of the Responsible Authority.*

**Assets Engineering Conditions**

14. *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.*
15. *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.*
16. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
17. *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*

**9.1.1**  
(cont)

*submitted as separate engineering drawings for assessment by the Responsible Authority.*

18. *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.*
19. *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.*

**Expiry**

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

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

**Permit Notes:**

- A. *The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.*
- B. *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.*
- C. *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.*
- D. *All proposed changes to the vehicle crossing(s) are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings.*
- E. *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.*
- F. *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.*

**9.1.1**  
(cont)

- G. 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.**
  - H. 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.**
  - I. Redundant vehicle crossing(s) must be removed at the same time as the construction of any new vehicle crossing(s), prior to the completion of development works and where access to a property has been altered by changes to the property.**
  - J. Floor levels need to be amended if vehicle access to the garage cannot be achieved.**
  - K. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890).**
- 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**

**A Division was called.**

**Division**

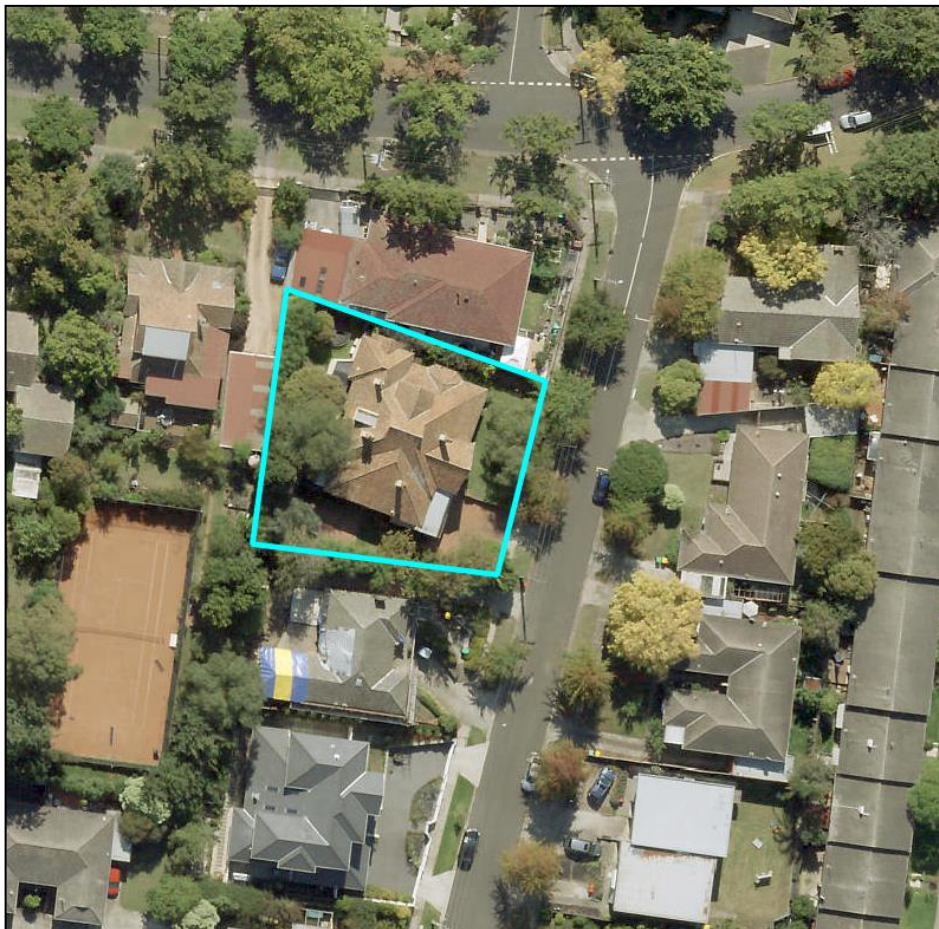
<b>For</b>	<b>Against</b>
Cr Barker	Cr Cutts
Cr Carr	Cr McNeill
Cr Davenport	Cr Stennett
Cr Lane	
Cr Liu	
Cr Massoud	
Cr Munroe	
Cr Skilbeck	

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

**9.1.1**  
(cont)

MELWAYS REFERENCE 46 K8

Zoning:	General Residential Zone, Schedule 4
Overlays:	Significant Landscape Overlay, Schedule 9
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 18	Transport
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.08	General Residential Zone, Schedule 4
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 52.06	Car Parking
Clause 53.18	Stormwater Management in Urban Development
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines
Ward:	Kingsley



14 objections received (12 objection properties)	↑ North
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## 9.1.1

(cont)

### BACKGROUND

#### History

Planning permit application WH/2018/10 sought approval for three (3) double storey dwellings and tree removal. The application was refused on 30 July 2018.

#### The Site and Surrounds

The subject site is located on the west side of Gawler Court, one lot south of the intersection with Victoria Crescent. The site has a wide frontage of 25.60 metres, a maximum depth of 34.72 metres (to its north boundary) and comprises an overall site area of 944 square metres.

The site contains a single storey Federation weatherboard dwelling with undercroft garage to its south-east corner and a three metre wide vehicle crossover at the southeast corner.

The site has a cross-fall of approximately 4.1 metres from the north-west towards the south-east. No easements are located on the site however a sewer pipe is located near to the west boundary.

The arborist report, prepared by *Tree Ecology, dated 27 January 2021* provides an assessment of 15 trees of which 12 are located within the subject site.

The site is located within a residential area that contains a mix of remnant housing stock, single and double storey brick dwellings and some new infill development. Within the immediate context, the following is noted:

- 4 Gawler Court – located to the south of the site is developed with a 1970's double storey brick dwelling. The dwelling is setback 8.41 metres to the front boundary and 4.32 metres from the shared/common boundary with the subject site. There are no habitable room windows within 3 metres. Vehicle access is via a driveway at the southeast corner of the property frontage.
- 78 Victoria Crescent – is located to the north and is developed with a 1970's double storey brick dwelling (with undercroft basement level). The dwelling is setback 6.8 metres to Gawler Court and between 1.6 and 3.6 metres from the shared common boundary with the subject site. Vehicle access is via a driveway at the north-west corner of the property frontage (Victoria Crescent).
- 76 Victoria Crescent – is located to the west and is developed with a double storey, Federation era weatherboard dwelling. The dwelling is setback 7.82 metres from the shared/common boundary. A galvanised iron shed is adjacent to the shared/common boundary.

#### Planning Controls

##### General Residential Zone – Schedule 4

In accordance with Clause 32.08-6 of the General Residential Zone, a permit is required for the construction of two dwellings on a lot. Schedule 4 to the Zone includes variations to the requirements of Clause 55.

Under Clause 32.08-4 a development must meet a minimum garden requirement of 35%. The development plans indicate an area of 477 square metres which equates to a total Garden Area of 50%, thus demonstrating compliance with Clause 32.08-4.

##### Significant Landscape Overlay – Schedule 9 (SLO9)

Under Clause 42.03-2 a permit is required for the removal of protected trees and buildings and/or works within 4 metres of protected trees as summarised in the table below, including the condition of the trees as assessed by the applicant's Arborist.

## 9.1.1

(cont)

### Trees requiring a permit under SLO9

Tree No.	Name	Species	Height (m)	Retention Value	Structure	Permit Required?
3	Evergreen Alder	<i>Alnus jorullensis</i>	6	Low	Poor	Yes
7	Sweetgum	<i>Liquidambar styraciflua</i>	12	Low	Poor	Yes
8	Japanese Maple	<i>Acer palmatum</i>	6	Medium	Fair	Yes
10	Common Olive	<i>Olea europaea</i>	7	Medium	Fair	Yes
11	Lilly Pilly	<i>Syzygium smithii</i>	10	Low	Fair	Yes
12	Black Locust	<i>Robina pseudoacacia</i>	10	Medium	Good	Yes

Source - Tree Ecology, January 2021

### Trees not requiring a permit under SLO9

Tree No.	Name	Species	Height (m)	Retention Value	Structure	Permit Required?
4*	Camphor Laurel	<i>Cinnamomum camphora</i>	3.5	Low	Poor	No
5*	Canary Island Palm	<i>Phoenix canariensis</i>	3.5	Low	Fair	No
6*	Desert Ash	<i>Fraxinus angustifolia</i>	9	Low	Fair	No
13*	Glossy Privet	<i>Ligustrum lucidum</i>	7	Low	Fair	No
14*	Glossy Privet	<i>Ligustrum lucidum</i>	5	Low	Fair	No
15*	Glossy Privet	<i>Ligustrum lucidum</i>	3	Low	Fair	No

Source - Tree Ecology, January 2021

\* These trees do not trigger a permit as they are either less than 5m in height and with a trunk circumference of less than 1m or are an Environmental Weed species.

### 9.1.1

(cont)

The application proposes the buildings and works within 4m of the following trees:

Tree No.	Name	Species	Height	Retention Value	Permit Required?
1	Pin Oak	Quercus palustris	6	High	Yes
2	Pin Oak	Quercus palustris	7	High	Yes
9	Sweetgum	Liquidambar styraciflua	10	Medium	Yes

Source - Tree Ecology, January 2021

### PROPOSAL

The application proposes the 'construction of two (2) double storey dwellings each with a basement and associated buildings and works within 4 metres of protected trees and removal of protected trees'. Key aspects of the proposal include:

- Each dwelling is provided with a basement level, featuring a double-width garage (7.9 by 5.5 metres), a store room (22 m<sup>2</sup>), and a wine cellar. This level provides a lift and stairwell to the upper levels.
- The height of the basement from Natural Ground Level (NGL) to the Finished Floor Level (FFL) for both dwellings is less than 1.2 metres.
- At ground floor, the dwellings have an open plan living / meals / kitchen area, master bedroom, study, laundry and WC (Water Closet). Bedrooms, bathroom and retreat area are located on the first floors.
- The setback (on ground floor) from the street to the basement is 7.68m for dwelling 1 and 7.65m for dwelling 2.
- Dwelling 2 has a minimum setback of 2 metres from the south boundary and dwelling 1 has a minimum setback of 3.2 metres to the north boundary. Both dwellings have a rear setback of 6 metres (with a setback of 3.5 metres to the alfresco).
- Areas of secluded private open space located to the west and include alfresco areas.
- The external materials include a mix of brickwork (element graphite), smooth and FC render cladding, matrix cladding, and tile cladding to the hipped roof forms.
- The overall height of the development is 8.1 metres.
- An overall site coverage of 41.5% is achieved.
- The front fence is 1.2m high rendered masonry piers and plinth with vertical metal infills (50% transparent) and swing gate.

For further details of the proposal, refer to the decision plans, by BHC Drafting, dated 16 April 2021 and 'discussion plans' dated 30 July 2021 and by BHC drafting (Attachments 1 & 2). The application was accompanied by:

- Title re-establishment & Site feature survey plan, by Anthony Ford Surveying dated, 10 November 2020.
- Landscape plan, by BHC Drafting, dated 16 April 2021
- Car Parking drawings, by Ratio, dated 16 April 2021
- Arborist Report, by Tree Ecology, dated 27 January 2021
- Melbourne Water STORM Rating Report dated 13 April 2021.

## 9.1.1

(cont)

### CONSULTATION

#### Public Notice

The application was advertised by mail to the adjacent property owners and occupiers and by erecting one sign at the front of the site. Following the advertising period 14 objections (12 objector properties) were received. The objections received are summarised as follows:

#### Neighbourhood character

- The proposal is inconsistent with the established neighbourhood character.
- The proposed exterior of brick and render is inconsistent with the established streetscape character.
- The buildings encroach into the established front setbacks of Gawler Court.
- Visual bulk, height and mass.
- Domination of front retaining walls and hard paved surfaces.

#### Heritage

- The existing house is one of the few remaining houses that date back to the creation of Victoria Crescent in the late 1800's and provides character to the neighbourhood.
- The demolition of the original homestead will severely undermine the historical integrity of Mont Albert.
- The subject site should be located in a Heritage Overlay.

#### Amenity

- Overlooking.
- Overshadowing.

#### Tree Impacts

- Loss of canopy trees on site.
- Potential impacts to the street tree which contributes to an avenue of Pin Oak trees.
- Impacts to trees within adjoining lots.
- Lack of landscape opportunity.

#### Car Parking

- On site vehicle manoeuvring is poor.
- Lack of on site and visitor car parking.
- Increased traffic congestion.
- Increased safety risk to pedestrians, particularly school children who use the Court as a route between George Street and Box Hill Secondary.
- Vehicle congestion with the Court during the construction process.

#### Other

- Drainage impacts associated with the construction of the large basement levels.
- The impact of excavation to foundations of adjacent dwellings.
- Impacts of noise, dust and pollution during the construction process.



## **9.1.1**

(cont)

### **Consultation Forum**

An online Consultation Forum was held via Zoom on 14 July 2021. 12 objectors attended the meeting which was chaired by Councillor McNeill and also attended by the applicant and Council officers. Key points discussed during the forum meeting related to the consistency with neighbourhood character, landscaping opportunities, heritage value of existing dwelling, drainage excavation impacts, traffic congestion and safety, overlooking, overshadowing, removal of vegetation, and visual bulk. No resolution was reached between the parties during the meeting.

### **Discussion Plans (Post-Consultation Forum).**

Subsequent to the Consultation Forum, a set of informal 'discussion plans' prepared by BHC drafting dated 30 July 2021 were submitted to officers. These plans were prepared in response to some of the issues raised by objectors at the consultation forum. The key modifications include:

- Removal of Dwelling 2 ground floor master bedroom external access door.
- Removal of Dwelling 2 deck within southern side setback.
- Removal of Dwelling 2 retaining wall within eastern and southern courtyard area.
- The inclusion of a fixed external screen section plan and overlooking diagram for Dwelling 1 first-floor northern non-habitable stairwell window on elevation plans.

In submitting to the set of 'discussion plans' the applicant indicated a willingness for conditions to be included within any planning permit to be issued to reflect the changes contained within the discussion plans, and also agreed to any conditions of approval requiring the following:

- Planting one extra canopy tree in the courtyard of Dwelling 2 and one extra canopy tree at the southwest corner of Dwelling 2 POS.
- Proposed new trees to be planted at a minimum height of 2 metres.

It should also be noted that the discussion plans have not been formally circulated to objectors.

### **Referrals**

#### **External**

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

#### **Internal**

##### Assets Engineering

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

##### Planning Arborist

The application was referred to and reviewed by Council's consulting arborist, who supported the application subject to appropriate replacement planting and tree protection measures to be included as conditions to any permit issued.

##### ESD Advisor

The application has been reviewed by Council's ESD officer. Having assessed the development against Clause 55.03-4, the proposal meets the Integrated Water Management requirements of the Planning Scheme subject to conditions

## **9.1.1**

(cont)

### Parks and Natural Environment

The proposal has been reviewed by Council's Parks and Natural Environment Department, who raised no concern to the proposal, and recommended tree protection measures to be included in any permit issued.

### Traffic Engineering

The application has been referred to council's Transport Engineering. Concerns have been raised regarding the access arrangements to the garages, sightline triangles and ramp grades. These issues can be addressed through permit conditions. Council's Transport Engineer advises the submitted swept path diagrams demonstrates that two vehicles within the double garage will have a clearance of approximately 350mm, however this is not practical as the driver and passenger side have a limited space for car doors to open. This issue can be addressed by widening the internal width of the garage by a minimum of 0.3 metres.

## **DISCUSSION**

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

The construction of two dwellings on this site is consistent with State and Local Planning Policies which encourage higher density development within established residential areas that have good access to shops, recreation facilities and public transport. The proposal accords with State Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium density housing that makes better use of existing infrastructure; and that respects the neighbourhood character and appropriately responds to its landscape, valued built form and context.

Clause 21.06 (Housing) of the Local Planning Policy Framework is informed by Council's Housing Strategy 2014, and identifies the site within a Natural Change Area. New development within Natural Change Areas identifies, 'infill development' as being common, therefore there is an expectation that there will be a degree of change to achieve this outcome and medium density development is anticipated.

Whitehorse's Residential Development Policy at Clause 22.03, applies to all applications for development within the residential zones. This policy is used to supplement the neighbourhood character and residential policy requirements of Clause 55 (ResCode). The relevant objectives of Clause 22.03 are as follows:

- To ensure that residential development within the City of Whitehorse is consistent with the built form envisaged for the relevant category of housing change.
- To ensure development contributes to the preferred neighbourhood character where specified.
- To ensure that new development minimises the loss of trees and vegetation.
- To ensure that new development provides adequate vegetation and gardens consistent with the preferred neighbourhood character.

The Neighbourhood Character Study 2014 further defines the preferred future character of precincts within the City. The preferred character statements for each character precinct are defined under Clause 22.03-5. The subject site is located within the Garden Suburban Precinct 8.

This proposed development is in keeping with the preferred and prevailing built form and scale of developments in the area, and the proposed design and siting is consistent, subject to conditions, with the objectives and intent of Council's Residential Development Policy for developments within Natural Change and Garden Suburban Precinct 8 Areas, where the following outcomes are preferred:

### 9.1.1

(cont)

*A variety of well-articulated dwelling styles will sit within open garden settings incorporating a mixture of native and exotic vegetation and large trees. The established pattern of front and side setbacks will be maintained, allowing sufficient space for planting and growth of new vegetation. Infill development will be common, however new buildings and additions will be setback at upper levels to minimise dominance in the streetscape*

*Properties abutting and close to the Koonung Creek, Bushy Creek and Gawler Chain parklands will contribute to the bushy landscape character of the public realm, incorporating large native / indigenous canopy trees and native / indigenous vegetation. The openness and informality of the streetscape will be further enhanced by low open style front fences that allow for views into front gardens.*

The proposed development has been fully assessed against and is considered, subject to conditions discussed below, to satisfy the relevant standards and objectives of Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme. The following discussion covers the key issues raised during the application process.

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

Gawler Court supports a varied residential character, including Edwardian era weatherboard dwellings (9 Gawler Court), post war, 1950s to 1960s and contemporary infill (5 Gawler Court). Given the width of the lots within the court, there are examples of side-by-side development including two single storey brick units at 1 and 1A Gawler Court and two double storey brick units at 5 and 5A Gawler Court. The provision of two contemporary dwellings adds to the eclectic mix of dwellings styles within the Court.

The wide street frontage (25.6 metres) and relatively limited depth (31 metres) provides opportunity for a side-by-side layout, similar to other outcomes within the Court. The layout proposes no walls on the boundary and the side and rear (west) boundary setbacks will either meet or exceed the minimum boundary setbacks allowed by Standard B18 Side and Rear Setbacks of Clause 55. It is noted that the dwelling 2 ground floor side setback to the southern boundary will be required to be increased to 3 metres to meet the preferred neighbourhood character and objectives of Standard B18.

The average of the front setbacks of adjoining dwellings is 7.6 metres. The ground level front setback is a minimum of 7.6 metres, which reflects the average established within adjoining lots.

The 8.1 metre overall building height is well below the 11 metre building height allowed on sloping land such as the subject site. Therefore the proposed dwelling will sit comfortably within the neighbourhood context and maintain the preferred Garden Suburban Precinct 8 character.

The proposed site (building) coverage of 41.5% is well below the preferred maximum 50% and the proposed permeable area of 36.5% generously exceeds the preferred minimum 30% within the General Residential Zone Schedule 4, indicating that the site layout allows for generous landscaping areas.

Articulation is achieved via engaging front façades, recessed upper levels, and staggered setbacks across the built form, hipped roof forms with eaves and variation in materials. The removal of the Dwelling 2 retaining wall as shown on the 'discussion plans' within the side setback area will further reduce the level of visual bulk to the streetscape.

The proposed 1.2 metre high fence replaces the existing rendered brick retaining wall and is acceptable as it will enable views into the subject.

The proposed development is considered to achieve a satisfactory response to the existing and preferred character of the area and allows for generous landscaping opportunities.

### 9.1.1

(cont)

#### Landscape assessment

Clause 21.05 Environment, Clause 22.04 Tree Conservation Policy and Clause 42.03 Significant Landscape Overlay Schedule 9 (SLO9) identify trees as being an integral aspect of an existing and preferred character. The Statement of Nature and key elements of landscape under the SLO9 recognises that:

Trees are significant to the landscape character of the City of Whitehorse. The tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, reducing the urban heat island effect in more urbanised areas, improving air quality and energy efficiency, providing habitat for fauna, and increasing the wellbeing of people and liveability of neighbourhoods.

The Overlay includes the objectives: w

- To retain and enhance the canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas.
- To encourage the retention of established and mature trees.
- To provide for the planting of new and replacement canopy trees.
- To ensure that development is compatible with the landscape character of the area.

The Decision Guidelines of the SLO9 at Clause 42.03, require consideration to be given to 'the need to retain trees that are significant due to their species, health and/or growth characteristics', while further outlining, 'If retention cannot be achieved, or a tree is considered appropriate for removal, consider whether the site provides adequate space for offset planting of trees that can grow to a mature height similar to the mature height of the tree to be removed'.

The application proposes the removal of a total of 12 trees, of which 6 (Trees 3, 7, 8, 10, 11 and 12) are protected by SLO9. The remaining trees as outlined in the table earlier in this report are not protected under the SLO9. Council's consulting arborist supports the removal of the trees. Removal of these trees is considered an acceptable outcome as the species do not make a significant landscape contribution and there is an opportunity for replacement planting to occur. The Planning Scheme requires consideration of an appropriate balance between retaining trees that make a landscape contribution verses those that would be better replaced with more appropriate species. These considerations are then also balanced between appropriate space and built form outcomes. Council's Planning Arborist has not raised any objection to the proposed tree removal, however has specified a list of appropriate replacement tree species.

Important to the assessment of the application is whether there is sufficient space for replacement planting of canopy trees that will contribute to the preferred character of the area. The landscape plan shows the replanting of 2 x *Pyrus calleryana* – Ornamental Pear, 2 x *Acacia implexa* – Lightwood, 1 x *Lagerstroemia indica* - Crepe myrtle and 1 x *Corymbia ficifolia* – Grated Flowering gum. These six trees are complimented by a total of 341 shrubs, grasses and ground covers. It is recommended that the level of hard-paved surfaces be reduced within the front setback to further increase landscaping opportunity. This can be achieved by deleting the pedestrian path that extends north from the entrance.

Following the Consultation Forum, the permit applicant made a commitment to plant two (2) additional trees within the subject site. Standard B13, as modified by the General Residential Zone Schedule 4, requires the planting of two 8 metre high trees per dwelling, and the Landscape Plan will include 8 trees capable of reaching a minimum height of 8 metres exceeding this requirement. All trees for planting will be required to be selected from the preferred species list provided by Council's Arborist. The trees to be planted in time will make a good contribution to the preferred garden landscape character in the spirit of the SLO9.

Overall, the proposed landscape plan will achieve a complete garden scheme that will allow the development to blend with the existing Garden Suburban landscape character of the area.

### **9.1.1**

(cont)

#### **Amenity**

The shadow diagrams submitted with the application clearly demonstrate that the proposal will not significantly overshadow the adjoining dwellings' areas of private open space (situated to the south and west), complying with the numerical requirements. All habitable level room windows within 9 metres of adjoining and internal lots are screened in accordance with Standard B22.

#### **Car Parking**

The proposal has a requirement for four (4) resident car spaces, which is achieved through the provision of a double-width garage for each dwelling located at basement level.

Design Standard 2 (Car parking spaces) of Clause 52.06-9 requires garages to be a minimum 6 metres long and 5.5 metres wide for double-width garages. This minimum is achieved, however it is recommended each garage to be widened slightly to improve the ability for vehicles exiting the garage to manoeuvre more easily.

#### **Objectors Concerns**

A response to the objector concerns are outlined below:

##### Neighbourhood Character

Matters of neighbourhood character have been addressed throughout the body of this report. It is determined that the siting outcome provides acceptable opportunity for new landscaping (subject to some minor modifications within the front setback area) and the design of the dwellings adds to the mix of dwelling styles present within the streetscape.

##### Demolition of existing dwelling and heritage significance

Concerns were raised with regard to the heritage significance of the existing dwelling. It is noted that the site has been considered as a potential heritage site. The property was identified for potential heritage status in 2001, however has not met the status for further assessment due to its earlier subdivision and close proximity of neighbouring dwelling. The assessment criteria to recognise heritage significance are well established and set by the State Government via a practice note. A thorough assessment of these criteria by Council's Heritage Advisor has established that the property does not satisfy the relevant thresholds for recommendation to be included in Heritage Overlay. The primary reasons for this are the subdivision of the land and additionally that there are a number of similar Federation style houses already listed in the City of Whitehorse.

Therefore, the subject site has not been placed within a Heritage Overlay and a Planning Permit for the demolition of the existing dwelling is not required.

##### Amenity

Objectors have raised concerns with regard to the impact on amenity. As previously discussed, the proposed development demonstrates has a high level of compliance for amenity under Clause 55.

Concerns have been raised by objecting parties regarding potential amenity impact, particularly those of overlooking, overshadowing and noise. The proposal has been assessed against relevant ResCode Standards B21 (Overshadowing), Standard B22 (Overlooking) and Standard B24 (Noise Impacts) and is compliant with these requirements.

##### Tree Impacts

Objectors have raised various concerns with tree impacts. Conditions will be included within the Planning Permit requiring the implementation of tree protection measures for all adjoining and street trees.

### **9.1.1** (cont)

#### Tree Removal

In response to the concern around tree removal, the trees permitted for removal have been supported by Council's consulting arborist and conditions will be included within the Planning Permit for replacement planting to occur. The trees proposed to be planted over time will make a contribution to the existing and preferred landscape character of the area and is a reasonable outcome.

#### Car Parking

Objectors have raised various traffic and carparking concerns. Subject to minor variations as outlined by Council's Transport Engineers, to be addressed via conditions of the proposed permit, the vehicle manoeuvring is appropriate. Whilst also understanding the concerns of surrounding residents, there is no requirement within the planning scheme for the provision of on-site visitor parking or for vehicles to exist the site in a forward direction. Further to this, the addition of 2 new dwellings (which provide the appropriate level of on-site parking) will not contribute towards increased traffic congestion or safety risks.

#### Soil excavation and drainage

Soil excavation and drainage will be addressed under the building permit. Associated civil engineering and drainage approval is required prior to the construction of the development.

To address concerns relation to traffic management for the excavation and removal of fill required for the development and construction on the site, the requirement of a Construction Management Plan be provided under conditions of the permit.

#### Construction process

Noise, pollution, dust etc during the construction period (including increased traffic congestion within the Court) is considered reasonable in association with the development of residential land for residential purposes. All residential construction noise and amenity impact must comply with relevant EPA and Council local laws. It will be recommended that a Construction Management Plan be provided.

### **CONCLUSION**

The proposal for the construction of two (2) double storey dwellings including basement and associated buildings and works within 4 metres of protected trees and removal of protected trees is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone 3, Significant Landscape Overlay Schedule 9 and Clause 55, ResCode.

A total of 14 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

### **ATTACHMENT**

- 1 Advertised Plans 
- 2 Discussion Plans (without prejudice) 

## 9.1.2 Eastern Region Land Use Framework Plan Council Submission

FILE NUMBER: SF17/463  
ATTACHMENT

### SUMMARY

*Plan Melbourne 2017-2050 is the high-level plan developed by the Victorian Government to guide growth and change across metropolitan Melbourne. Plan Melbourne identifies the need for land use framework plans to be developed for each of the six metropolitan regions, providing detailed guidance at a regional level and setting a 30-year vision for each area.*

*The purpose of this report is to provide an update on the development of the Eastern Region LUF and seek Council's endorsement of a submission to the Minister for Planning.*

### COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Massoud

#### **That Council:**

- 1. Note the preparation of the draft Eastern Region Land Use Framework Plan.**
- 2. Submit feedback to the Minister for Planning on the draft Eastern Region Land Use Framework Plan as outlined in this report and Attachment 2.**
- 3. Advocate to state government for funding for any additional work that may be required by Council to implement the Eastern Region Land Use Framework Plan.**

**CARRIED UNANIMOUSLY**

### BACKGROUND

In March 2017 the State Government released *Plan Melbourne 2017-2050*. A separate Implementation Plan was also prepared which embeds actions across state government, local government, public authorities and agencies. The Implementation Plan identified that Land Use Framework Plans (LUF) will be developed for each of the six metropolitan regions in the medium term.

The Economy and Planning Working Group (EPWG) was established by the State government in 2017 with membership from all six of the municipalities within the Eastern Region, as well as officers from the relevant State government departments. The purpose of the EPWG was to provide a partnership between State and local government to develop work plans to implement *Plan Melbourne*, including the preparation of the LUFs.

The timeline for the LUFs has been drawn out over 5 years as follows:

- Stage 1 - 2017: The LUFs are identified as a priority action in Plan Melbourne
- Stage 2 - 2017: Visioning workshops with key stakeholders
- Stage 3 - 2018: Plan development workshops with key stakeholders
- Stage 4 - 2018-2020: Council officer engagement
- Stage 5 - 2021: Public consultation

The public consultation was delayed to incorporate information about major State government infrastructure projects, such as the Suburban Rail Loop. The State government is currently inviting feedback from stakeholders and the community on the Engage Victoria website until 24 October 2021. Following the current public consultation the Minister for Planning will consider the feedback received. Implementation of Melbourne's future planning framework, including the final LUFs, is proposed for 2022.

## 9.1.2

(cont)

### DISCUSSION

The LUFPs identify urban renewal areas, activity centres and growth areas across metropolitan Melbourne, future transport opportunities, future community, health, education, recreation, sporting and cultural facilities, and work towards protecting and identifying open space and greening initiatives. The plans are to include strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests. The LUFPs have been developed for each of the six metropolitan regions identified in *Plan Melbourne*:

- Eastern (Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges LGAs)
- Inner (Melbourne, Port Phillip and Yarra Local Government Areas or LGAs)
- Inner South East (Bayside, Boroondara, Glen Eira and Stonnington LGAs)
- Southern (Cardinia, Casey, Frankston, Greater Dandenong, Kingston and Mornington Peninsula LGAs)
- Western (Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham LGAs)
- Northern (Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik and Whittlesea LGAs)

The LUFP includes six key themes:

- Productivity
- Housing Choice
- Integrated Transport
- Liveability
- Strong Communities
- Sustainability and Resilience

The LUFP also includes an implementation plan for the first five years of the plan.

The draft Eastern Region LUFP summary document is included at Attachment 1. This is a brief summary of the LUFP and is largely anchored by the SRL. A separate document is dedicated to each theme in the LUFP and can be viewed at:

<https://engage.vic.gov.au/mfpf/eastern-metro-lufp>

Officers have reviewed each theme contained in the Eastern Region LUFP, as it relates to Whitehorse. This feedback is summarised below and specific comments on each theme are in Attachment 2. The content of this report will form the basis for Council's submission on the draft Eastern Region LUFP.

#### Overall comments

Officers believe the Framework Plan has an overwhelming emphasis on the Suburban Rail Loop (SRL), however this project is currently in the planning stage and will not be operational for a significant portion of the initial implementation horizon of the LUFP. The document relies on the SRL for housing growth and pitches a vision for Box Hill that officers believe is inadequate and ignores the substantial work Council has undertaken for the whole of the activity centre, not just the transport elements. Additionally, the LUFP seems to pre-empt a level of control over the planning of the proposed SRL station locations and neighbourhoods well beyond the stations which is yet to be enacted.

The LUFP includes reference to walkable catchments of 800m around activity centres, however this appears in conflict with the SRL that shows a 1600m radius. The SRL catchment should be revised to a maximum of 800m to align with *Plan Melbourne* and the LUFP as a walkable catchment for 20 minute neighbourhoods.



## 9.1.2

(cont)

The document identifies existing initiatives and policies, including SRL, Activity Corridors and urban renewal areas, however it lacks a regional perspective and doesn't read as an aspirational plan for the future of the Eastern Region. Significantly, the document lacks focus on people, community, place, creativity and wellbeing.

Finally, officers have identified many inconsistencies with the mapping contained in the LUFPP and difficulty distinguishing features of the Eastern Region due to the maps being congested and challenging to read. The Eastern Region is quite large and therefore the mapping should include an excerpt of the urban area of the region.

### Productivity

#### *Snapshot of theme*

- Employment in the City of Whitehorse is expected to increase at a rate of 2% per annum generating approximately 24,000 additional jobs between 2016 and 2031. The City of Monash will experience similar employment growth and together will generate approximately 60% of the employment growth in the eastern region over the next 10 years.
- Box Hill is identified as a state significant health and education precinct and Metropolitan Activity Centre (MAC) that is well connected and will be supported by infrastructure investment.
- Regionally significant industrial precincts are located in Nunawading MegaMile, Blackburn Industrial Precinct, Box Hill South, Rooks Road and Redlands Estate.
- The SRL has been planned to connect to key employment precincts in Whitehorse such as Box Hill and Burwood, which would allow inter-regional movement.
- Major activity centres at Forest Hill Chase and Nunawading are acknowledged.
- Development is encouraged along activity corridors including Whitehorse Road, between Box Hill and Ringwood, and Burwood Highway between Deakin University and Tally Ho.

#### *Officer feedback*

This theme is primarily anchored by the SRL which is limited and problematic, particularly if the project does not proceed. Officers query how many of the directions and strategies will be delivered – the timeframe, the responsible agency and the cost/funding.

The National Employment and Innovation Cluster (NEIC) at Monash is important for the Eastern Region, however consideration should be given to more than one NEIC in the Eastern Region that is connected and complementary, such as Box Hill and Deakin University.

Several key employment areas of Whitehorse, including Nunawading MegaMile and the Tally Ho Business Park, are not included in the discussion. These are regionally significant locations that provide jobs to the local, and wider community. Council has previously advocated for the inclusion of the MegaMile as a regionally significant commercial location in a submission to the State government's Industrial and Commercial Land use Plan (ICLUP). The ICLUP designates only the industrial area located behind the MegaMile as a regionally significant industrial precinct. The two regionally significant land uses co-exist and the ICLUP and LUFPP are remiss in not identifying them both. Further, references in the LUFPP to the regional importance of MegaMile focus on its commercial (rather than its industrial) strengths and opportunities. In short, the LUFPP misses the mark in relation to the MegaMile precinct.

Whitehorse has an extensive network of NACs that also provide jobs close to where people live however there is no mention of them in the draft LUFPP and the contribution they make to the community. Officers believe these should be given more consideration in the draft LUFPP, noting that NACs will have varying scope for intensification based on their local context.

## 9.1.2

(cont)

Officers do not believe that the noted activity corridors are identified on a regional basis, instead the regional plan includes those that are locally based and depict a very broad and ambiguous corridor. Unless these are applied to appropriately serviced locations across the region, they should be deleted from the regional plan and identified in local policy instead with any accompanying planning controls.

### Housing Choice

#### *Snapshot of theme*

- The population of the Eastern Metro region is expected to increase from 959,100 in 2020 to 1,136,730 in 2036.
- The population of Whitehorse is expected to increase from 180,740 in 2020 to 220,250 in 2036.
- The plan discusses an aspirational housing distribution scenario of achieving 70 per cent new housing in established areas and 30 per cent in green field areas across metropolitan Melbourne, which will require a distribution of dwellings from the green field growth areas across Melbourne to the established area in the Eastern Region.
- Whitehorse has experienced substantial population growth due to development occurring in the Box Hill MAC.
- Housing affordability is an issue and there is a shortfall of affordable housing, including social housing, across the Eastern Region.
- The draft LUPF expects planning schemes to be updated to provide capacity for 15 years of regional housing supply and potentially additional areas for substantial or incremental housing change.

#### *Officer feedback*

The draft LUPF considers '20 minute neighbourhoods' multiple times, however there is limited information about the criteria for classifying a neighbourhood as such. Whitehorse's NACs could form the basis for a 20 minute neighbourhood network, however further guidance is requested from the State government on the hallmarks of these neighbourhoods beyond the broad principles listed in the regional plan's Glossary.

Action 4 is to "update planning schemes to align with housing policies in Plan Melbourne and the Eastern Metro Region Land Use Framework Plan and the implementation of the reformed residential zones". Officers note that this work has already been completed by most councils quite recently at a significant cost and seek clarification around what additional strategic work will be required and/or funded by DELWP. Officers also seek to understand if further work will be needed if existing local housing strategies demonstrate sufficient capacity, and what the repercussions are for each Council if the 15 years housing supply is not identified.

Officers query the accuracy of the population and projected dwelling numbers contained in the plan as a result of the COVID-19 pandemic, and seek to understand how long the State government believes it will take for the projections to be reconciled beyond COVID. DELWP advised during the consultation that they expect the population and dwelling numbers will settle over the next 30 years, however officers seek additional information in the regional plan as to when it expects the actual population and dwelling numbers will recover and an option in the plan for the projection to be reviewed if it does not meet the anticipated target due to COVID.

Officers support the strategies, directions and actions about affordable and adaptable housing, however further information is required about the provision of these types of housing and the implications for the community, and how these will be achieved without inclusionary zoning.

## 9.1.2

(cont)

### Integrated transport

#### *Snapshot of theme*

- There is a strong network of east-west road connections, however congestion is increasing.
- Whitehorse has a high number of bus services per hour, per stop for the region indicating the bus network fills gaps left by the rail and tram network.
- The SRL will deliver five new train stations in the Eastern Region, with two in Whitehorse at Burwood and Box Hill.
- Public transport and active transport access needs to be improved to the Box Hill MAC, and along major activity corridors on Whitehorse Road and Burwood Highway.
- The delivery of 20 minute neighbourhoods is a key feature of the LUFPP, however there is limited information about the criteria of such neighbourhoods.
- Strategic cycling corridors are identified, including along the Melbourne Water pipe reserve from Syndal Station to Nunawading and the former Healesville Freeway Reservation.

#### *Officer feedback*

The draft LUFPP discusses the importance of connectivity between different transport modes and routes. However, officers have identified that whilst the SRL Authority has a distinct project scope on what will be included in their planning for the station precincts this does not necessarily include connections to existing transport infrastructure. Therefore, officers believe that more needs to be done to ensure proper integration with other transport infrastructure as part of the SRL project. For example, there is no direct interchange proposed between the proposed SRL and the existing train station at Box Hill and the proposed SRL station at Burwood is inconveniently separated from Deakin University and nearby schools by Burwood Highway.

Officers believe that the LUFPP must also have consideration to safety and accessibility for all users, however there is no mention of improving the accessibility of public transport to ensure people with disability and or mobility issues can safely access transport options, for example bus, train and tram. As a minimum, there is a need to provide adequate lighting, CCTV, DDA compliant paths and pedestrian ramps, ramps/lifts as an alternative to stairs, wayfinding signage and appropriate regulatory and advanced warning signage/line marking.

There is a strong focus on the development of shared pathways to connect people to key infrastructure, however the placement of shared pathways place pedestrians with disability, young children and older adults at risk of injury from bike riders. For example, recent grade separation projects have prioritised cyclists, with pedestrians forced to cross the shared bike path to enter train stations or to walk along trails that are designed for high speed commuter cycling. These community concerns regarding shared pathways also need consideration under this plan.

The draft LUFPP states that the cycling network is well developed, however officers would class it as disjointed. Parts of the Strategic Cycling Corridors (SCC) have been constructed, however significant investment is needed by the State government to achieve a truly safe, integrated and connected series of paths that entice people to use bicycles for recreation and commuting as well as being safe and attractive for pedestrians. For example, only a small section of the Chirnside Park to Mordialloc SCC has been constructed, whilst other sections within Whitehorse are waiting on unrelated works to be constructed by Melbourne Water before the SCC can be finished. Council is very keen to see a quality SCC delivered promptly as part of the park improvements within the former Healesville Freeway Reservation, and to ensure the SCC is completely connected through Whitehorse.

Finally the draft LUFPP only discusses cycling in the report, despite active transport also being about walking. The LUFPP needs to include walking information, and acknowledge that active transport improvements are needed in other areas of the municipality, not just in the vicinity of SRL stations.

## 9.1.2

(cont)

### Liveability

#### *Snapshot of theme*

- Whitehorse contains vital areas of biodiversity including Blackburn Lake Sanctuary.
- Existing tree canopy, waterways and parklands are defining features and major contributors to liveability in the municipality and Eastern Region.
- Whitehorse LGA provides 36.7 square metres of public space per person which is lower than the regional average of 58.9 square metres but comparable to Monash LGA of 38.3 square metres of open space per person.
- Whitehorse contains many existing places that establish the region's civic legacy, including the Box Hill Town Hall, Bellbird area and Blackburn Lake.
- The draft plan seeks to transform key road corridors into green boulevards.

#### *Officer feedback*

The draft LUFPP aligns at a high level with Council's approach to the delivery of sport and recreation, including improved access to parkland and the development of new open space. However it is disappointing that it appears the only regional park in the Eastern Region identified for improvement is Wattle Park when there are many other regional parks that should be identified for improvement or expansion.

Acknowledging that the significant rural and green wedge land areas do not seem to be included in the open space per capita calculations, there are still very large regional open spaces, for example, along major waterways like the Yarra River, in the four municipalities with the greatest amount of open space per capita (Yarra Ranges, Manningham, Maroondah and Knox) as well as areas of lower residential densities in these municipalities. Monash and Whitehorse are fully urbanised and intensifying, and therefore the quality of open space is critical and needs greater emphasis. Council has consistently advocated for more quality open space per capita in urban areas that is highly accessible, functional and is able to withstand more intense use as the population increases.

The creation of green boulevards is referenced in the draft LUFPP, although officers believe that more roads within the municipality, such as Whitehorse Road, should be included as a potential green boulevard. This would also support the theme 'Sustainability and Resilience' and assist with reducing the urban heat island effect.

The draft LUFPP notes that the Healesville Freeway Linear Park Reserve is a current open space initiative. While the bulk of the rezoning and land transfers to the Crown have occurred, the actual master planning and improvement of the corridor by state government is lagging. This tract of land through Whitehorse was declared surplus to road requirements in 2009 and is yet to become meaningful open space for the community. Furthermore, as part of the open space vision for the Eastern Region, the future need for the Healesville Freeway Reservation east of Whitehorse should be investigated and if surplus to road needs, have the Public Acquisition Overlay removed and its future land use determined, including for a regional trail extension and public open space.

The draft LUFPP recognises that the Eastern Region has a rich post-European settlement heritage, but limits its commentary to 'visitor places' such as Schwerkolt Cottage and industries such as the brickworks. The draft plan does not mention other heritage places or precincts that highlight the development of the Eastern Region, such as those around train stations. This will be of particular importance as major infrastructure projects, such as SRL and the level crossing removals, progress in their planning, construction and operation.

## 9.1.2

(cont)

### Strong communities

#### *Snapshot of theme*

- Whitehorse has the second lowest level of disadvantage in the Eastern Region.
- Box Hill Hospital and Box Hill Institute is a state significant health and education precinct and Deakin University is a state significant education precinct.
- Education is a strength of the Eastern Region and particularly in Whitehorse with Box Hill Institute and Deakin University.
- The draft LUFP is looking to plan for major social infrastructure, such as community facilities, at a regional level.
- The draft plan seeks to support a network of activity centres to anchor 20 minute neighbourhoods that provide retail, community and allied health services.

#### *Officer feedback*

Officers recommend that a gender lens is applied to the planning and community engagement for '20 minute neighbourhoods', as well as health and education services which have female dominated workforces. The plan also does not mention how *Plan Melbourne* or the LUFP will respond to the inquiry into Victoria's mental health services. This should be included in the health precinct strategies.

There are several actions identified for using school grounds, golf courses and cemeteries for additional recreational open space. Officers believe the use of cemeteries is significantly constrained and would not be as desirable as other locations that could serve as passive or recreational open space for a wider range of activities. The use of school grounds and golf courses for open space will require further review, including the cost, practicality and equity of use.

### Sustainability and resilience

#### *Snapshot of theme*

- Vegetation cover is a defining feature of Whitehorse and the wider Eastern Region, which in 2018 had 61 per cent vegetation cover and 27 per cent tree canopy cover.
- Whitehorse, along with the other Eastern Region councils are members of the Council Alliance for a Sustainable Built Environment, which is committed to increased sustainability outcomes.
- The draft plan aims to increase tree canopy across the Eastern Region to achieve 30 per cent coverage by 2050.
- The draft plan aims to design and develop outdoor spaces that are cool on hot days, particularly in activity centres like Box Hill and along activity corridors.

#### *Officer feedback*

There appears to be a strong emphasis on employment and population growth in the draft LUFP, with environmental protection and amenity considerations given less priority. Officers strongly advocate that protecting the green and leafy character of the region should be at the forefront of the LUFP given it is a key characteristic of all municipalities that comprise the Eastern Region of metropolitan Melbourne.

The draft plan includes commentary on resilience to increased heat, which is important in an established urban area, however there is no mention of other extreme weather conditions such as major storms which regularly occur in the Eastern Region. Officers recommend that further consideration be given to the resilience of development, infrastructure and communities to such adverse weather events.

The draft plan seeks to increase urban tree canopy across the Eastern Region to 30 per cent coverage by 2050. Greening of streetscapes is integral to achieving the tree canopy target however the presence of overhead powerlines presents a challenge, as do extreme storm events in the Eastern Region that have become more frequent. Council has previously submitted feedback on this issue in response to *Infrastructure Victoria's* Draft 30-year Strategy and therefore officers believe it should be given stronger consideration to increase the resilience of communities and the infrastructure which serves them.

## 9.1.2

(cont)

The draft plan recognises that green infrastructure, such as green roofs and structures, can assist in reducing the urban heat island affect in urban areas, however officers query why the plan limits these specifically to large commercial and industrial sites / areas, as well as activity centres, activity corridors, train stations and bus stops. The responsibility for reducing the urban heat island should be more broadly shared across the region in residential areas, as well as large redevelopment sites. The LUFP should be revised to recognise this, and also include strategies that support increasing the tree canopy and the provision of green roofs and structures on other and smaller uses.

### CONSULTATION

The State Government sought feedback from Council officers between 2018 and 2020 to ensure the plans align with local policies. Officers also participated in workshops. The current public consultation runs from 24 August until 24 October 2021 and is open to all stakeholders and the community to provide feedback via the Engage Victoria website. Council's Strategic Marketing and Communications team assisted with profiling the consultation via Council's communication platforms, such as Facebook, as suggested in correspondence to Council from DELWP.

### FINANCIAL IMPLICATIONS

Officer time was required to participate in earlier stages of the project, to review the draft Eastern Region LUFP and to prepare a submission. Officers from across the organisation have provided feedback on the draft regional plan.

As the initiatives and actions of *Plan Melbourne* and the final LUFP are progressed, there may be financial implications for Council. In particular, Council may be required to update the Whitehorse Planning Scheme by preparing planning scheme amendments or to review strategic documents such as structure plans and housing studies. This will also require officer resources to review or prepare strategic documents, particularly if no resourcing is allocated by the State government. Council's submission should advocate for funding for any additional work that may be required to implement the regional plan.



### POLICY IMPLICATIONS

*Plan Melbourne* is an overarching state policy document which Councils and agencies across the metropolitan area need to consider. Significantly, Council will be required to ensure compliance with, and implementation of, any changes as a result of *Plan Melbourne* or the introduction of the final LUFP in amendments to the Victoria Planning Provisions and any consequential amendments to the Whitehorse Planning Scheme.

The LUFP for the eastern region is proposed to articulate land use, transport, jobs, health, education and open space requirements for the next 30 years. The development of such plan and the themes it contains supports all of the Strategic Directions in the current Council Plan.

However, it is vital that the LUFP identifies meaningful actions, strategies and directions that will support the Eastern Region as its outcomes will take effect through the planning scheme and therefore there may be policy implications for Whitehorse in the future, including potential amendments to the Planning Scheme.

### ATTACHMENT

- 1 Eastern Region Land Use Framework Plan Summary 
- 2 Detailed feedback on draft Eastern Region Land Use Framework Plan 

### Attendance

Virtual meeting adjourned at 8:25pm for five minute break, resuming at 8:30pm

## **9.2 COMMUNITY SERVICES**

### **9.2.1 Council Plan, The Municipal Public Health and Wellbeing Plan and Financial Plan**

ATTACHMENT

#### **SUMMARY**

*Council has prepared a:*

- 1. Council Plan for four years from 1 July 2021 to 30 June 2025*
- 2. Financial Plan for ten years from 1 July 2021 to 30 June 2031*
- 3. Municipal Public Health and Wellbeing Plan for four years from 1 July 2021 to 30 June 2025*

*These Plans have been developed in accordance with the requirements of the Local Government Act 2020 and the Public Health and Wellbeing Act 2008 (where applicable). They have been informed by the Community Vision 2040 and have been developed in accordance with the broad and deliberative engagement requirements of the Act and Council's Community Engagement Policy.*

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Barker

***That Council:***

- 1. Adopts the Council Plan 2021 – 2025.***
- 2. Adopts the Whitehorse Health and Wellbeing Plan 2021-2025.***
- 3. Adopts the Whitehorse Financial Plan 2021-2031.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Under the Local Government Act 2020 (the Act) and the Public Health and the Wellbeing Act 2008, Council is required to:

- Prepare and adopt a Council Plan for a period of at least the next four financial years after a general election;
- Develop and adopt a Financial Plan that is for a period of at least the next 10 financial years;
- Prepare and adopt a Municipal Public Health and Wellbeing Plan (MPHWP).

These strategic plans, together with the Community Vision will form the basis of a new Integrated Planning Framework for Council which ensure Council's activities and resources are aligned in order to meet the aspirations, needs and expectations of the Whitehorse community.

All three plans were prepared in consultation with the community via a processes titled Shaping Whitehorse. Shaping Whitehorse brought together the development of the Council Plan, Financial Plan, MPHWP and Asset Plan for the first time and included both broad community engagement and the establishment of the first Shaping Whitehorse Community Panel. The Asset Plan will be presented to Council for consideration next year in line with legislative timeframes.

## 9.2.1 (cont)

### Community Vision

The key overarching document that guides Council's strategic planning is the Whitehorse Community Vision 2040.

The Act requires that Council develop a Community Vision through a deliberative engagement process. To respond to the Act, Council formed the first Whitehorse 2040 Community Vision Panel. The panel was appointed through an independent process (facilitated by consultants) to ensure a broad representation from a demographically representative sample of the Whitehorse community.

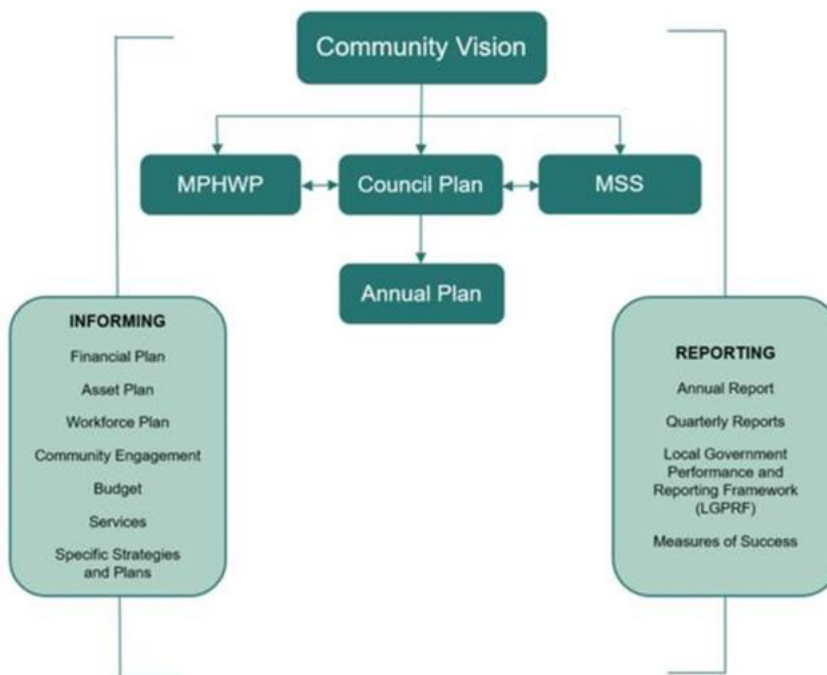
In recognition of the value of the Community Vision, Council has taken inspiration from the Community Vision themes to guide the Council Plan strategic objectives for the next four years. Recognising the importance of Council's role in delivering the Council Plan, an eighth theme, Governance and Leadership, has been added.

### Integrated Planning and Reporting framework

The Local Government Act requires Council to develop an integrated strategic planning and reporting framework (the framework).

Once developed, the framework will assist Council to implement an enhanced integrated approach to planning, implementing, monitoring and performance reporting.

Whitehorse City Council has used the existing framework below to illustrate its current approach to planning. However, Council's new framework will be developed in 2022 to further strengthen Council's integrated approach to planning and reporting.





## 9.2.1

(cont)

### **The Council Plan**

In accordance with the LG Act (Section 90), Councils must prepare and adopt a Council Plan by 30<sup>th</sup> October 2021 for a period of at least the next four financial years after a general election and in accordance with its deliberative engagement practices.

Council must adopt the Council Plan by 31 October in the year following a general election (i.e. by 31 October 2021 for the Council Plan 2021 - 2025) to be compliant under the Act.

Preparation of the Council Plan has been in accordance with the strategic planning principles of the Act (Section 89) which require:

- An integrated approach to planning, monitoring and reporting;
- Addressing the Community Vision;
- Taking into account the resources needed for effective implementation;
- Identifying and addressing the risks to effective implementation; and
- Providing for ongoing monitoring of progress and regular review. The Council Plan must be developed using deliberative engagement processes as per Section 90(1).

### **Monitoring and reporting for the Council Plan.**

The Council Plan will be implemented, reported, evaluated and reviewed as part of an ongoing process. Officers will monitor progress against the indicators in this plan and report back to the community bi-annually on progress (in the second quarterly report and the annual report). While reporting will track progress, these regular reviews will also ensure the plan continues to meet the needs of the community in an environment facing ongoing changes.

### **Municipal Public Health and Wellbeing Plan**

The *Whitehorse Health and Wellbeing Plan 2021-2025* (MPHWP) is Council's seventh Municipal Public Health and Wellbeing Plan (MPHWP). It represents Council's long term commitment and endeavor to improve the health and wellbeing of the municipality in partnership with the community and with key State and local organisations.

In preparing a health and wellbeing plan every four years, the *Public Health and Wellbeing Act 2008* requires Council MPHWP's to:

- Be consistent with the corporate plan (Council Plan) of the Council and the Municipal Strategic Statement (MSS).
- Specify measures to prevent family violence and respond to the needs of victims of family violence in the local community. (Section 26 (2)(ba).
- Have regard to climate change (Section 17 of the Climate Change Act).
- Consider the focus areas and priorities of the Victorian Public Health and Wellbeing Plan 2019–2023.

The Whitehorse Health and Wellbeing Plan 2021-2025 was developed through an extensive process bringing together:

- The values and priorities expressed by the people of Whitehorse through the Community Vision 2040 consultation, the recommendations arising from the Shaping Whitehorse community engagement and deliberative processes which included the Child and Young Person engagement.
- Analysis of the current and projected health and wellbeing challenges for our population, including the impacts of the COVID-19 pandemic [Health and Wellbeing Profile 2021]
- The priorities of the Council Plan 2021-2025
- The priorities of Council's health and wellbeing partner organisations
- The directions of national, state and local policies

## **9.2.1**

(cont)

- The existing infrastructure, systems, natural environment, organisations, programs, services, social networks and people that make up the diverse and vibrant City of Whitehorse.

The MPHWP is informed by the most up to date evidence and information about the impacts of the COVID-19 pandemic and prioritises strategies for community recovery.

### **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. The measures to be taken in regards to reducing family violence and responding to the needs of victims in the local community are described in the Appendix: *Whitehorse Health and Wellbeing Plan 2021-2025*, Domain: Healthy Relationships.

### **Review and reporting requirements for the MPHWP**

The *Whitehorse Health and Wellbeing Plan 2021-2025* is developed and reported on in accordance with Council's responsibilities under the Victorian Public Health and Wellbeing Act 2008 (the Act), the Climate Change Act 2017, the Disability Act 2006 and the Family Violence Protection Act 2008.

### **Monitoring and evaluation for the MPHWP**

Each Council department will monitor and report on progress for the *Whitehorse Health and Wellbeing Plan 2021-2025* as part of Council's quarterly and annual reporting cycles. The longer term four-year objectives and impacts will be thoroughly evaluated in 2025 and the outcomes of this, will be reported to Council

### **The Financial Plan**

The 2021/2022 (and the ensuing 10 years) financial planning period and process is the first that has been undertaken as a result of new legislative requirements.

Council is now required to adopt and keep in force a Financial Plan for at least the next 10 years in accordance with section 91 of the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020. This Plan must be adopted by Council before the 31<sup>st</sup> October following a general Council election and has effect from 1 July 2022.

The Financial Plan 2021-2031 provides a long-term view of the intended resources and funding sources to deliver Council services, initiatives and capital works projects over the next 10 years. It provides a financially sustainable outlook and includes:

- Statements describing the financial and human (employee) resources to give effect to the Council Plan and other strategic plans of Council over the next 10 financial years
- Information about the decisions, financial strategies and assumptions that underpin the financial projections
- Financial policy statements and performance indicators; and
- Other contextual information that has influenced development of the Financial Plan.

The Financial Plan has been developed in the context of the strategic planning principles (section 89), financial management principles (section 101), and deliberative community engagement requirements (section 91) of the Act.

## **9.2.1**

(cont)

### **DISCUSSION**

#### **The Council Plan 2021 -2025**

The Council Plan was developed through a broad community engagement process as well as an extensive deliberative process which provided Councillors, the community and officers with an opportunity to inform and guide the new Council Plan.

The Council Plan outlines a series of strategic objectives which form the overarching framework for Council over the next four years:

1. These strategic objectives are guided by the seven Community Vision themes with the addition of an eighth Governance and Leadership, to complete Council's eight strategic directions.
2. Under each strategic objective within the Council Plan, Council has listed the approaches (strategies) to achieving that goal.
3. The measures of success (strategic indicators) for monitoring the achievement of the objective are included against each strategic objective.

The Council Plan 2021 -2025 ensures that the City of Whitehorse continues to be a healthy, prosperous and sustainable community supported by strong leadership and community partnerships.

The eight strategic directions that have been taken from the Whitehorse 2040 Community Vision and form the overarching guidance for Council, are:

- Strategic Direction 1 – Innovation, Transformation and Creativity
- Strategic Direction 2 – A Thriving Local Economy: Business, Employment, Education & Skill Development
- Strategic Direction 3 – Diverse and Inclusive Community
- Strategic Direction 4 – Our Built Environment; Movement, and Public Places
- Strategic Direction 5 - Sustainable Climate & Environmental Care
- Strategic Direction 6 – Whitehorse is an Empowered Collaborative Community
- Strategic Direction 7 – Health and Wellbeing
- Strategic Direction 8 – Governance and Leadership

These in turn are supported by 75 strategies to be implemented over the next four years to help achieve these goals, including 146 measures of success (indicators).

The Plan also features the relevant strategies, plans and policies which support the delivery of the strategic objectives as well as the major initiatives Council will deliver over the next four years.

#### **Reporting**

The Council Plan will be reported on as part of Council's quarterly reporting cycle as well as in the Annual Report.

#### **Municipal Public Health and Wellbeing Plan 2021 - 2025**

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

## **9.2.1**

(cont)

Health and wellbeing objectives and strategies for the four years are defined across eleven domains which, together, reflect the breadth and depth of Council's role in protecting health and promoting wellbeing and active living. The health and wellbeing objectives for 2021-2025 are:

- **Healthy Start in Life:** Over the period 2021-2025 more children and young people in Whitehorse will have the best possible start in life
- **Healthy Relationships:** By 2025 we will see increased capacity of Council, its partners and the community to respond to and prevent bullying, elder abuse, child abuse and family violence
- **Healthy Behaviours:** By 2025 people in Whitehorse will be enjoying more physical activity and a healthier diet
- **Health Protection:** Over the period 2021 to 2025 we will see an upward trend in immunisation rates
- **Mental Health and Wellbeing:** By 2025 people in Whitehorse will feel more resilient and re-connected to their community
- **Healthy Ageing:** Over 2021-2025 we will see more people aging well in Whitehorse
- **Access and Participation:** By 2025 there will be fewer barriers for access to information, services and participation in the social and economic life of the municipality
- **Social Cohesion:** By 2025 our community will be more inclusive of diversity
- **Safety:** In 2025 the people of Whitehorse will report a greater sense of personal safety both at home and in the community
- **Neighbourhood Liveability:** By 2025 our community will enjoy more liveable neighbourhoods
- **Climate Change Mitigation:** By 2025 we will see more individuals, organisations and businesses taking action to mitigate and build resilience to the effects of Climate Change

Across all of the domains, five broad health and wellbeing priorities have emerged for the City of Whitehorse to focus on for the next four years as a result of community engagement, State priorities and emerging trends, including:

- Mental wellbeing
- Physical activity
- Social and neighbourhood connection
- Social inclusion (including digital inclusion) and;
- Climate change mitigation.

### **Partnerships**

The *Whitehorse Health and Wellbeing Plan 2021-2025* provides the 'line of sight' between local and state efforts to prevent illness and promote health and wellbeing. Partnerships are crucial to this approach with the Plan being developed in partnership with the local community and key organisations and stakeholders and will also be implemented in partnership. The Plan identifies the organisations with which Council will work to achieve the health and wellbeing objectives.

### **Reporting**

The MPHWP will be reported on as part of Council's quarterly reporting cycle and in the Annual Report, A thorough evaluation of the outcome and impacts of the Plan will take place in 2025 and will be reported to Council and the community.

## 9.2.1

(cont)

### The Financial Plan 2021 - 2031

The Financial Plan 2021-2031 is Council's inaugural long-term Financial Plan, prepared in accordance with section 91 of the Local Government Act 2020. The Financial Plan 2021–2031 provides a long-term view of the resources required and funding sources to deliver Council services, initiatives and capital works projects over the next ten years. It includes:

- \$2.37 billion operational budget for the continued delivery of a wide range of services over the next ten years
- \$744 million capital works program to renew and improve Whitehorse community facilities and infrastructure; and
- Significant investment in transformation initiatives which aim to improve efficiencies and customer experience, and ensure the long term financial sustainability of Council.

Council's long-term planning strategy is focused on creating a sustainable financial environment to enable Council to continue to provide the community with access to high quality services and infrastructure into the medium and long term. The Financial Plan is a continuation of Council's responsible financial management and aims to:

- Balance the community's needs and ensuring that Council continues to be financially sustainable in the long term
- Increase Council's commitment to sustainable asset renewal and maintenance of the community's assets
- Maintain a strong cash position for financial sustainability
- Achieve efficiencies through targeted savings and an ongoing commitment to contain costs including Transformation
- Include rate and fee increases that are both manageable and sustainable; and
- Provide a framework to deliver balanced budgets including sustainable annual underlying surpluses.

The following guiding principles for sustainable financial and asset management decisions have been developed in collaboration with the Whitehorse community through the Shaping Whitehorse deliberative community panel process. The principles initially recommended by the community panel have been further refined by Council officers and Councillors. These principles have been considered in the development of the Financial Plan 2021-2031:

1. Council is focused on long term sustainable financial planning and prioritises the renewal of assets.
2. Council will consider the diverse and changing needs of the community.
3. Council will undertake cost / benefit analysis that considers financial, environmental and social sustainability outcomes, as well as other intangible community benefits.
4. Council's approach to decision making should be evidence-based and assessed for ongoing improvement.
5. Council will acknowledge the benefits of community contributions, including volunteerism and social enterprise.
6. Council will continue to involve the community in decision making and be transparent through improved communication and engagement.
7. Council will take a future-focused approach to asset management decisions, including multi-use, low maintenance and adaptable assets.
8. Council will work strategically and collaboratively with key stakeholders (local/state/federal/private) to share resources and assets.
9. Council will raise and utilise funds in an ethical and equitable way.
10. Council will apply a systematic approach to measuring success and reporting on outcomes.

## **9.2.1**

(cont)

### **The Asset Plan 2022 - 2032**

The Asset Plan will be presented to Council for consideration next year in line with legislative timeframes.

### **CONSULTATION**

The Plans have been developed in accordance with the Act/s and specifically the requirements to undertake deliberative community engagement.

Council was committed to drawing on the key priorities identified within the Community Vision, hearing from our community and engaging a community panel to further inform the development of the plans. This was undertaken via a process titled Shaping Whitehorse.

The engagement process included:

- An online survey on the Shaping Whitehorse YourSay web page
- Facilitated hard copy surveys with harder to reach groups
- Focus groups with young people, Chinese Australians, culturally diverse communities women, men and parents with children
- Two pop up engagement events at the Global Fiesta and Whitehorse Farmers Market
- An independently facilitated community panel.

Recruitment for panel members occurred through a public expression of interest (EOI) process. From this 59 community members submitted an EOI and all were invited to participate in the panel (35 completed the process).

Through a series of four sessions, the panel developed a set of recommended Council Plan strategies, MPHWP strategies and guiding principles for sustainable financial and asset management decisions by Council.

The panel's recommendations were then presented to officers across Council to review, refine and add to. This was undertaken through a half day officer workshop (54 officers attended), four divisional sessions and various one on one meetings where refinement was required. Throughout this process, consideration was made to ensure the Council Plan reflected the core work undertaken by Council.

The panel was then sent the revised draft strategies and principles and were provided with an opportunity to review and provide further feedback. Five email replies were received, all of which were supportive and suggested no further changes.

In April and May 2021 Council held two online workshops for 25 internal and external Whitehorse health and wellbeing service providers and stakeholders. Council also conducted 22 one-on-one consultations with external stakeholders in March – August 2021 and a desktop review of organisations' strategic plans. This engagement and review identified potential shared health and wellbeing priorities and strategic partnership opportunities to achieve health and wellbeing outcomes for Whitehorse.

At the beginning of the process, Councillors were engaged to set the direction and parameters of "Shaping Whitehorse". Council was further engaged in refining the documents throughout the process and multiple workshops were held with Councillors to make final refinements and to complete the development of the Plans.

### **FINANCIAL IMPLICATIONS**

The cost to Council for development of "Shaping Whitehorse"- the Council Plan 2021-2025, Whitehorse Health and Wellbeing Plan 2021-2025 and associated social plans, Financial Plan 2021-2031 and the associated community engagement project was approximately \$125,000.00 including GST)

## **9.2.1**

(cont)

The Council Plan 2021 - 2025 identifies the broad strategies that will guide Council's priority actions over the next four years, and in doing so, informs the development of the Financial Plan 2021-2031 and future Council budgets.

The Financial Plan 2021–2031 provides Council's financial and resource requirement projections for the next 10 financial years, including delivery of the Council Plan and MPHWP over the next four years. These projections are based on a set of assumptions and reflect Council decisions, strategies and other influencing factors, both internal and external, at a point in time. It aims to ensure that Council remains financially sustainable for the longer term. The Financial Plan will be reviewed and updated alongside Council's annual budget process.

### **POLICY IMPLICATIONS**

This report and associated plans contribute to Council's strategic objectives contained in the Council Plan 2017-2021, by considering:




Strategic Direction 4 – Strategic leadership and open and accessible government.

The Council Plan, Financial Plan and Whitehorse Health and Wellbeing Plan 2021-2025 is consistent with objectives in the Whitehorse Community Vision 2040 and State and Federal Government policy directions.

Many existing Council plans and strategies are integrated into and inform the Whitehorse Health and Wellbeing Plan 2021-2025 including: the Whitehorse Disability Action Plan, the Whitehorse Diversity Action Plan, the Whitehorse Reconciliation Action Plan, The Whitehorse Community Participation and Volunteering Strategy, the Whitehorse Healthy Ageing Plan, the Whitehorse Recreation Plan, the Whitehorse Cultural Strategy, the Whitehorse Municipal Youth Plan and the Whitehorse Municipal Early Years Plan.

Community engagement undertaken in the development of these draft plans has been undertaken in accordance with the principles and commitments outlined in the Whitehorse Community Engagement Policy 2021 and in line with the requirements of the *Local Government Act 2020*.

### **ATTACHMENT**

- 1 Council Plan 2021 - 2025 
- 2 MPHWP 2021-2025 
- 3 Financial Plan 2021-2031 

## 9.3 CORPORATE SERVICES

### 9.3.1 Annual Report 2020/2021

ATTACHMENT

#### **SUMMARY**

*Council's Annual Report for the 2020/2021 financial year was submitted to the Minister for Local Government in accordance with section 133 of the Local Government Act 1989 on Thursday 30 September 2021. Council's Annual Report 2020/2021 is to be considered at the Council meeting on Monday 18 October 2021 in accordance with section 134 of the Local Government Act 1989.*

#### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Massoud

***That Council approve the Annual Report 2020/2021.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

The savings and transitional provisions in section 329 (7) (b) of the *Local Government Act 2020* mean that the *Local Government Act 1989* continues to apply to the preparation of Council's Annual Report 2020/2021.

Section 131 of the *Local Government Act 1989* (the Act) requires Council to prepare and approve an Annual Report containing:

- a) A report of operations of the Council;
- b) An audited performance statement;
- c) Audited financial statements;
- d) A copy of the auditor's report on the performance statement, prepared under section 132;
- e) A copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
- f) Any other matters required by the regulations.

Council, at its meeting held on Monday 20 September 2021, approved in principle the year-end financial statements and the performance statement in advance of the Auditor-General's consideration.

Final audit reports on the financial statements and performance statement were received from the Auditor-General on 29 September 2021 and the Annual Report was submitted to the Minister for Local Government on Thursday 30 September 2021, in accordance with requirements of the Act.

Once submitted to the Minister for Local Government, section 134 of the Act requires Council to consider the Annual Report at a meeting of Council as soon as practicable. The Annual Report will be presented to the meeting of Council on Monday 18 October 2021 for consideration.

Council has given public notice that the Annual Report 2020/2021 has been prepared and made it available for inspection on Council's website. Copies will be made available at service centres and libraries once these sites reopen to the public when permitted under COVID-19 restrictions.



### **9.3.1**

(cont)

#### **DISCUSSION**

In addition to fulfilling statutory obligations, the report of Council's performance for 2020/2021 provides an opportunity to report to the Whitehorse community about Council's services and initiatives during the year. The Annual Report is structured in several sections:

- Introduction: includes the Mayor and CEO's Message, highlights for 2020/2021 and challenges and opportunities for 2021/2022; Council's vision, mission and values, financial year in review and information about Council, Councillors and the organisation.
- Our Performance: describes Whitehorse City Council's integrated planning and reporting framework, and outlines the Annual Plan 2020/2021, major initiatives and initiatives and Council services. Results against Council's Measures of Success outlined in the Council Plan 2017-2021 are displayed in infographic format.
- Local Government Performance Reporting Framework - The service performance indicators of the Local Government Performance Reporting Framework are included in this section in accordance with section 131 of the Act.
- Governance and Statutory Information: captures the annual statutory reporting requirements, including reporting against various acts and regulations, Councillor meeting attendance, documents available for inspection, audit operations and the governance and management checklist.
- Performance Statement: is the statement prepared under section 132 and section 133 of the Act and reports on the Local Government Performance Reporting Framework. The regulations require an explanation of any material variations for all relevant indicators. The performance statement has received an unqualified report from the Auditor-General's office.
- Annual Financial Report 2020/2021: contains the financial statements as well as a guide to assist readers to understand their nature and content. These statements have received an unqualified report from the Auditor-General's office.

#### **CONSULTATION**

Under sections 131 and 134 of the *Local Government Act 1989*, Council is required to give 14 days' public notice that the Annual Report 2020/2021 will be considered at a Council meeting after the report has been submitted to the Minister of Local Government. A public notice was included in *The Age* newspaper on Saturday 2 October 2021. The Annual Report 2020/2021 was made available for inspection on Council's website and copies will be made available at Council's customer service centres and libraries once these sites reopen to the public when permitted under State Government COVID-19 restrictions.

#### **FINANCIAL IMPLICATIONS**

An overview of Council's financial performance is presented in the Annual Report 2020/2021 in addition to Council's audited financial statements for the year. There is a guide for the reader on how to understand the detailed financial report which includes audited financial statements. The financial position of Council is strong and the audit has been passed without qualification by the Victorian Auditor-General's office.

#### **ATTACHMENT**

- 1 Annual Report 2020-21 

## 9.3.2 COVID-19 Hardship and Stimulus Support 2021/2022

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### **SUMMARY**

*This report outlines proposed pandemic hardship and stimulus support measures for the 2021/22 financial year in response to the ongoing impact of the COVID-19 pandemic. This reflects the proposed allocation of \$1,000,000 of budgeted funds that were carried forward into the 2021/22 Council budget, as approved by Council at its 19 April 2021 meeting, and seeks approval for up to a further \$500,000 to be allocated for this year to continue to provide support to the Whitehorse community.*

### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Liu

#### **That Council:**

- 1. Delegate to the Chief Executive Officer the discretion to levy or not levy penalty interest applied to Council rates and charges for the remainder of the 2021/22 financial year.**
  - 2. Approve a 25% discount for 2021/2022 business registration renewal fees under the Food Act 1984 and the Public Health and Wellbeing Act 2008.**
  - 3. Approve the waiver of 2021/2022 street trader permit renewals upon application and considered on a case by case basis (noting outdoor dining permits have been exempted and funded by State Government funding).**
  - 4. Resolves to offer rent relief to the four tenants that operate commercial businesses in the Council operated Sporting Centres, namely Choclatte Pty Ltd, Bort International Pty Ltd, Physiohealth (Vic) Pty Ltd and Justin Francis McEvoy and David Morarty, and M&BT Investments Pty Ltd and Michael Tochovitis and**
    - i. Resolve that the COVID-19 related rent relief offered by Council to the tenants listed above is; 100% rent relief for total closures of the Sporting Centres and 50% rent relief for partial closures of the Sporting Centres that occur during the period of 1 July 2021 to 31 December 2021.**
    - ii. Resolve that the COVID-19 related rent relief offered by Council to the tenants listed above represents a full and final settlement of claims made by the tenants and that the offer is made by Council on a without prejudice basis.**
    - iii. Resolve that Council will not accept any counter offers from the tenants listed above or from any party acting on behalf of the tenants.**
    - iv. Authorise the Manager Property and Leasing to make the COVID-19 related rent relief offer to the tenants.**
    - v. Authorise the Manager Property and Leasing, if required, to assess any applications received from the tenants listed above made under the State Government's Commercial Tenancy Relief Scheme.**
  - 5. Authorise the Manager Property and Leasing to assess any application/s received from the Other Commercial Tenants Located on Council Owned Land made under the State Government's Commercial Tenancy Relief Scheme.**
  - 6. Provide a six month lease waiver to the Surrey Park Swim Club and Nunawading Swim Club for the period July to December 2021, and an adjustment to their licence fees for the 2021/22 financial year to 50% of the first \$400,000 income and 15% income earned thereafter.**
  - 7. Approve the waiver of winter seasonal licence fees for the period 1 July to 30 September 2021, a 20% discount to 2021/22 summer seasonal licence fees, and waive utility fees for all seasonal allocations from 1 July to 31 December 2021.**
-

### **9.3.2**

(cont)

- 8. Waive all rents and utility charges in relation to leases and licences (excluding seasonal licences) held by not-for-profit sporting/recreation clubs, not-for-profit community groups and nominated charities for six months from 1 July to 31 December 2021.**
- 9. Approve the payment of 50% of 2021/22 rates and FSPL by Council on behalf of tenants located in Council buildings and/or on Council owned land excluding the four Commercial Tenants Located in Council Operated Sporting Centres as listed in resolution 4 above.**
- 10. Authorise the Manager Finance and Corporate Performance to consider and approve other hardship requests for community organisations on a case by case basis.**
- 11. Note that a \$250,000 allocation has been provided for business recovery grants as previously endorsed by Council at its 19 April 2021 meeting.**
- 12. Approve up to an additional \$500,000 allocation for 2021/2022 for the above pandemic hardship support measures in addition to the \$1,000,000 included in the 2021/2022 Budget, noting that the overall Pandemic Support total will still remain within the original \$4,500,000 amount approved in April 2020.**

**CARRIED UNANIMOUSLY**

### **BACKGROUND**

In response to the State of Emergency declared on 16 March 2020 (Victoria), Council at its ordinary meeting on 20 April 2020 adopted a Pandemic Response Policy that targeted two streams of support for the City of Whitehorse. This included:

- Package A Support and Hardship Relief – Two million dollars (\$2,000,000)
- Package B Recovery Stimulus – Two and a half million dollars (\$2,500,000)

A number of hardship support and stimulus measures have been adopted by Council and provided to ratepayers, businesses, tenants, not for profit sporting clubs and community groups since the commencement of the pandemic, with further resolutions by Council at meetings held on 9 June 2020, 24 August 2020 and 19 April 2021 in response to the continuing situation. This has included a range of measures including but not limited to extensions of invoice due dates, waiving of penalty interest, fee freezes and discounts, rent and utility relief and two rounds of grants for community groups and businesses

At its 19 April 2021 meeting, Council resolved to carry forward one million dollars of unspent stimulus funds into the 2021/2022 budget for allocation to:

- Provision for penalty interest foregone on rates and charges
- A further round of business grants
- Payment of Council rates and Fire Services Property Levy for Council tenancies
- Reimbursement of Box Hill Town Hall Hub levied rents for the period 1 April 2020 to 30 September 2020, and
- A contingency provision for unforeseen expenditure or circumstances including any future lockdowns during the 2021/22 financial year.

Since the April report, there has been two further short lockdowns in June and July 2021 followed by the current extended lockdown six which started in early August 2021 and remains in place at the time of this report. Council officers have undertaken an assessment and have proposed a range of hardship measures to continue to provide support to the community which are discussed below.

### **9.3.2**

(cont)

#### **DISCUSSION**

##### *Council Rates & Charges:*

Rates are a statutory charge levied against a property, with the owner of the property being liable to pay the levied rates and charges in accordance with the *Local Government Act 1989* (the LGA). Consequently, rates can accrue as a property debt; however, accrued rates must be paid in full at any future property sale settlement.

At its 20 April 2020 meeting, Council adopted a Pandemic Response Policy resolving to extend the due date for all 2019/20 outstanding rates and charges until 30 June 2020, to suspend penalty interest, and extend the due date for all arrears until 30 September 2020. At its 24 August 2020 meeting, Council delegated to the Chief Executive Officer the discretion to levy or not levy penalty interest on Council rates and charges for the remainder of the 2020/21 financial year. At its 19 April 2021, Council resolved to provide ratepayers with a further due date extension for unpaid rates without penalty until 30 September 2021.

The collection of 2020/21 rate income remained high with 96.2% of current year rates collected by 30 June 2021, indicating that many residents and business remain capable of meeting their financial obligations. Ratepayers that encounter financial difficulties may seek assistance through Council's Rates Hardship Assistance Policy.

Given the significant ongoing impact of COVID-19, it is considered that Council should continue to work with ratepayers experiencing genuine hardship and/or requiring additional time to pay their rates in accordance with the Rates Hardship Assistance Policy. Additionally, provision has been made in the adopted Council Budget 2020/2021 to continue to waive all penalty interest on overdue rates for the 2021/2022 year.

It is recommended that Council delegate to the Chief Executive Officer the discretion to levy or not levy penalty interest applied to Council rates and charges for the remainder of the 2021/22 financial year.

##### *Environmental Health Registrations*

Council's Environmental Health unit administers registrations in accordance with the *Food Act 1984* and the *Public Health and Wellbeing Act 2008*. It is recommended that a 25% discount be applied to upcoming business registration renewal fees in recognition that many registered businesses have been severely impacted by COVID-19 restrictions.

##### *Street trader tables and chairs permit fees:*

Outdoor dining permit renewals have been exempted and will be funded from the State Government Outdoor Eating and Entertainment funding. Other street trader permit renewals have been invoiced however Council has received feedback from some traders who are temporarily closed due to COVID-19 restrictions. It is recommended that a waiver of these fees can be provided upon application to recognise the impact of the current extended lockdown for local businesses and will be considered on a case by case basis.

##### *Licence Fees and Rentals*

As advised in the 20 April 2020 Council report, occupants of Council owned land and buildings can be divided into the following subcategories:

1. Residential tenants

Since the commencement of the pandemic, Council has not received, via its managing agents, any requests for rent relief from its residential tenants and at the time of writing there were no rent arrears.

### 9.3.2

(cont)

#### 2. Commercial Tenants Located in Council Operated Sporting Centres

Located in the two Council operated aquatic centres and the Council operated Sportlink centre (the Centres) are four commercial tenants (the Tenants). Each of the Centres have cafés, while Aqualink Nunawading also has a physiotherapist. All four tenants operate commercial businesses which solely service the patrons of the Centres and are dependent on the Centres for their livelihoods. These tenants have previously been provided with hardship support via rent relief during 2020 and the first half of 2021.

Since 1 July 2021 metropolitan Melbourne has had two COVID-19 lockdowns which have resulted in the Centres being closed to the public. The Tenants have requested rent relief for these two lockdowns. Given that the Centres have been closed, this means that the Tenants have been unable to trade and consequently unable to derive an income. Additionally, the location of the café tenancies within the Centres does not allow the café tenants to provide a permitted take-away only service.

On 5 August 2021 the State Government introduced the Commercial Tenancy Relief Scheme (CTRS), with the accompanying *Commercial Tenancy Relief Scheme Regulations 2021* which became effective on 28 July 2021 containing a “sunset” date of 15 January 2022. Under CTRS, commercial tenants with business turnover of less than \$50M per annum that can substantiate a 30% reduction in turnover when compared to a defined nominated “Turnover Test Period” are entitled to rent relief.

Under CTRS any commercial tenant that can substantiate the 30% turnover reduction is eligible for rent relief that is in proportion to the tenant’s reduction in turnover by way of a minimum 50% rent waiver and the remainder by rent deferral (with the deferment commencing after 15 January 2022 for the period between 28 July 2021 and 15 January 2022). It is important to note that any rent deferment periods result in a commensurate lease term extension.

To avoid unnecessary administrative burdens (both landlord and tenant burdens) complying with the CTRS it is recommended by Council’s Property & Leasing Department that Council offer 100% rent relief to the Tenants for the periods that the Centres are in total lockdown between 1 July 2021 and 31 December 2021.

Offering 100% rent reduction for the lockdown periods provides the Tenants with certainty; however, the Tenants should be advised that in return for 100% rent relief Council requires the tenant to recommence operations upon the first full day of reopening of the Centres.

Additionally, if any of the Centres have a partial reopening after full closure it is recommended that Council offer a 50% rent reduction for the period/s of partial reopening, which is to acknowledge the loss of “foot traffic” created by the partial reopening.

It is recommended that where the Centres are closed or partially closed for less than a whole week; that the part week be considered a full week for the calculation of rent relief. Additionally, if the Centres are fully closed for part of a week and then open partially in the same week it is recommended that the week be considered a fully closed week for the calculation of rent relief.

Under the CTRS, commercial tenants can also list “other circumstances” that they want the landlord to consider. The “other circumstances” can be statutory outgoings that a tenant has responsibility to pay, on behalf of the landlord, under their lease. The Tenants, in accordance with their leases, are responsible for: Council rates, the State Government’s Fire Services Property Levy and Yarra Valley Water rates. It is recommended that if Council resolves to offer 100% rent relief as outlined above, that the Tenants remain responsible for all statutory outgoings incurred in the 2021-2022 financial year.

### 9.3.2

(cont)

The offer made by Council to the Tenants is an “all in” offer, meaning that the offer represents a “full and final” settlement of all claims made by the Tenants. Additionally, Council’s offer is made on a without prejudice basis. If any of the Tenants reject Council’s “all in” offer, it is recommended that Council withdraw the “all in” offer and advise the Tenants that they have the legal right to seek rent relief in accordance with the CTRS.

Council’s Property & Leasing Department will assess any applications made under the CTRS. It is recommended that Council not accept counter offers from any of the Tenants.

There are also two licenced swim schools utilising the Aqualink facilities for their operations. They have also been unable to operate during the COVID-19 lockdown period. It is recommended that they receive a six month rental holiday on their lease payments, and an adjustment to their licence fee for the 2021/22 financial year to 50% of the first \$400,000 income and 15% for income earned thereafter.

#### 3. Other Commercial Tenants Located on Council Owned Land

Council as landowner lease a small number of properties to commercial tenants. Unlike the “Commercial Tenants Located in Council Operated Sporting Centres”, the “Other Commercial Tenants Located on Council Owned Land” operate on an unrestricted commercial basis; however, these tenants may have been financially impacted since 1 July 2021.

The “Other Commercial Tenants Located on Council Owned Land” are legally entitled to apply for rent relief in accordance with the State Government’s Commercial Tenancy Relief Scheme (CTRS) and the accompanying Commercial Tenancy Relief Scheme Regulations 2021.

Council’s Property & Leasing Department will assess any applications made under the CTRS by any of the “Other Commercial Tenants Located on Council Owned Land”.

Applying a different set of assessment principles to the “Commercial Tenants Located in Council Operated Sporting Centres” and the “Other Commercial Tenants Located on Council Owned Land” does not contravene national competition policy.

#### 4. Other Council Centres

There may be circumstances in Other Council Centres, such as the Box Hill Town Hall Hub, that warrant a case by case rent relief assessment. Given that most of these organisations are recipients of funding by other tiers of Government which has not been impacted by COVID and in some cases have had the opportunity to continue operating, it is proposed that Council allocate a small amount of funding and requests considered on an individual assessment basis.

#### 5. Not for Profit Sporting/Recreation Clubs

The majority of Council sporting reserves and pavilions are administered via seasonal allocation licences with a fees being payable in accordance with Council’s Sporting Facilities Guide. The seasonal allocation is generally divided between the summer sporting season, 1 October to 31 March, and the winter sporting season, 1 April to 30 September.

Council previously resolved to waive the entire 2020 winter season fees and the first 50% of 2020/21 summer season fees in response to the impact of COVID-19. Due to the significant disruption to the 2021 winter sporting season, it is recommended that winter seasonal licence fees for the period 1 July to 30 September 2021 be waived. Outstanding fees relating to 1 April to 30 June 2021 are still required to be paid. In recognition of a delayed commencement of the 2021/22 summer season, it is also recommended that a 20% discount be applied to the summer season fees. It is also proposed to waive 6 months utility fees for all seasonal allocations from 1 July to 31 December 2021.

### 9.3.2

(cont)

Many sporting clubs such as tennis clubs and bowling clubs have exclusive use leases of Council owned land and buildings. It is recommended that Council waive all rents and utility charges for sporting/recreation club leases for six months from 1 July to 31 December 2021.

#### 6. Not for Profit Community Groups and Charities

Council also leases Council owned land and buildings to not for profit community groups and charities such as Scouts and Guides, the Lions Club etc. and these buildings are leased at a nominal rent.

It is recommended that Council waive all rents and utility charges for not for profit community groups and charities leases for six months from 1 July to 31 December 2021. This also applies to Neighbourhood Houses.

It is also important to note that the reimbursement applied to Not for Profit Community Groups and Charities only applies to rent associated with leases and licences, it does not apply to short-term hire arrangements.

#### 7. Council rates and fire services property levy

The majority of tenancies located in Council buildings and/or on Council owned land are deemed rateable. Council as landlord passes the rates and Fire Services Property Levy (FSPL) onto the tenants, via the annual Valuation & Rates Notice, for payment in accordance with their lease obligations. This also applies to tenancies located on Council owned land which comply with the requirements of the Cultural and Recreational Land Act 1963.

Effective 1 July 2021, Council raised council rates and FSPL for the 2021/22 financial year, with rates and FSPL being due on 15 February 2022. However, given that these tenants have been and will continue to be unable to access their leased properties for much of the first six months of the 2021/22 financial year it is recommended that Council pay 50% of the 2021/22 rates and FSPL on behalf of all Not for Profit tenants, and that Council only seek partial reimbursement from commercial tenants located in Council Centres for the second half of the 2021/22 financial year. This does not apply to the four Commercial Tenants Located in Council Operated Sporting Centres.

It is important to note that Council paying the Council rates and FSPL as the landowner does not contravene national competition policy; however, for consistency with private landlords it is recommended that Council only seek the partial reimbursements mentioned above.

#### *Stimulus:*

For the 2021/22 financial year a further allocation of two hundred and fifty thousand dollars has been made available for a third round of business grants to help businesses with economic development and recover from the impacts of COVID-19. The grant application process will be conducted via a competitive process primarily designed to aid business recovery.

### **CONSULTATION**

All ratepayers with outstanding rates can access "Relief and Support" via Council's website and Council's Rates Hardship Assistance Policy is also available on Council's website.

As with previous years, Council's recently issued 2021/22 Annual Valuation and Rates Notice contains advice regarding rate arrears and hardship options.

Extensive consultation has occurred with staff across all affected departments.

**9.3.2**  
(cont)

**FINANCIAL IMPLICATIONS**

The estimated cost of the proposed hardship and stimulus measures above total approximately \$1,300,000. Council has a \$1,000,000 allocation included in its adopted 2021/2022 budget. Should Council resolve to adopt all these measures, at least a further \$300,000 will be required that has not been included within the 2021/2022 budget. Officers recommend the approval of up to a further \$500,000 allocation to action these proposed measures and to allow for other future requests or initiatives that may arise throughout the year. With this additional \$500,000, the total amount for pandemic hardship and stimulus support would remain within the original \$4,500,000 allocation that was initially approved by Council at its 20 April 2020 meeting.

The financial implications of COVID-19 will continue to be presented to Councillors on a monthly basis by Council's Manager Finance & Corporate Performance, and reported in Council's quarterly performance reports and 2021/2022 Annual Report.

**POLICY IMPLICATIONS**

All hardship applications made to Council by ratepayers and incorporated organisations/associations are considered confidential in accordance with the *Privacy and Data Protection Act 2014* and all applications are considered in accordance with Council's Rates Hardship Assistance Policy.



### 9.3.3 Procurement Policy 2021-2025

ATTACHMENT

#### **SUMMARY**

*The Procurement Policy is designed to inform the public as to the principles that will apply to all purchases of goods, services and works by the Council. This report presents a new Procurement Policy 2021-2025 for consideration and endorsement by Council.*

#### **COUNCIL RESOLUTION**

Moved by Cr Lane, Seconded by Cr Liu

***That Council adopts the Procurement Policy 2021 - 2025 and provided as Attachment***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Under Section 108 & 109 of the LG Act 2020 ('The Act') Councils must develop a new Procurement Policy by 31 December 2021 which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council. Council must review its Procurement Policy at least once during each 4-year term of the Council.

An extensive review of the previous Policy under the old Act 1989 has been undertaken and a revised policy is attached (see Attachment 1).

This Policy has been developed collaboratively by the Eastern Regional Group (ERG) and Eastern Region Procurement Network (ERPN) in consultation with the Northern Council Alliance (NCA) with a view to facilitating consistent procurement processes across the metro region.

Additionally, the review is consistent with our procurement strategy of developing a strengthened centre-led, risk-based, customer focussed and continuous improvement function.

#### **DISCUSSION**

It is recognised that effective procurement management is essential to ensure that Council achieves compliance, transparency, open and fair competition, value for money and good governance.

The Procurement Policy (the Policy) encompasses these goals and provides a robust foundation for the conduct of procurement activities by Council.

A strategic Procurement Framework has been established between the ERG and the ERPN and Council's Procurement Policy has been developed in alignment with this framework with a view to facilitating consistent procurement processes. This will allow Councils to collaborate and develop a strategic and coordinated approach to aggregate procurement and shared services in the future.

The Policy must be used in conjunction with the mandatory processes and procedures outlined in Council's Procurement Manual.

Whilst the fundamental procurement practice principles are unchanged and are consistent across councils in achieving the following best practice principles:

- Value for money
- Open and fair competition
- Accountability
- Risk Management
- Probity and Transparency and

### **9.3.3**

(cont)

- Procurement Sustainability (Financial, Economical, Environmental and Social procurement objectives).

The Act has now considered the maturity of procurement across Council's, is less prescriptive, has a heavier focus on innovation and collaboration and has empowered Councils to determine their own thresholds and exemptions. It is still a requirement to meet the obligations of probity and transparency and it is still considered a breach of policy is a breach of The Act.

#### **KEY CHANGES FOR 2021 – 2025**

Taking into account the overarching framework across the Eastern Region Councils the following adjustments have been made:

- Common definitions for key terms
- A common threshold for public tender
- Principles and processes to guide how collaboration occurs
- Agreed position on exemptions under the policy
- Changes to delegation levels to accommodate efficiencies
- Clarity around aggregate spend

#### **CONSULTATION**

Extensive consultation has occurred with:

- 7 Eastern Region Councils (Whitehorse, Manningham, Maroondah, Boroondara, Monash, Yarra Ranges, Knox)
- 7 Northern Councils (Banyule, Mitchell, Hume, Darebin, Moreland, Moonee Valley, Nillumbik)
- 2 Southern Councils (Bayside, Port Phillip)
- Local Government Victoria
- Program Coordinator, Collaboration and Procurement, Department of Jobs, Precincts and Regions
- Maddocks
- Pitcher Partners (Independent Review)
- MAV

Consultation has also occurred widely with staff across the organisation involved in procurement, Executive, Managers, Coordinators, Contract Managers, Purchase Requisitioners and the Procurement Team. A presentation and consultation session was held with Councillors and the Audit and Risk Committee. All policy additions and amendments recommended were made by Council to further strengthen purchasing activities and system processes and to bring the policy under the requirements of the Act 2020.

Upon adoption at Council, the revised Policy will be posted on Council's website and will be made available to the public in hard copy format at the Whitehorse Civic Centre.

Whilst the Act requires Council to review its Procurement Policy at least once during each 4-year term of the Council, Council can also opt to review it more regularly if required.

#### **FINANCIAL IMPLICATIONS**

A key objective of the Policy is to deliver value for money for Council (and therefore ratepayers) in the form of financial, social, economic and environmentally sustainable benefits.

### **9.3.3**

(cont)

#### **RESOURCE IMPLICATIONS**

Currently the Procurement Team has 2.8 FTE and benchmarking indicates that Councils are moving to increase the teams to allow for collaboration to occur. Procurement is becoming a critical avenue for achieving savings, working more collaborative and creating opportunities for shared services. In order to be successful the size of the current procurement team needs to be reviewed in order to meet the requirements under the Act.

#### **POLICY IMPLICATIONS**

The Procurement Policy 2021 - 2025 - once endorsed by Council in October 2021 will replace the current Procurement Policy 2021 and come into effect immediately.

#### **ATTACHMENT**

- 1 Procurement Policy 2021 - 2025 FINAL DRAFT 

## **9.4 INFRASTRUCTURE**

### **9.4.1 Environment and Sustainability Reference Group Establishment**

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#### **SUMMARY**

*This report is to recommend that Council endorses the community representatives as part of the formation of the Environment and Sustainability Reference Group for a period of two years. This group will be a community-based panel to provide input to the development and continuous improvement of environmental and broader sustainability matters within Whitehorse.*

#### **COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr Liu

***That Council endorses Glenys Grant (OAM), John McMahon, John Malvestuto and Anne Payne (OAM) as the community representatives for the Environment and Sustainability Reference Group for a period of two years.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

On 30 November 2020 Council resolved to endorse the establishment of an Environment and Sustainability Reference Group consisting of two Councillors, four Council Staff (including one Arborist) and four Community volunteer representatives for a period of two years.

Objectives of the Reference Group are as follows:

- Provide relevant community input on environment and sustainability issues of interest and concern for Whitehorse to be reviewed and considered prior to Council decision making processes on all aspects of the environment.
- Assist in the preparation or review of key environment and sustainability strategies and policies.
- Assist in the design and delivery of specific environment and sustainability programs by Council.
- Monitor the progress of implementation of Council action / management plans relating to environmental sustainability.
- Provide coordination, liaison and communication with other Council appointed community groups and key external stakeholders.

#### **DISCUSSION**

In order to fulfil the reference group's objectives, community representative members will be expected to:

- Undertake induction as a volunteer of Whitehorse City Council;
- Work collectively to achieve the Objectives of the Terms of Reference;
- Understand the role of local government in environmental and sustainability management;
- Be conversant with relevant Council plans and policies;
- Be reasonably available and able to commit to meet quarterly over the two-year period;
- Prepare for and actively participate in regular meetings of the group;
- Keep informed on current developments, issues and concerns in relation to urban environments;
- Keep informed on current perspectives developments, issues and concerns within the Whitehorse community in relation to urban environments;

### **9.4.1**

(cont)

- Have knowledge of State Government policy and current issues regarding urban environments;
- Respect confidentiality, if required, of matters discussed in meetings; and
- Declare conflicts prior to the discussion of an agenda item.

The Community volunteer representative positions were advertised on 13 May 2021 on Seek.com and Better Impact, for a period of two weeks.

Council received twelve applications, with one subsequently withdrawn. All applications for the Whitehorse Environment and Sustainability Reference Group were reviewed and evaluated based on the following selection criteria:

- Demonstrated understanding of diverse environmental and sustainability issues relevant to Whitehorse;
- Professional experience working in one of the following: urban natural resource management; municipal or state environment planning; built form sustainability management;
- Policy and or strategy development on the area of sustainability, environment or community development;
- Membership of a community environment and or sustainability group within Whitehorse; and
- The selection process will prioritise applications from nominees who live or work in Whitehorse.

Following an evaluation against the selection criteria, the following people are recommended to be appointed to the Environment and Sustainability Reference Group:

- Glenys Grant OAM;
- John McMahon;
- John Malvestuto; and
- Anne Payne OAM

### **CONSULTATION**

Public advertisements were used to seek applications for membership of the Environment and Sustainability Reference Group. Applications were also promoted throughout Council's volunteer networks.

### **FINANCIAL IMPLICATIONS**

The estimated cost of establishing and operating the Environment and Sustainability Reference Group for a period of two years is \$5,000 in addition to the staff resources allocated for administering the Group.

## 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)

- 10.1.1 Cr McNeill reported on her attendance as a delegate at the Whitehorse Disability Advisory Committee meeting held recently.
- 10.1.2 Cr Davenport reported on his attendance at the Metropolitan Transport Forum held on 14 October 2021 as the substitute delegate.
- 10.1.3 Cr Barker reported on his attendance as a delegate at the Domestic Animal Management Plan Advisory Committee held on 3 September 2021.
- 10.1.4 Cr Lane reported on his attendance as a delegate on the following Committees:
- Whitehorse Business Group board meetings held recently.
  - Virtual Whitehorse Sports and Recreation Network meeting on 16 September 2021 and the 2021 Sport Awards held on 6 October 2021.
- 10.1.5 Cr Massoud reported on her attendance as delegate and Chair at a recent meeting of the Whitehorse Disability Advisory Committee.  
*(Cr Massoud as Council's delegate on the Metropolitan Local Government Waste Forum was unable to attend the meeting held on 14 October 2021, however put in a proxy vote for officers to attend and act.)*
- 10.1.6 Cr Liu reported on her attendance as a delegate on the following Committees:
- Whitehorse Business Group board meeting held on 14 September 2021.
  - Eastern Transport Coalition held on 16 September 2021.
- 10.1.7 Cr Cutts reported on her attendance as a delegate on the following Committees:
- Victorian Local Governance Association meeting held on 15 October 2021.
  - Virtual Whitehorse Sports and Recreation Network meeting held on the 16 September 2021.
  - Virtual 2021 Sports Award held on 6 October 2021.

### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Barker

***That the reports from delegates be received and noted.***

**CARRIED UNANIMOUSLY**

## 10.2 Recommendation from the Delegated Committee of Council Meeting of 11 October 2021

None submitted

## 10.3 Record of Informal Meetings of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
16.08.21 6:30-7:00pm	<b>Virtual Councillor Informal Briefing</b> <ul style="list-style-type: none"> <li>9.2.3 Tender Evaluation Report (Contract 30301) Aqualink Pool Maintenance Services Supply</li> <li>9.3.4 Review Council Meeting Cycle</li> <li>12.1 The Burwood Hub</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 J Russell C Altan R Johnson	Nil	Nil
06.09.21 6:30-8:45pm	<b>Virtual Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Welcome and Introduction New Senior Officers</li> <li>2020/21 Annual Financial and Performance Statements and Annual Report</li> <li>Whitehorse Performing Arts Centre Tender Evaluation</li> <li>Tender Evaluation (Contract 30244) Provision of Kerbside Waste and Recycling</li> <li>Update on Council's Response to the Current COVID Situation and July 2021 Financial Report</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 L Letic S Cann S White S Sullivan V Ferlaino J Russell C Altan S Belmore S Kinsey I Barnes M Kerr J Blythe	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
13.09.21 6:30-11:00pm	<p><b>Virtual Cr Briefing Session</b></p> <ul style="list-style-type: none"> <li>• Gender Equality</li> <li>• Delegated Committee: other Business</li> <li>• Delegated Committee of Council 13 September 2021</li> <li>• Suburban Rail Loop Authority</li> <li>• Infrastructure and Development Contributions Framework (Stage One)</li> <li>• Amendment C220 Residential Corridors Built Form Study</li> <li>• Annual Report Update</li> <li>• Financial Plan Update</li> <li>• Draft Council Agenda</li> <li>• COVID-19 Update: 2021/22 Financial Outlook</li> </ul>	<p>Cr Munroe (Mayor &amp; Chair)</p> <p>Cr Barker</p> <p>Cr Carr</p> <p>Cr Cutts</p> <p>Cr Lane</p> <p>Cr Liu</p> <p>Cr McNeill</p> <p>Cr Massoud</p> <p>Cr Skilbeck</p> <p>Cr Stennett</p> <p>Cr Davenport joined the virtual Councillor Briefing Session at 8.55pm</p>	<p>S McMillan</p> <p>J Green</p> <p>L Letic</p> <p>S Cann</p> <p>S White</p> <p>S Sullivan</p> <p>V Ferlaino</p> <p>J Russell</p> <p>C Altan</p> <p>J Thyer</p> <p>N Hirst</p> <p>D Seddon</p> <p>L McGuinness</p> <p>I Kostopoulos</p> <p>A Da Campo</p> <p>K Marriott</p> <p>J Hansen</p> <p>A Egan</p> <p>V McLean</p> <p>T Bond</p> <p>J Cushing</p> <p>J Blythe</p> <p>D Power</p>	<p>Cr Munroe declared a direct conflict of interest in Item 9.1.5 Request to Occupy Council Owned Land from Telstra Corporation. due to his employment with Telstra</p>	<p>Having declared a conflict of interest in Item 9.1.5 Request to Occupy Council Owned Land, Cr Munroe was removed from the virtual meeting at 9.45pm and placed in the waiting room prior to discussion on the item. In her capacity of Deputy Mayor, Cr Carr assumed the role of chair in for discussion on item 9.1.5. Cr Munroe was readmitted to the meeting at 10.10pm following discussion on item 9.1.5 and resumed the role of chair.</p>
20.09.21 6:30-7:00pm	<p><b>Virtual Councillor Informal Briefing Session</b></p> <ul style="list-style-type: none"> <li>• 9.1.2 Amendment C220 Residential Corridors Built Form Study</li> <li>• 9.1.3 27-29 The Avenue, Blackburn (Lot 50 &amp; 51 LP 3212B)</li> <li>• 9.1.4 34 Shepherd Street, Surrey Hills (LOT 2 LP 47558 37B, Lot 17 PS 447961W)</li> <li>• 9.2.2 Review of Public Transparency Policy</li> <li>• 9.3.3 Tender Evaluation (Contract 30244) Provision of Kerbside Waste and Recycling</li> </ul>	<p>Cr Munroe (Mayor &amp; Chair)</p> <p>Cr Barker</p> <p>Cr Carr</p> <p>Cr Cutts</p> <p>Cr Davenport</p> <p>Cr Lane</p> <p>Cr Liu</p> <p>Cr McNeill</p> <p>Cr Massoud</p> <p>Cr Skilbeck</p> <p>Cr Stennett</p>	<p>S McMillan</p> <p>J Green</p> <p>L Letic</p> <p>S Cann</p> <p>S White</p> <p>S Sullivan</p> <p>V Ferlaino</p> <p>J Russell</p> <p>C Altan</p>	<p>Nil</p>	<p>Nil</p>



Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
23.09.21 6:00-7:30pm	<b>Virtual Shaping Whitehorse Councillor Workshop</b> <ul style="list-style-type: none"> <li>Council Plan Strategies and Indicators</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 L Letic S Cann S White S Sullivan V Ferlaino D Seddon N Brown J Merrett R Andresson J Blythe B Upston Z Tropicano	Nil	Nil
27.09.21 6:00-7:30pm	<b>Virtual Shaping Whitehorse Councillor Workshop</b> <ul style="list-style-type: none"> <li>MPHWP strategies and indicators</li> <li>Council Plan Strategies and Indicators</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 L Letic S Cann S White S Sullivan V Ferlaino D Seddon N Brown J Merrett R Andresson J Blythe B Upston Z Tropicano	Nil	Nil
30.09.21 3:30-5:00pm	<b>Virtual Round Two Councillor Panel: 2021/2022 Community Grants Program</b> <ul style="list-style-type: none"> <li>Recommendations</li> </ul>	Cr Munroe (Mayor & Chair) Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Stennett	L Letic D Seddon E Hollis	Cr Carr declared a conflict of interest to grant application and subsequent recommendation for the Family Access Network as she is a member on the Board.	The Mayor indicated that unless there was any objection to the recommendation for Family Access Network the item would not be discussed.
04.10.21 6:30-8:30pm	<b>Virtual Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>LXRP Urban Realm Vision: Mont Albert Road Rail Removal Project</li> <li>Workplace Gender Equality</li> <li>Financial Report as at 31 August 2021</li> <li>Procurement Policy 2021-2025</li> <li>Strategic Planning Framework</li> <li>Shaping Whitehorse Update</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 L Letic S Cann S White S Sullivan V Ferlaino J Russell C Altan I Kostopoulos A DaCampo C MacNaughtan J Thyer N Hirst J Cushing	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
07.10.21 5:00-6:00pm	<b>Virtual Proposed Simpson Park Dog Park Update</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	L Letic K Sinclair L Morris C Neyland S Morison M Ackland	Nil	Nil
11.10.21 6:30-6:47pm 7:36-9.15pm	<b>Virtual Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>• Hardship Arrangements Update</li> <li>• Draft Council Agenda 18 Oct 2021</li> <li>• Delegated Committee of Council 11 October 2021</li> <li>• Whitehorse Performing Arts Centre</li> <li>• Transformation Update</li> <li>• Draft Council Agenda 18 Oct 2021 (cont )</li> <li>• Draft Council Agenda 25 October 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 L Letic S Cann S White S Sullivan V Ferlaino J Russell C Altan S Price J Blythe T Peak K Marriott A Egan S Morison A Da Campo L McGuinness P Cummings	S Cann declared a conflict of interest in Item 9.2.2 2021/2022 Community Grants Program Round Two, as a family member (spouse) working at Each.	Having declared a conflict of interest in Item 9.2.2. 2021/2022 Community Grants Program Round Two S Cann was removed from the Virtual Council Briefing 18 Oct 2021 at 6:45pm and did not return to this section of the meeting.

**COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Cutts reported on her attendance at the 'Back Yourself: Tap into your Inner Confidence and Soar' Virtual Masterclass, hosted by Ruth McGowan on 23 September 2021.
- 11.2 Cr Massoud reported on her attendance at the Victorian Local Governance Association FastTrack 2021 Leadership Program Part Two held on 1 October 2021.
- 11.3 Cr Lane reported on his attendance at the Metropolitan Local Government Waste Forum held on 14 October 2021.
- 11.4 Cr Skilbeck reported on her facilitation and participation in the 'Working with Your Board' Virtual Workshop hosted by the Centre for Social Purpose held in September 2021.
- 11.5 Cr Stennett reported on his attendance at the Metropolitan Local Government Waste Forum held on 14 October 2021.
- 11.6 The Deputy Mayor Cr Carr reported on her attendance at the 'Back Yourself: Tap into your Inner Confidence and Soar' Virtual Masterclass, hosted by Ruth McGowan, with Kate Boorer and Fiona Pearman from Core Confidence.
- 11.7 Cr Barker reported on his attendance at the following seminars:
- Virtual seminar Yushan Forum: Resetting Priorities of Progress with Resilience held on 15 October 2021.
  - Virtual Webinar U.S Embassy and Consulates in Australia: How democracies can fight back against online disinformation on 23 September 2021.
- 11.8 The Mayor Cr Munroe reported on his attendance at the Metropolitan Local Government Waste Forum held on 14 October 2021.

### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Carr

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

**CARRIED UNANIMOUSLY**

## 12 CONFIDENTIAL REPORTS

### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr 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 personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Section 3(1)(f) ).***

**CARRIED**

The virtual meeting was closed to the public at 9.30pm.

### **Attendance**

Chief Executive Officer Simon McMillan having declared a Conflict of Interest in item 12.1 was removed from the virtual meeting at 9.30pm.

### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Cutts

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

**CARRIED UNANIMOUSLY**

The virtual meeting was reopened to the public at 9:34pm.

### **Attendance**

Chief Executive Officer Simon McMillan was readmitted to the virtual meeting at 9:34pm.

## **13 CLOSE MEETING**

Meeting closed at 9:36pm

**Confirmed this 25<sup>th</sup> day of October 2021**

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**CHAIRPERSON**