



Whitehorse City Council

MINUTES

Council Meeting

Held on

Tuesday 26 April 2022

at 7:00pm

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

Mr Simon McMillan, Chief Executive Officer

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Meeting opened at 7:00pm

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

Officers: S McMillan, J Green, L Letic, S Cann, S White, S Sullivan,
V Ferlano, P Moore, 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

The Mayor welcomed all.

3 Apologies

An apology for non-attendance was received for Cr Munroe.

COUNCIL RESOLUTION

Moved by Cr Mc Neill, Seconded by Cr Lane

That the apology from Cr Munroe be received and leave of absence be granted for tonight's Council Meeting 26 April 2022.

CARRIED UNANIMOUSLY

4 Disclosure of Conflict of Interests

Cr Skilbeck declared a conflict of interest in relation to item 11.4 39-41 Holland Road, Blackburn South (Lot 1 LP 67902) Construction of three, two storey dwellings, removal of trees and buildings and works within 4 metres of trees due to proximity and personal connection.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council Meeting 11 April 2022.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Skilbeck

That the minutes of the Council Meeting 11 April 2022 be confirmed subject to a notation being made to include that Cr Davenport abstained from voting in item 11.6 noting that in accordance with the *Local Government Act 2020*, section 61(5)(e) a Councillor present at the meeting who does not vote is to be taken to have voted against the question. The vote was recorded as against the motion.

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CARRIED UNANIMOUSLY

Cr Skilbeck having declared a conflict of interest in item 11.4 39-41 Holland Road, Blackburn South (Lot 1 LP 67902), left the chamber at 7:09pm prior to discussion on the public presentation item 6.1, returning to the chamber at 7:13pm after the discussion had concluded.

6 Public Presentation

- 6.1 Mr R Jones, spoke in opposition to Land Use Planning matter WH/2020/989: 39-41 Holland Road, Blackburn South.

Cr Skilbeck returned to the chamber at 7.13pm at the conclusion of item 6.1.

- 6.2 Error! Bookmark not defined. Mr R Dean, Vermont South spoke in opposition to Land Use Planning Matter WH/2021/391: 23-25 George Vermont South.

7 Petitions

None submitted

8 Public Question Time

8.1 Mr P Carter, Box Hill North

Question 1

Bicycle advocates welcomed the news that there would a significant investment in the Easy Ride Network in 2021-22. Would Council inform the community about that investment this year; namely what specific routes of the Easy Ride Network have been delivered to date, as part of the 2020-22 budget, and what further routes are expected to be delivered in the current financial year.

Mr Jeff Green Director City Development read out question one submission on behalf of Council and advised that the following summaries the delivered and expected to be delivered Easy Ride Ruote work for 2021-22

- Linemarking to be installed for NS1 and southern half of NS2 route. We are also intending to bring forward to this financial year the linemarking for the NS10 route ahead of schedule, however this will depend on contractor availability.
- Footpath decals completed for EW2 and EW4 and proposed to be installed along NS1 and NS2.
- Wayfinding signage completed for EW2 and EW4
- Completed a feasibility study for the Nelson Road / Thurston Street bridge over the railway line, as part of the NS2 route.
- Completed a concept design and feasibility for a shared path through Surrey Park as part of the NS2 route. Various options have been considered. There are currently significant design constraints due to large existing trees within the Aqualink Box Hill site.

Question 2

Would the 2021-22 allocation/s for bicycles projects be fully expended in the current financial year?

Mr Jeff Green Director City Development read out question one submission on behalf of Council and advised that it is unlikely that the funding allocation for Easy Rides in 2021/22 will be fully expended due to construction constraints as part of the NS2 route within the Box Hill Aqualink site.

- 8.2 Mr C Trueman, Blackburn submitted two questions on the Proposed Budget
- Council is being asked to Endorse the Proposed Budget 2022/2023 and Invites submissions on the Proposed Budget 2022/23 in accordance with Council's Community Engagement Policy.

Yet the agenda states:

"Attachment

- 1 Proposed 2022-23 Budget (Excluded from Agenda)"

Question 1

Why is the Proposed Budget excluded, and consequently not available for the public to see and consider?

The Proposed Budget is a usually a long and complex document. Comment is required in time for consideration at the meeting on 9th June 2022.

It is only reasonable to maximise the time for the public to consider it and make comment.

Question 2

When will it be made available?

Mr Stuart Cann Director Corporate Services read out the question submission on behalf of Council and advised that Officers intend to engage the community in a two and half week consultation period commencing Friday 29th April, 2022. Copies of the Proposed Budget 2022/23 will be made available at Council's customer service centres (Box Hill, Forest Hill and Nunawading), at the four Whitehorse library branches (Blackburn, Box Hill, Nunawading and Vermont South) and will be placed on Council's website for public comment by the community. Information will be provided to the public via a spread in the May 2022 Whitehorse News, a Your Say Whitehorse page and via Council's social media channels. The closing date for written submissions will be Sunday 15th May 2022.

Submitters will be given the opportunity to speak to their submissions, and will receive a response from Council regarding the outcome of their submissions at the conclusion of the Budget process.

It is proposed that Council hear submissions at a Council meeting on Monday 6th June at 7.00 pm in the Civic Centre, Nunawading.

9 Notices of Motion

None submitted

10 Urgent Business

None submitted

11 Council Reports

11.1 Sustainability Strategy 2016-22 Progress Report

City Services, Infrastructure
Attachment

SUMMARY

The Local Government Act (LGA) 2020 and the Climate Change Act 2017 both require Council to consider climate change in its policies, strategies, services and asset management. Council has delivered on this requirement by developing and implementing sustainability and subsequently climate adaptation strategies. The current documents adopted by Council to guide it and to help the community to become more sustainable and respond to the impacts of climate change are the Whitehorse Sustainability Strategy 2016-22 (the Strategy) and the Interim Climate Response Plan 2020-22.

This report outlines the progress to date in implementing the Strategy 2016-22. A progress report on the Interim Climate Response Plan was considered by Council in November 2021. This report also outlines the proposed approach to develop a new Sustainability Strategy 2030.

Considerable progress has been achieved towards Council's greenhouse gas emission reduction targets and in embedding sustainable principles and practices into Council's day-to-day service delivery and asset management practices. Detailed supporting strategies, policies and action plans arising from the Strategy have been developed. The Strategy includes actions to maintain and improve the built and natural environments, through a combination of corporate and community-facing actions.

The challenge continues for Whitehorse to play a role in tackling climate change and to become a more efficient and resilient organisation. A new Sustainability Strategy 2030 will be developed to guide future actions.

Environmental sustainability is one of the many responsibilities of Council and Council must prioritise activities to determine how best to address the many responsibilities it has. Environmental sustainability is identified as a key theme in Council's Community Vision 2040: Sustainable Climate and Community Care. The subsequent 'Shaping Whitehorse' deliverables including the Council Plan, Municipal Public Health and Wellbeing Plan and Financial Plan present these responsibilities, and the need for Council to demonstrate due diligence on resource and financial implications.

11.1
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The sustainability outcomes that underpin the current Strategy are consistent with the objectives in the Whitehorse 2040 Community Vision and Council Plan 2021-25. The progress and learnings from implementing the current Strategy will be a key input to the new Whitehorse Sustainability Strategy 2030 and correlating Sustainability Action Plan 2030 incorporating climate response actions. The new Strategy and Plan 2030 will be developed throughout 2022 to align with the expiry of the current Strategy 2016-22 and ensure continuity in implementing the required actions to meet community expectations and legislative obligations.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Cutts

That Council notes the:

1. Progress to date in implementing actions in the Whitehorse Sustainability Strategy 2016-22; and
2. Approach outlined in this report to developing a new Whitehorse Sustainability Strategy 2030 and correlating Sustainability Action Plan 2030.

CARRIED UNANIMOUSLY

BACKGROUND

The Whitehorse Sustainability Strategy 2016-22 (the Strategy) was adopted in 2016 as Council's lead document in helping Council to become a more sustainable organisation and the community to live more sustainably. The Strategy built on the achievements of Council's previous sustainability and climate adaptation strategies and action plans that date back to 2002.

There is a mix of measureable targets and short, medium and longer term Key Performance Indicators (KPIs) in the Strategy. These include targets to reduce greenhouse gas (GHG) emissions as part of mitigating and adapting to the impacts of climate change. It is recognised that some of the actions in the Strategy when it was adopted are imprecise and that measurement is not always easy. Some actions are measured as completed or not, with no assessment of the actual benefit, while others have a discrete saving or reduction in future cost increase.

The Strategy consists of three main sustainability outcomes including:

- A great place to live and work
- Efficient and resilient
- Responsible leadership

11.1 (cont)

These outcomes cover the following key areas:



The Strategy 2016-22 takes a holistic approach of embedding sustainability principles and measures into Council's buildings, infrastructure and work practices. Teams from across Council operate with sustainability being part of business as usual. It is recognised that implementing this Strategy required consideration of all the things that Council is responsible for and that Council needs to make choices about how resources are deployed and money is invested.

Many of the priority actions in the Strategy resulted in the adoption of policies and strategic approaches to ensure that Council progressively works towards the adopted targets including:

- A 45% reduction in corporate greenhouse gas emissions by 2022;
- Carbon Neutral by 2022 (subject to detailed review in 2022);
- A 30% reduction of corporate water consumption by 2022; and
- A 65% diversion of kerbside waste from landfill by 2022 (this target was subsequently amended in the 2018 Waste Management Strategy to 60% by 2023 and 80% by 2028).

KEY MATTERS

The Whitehorse Sustainability Strategy 2016-22 has served as the framework for:

- Developing and implementing specific actions designed to improve the environmental performance of Council's assets;
- Reducing energy, water and waste consumption in Council's day-to-day operations; and
- Providing programs and initiatives that support the community and Council services to become more resilient to climate change impacts.

A summary of all the Strategy actions completed or in progress to date is presented in Attachment 1.

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Examples of some of the more strategic environmental actions in recent years are:

- Ensuring that relevant sustainability-themed and climate resilience actions feature in Council's Municipal Public Health and Wellbeing Plan and 4-year Council Plan;
- Partnering in Victorian Government or multi-council initiatives such as Take2, Council Alliance for a Sustainable Built Environment, Eastern Alliance for Greenhouse Action, Eastern Alliance for Sustainable Learning and the Eastern Transport Coalition;
- In 2015, developing and adopting a local Environmentally Sustainable Design (ESD) Planning Policy to complement the Planning Scheme, with requirements that new private developments include more sustainable features;
- In 2018, developing and adopting an integrated approach to becoming carbon neutral by 2022, including following the energy efficiency hierarchy to prioritise actions;
- In 2018, developing and adopting Council's Waste Management Strategy 2018-28.
- In 2020, developing and adopting an interim Climate Response Plan 2020-22 to accelerate Council's actions in tackling climate change;
- In 2021, developing and adopting an updated Urban Forest Strategy; and
- In 2021, developing and adopting an ESD Policy for Council buildings and Infrastructure.

Good progress has been made since 2016 in implementing the various actions. To date, 80 out of 83 actions overall have been completed or are ongoing. The remaining 3 actions have been deferred or are no longer a priority for Council.

In addition to the key strategic actions outlined above, particular actions of significance include:

A Great Place to Live and Work

- Creation 6.3 km of new shared user paths to encourage cycling and walking at various locations across the City;
- Regular community workshops and activities throughout each year;
- Dedicated community events as part of Sustainable Living Week, Smarter Living and Sustainable Living in Whitehorse;
- Tree and garden programs such as National Tree Day, Gardens for Wildlife, and Trees for Whitehorse program;
- Redevelopment of Strathdon House Precinct as an environmental centre to encourage community education, upskilling and understanding of Whitehorse's local history; and

11.1

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- Development of Naturestrip Guidelines for households to contribute to increasing canopy cover and local flora diversity.

Efficient and Resilient

- Installation of 516kW of solar panels on the roofs of many Council and community buildings;
- Installation of LED and energy –efficient street lighting on local roads and cost-shared arterial roads;
- Inclusion of multiple ESD features in redevelopments or facility upgrades such as Nunawading Community Hub (5-star Greenstar rating);
- Implementing a utilities management program that has saved Council close to \$350k in utility bills over 4 years; and

Innovative Energy Performance Contract with guaranteed energy and financial savings at eight of Council's largest civic and community buildings.

Responsible Leadership

- Updating Council's building project guidance notes and processes to reflect the ESD Policy for Council Buildings and Infrastructure;
- Whitehorse with 45 other local councils participating in a joint procurement project (Victorian Energy Collaboration, VECO) to purchase 100% renewable electricity generated by Victorian windfarms;
- Water-saving controls installed on sports fields irrigation systems;
- Ongoing partnership with neighbouring and leading councils via Eastern Alliance for Greenhouse Action (EAGA), Eastern Alliance for Sustainable Learning (EASL), Eastern Transport Coalition (ETC) and Council Alliance for a Sustainable Built Environment (CASBE); and
- A review of EAGA's regional Climate Adaptation Roadmap; and
- The use of energy monitoring systems and employing a Utilities Officer (shared across multiple Councils) to identify energy and water billing anomalies to reduce usage and costs.

Progress towards Strategy targets

The following graphs demonstrate the progress made in recent years towards Council's key environmental targets.

Energy consumption:

Council has pursued an integrated and multi-focus approach to reducing energy consumption and using renewable energy as the core approach to reducing its GHG emissions. Primary initiatives have attributed to: reduced energy consumption in Council and community buildings; transitioned to a more fuel-efficient fleet; upgraded street lights with energy-efficient globes; and sourced electricity from contracts based on renewable generation.

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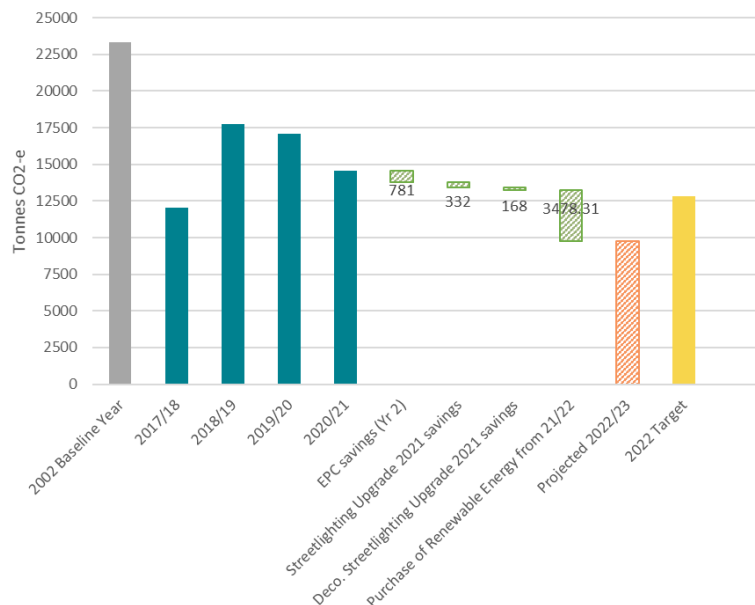


Figure 1. Council's annual greenhouse gas emissions from 2017 to 2021 (tonnes CO2-e).

Council is on track to exceed its 45% corporate GHG emission target by end of 2022/23. While some of the recent energy consumption reduction is attributable to COVID 19 rolling lockdowns that restricted usage of the larger Council facilities, these facilities were maintained in a safe and ready to operate condition. Therefore the COVID lockdown-related energy reduction was not equivalent to a total shutdown. These areas will continue to be monitored to evaluate Council's GHG emissions.

Water consumption:

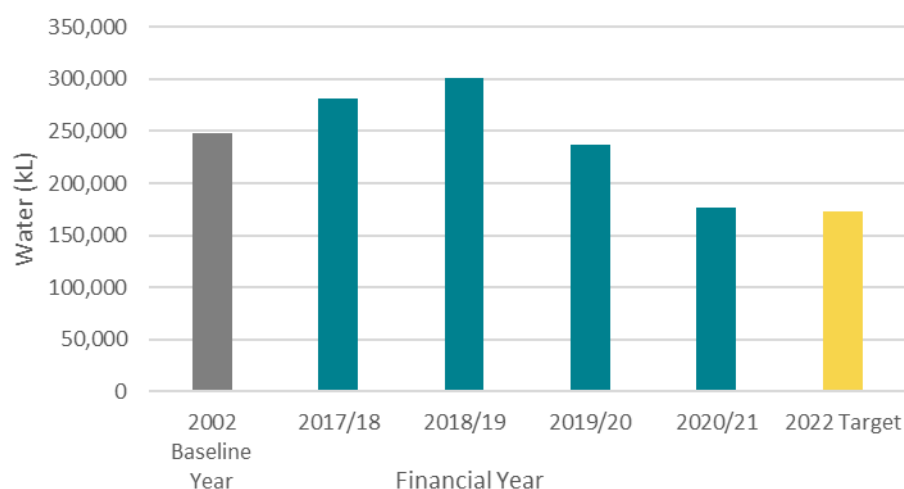


Figure 2: Council's annual water consumption from 2017 to 2021 (kL).

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Council has progressively reduced its water consumption by 25.2% over the last three financial years. Water consumption at Aquatic facilities was impacted by facility closures during COVID-19 lockdowns (fewer showers etc) but pool water still needed to be treated ready for reopening.

Water consumption is very dependent on seasonal conditions, as the main component of Council's water usage is at parks, gardens and sports fields. Council's two Aqualink facilities are where the largest building water usage occurs. These areas will continue to be monitored to evaluate Council's performance.

Waste:

The Strategy initially set a 65% target to divert kerbside waste from landfill by 2022. In 2018 with the development of Council's Waste Management Strategy (Rubbish to Resource!) 2018-28, this was revised to 60% by 2023 based on dates that Council planned to make significant service changes. This was done to better reflect the available infrastructure to recover and process various waste types, and State Government policy framework to encourage innovation and incentives.

Figure 3 demonstrates Council's progress towards this target, where in FY 2020/21 the diversion rate was 52.3%. The implementation of the food and garden organics service in 2022 is designed to move Council towards its 60% target. With the food and garden organics service commencing, it is expected that large transitions of food from the garbage bin to the food and garden organics bin will increase over time. Education and behavioural change programs are important to promoting people to change their behaviours. The progress towards the 60% target is monitored each year.

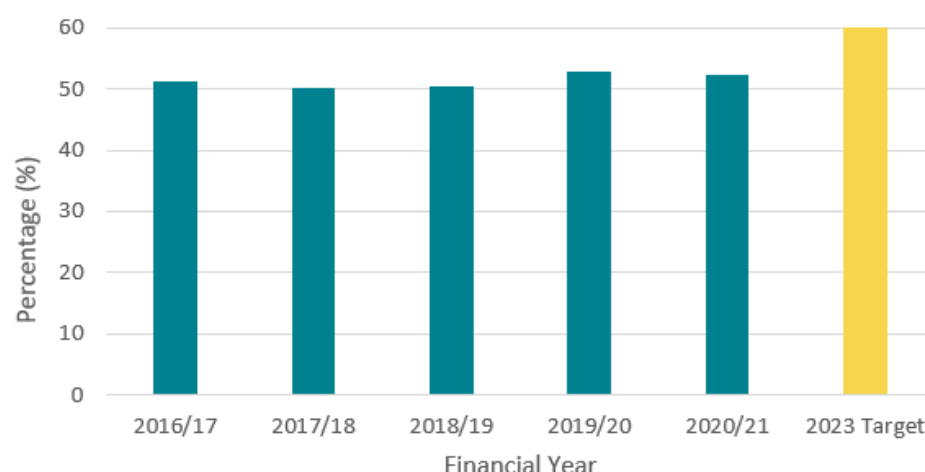


Figure 3: Council's annual kerbside waste diversion rate (%).

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Since the endorsement of this Waste Strategy and its first 5-year action plan, Council has achieved the following:

- New kerbside waste contracts to commence 1 July 2022;
- Development of Council's Food Organics Green Organics (FOGO) services to commence 1 July 2022;
- Partnership to procure an advanced waste processing facility's services;
- Ring and book hard waste collection services, and annual Renew drop-off day for recycling and re-use of larger unwanted household goods;
- Establishment of e-waste hub and trailers; and
- Ongoing implementation of waste education programs and incentives, including community workshops, home composting incentives and litter prevention campaigns.
- Expansion of recycling programs at Council's Whitehorse Recycling and Waste Centre for paint, e-waste (TVs and computers) and cardboard.

A separate Waste Strategy report will be provided in 2023 to reflect progress on implementing its 5-year action plan.

Carbon neutral

In 2018, Council endorsed an approach towards reducing GHG emissions that included a target to become carbon neutral in 2022 for its operations with a detailed review to be undertaken before the end of 2022 covering: the progress in reducing GHG emissions achieved to date; the remaining GHG emissions that will need to be offset; and the options available in the 2022 carbon market for offsetting any remaining emissions.

The endorsed approach has been to first implement a range of measures to reduce energy consumption in Council's facilities, fleet, street lights and operations to achieve a 45% reduction in emissions by 2022.

Any remaining emissions would then need to be offset. Council will need to consider its approach to this in the context of other needs. Carbon offsets come in many forms, most commonly a payment for proven actions taken elsewhere (both local and abroad) to reduce emissions such as tree planting or carbon credits from renewable energy generation (eg. Power Purchase Agreements (PPAs) or GreenPower).

As indicated in Figure 3 above, approximately 10,000t CO₂-e would need to be offset by the end of 2022 for Council to achieve carbon neutrality. The price of carbon offsets vary considerably, depending on the nature and location of the offsets, and whether the credits are certified as part of the Climate Active Carbon Neutral Standard (formerly National Carbon Offset Standard).

Most organisations need to buy carbon offsets to become carbon neutral. A separate report will be brought to Council to enable Council to consider a final approach to becoming carbon neutral.

11.1
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Sustainability Strategy 2030 - New Targets

To demonstrate that Council is meeting community expectations for a more sustainable city and community by 2040 as outlined in the Whitehorse 2040 Community Vision, it is necessary to have measurable key targets that we can work towards with interim KPIs to measure progress along the way.

It is the intention as part of developing the new Sustainability Strategy to set new longer term targets as many of the current targets end in December 2022. New or renewed environmental targets will be considered as the new Sustainability Strategy is developed.

A key feature of the new Strategy will be to ensure, where practicable, that measurable outcomes are included in the Action Plan that will support the new Strategy. Interim KPIs will enable the community and Council to track progress towards the various targets over the life of the new Strategy.

Any new targets need to reflect community expectations for Council to take a leading role in tackling climate change and becoming a more sustainable organisation. The new targets will cover more than GHG emission reduction and specific climate change adaptation KPIs. Water-saving and water quality targets will be included, but targets for biodiversity and vegetation cover will remain in Council's existing adopted environmental strategies. The purpose of the Sustainability Strategy targets is to align and not duplicate targets or actions that already exist in other Council strategies.

The development of a new 2030 Sustainability Strategy presents an opportunity to gather the latest information on appropriate environmental targets, and considering the various approaches taken by local government towards achieving those targets and measuring the outcomes. It is recognised that some of the items contained in the 2016 Strategy were not well defined and have been difficult to measure. This new 2030 Strategy will be developed to allow the outcomes being sought to be measured, assessed and reviewed.

Approach to developing a new Sustainability Strategy 2030 including a Sustainability Action Plan 2030

The new Whitehorse Sustainability Strategy 2030 and a new Sustainability Action Plan 2030 will be developed in 2 phases during 2022. The Action Plan will have two 4-year sub-periods designed to work towards achieving new and/or updated sustainability and climate-related targets by 2030.

The new Sustainability Strategy will continue to be the guiding document outlining how Council will achieve the objectives in the Council Plan 2021-25 and work towards objectives and priority areas of focus in Whitehorse 2040 Community Vision.

11.1

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Phase 1 commenced in late February 2022 covering project inception and planning, research, benchmarking, developing a community engagement plan and an initial draft strategy for subsequent community engagement and input. The development of a draft Strategy will include consultation with the community, Councillors, Executive Leadership Team and relevant Council departments and external stakeholders. Community engagement will be consistent with Council's Community Engagement Policy, including engagement with the Whitehorse Environment and Sustainability Reference Group.

Phase 2 to commence from July 2022 is subject to funding in Council's 2022/23 budget and if funded, it will involve a variety of community engagement activities to further develop the draft Strategy, collating community input, prioritising and costing the relevant actions, and finalising the Strategy and Action Plan.

The intention is to include actions for Council to become a more sustainable and climate resilient organisation as well as support and encourage the community to reduce its environmental footprint. This will include continuing to reduce the reliance on purchasing carbon offsets.

The scope of actions will reflect measures that Council is responsible for or can control, as well as advocacy measures where Council can influence outcomes at either a regional, State or Federal level.

STRATEGIC ALIGNMENT

The Sustainability Strategy is a key guiding document to outline how Council will progress towards Council Plan Strategic Objectives:

- 5.1: Take a leadership role in tackling climate change;
- 5.1.1: We will adapt to climate change and build the resilience of our community, infrastructure and the built environment through relevant Council plans and policies; and
- 5.2: Consider our natural environment when making decisions including creeks, wetlands, lakes, bushlands, flora and fauna.

Actions within the Strategy also support Strategic Objectives 6 and 7 in helping to develop an empowered, informed and healthy community that is able to live more sustainable and be more resilient to the impacts of climate change.

11.1

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Policy

The Sustainability Strategy and Sustainability Action Plan are relevant to and integrate with a range of Council policies, strategies and action plans. The development of a new Sustainability Strategy therefore will need to consider the context set by the following Council documents:

- Community Vision 2040
- Council Plan 2021-2025 – Year 1
- Sustainability Strategy 2016-22
- Interim Climate Response Plan 2020-22
- Municipal Public Health and Wellbeing Plan 2021-25
- Waste Management Strategy 2018-28
- Urban Biodiversity Strategy 2014-24
- Integrated Transport Strategy 2011
- Procurement Policy 2021-25
- Urban Forest Strategy 2021-31
- Sustainable Infrastructure Policy
- Community Engagement Policy
- Draft Integrated Water Management Strategy 2021-30
- 10 year Capital Works Program
- 10 Year Financial Plan

SUPPORTING REPORT DETAILS

Legislative & Risk Implications

The Local Government Act (LGA) 2020 and the Climate Change Act 2017 require Council to consider climate change. Part 2, Section 9 of the LGA 2020 requires that the following are the overarching governance principles:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

It is a requirement under the Victorian Climate Change Act 2017 for Council to strategically tackle climate change and assist the local community to become more climate resilient.

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Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

A reference report for the development of Council's new Sustainability Strategy and Sustainability Action Plan will be a review of Council's various policies and strategies in 2020 to see how they align with the UN Sustainable Development Goals (SDGs). These high level global sustainable goals include the principles of equity, gender, child safety, human health and rights. Many of Council's policies and strategies were found to be consistent with the UN SDGs.

Sustainability Implications

Refer to the text throughout this report.

Community Engagement

Community engagement for the new Sustainability Strategy and Sustainability Action Plan will build upon the community engagement recently undertaken for the Whitehorse 2040 Community Vision and the engaging Whitehorse activities for the Municipal Public Health and Wellbeing Plan and Council Plan 2021-25.

The community has made it clear that it expects Council to become more sustainable and climate resilient, and wants Council to help the community likewise.

A detailed Community Engagement Plan will form part of the development of the new 2030 Sustainability Strategy and Sustainability Action Plan, in accordance with Council's Community Engagement Policy 2021. The Environment and Sustainability Reference Group will be involved in the development of the new 2030 Strategy.

Financial & Resource Implications

Since 2002/03, Council has invested operational and capital funds into making Council's assets and services more environmentally sustainable and resilient to the impacts of climate change. Council's annual operational budgets and 10-year capital works plan are generated recognising environmentally sustainable work practices and asset upgrades that are included as 'business as usual' and therefore not often shown separately in Council's financial accounts.

Sustainability-related measures are based on proven, practicable and affordable principles designed to suit local government services, and Council or community facilities.

11.1
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Many environmentally sustainable capital works upgrades deliver a favourable financial return on investment. Council's current approach for upgrading energy-efficiency in Council buildings and street lighting for example typically achieves a financial payback of the initial capital within 10 years, and provides ongoing savings thereafter.

The savings calculations are based on industry proven assessments of the reduction in energy consumption, water consumption and maintenance costs that each environmentally sustainable measure is designed to achieve. These design savings are sufficiently proven over time to form the basis of national ESD standards and codes, including Council's Built Environment Sustainability Scorecard (BESS) assessments carried out as part of planning development applications that need to satisfy minimum ESD outcomes.

In 2018/19, Council invested \$2M over two financial years in a new form of contract called an Energy Performance Contract (EPC) to install a range of energy efficient measures in eight of Council's larger buildings. The energy consumption reduction that the various measures are designed to achieve is guaranteed under this form of contract, with a detailed Monitoring and Verification (M&V) phase of the contract now commencing after delays due to COVID impacts on the project. It is expected that this detailed measurement component of the contract will provide further assurance about the benefits that come from reducing energy and water consumption through ESD upgrades.

The utility budgets at the eight facilities in the EPC project have been reduced since the ESD measures were installed. Note that while the energy consumption has reduced, the extent of the savings attributable to the ESD measures has been challenging to verify as the facility operations have been impacted by COVID restriction lockdowns. The M&V process is comparing operational consumption pre-lockdowns with consumption now that the facilities have resumed near normal operations.

Council will reduce approximately 3,478t of GHG emissions annually at the source by purchasing 100% renewable energy for six Council and community buildings from 2021/22 via VECO. Based on the financial modelling completed by project's consultant energy advisor, it is expected that Council will spend an additional \$11,933 annually over the contract period to ensure electricity purchased is generated from local Victorian wind farms when compared to the previous non-renewable energy supply contract. The cost to offset an equivalent amount of GHG emissions depends on when the offsets are purchased and at the current rates would be far greater.

Council's ESD Policy for Council Buildings and Infrastructure adopted in February 2021 will increase the amount of proven sustainable measures included in facility and infrastructure construction and upgrades, but not all projects will separately identify and cost each ESD component.

11.1
(cont)

Council's investment in installing solar panels often results in a payback period of between 5-7 years, reduces the reliance on grid supplied electricity (and pressure on the grid), reduces greenhouse gas emissions and demonstrates leadership to the community.

Council's capital works program does include regular funding of around \$300,000 - \$350,000 annually for solar panel installations, energy and water-saving measures. This funding is for retrofitting Council and community facilities replacing outdated equipment and lights with more efficient and better suited materials, as well as actions such as shading, window covers or improved control systems.

Council's Interim Climate Response Plan 2020-22 is supported by \$39,000 annually for operational projects and programs.

Council has also achieved operational savings via avoided cost increases through improved work practices that have reduced waste, saved water and purchased more durable materials.

These avoided cost increases vary depending on scope and type of project. Refer to Attachment 2 for examples of recent projects.

Energy Management Fund

In 2018 Council established an Energy Management Fund (EMF) where Council resolved to redirect what was to be spent annually on GreenPower (as a way to offset Council's GHG emissions) until 2021/22 into the Fund. The EMF has been used to fund a mix of capital works such as part-funding the EPC project, and operational programs such as Council's Utilities Management Program.

Other energy-saving projects have received initial funding from the EMF such as preparing business cases to assess the viability of street lighting or sports club lighting upgrades, and the preparation of an Energy Roadmap to develop guidelines to help prioritise the types of energy-saving actions relevant for local government projects.

Financial savings from the Utilities Management program funded from the EMF have been reinvested into the EMF in line with its operating criteria. Other savings such as the reduction in electricity and gas consumption at Council's larger buildings resulting from the EPC project have been deducted from the subsequent utilities budget for that facility.

Projects that achieve both a financial and environmental return have been made a priority for funding from the EMF.

A review of the ongoing arrangements for the Fund will occur prior to 30 June 2022 and a report will come to Council for consideration about future options for operating the EMF.

11.1
(cont)

Innovation and Continuous Improvement

Many of the capital works energy efficiency upgrades at Council's larger buildings have involved state of the art technology and control systems to better integrate equipment such as heating and cooling systems, pumps and related mechanical items. This enables the equipment to run in accordance with need and power down when not needed, therefore being more energy efficient. Advanced control systems monitor equipment automatically, ensure facilities are more comfortable for occupants, and can send alerts if operating problems are detected.

Use of more advanced technology also make monitoring these Council facilities more effective and reduces response times.

Collaboration

Actions within the Strategy include partnership programs and projects with other Councils and State Government agencies e.g. EAGA, EASL, and Metropolitan Waste and Resource Recovery Group (MWRRG). Council's monthly sustainability e-newsletter regularly promotes programs run by community volunteer groups.

Council entered into an arrangement with Knox Council to employ an Energy Projects Officer as part of the EPC project that evolved from Council's participation in EAGA. Hosted at Whitehorse, the officer managed this leading form of energy contract (total value of \$3.8M) to install energy-efficiency measures at 8 Whitehorse buildings and 7 Knox buildings.

Council has been collaborating with 15 other Councils to procure and advanced waste processing facility to divert waste from landfill.

Discussion and Options

This report is for noting and provides an update on the status of Council's Sustainability Strategy 2016-22, and the approach to be taken in developing Council's new Sustainability Strategy 2030.

There is an implication if further funding is not made available in Council's 2022/23 Budget to complete the new Strategy. Under the Local Government Act 2020 and Victorian Climate Change Act 2017, Council is required to have a clear strategy that is fully informed by the community to tackle climate change and ensure its assets and services are sustainable a remain fit-for-purpose and adapt to the impacts of climate change.

Further funding for this project is included in the draft 2022/23 Council budget. This funding will need to be approved to finalise the Strategy with the benefit of the additional community engagement and action testing proposed.

11.1
(cont)

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

Council continues to make good progress in delivering its Sustainability Strategy 2016-22. This Report summarises the achievements made and where Council is continuously working towards the various sustainability targets.

Building on the success of the current Strategy, this Report will serve as a tool to update the community of this progress made. It will also inform the development of the next Strategy 2030 through stakeholder engagement and community consultation.

It is recommended that Council notes this report.

ATTACHMENT

- 1 Sustainability Strategy 2016-2022 Full-Term Review 
- 2 Estimated Avoided Costs 

11.2 Garden Organics to become Food and Garden Organics Bin Fees for 2022/23

City Services, Infrastructure
Attachment

SUMMARY

This report has been prepared in response to Notice of Motion 163 considered on 15 March 2022 where it was resolved:

That Council:

- a) Seeks a report on the feasibility and cost of introducing a 120 litre Food and Green Waste bin option as a means of encouraging new users to the service, based on a model of full cost recovery, noting that the Food and Green Waste service commences on 1 July 2022 and
- b) Seek information from officers as to full cost recovery of the current 140lt Green bin, noting that Food and Organics Waste service commences on 1 July 2022.

Council's kerbside Garden Organics service will become a Food and Garden Organics (FOGO) recycling service from 1 July 2022. The Garden Organics bin service was established as a 'user pays' fee for service when it was commenced by Council in July 2007. Bin sizes since the commencement of the service include a standard 240 litre bin and 140 litre option with no difference in charging. User take up and fees have varied over the years to cover the costs of the service to reflect the collection and processing costs.

This report examines consideration to charging different fees for the different FOGO bin size options.

MOTION

Moved by Cr Davenport, Seconded by Cr Massoud

That Council:

1. Does not provide a 120 litre Food and Garden Organics bin option as the physical size difference between a 120 litre bin and a 140 litre bin is not considered to be material and the cost difference to provide the service is low;
2. Notes that the 140 litre Food and Green Waste bin cost recovery amount is \$63 as outlined in the report.

AMENDMENT

Moved by Cr Lane, Seconded by Cr Skilbeck

That Council as part of its deliberations on the Draft 2022/23 Budget:

11.2
(cont)

1. Continues to not charge any additional start-up fee for new entrants to the Food and Garden Organics bin service and to not charge a fee for requests to change the size of a Food and Garden Organics bin for the 2022/2023 year;
2. Considers establishing a fee for a replacement kitchen caddy or additional kitchen caddy at \$15 for the 2022/2023 year;
3. Considers establishing a fee for the 140 litre Food and Garden Organics bin service option at \$62.70 for the 2022/2023 year;
4. Considers setting the fee for the 240 litre Food and Garden Organics bin standard service at \$83.00 for the 2022/2023 year;
5. Seeks a report on the full cost recovery prices for the 140 litre and 240 litre Garbage bin options; and
6. Does not provide a 120 litre Food and Garden Organics bin option as the physical size difference between a 120 litre bin and a 140 litre bin is not considered to be material and the cost difference to provide the service is low.

AMENDMENT WAS PUT AND LOST

THE MOTION MOVED BY CR DAVENPORT, SECONDED BY CR MASSOUD WAS THEN PUT AND WAS CARRIED UNANIMOUSLY.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Massoud

That Council:

1. Does not provide a 120 litre Food and Garden Organics bin option as the physical size difference between a 120 litre bin and a 140 litre bin is not considered to be material and the cost difference to provide the service is low;
2. Notes that the 140 litre Food and Green Waste bin cost recovery amount is \$63 as outlined in the report.

CARRIED UNANIMOUSLY

11.2
(cont)

KEY MATTERS

BIN SIZE

Council currently offers a 240 litre bin as the standard bin size for the Garden Organics collection with the option of a smaller 140 litre bin for the same cost. The physical size of a 120 litre bin compared to a 140 litre bin is not material and the introduction of a 120 litre bin would introduce a further bin option that would have limited benefit to users as the size difference is small. Based on a cost recovery model, it is envisaged that the offering of a 120 litre bin would not be something that is demanded by the community when a 140 litre bin is available. The smaller bin volume could also limit the amount of food and garden material able to be disposed of by the household.

It is not recommended that a 120 litre option be included as part of the FOGO service. The remainder of this report will focus on continuing providing 240 litre and 140 litre bins.

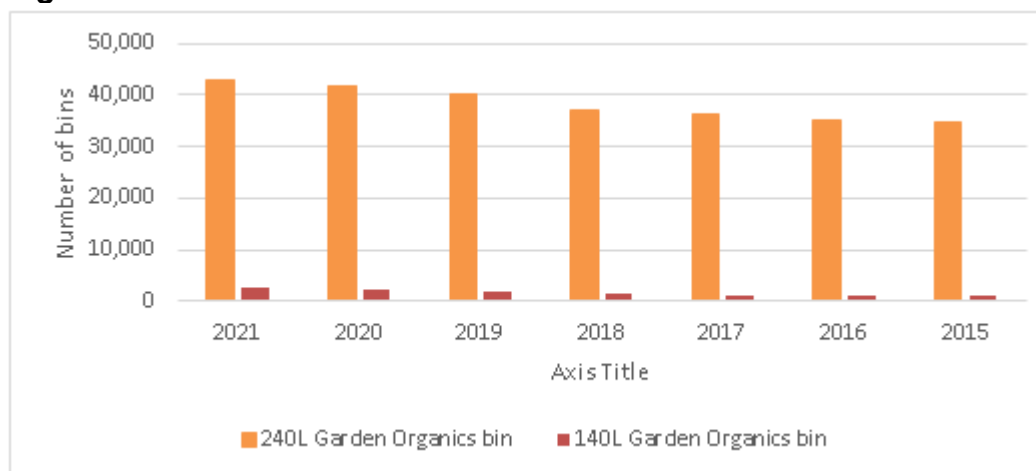
Bin numbers and pricing

The number of optional garden organics bins has steady increased in the community over time from 35,450 in 2015 to 45,663 at the end of 2021. The fee for the service charged has fluctuated over time in line with the costs to provide the service. The overall fee dropped in 2013/14 from the previous year, after Council secured a more favourable garden waste processing arrangement and passed on this saving. A service registration fee ceased as part of adopting the Fees and Charges in 2021/22. This was in order to encourage more take up of the service by the community in the lead up to FOGO collection service, initially planned to start from 1 July 2021 (delayed by one year due to COVID-19).

The number of 140 litre garden organics bins has remained at a much lesser number than the standard 240 litre bins. This number has increased slightly in more recent years largely due to the trend of infill development with dwellings with smaller gardens and more restricted space and was 2,674 at the end of 2021, compared to 42,989 240 litre bins. The estimated total bin numbers to the end of 2022/23 is 48,300.

11.2
(cont)

Figure 1: Bin numbers for 140 litre and 240 litre bins from 2015-2021.



Note: Information is not available prior to 2015

A single bin fee as has been historically applied and based on a cost recovery model, the required annual fee for the new FOGO service \$83 for 2022/23.

Any costs difference depending on how wide, between the 140 litre garden organics bin and 240 litre bin will likely change the trend in bin numbers and proportion of those using the smaller option versus the standard option.

Bin Fee

The 2021/22 Bin Fee for a 240 litre or a 140 litre Garden Organics bin is \$69. The introduction of the FOGO service on 1 July 2022 will require all of the material collected in the FOGO bin to be processed at an increased cost. This is due to the additional processing required to hygienically process food waste into organic compost products. It is not just the additional food in the system that requires the increased processing, because the food is mixed in with the other garden materials, those materials are also processed to the higher standard.

Processing costs are estimated to increase by approximately \$860,000 due to the introduction of food into the bin. This increase in cost means that the Bin Fee required to fully recover this amount is \$83 per bin.

Collection cost per bin is fixed and does not change based on the bin size.

A volume based approximate analysis of FOGO processing costs has been done to assess the requirements of the Council resolution to:

- b) Seek information from officers as to full cost recovery of the current 140lt Green bin, noting that Food and Organics Waste service commences on 1 July 2022

11.2

(cont)

Based on the volume across the current 240 litre bins and 140 litre bins, the costs can be approximately apportioned as below to calculate the differing costs of the different sized bins. As some of the FOGO implementation costs are amortised across seven years (caddies and compostable liners) rather than a lump sum in the first year costs will be included beyond the first year.

Table 1. Estimated apportioned service costs of the FOGO bins in 2022/23

| Bin size | FOGO processing cost per bin | Annual Collection cost per bin | FOGO implementation cost: caddies, education material, etc. | Total cost recovery per bin |
|------------|------------------------------|--------------------------------|---|-----------------------------|
| 240 bins | \$50.43 | \$29.37 | \$3.92 | \$83.71 |
| 140 bins | \$29.41 | \$29.37 | \$3.92 | \$62.70 |
| 120 option | \$25.21 | \$29.37 | \$3.92 | \$58.50 |

Fees at other Councils

Benchmarking was carried out with other metropolitan Councils with a fortnightly FOGO collection in order to inform the budget process.

The fees for the Whitehorse Garden Organics bin have on the whole been below that of other neighbouring and benchmarked Councils. In financial year 2020/21 the Garden Organics bin fee was \$67 and in 2021/22 it was \$69.

Table 2. Benchmarked FOGO bin fees at other Councils for 2021/22 and 2020/21 with a fortnightly collection

| Council | Bin Size | 21/22 fee for |
|----------------------------|----------|---------------|
| Cardina Shire Council | 240L, | \$126.60 |
| | 120L | \$90.00 |
| Frankston City Council | 240L | \$150.20 |
| Mornington Peninsula Shire | 240L | \$140.00 |

11.2

(cont)

STRATEGIC ALIGNMENT

The FOGO service aligns with Strategic Direction 5: Sustainable Climate Change and Environmental Care.

Objective 5.3: Enable and build capacity for the community to reduce, reuse, and recycle using circular waste principles.

Policy

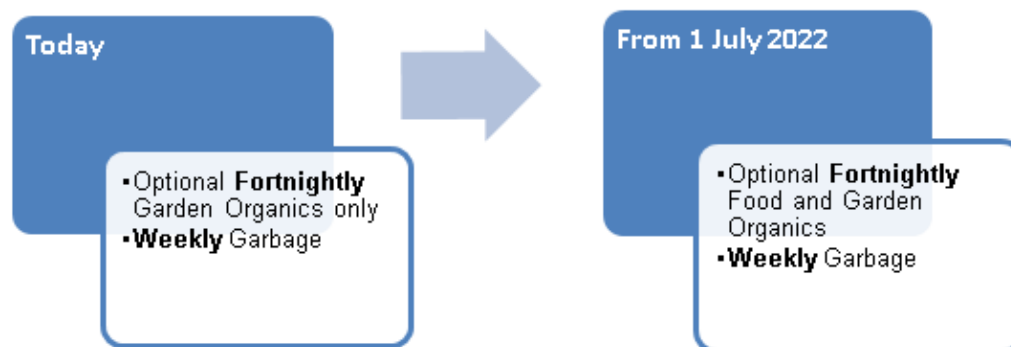
Moving to a FOGO service is part of Rubbish to Resource! Waste Management Strategy 2018-2028.

BACKGROUND

In August 2006 Council resolved to implement an optional user-pays fortnightly Garden Organics service which was rolled out across Whitehorse from July 2007. Popularity of the service has seen bin numbers in the community steadily grow to over 45,000.

On 16 March 2020 Council resolved to implement a phased introduction of a Food and Garden Organics (FOGO) collection starting with an optional fortnightly service originally intended from 1 July 2021. This was delayed by 12 months due to impacts of COVID-19 and will now begin at the same time as the start of Council's new kerbside collection contracts from 1 July 2022.

Figure 12 Progression of FOGO service implementation



Since inception of the Garden Organics service in 2007 both a 240 litre and 140 litre sized bin has been available. 240 litre bins are the standard size issued as part of the service, the smaller 140 litre option is often taken up by those in the community who may have mobility issues and find it difficult moving a full 240 litre bin, have small gardens or space constraints at their property. The 140 litre bin option since the start of the service been available at the same cost as the standard 240 litre bin service.

As a user-pays fee for service, the fees charged for the Garden Organics service covers the cost of the collection and processing. These fees sit outside of Council rates and are estimated each year as part of the budget preparation process.

11.2
(cont)

Invoices for Garden Organics bins are issued around August/ September each year for payment in full.

Only property owners or managing agents can order garden organics bins as the service incurs an extra charge outside of the rates. Tenants wishing to order these services must contact the owner or managing agent and ask them to submit a request on their behalf. Managing Agents, including owners corporations and business managers of company owned property (such as retirement village or school/kinder), can order the service after completing an appropriate authority form.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal implications arising from the recommendation contained in this report. Risk implications are listed above.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

A survey was undertaken from 27 July 2021 to 30 September 2021 to gain insight on the thoughts, motivation and behaviours of the community regarding the FOGO service. The survey aimed to inform education approach and was conducted through Council's Our Say platform. There were a total of 704 responses. Of the 704 responses 12 had questions relating to will the garden bin cost more, why would it cost more or why current fees are not included within the rates. The below are some of the themes of responses received from the community, relating to this report:

- Residents are interested in the FOGO service
- There are some concerns about possible frequency of collection changes or lack of frequency change
- Operational concerns for lone person households and those that don't generate enough waste
- Garden organics bins that are already full with green waste don't have enough space for food
- The service should be convenient and easy

11.2

(cont)

This feedback reflects what other Councils have experienced in rolling out their FOGO services. More detail on these responses are included in the Attachment 1. Council Officers have been, and continue to be, in contact with many Victorian Councils in the last 3 years in preparation for the FOGO service in Whitehorse

Financial and Resource Implications

The overall 2022/23 budgeted expenditure for the kerbside FOGO service is proposed in the Draft Budget as \$3,980,316.

The cost of processing food and garden waste is higher than processing garden waste alone. In 2021/22 (currently) the price per tonne for garden waste processing at the processing facility is \$83.93 per tonne. For the financial year 2022/23 the processing cost per tonne is expected to be around \$130 per tonne. The initial outlay for kitchen caddy and liner roll out will be paid through Councils FOGO collection contract through an amortised payment over 7 years, softening any major increase in bin fees in the first year of service compared with a lump sum payment. This is approximately \$189,430 in the first year.

A number of assumptions underpin the calculations for the Garden Organics bin fees. This includes the tonnages that are likely to be collected and the approximate number of bins out in the community as this trend has increased year on year.

Table 3. Budgeted FOGO costs for 2022/23

| | 2022/23 Budgeted FOGO costs |
|-------------------------------|------------------------------------|
| Collection | \$ 1,418,386 |
| Processing | \$ 2,372,500 |
| FOGO caddy and liner roll-out | \$189,430 |
| Total cost | \$3,980,316 |

The collection, processing and roll out costs in the first year of the service result in a \$83 being the cost recovery amount if all bins are charged at the same

The draft budget has been prepared based on a Bin Fee of \$69, irrespective of bin size, that is no increase on the 2021/22 Bin Fee. This fee would generate an income of \$3,332,700, based on an estimated 48,300 bins. Accordingly, \$647,616 is subsidised by the general rates under this arrangement.

11.2 (cont)

Bin fee income follows the following equation:

$$\text{Bin Fee} \times \text{Number of Bins} = \text{Bin Fee Income}$$

There were approximately 2,674 140 litre bins and 42,989 240 litre bins at the end of 2021. The estimated total bin numbers to the end of 2022/23 is 48,300.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Consultation internally around current charging practices has involved Rates, specifically Fees for Service on the current garden organics fee charging impacts and what may be possible in current charging system.

Discussion and Options Offering differential fees for different bins sizes

Benefits of offering differential fees:

- Cheaper pricing for the smaller bin may entice more in the community to use the service
- This may reduce any criticism from the community in charging more for a FOGO service in comparison to the Garden Organics service, when Council at the same time is trying to encourage the community for environmental reasons to take it up

Impacts and risks:

- Offering a lower fee may change the proportion of those currently using the service to switch to wanting a smaller 140 litre, likely resulting in increased costs for swapping bins and an overall increase in the cost to provide the service.
- The number already using the garden organics bin motivated to switch bin sizes depending on the cost difference will be unknown and underlying assumptions in calculating the annual fees may see costs are not fully recovered.
- Smaller bins may impact the ability of households to manage FOGO in one bin with a fortnightly service.

Waste Charge Project

Council is currently developing an approach to consider the introduction of a Waste Charge that would separate the cost of waste and recycling services from the general rates and allow the waste and recycling services to be managed on a cost recovery basis. This would allow the cost of waste and recycling services to be increase by the real amount, and not restricted by the rate cap. Since the rate cap was introduced, waste and recycling costs have escalated by more than the rate cap resulting in budget reductions in other areas to offset those cost increases.

11.2
(cont)

In the first year of any transition to a new Waste Charge, the Essential Services Commission requires the overall income of Council to be the same as if a Waste Charge was not implemented, that is the new Waste Charge plus the general rates cannot increase Council's income by more than the rate cap. Any waste and recycling costs that are funded from rates cannot be transitioned and increased under the Waste Charge. In subsequent years, the Waste Charge can increase by more than the rate cap, and in line with the actual cost increases of the waste and recycling services.

Conflict of Interest


Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

Based on the assessment in the report, it is recommended that Council does not provide a 120 litre Food and Garden Organics bin option as the physical size difference between a 120 litre bin and a 140 litre bin is not considered to be material and the cost difference to provide the service is small when compared to a 140 litre bin;

An assessment of the costs of the 140 litre Food and Garden Organics bin has been undertaken and based on a full cost recovery assessment, the cost to provide the service is \$63 per bin as outlined in the report.

ATTACHMENT

- 1 Garden Organics to be FOGO Bin Appendix 

11.3 Proposed Budget 2022/2023

Finance and Corporate Performance
Corporate Services
Attachment

SUMMARY

A Proposed Budget for 2022/2023 (plus subsequent three financial years) has been prepared in accordance with the requirements of the *Local Government Act 2020* and Council's *Community Engagement Policy*.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Skilbeck

That Council:

1. Endorse the Proposed Budget 2022/2023 developed by Council for the purposes of sections 94 and 96 of the Local Government Act 2020.
2. Invites submissions on the Proposed Budget 2022/23 in accordance with Council's Community Engagement Policy.
3. Notes all submissions relating to the Proposed Budget 2022/2023 will be considered, and if requested, hear any submissions received at a special meeting of Council to be held on Monday 6th June 2022 at 6:30pm (as practical to ensure appropriate health and social distancing measures) at the Civic Centre, Nunawading.
4. Consider for adoption the 2022/2023 Budget at the Council Meeting on Monday 27 June 2022 in accordance with section 94 of the Local Government Act 2020.

CARRIED UNANIMOUSLY

BACKGROUND

The Proposed Budget 2022/23 has been prepared in accordance with the requirements of the *Local Government Act 2020* and Council's *Community Engagement Policy*. The budget is also in line with the Victorian Governments rate cap for 2022/23. A copy of the Proposed Budget 2022/23 is included as an attachment.

11.3
(cont)

DISCUSSION

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

- Balancing the community's needs and ensuring that Council continues to be financially sustainable in the long term.
- Increasing Council's commitment to sustainable asset renewal and maintenance of the community's assets.
- Maintaining a strong cash position for financial sustainability.
- Achieving efficiencies through targeted savings and an ongoing commitment to contain costs.
- Rate and fee increases that are both manageable and sustainable; and
- Providing a framework to deliver balanced budgets including sustainable annual surpluses.

The Proposed Budget 2022/23 (plus three subsequent financial years) is a rolling four-year plan that outlines the financial and non-financial resources that Council requires to achieve the strategic objectives described in the Council Plan 2021-2025.

The Proposed Budget 2022/23 provides \$216 million funding to enable the ongoing delivery of high quality services and the renewal and improvement of community facilities and infrastructure for the Whitehorse community. The budget funds a range of community services including health and family services, home and community services, the maintenance of community facilities, parks, sport fields and infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the redevelopments of the Whitehorse Centre, Sportlink, Morack Golf Course and various sporting pavilions.

11.3
(cont)

KEY HIGHLIGHTS OF THE BUDGET

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

- \$22.34 million Kerbside Waste Services (including waste services charge initiative)
- \$16.84 million Home and Community Services
- \$14.60 million Leisure and Recreation Services
- \$14.16 million Parks and Natural Environment (maintenance of sports fields, parks and gardens)
- \$11.21 million Health and Family Services
- \$10.15 million Transformation (excluding waste services charge)
- \$9.79 million Whitehorse Recycling and Waste Centre (waste transfer station)
- \$9.49 million City Services (maintenance of footpaths, drains and roads, sustainability and depot operations)
- \$9.10 million Community Safety (Community Laws, parking, school crossings and emergency management)
- \$8.52 million City Planning and Development
- \$6.20 million Engineering and Investment
- \$5.69 million Libraries
- \$5.52 million Arts and Cultural Services
- \$5.09 million Project Delivery and Assets
- \$2.71 million Community Engagement and Development
- \$1.00 million Pandemic Response
- \$0.58 million Major Projects

A \$98 million Capital Works Program comprising:

- \$67.79 million for land, buildings and building improvements
- \$8.04 million for plant and equipment
- \$5.84 million for roads, bridges and off street car parks
- \$5.03 million for parks, open space and streetscapes
- \$3.67 million for drainage improvements
- \$3.65 million for footpaths and cycleways
- \$3.59 million for recreational, leisure and community facilities

11.3
(cont)

NEW OPERATIONAL BUDGET INITIATIVES

Council commenced its Transformation Program last year. The 2022/2023 Budget continues with significant investment in transformation initiatives that will improve efficiencies, enhance customer experience and ensure long term financial sustainability of Council. The first key initiatives continue in 2022/23 and include implementation of the Enterprise Resource Planning System, Council's IT foundational improvements, further work undertaken on the possible introduction of a Waste Services Charge and focus on review, planning and continuous improvement in service delivery.

KEY PRESSURES AND CHALLENGES

In preparing the Proposed Budget 2022/23, a number of influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the Budget period. These include:

- The average rate increase will rise by 1.75% in 2022/23 under the *Fair Go Rates System*.
- An expected \$20.00 per metric tonne increase in the State Government landfill levy has been assumed in the Budget effective from 1 July 2022. The landfill levy is charged by the state government for every tonne of waste that goes to landfill, including kerbside waste collections, street cleaning, and non-recyclable waste collected at the Whitehorse Recycling and Waste Centre. The state landfill levy is expected to increase from \$105.90 per tonne in 2021/22 to \$125.90 per tonne in 2022/23. This represents a 1298.88% increase in the levy over the past 12 years from the \$9.00 charge in 2009/10.
- This budget has been prepared under the premise that the majority of Council services and demand for these services will return to normal levels in 2022/23 following the significant impact of the COVID-19 pandemic in 2020/21. There is still an element of unknown as to whether any ongoing impacts will be seen and continues to be monitored.
- In addition to the above, COVID-19 and geo-political events has created a fast-evolving significant challenge to businesses, households, and the economy worldwide including the impacts on the building and construction industry leading to persistent supply chain disruptions in many markets, leading to a shortage of materials, an increase in the cost of materials, or both. This has presented challenges in accurately predicting costs for the 2022/23 Capital works program. The capital budget is based on estimated costs known at the time of budget development and continues to be monitored. The value of the capital expenditure financial undertaking is not anticipated to change and officers are establishing potential construction financial exposures and developing mitigation strategies prior to the end of the June 2022 financial year.

11.3

(cont)

- The current increase in fuel prices are expected to continue in 2022/23. An allowance has been made in the budget primarily relating to the delivery of Council's waste service contract.
- Cost shifting by other levels of government occurs where local government provides a service to the community on behalf of the State or Federal Governments. Over time, the funds received by Council do not increase in line with real cost increases. Examples of services that are subject to cost shifting include school crossing supervision, library services and Home and Community Services.
- Continuing pressure on recycling and landfill costs as a result of the impact of China's importation ban on recyclable materials and increasing demand and limitations of capacity of Victorian landfill sites.
- The State Government Fire Services Property Levy will continue to be collected by Council on behalf of the state government under the *Fire Services Property Levy Act 2012*.
- Changing demographic as a result of an ageing and increasingly culturally diverse population resulting in the need for Council to develop facilities which are accessible and adaptable to inter-generational, diverse and multicultural community users.
- Community expectations for Council to be a leader in environmental sustainability by planning for the effects of climate change, education and awareness of the benefits of trees and natural bushland, and supporting the community in protecting and enhancing our natural assets and open spaces.
- Impact of market competition particularly in relation to other leisure facilities in the local region.
- Interest rates continue to be at low levels in the short to medium-term restricting Council's ability to generate earnings on cash and investments – albeit we have budgeted for a modest increase in the cash rate.
- The cost of maintaining Council's infrastructure assets. This is to ensure that infrastructure assets are provided to support services that are appropriate, accessible, responsive and sustainable to the community.
- An increased sustainable level of funding allocated to the renewal of major community infrastructure and facilities.
- Council's Enterprise Agreement expired in August 2021 and a new agreement is currently in progress. The 2022/23 Budget allows for an annual increment in line with the 2022/23 rate cap. The compulsory Superannuation Guarantee Scheme (SGC) will also increase from 10.00% to 10.50%.
- Council's Transformation process continues in 2022/23 which includes increased focus on service planning and reviews and continuous improvement, continuation of Council's IT Strategy implementation and a new Enterprise Resource Planning System.

11.3
(cont)

FEES AND CHARGES

Fees and charges have been reviewed with consideration of several influencing factors including full costs, market comparison and an emphasis on accessibility, equity and social justice considerations. The proposed 2022/23 fees and charges will achieve a budgeted income of 32.9% greater than the 2021/22 forecast, which primarily relates to the impact of COVID during 2021/22, and 2.9% higher than the 2021/22 adopted budget.

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

CONSULTATION

Council undertook a comprehensive engagement process to help inform the new *Community Vision 2040*, *Council Plan*, *Financial Plan*, *Asset Plan* and *Municipal Public Health and Wellbeing Plan*. The themes and priorities identified from these processes have informed the Proposed Budget 2022/23 and future years' budgets.

Councillors and officers also held a number of meetings to develop this fiscally responsible four year budget in a time of significant external and internal pressures and challenges.

In accordance with the *Whitehorse Community Engagement Policy*, the level of engagement to be undertaken for the Proposed Budget 2022/2023 is designed to meet the "Consult" level of the IAP2 Public Participation Spectrum. This is the minimum level of engagement required under the Policy.

Officers intend to engage in a two week public submission period commencing Friday 29th April, 2022. Information will be provided to the public via a spread in the May 2022 Whitehorse News, a Your Say Whitehorse page and via Council's social media channels. The closing date for written submissions will be Sunday 15th May 2022.

Submitters will be given the opportunity to speak to their submissions, and will receive a response from Council regarding the outcome of their submissions at the conclusion of the Budget process.

It is proposed that Council hear submissions at a Council meeting on Monday 6th June at 6:30 pm in the Civic Centre, Nunawading in an appropriate manner consistent with the health and social distancing requirements.

11.3 (cont)

Copies of the Proposed Budget 2022/23 will be made available at Council's customer service centres (Box Hill, Forest Hill and Nunawading), at the four Whitehorse library branches (Blackburn, Box Hill, Nunawading and Vermont South) and will be placed on Council's website for public comment by the community.

FINANCIAL IMPLICATIONS

The Proposed Budget 2022/2023 incorporates year 2 of the *Council Plan 2021-2025*, Operating Budget, and Capital Works Program, and details the resources required over the next four financial years to deliver on the *Council Plan 2021-2025*.

The proposed Budget uses preliminary valuations (Capital Improved Value - CIV) provided by the Victorian Valuer General. Council may receive minor adjustments to the preliminary valuations and these changes may occur throughout the public notice period. The cumulative effect of these changes may require small adjustments to the Rate in the Dollar prior to the Budget being adopted by Council in June.

These will not be material adjustments as the total revenue levied by Council is not expected to change.

POLICY IMPLICATIONS

The proposed Budget has been prepared in accordance with Council policies and the Victorian Government's rate capping legislation. This budget reflects the priorities and aspirations of our community and Council, as outlined in the *Whitehorse 2040 Community Vision* and *Council Plan 2021-2025*. Council will deliver on the second year of its four year Council Plan 2021-2025. Together, the Plan and the Budget establish our key directions and priority actions and set out how they will be achieved.

ATTACHMENT

- 1 Proposed 2022-23 Budget 

Cr Skilbeck having declared a conflict of interest in Item 11.4, left the chamber at 8.33pm prior to any discussion taking place on the item.

**11.4 39-41 Holland Road, Blackburn South (Lot 1 LP 67902)–
Construction of three, two storey dwellings, removal of trees
and buildings and works within 4 metres of trees**

City Planning and Development
City Development
File Number: WH/2020/989
Attachment

SUMMARY

This application proposes the construction of three double storey dwellings, removal of 7 protected trees and buildings and works within 4 metres of protected trees. The application triggered a planning permit pursuant to the provisions of the Neighbourhood Residential Zone 3 and Significant Landscape Overlay Schedule 9.

This application was advertised and a total of 17 objections were received. The objections raised issues with neighbourhood character, extent of vegetation removal, landscaping opportunity on site, amenity impacts (overlooking and noise), extent of site coverage, traffic impacts and parking and impacts during the construction period. A Consultation Forum was held online via Zoom on 22 April 2021 chaired by Councillor Denise Massoud, at which the issues were explored, however no resolution was reached between the parties.

The application has been referred to internal department for comments. Accordingly, the planning arborist has agreed with the removal of 7 trees as they are considered to have a low retention value and landscape contribution. Permit conditions are proposed to minimise the construction impacts on the longevity of the remaining trees within the site and neighbouring property, including those within the road reserve. Also, the Council's Asset Engineer, Transport Engineer, Environmental Sustainable Development officer, and Waste Management Team have reviewed the proposed development and has supported subject to conditions.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the provisions of the Neighbourhood Residential Zone 4, Significant Landscape Overlay Schedule 9, Residential Development Policy, Tree Conservation Policy, Environmental Sustainable Development Policy, Clause 55 (ResCode), and Clause 52.06 (Car parking), as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

11.4
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MOTION

Moved by Cr Davenport, Seconded by Cr McNeill

That Council:

- A Being the Responsible Authority, having caused Application WH/2020/989 for 39-41 Holland Road, Blackburn South (LOT 1 LP 67902) 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 three, two storey dwellings, removal of trees and buildings and works within 4 metres of 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 39-41 Holland Road, Blackburn South (LOT 1 LP 67902) for the construction of three, two storey dwellings, removal of trees and buildings and works within 4 metres of trees, subject to the following conditions:
 - 1. Before the development starts, or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) The locations of the Tree Protection Zones described in Condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 6 and 7 to be annotated on the development and landscape plans.
 - b) The ramp to be widened by 300mm for garage 3 where a barrier / obstruction higher than 150mm high per side of the ramp. The plans must also indicate the proposed height of the kerb / structure along the north side of the driveway at the entrance.
 - c) The ramp grades to the driveways to be nominated on the plans and demonstrated as being in accordance with Design Standard3 of Clause 52.06-9.
 - d) The ramp grade 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 the AS 2890.1 Clause 2.4.6 'Gradients within parking modules'.
 - e) Development plans to reflect all sustainability features that are required as part of a submitted and approved Sustainable Design Assessment (SDA), together with any requirement outlined in Condition 8. The plans are to be generally in accordance with the plans submitted indicating:

11.4
(cont)

- i. An annotation detailing the rainwater tank sizes and that the rainwater tanks are allocated for reuse/retention purposes and exclude any volume allocated for detention.
 - ii. An annotation that the rainwater tanks are connected to all toilet flushing, laundry systems and irrigation areas.
 - iii. Permeable paving identified and annotated to driveway areas.
 - iv. All operable windows, doors and vents on elevation drawings.
 - v. Double glazing annotated to all living and bedroom area windows on elevation drawings.
 - vi. A minimum 2 kilowatt solar photovoltaic system per dwelling.
 - vii. Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the ESD features and requirements. This is required to include dwelling star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, as well as, any waste recovery and use of sustainable materials commitments.
- f) A Tree Root Investigation Report in accordance with Condition 5.
- g) An amended Sustainable Design Assessment in accordance with Condition 8.
- h) An amended landscape plan to detail any changes required by the above conditions.

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. Prior to the occupation of the approved buildings, landscaping and tree planting must be undertaken in accordance with the endorsed landscape plan that forms part of this permit, to the satisfaction of the Responsible Authority.
- 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.

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5. Prior to the commencement of any building or demolition works on the land, a Tree Root Investigation Report, prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The Report must be specific to trees 27 and 31 and the impact the new crossovers may cause to these trees. The report must provide details of:

- a) A non-destructive root investigation in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated.
- b) Proposed construction methods for any earthworks and construction of the crossovers to adequately protect the trees.
- c) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of the trees.

Unless otherwise agreed in writing by the Responsible Authority all protection measures identified in the Tree Root Investigation Report must be implemented and maintained in effective condition until completion of works, and development works undertaken on the land must be undertaken in accordance with the Report to the satisfaction of the Responsible Authority.

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

- a) Tree Protection Zone distances:
 - i. Tree 2 (*Eucalyptus obliqua*) – 7.2 metre radius from the centre of the tree base.
 - ii. Tree 12 (*Acacia melanoxylon*) – 2.0 metre radius from the centre of the tree base
 - iii. Tree 13 (*Jacaranda mimosifolia*) – 2.5 metre radius from the centre of the tree base
 - iv. Tree 17 (*Eucalyptus leucoxylon*) – 4.3 metre radius from the centre of the tree base.
 - v. Tree 18 (*Callistemon salignus*) – 4.8 metre radius from the centre of the tree base.
 - vi. Tree 21 (*Eriobotrya japonica*) – 2.0 metre radius from the centre of the tree base
 - vii. Tree 24 (*Pittosporum eugenioides*) – 2.0 metre radius from the centre of the tree base
 - viii. Tree 25 (*Corymbia maculata*) – 8.8 metre radius from the centre of the tree base.
 - ix. Tree 26 (*Eucalyptus gonicalyx*) – 6.6 metre radius from the centre of the tree base.

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- x. Tree 27 (*Cedrus deodara*) – 4.3 metre radius from the centre of the tree base.
 - xi. Tree 28 (*Eucalyprus nicholii*) – 6.72 metre radius from the centre of the tree base.
 - xii. Tree 29 (*Prunus cerasifera*) – 2.0 metre radius from the centre of the tree base.
 - xiii. Tree 30 (*Melaleuca linariifolia*) – 7.32 metre radius from the centre of the tree base.
 - xiv. Tree 31 (*Pyrus calleryana*) – 3.0 metre radius from the centre of the tree base.
- b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - 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.

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7. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:
- a) A project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of these trees do not adversely impact their health and / or stability now or into the future.
 - c) The Front Fence where within the TPZs of Trees 2, 12, 13, 25, 26, 27, 28, 30 and 31 must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within greater than 10% of the TPZs. There must be no Strip Footings used for the construction of the Front Fence where within the TPZs of these Trees, and no roots greater than 40mm in diameter are to be cut or damaged during any of the works.
 - d) Unit 2 where within the TPZ of Trees 2 and 30, must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within greater than 10% of the TPZ. The postholes must be hand dug and no roots greater than 40mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so that they are not affected by soil movement.
 - e) The Decking's for Units 1 and 2 where within the TPZs of Trees 2 and 17, must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change greater than 10% within the TPZ. The postholes must be hand dug and no roots greater than 40mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so that they are not affected by soil movement.

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- f) The driveway where within the TPZ of Tree 26, must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within greater than 10% of the TPZ, and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.
 - g) No trenching is allowed within the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 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.
 - h) The builder / site manager must ensure that any buildings and works within or adjacent to the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 do not adversely impact their health and / or stability now or into the future.
 - i) The builder / site manager must ensure the TPZ Fencing Conditions and the Tree Protection Conditions for Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.
8. Prior to the commencement of any buildings or demolition works, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority
- All works must be undertaken in accordance with the endorsed SDA to the satisfaction of the Responsible Authority. No alterations to the reports may occur without the written consent of the Responsible Authority.
- The SDA must include:
- i. An assessment addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied which includes rainwater tanks of a minimum 3,000 litre capacity for retention purposes for each dwelling in lieu of raingardens and/or Enviro Pits.
 - ii. Rainwater tanks connected to all toilet flushing, laundry systems and irrigation areas.
 - iii. Permeable paving to driveway areas.

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- iv. A complete, published BESS Report, with an acceptable overall score of at least 50% and also which meets the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.
 - v. That the development achieves an average minimum NatHERS 6.3 star energy efficiency rating reflecting best practice energy efficiency and thermal comfort.
 - vi. Heating and cooling systems include a minimum 4 star energy efficiency rating.
 - vii. Hot water systems include a minimum 5 star energy efficiency rating.
 - viii. A minimum 2 kilowatt solar photovoltaic system per dwelling.
 - ix. LED light fittings used to provide artificial lighting and designed to achieve a maximum illumination power density of 4 W/m² or less.
 - x. Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).
 - xi. Double glazing used to all living areas and bedrooms.
 - xii. One secure bicycle parking space per dwelling to the satisfaction of the Responsible Authority.
9. 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.
10. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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11. 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.
12. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.
13. 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.
14. 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.
15. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.
16. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.
17. 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.
18. 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.

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19. The endorsed Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.
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:

- i. 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.

Assets

- ii. 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.
- iii. 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.
- iv. 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.
- v. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning permit, amendment of the Planning Permit might be required.
- vi. The vehicle crossing or any part of the vehicle crossing must not be within 10 metres of the intersection, i.e. the existing No Stopping signage must not be relocated or moved.

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- vii. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. 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.
- xii. Floor levels need to be amended if vehicle access to the garage cannot be achieved.
- xiii. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890).
- xiv. No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans.

Waste Management

- xv. Any MGB placements proposed on Holland Road & Wicking Court for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.

11.4
(cont)

- a) If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service and a WMP must be resubmitted to Council for approval.
 - xvi. Waste collections for this development are to be completed externally by Council's waste collection contractor.
 - xvii. Council issued bins will be required for this development.
 - xviii. MGB usage is based on individual usage by the occupiers of the development.
 - xix. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.
 - xx. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
 - xxi. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.
- 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.

AMENDMENT

Moved by Cr Massoud, Seconded by Cr Lane

That Council:

- A Being the Responsible Authority, having caused Application WH/2020/989 for 39-41 Holland Road, Blackburn South (LOT 1 LP 67902) 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 three, two storey dwellings, removal of trees and buildings and works within 4 metres of 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 39-41 Holland Road, Blackburn South (LOT 1 LP 67902) for the construction of three, two storey dwellings, removal of trees and buildings and works within 4 metres of trees, subject to the following conditions:
 - 1. Before the development starts, or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, and be generally in accordance with the plans submitted with the application but modified to show:

11.4
(cont)

- a) The locations of the Tree Protection Zones described in Condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 6 and 7 to be annotated on the development and landscape plans.
- b) The ramp to be widened by 300mm for garage 3 where a barrier / obstruction higher than 150mm high per side of the ramp. The plans must also indicate the proposed height of the kerb / structure along the north side of the driveway at the entrance.
- c) The ramp grades to the driveways to be nominated on the plans and demonstrated as being in accordance with Design Standard 3 of Clause 52.06-9.
- d) The ramp grade 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 the AS 2890.1 Clause 2.4.6 'Gradients within parking modules'.
- e) Development plans to reflect all sustainability features that are required as part of a submitted and approved Sustainable Design Assessment (SDA), together with any requirement outlined in Condition 8. The plans are to be generally in accordance with the plans submitted indicating:
 - i. An annotation detailing the rainwater tank sizes and that the rainwater tanks are allocated for reuse/retention purposes and exclude any volume allocated for detention.
 - ii. An annotation that the rainwater tanks are connected to all toilet flushing, laundry systems and irrigation areas.
 - iii. Permeable paving identified and annotated to driveway areas.
 - iv. All operable windows, doors and vents on elevation drawings.
 - v. Double glazing annotated to all living and bedroom area windows on elevation drawings.
 - vi. A minimum 2 kilowatt solar photovoltaic system per dwelling.
 - vii. Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the ESD features and requirements. This is required to include dwelling star ratings, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, as well as, any waste recovery and use of sustainable materials commitments.
- f) A Tree Root Investigation Report in accordance with Condition 5.
- g) An amended Sustainable Design Assessment in accordance with Condition 8.

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- h) An amended landscape plan to detail any changes required by the above conditions.
- i) A revised landscape plan which replaces the 'lilydale toppings' adjacent to Garage 1 with landscaping areas, including at least one (1), native tree capable of growing to a height of no less than 8m at maturity.

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. Prior to the occupation of the approved buildings, landscaping and tree planting must be undertaken in accordance with the endorsed landscape plan that forms part of this permit, to the satisfaction of the Responsible Authority.
- 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 the commencement of any building or demolition works on the land, a Tree Root Investigation Report, prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The Report must be specific to trees 27 and 31 and the impact the new crossovers may cause to these trees. The report must provide details of:
 - a) A non-destructive root investigation in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated.
 - b) Proposed construction methods for any earthworks and construction of the crossovers to adequately protect the trees.

Any other measures required to demonstrate the successful ongoing retention and viability post-construction of the trees.

Unless otherwise agreed in writing by the Responsible Authority all protection measures identified in the Tree Root Investigation Report must be implemented and maintained in effective condition until completion of works, and development works undertaken on the land must be undertaken in accordance with the Report to the satisfaction of the Responsible Authority.

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6. Prior to commencement of any building or demolition works on the land, Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
 - a) Tree Protection Zone distances:
 - i. Tree 2 (*Eucalyptus obliqua*) – 7.2 metre radius from the centre of the tree base.
 - ii. Tree 12 (*Acacia melanoxylon*) – 2.0 metre radius from the centre of the tree base
 - iii. Tree 13 (*Jacaranda mimosifolia*) – 2.5 metre radius from the centre of the tree base
 - iv. Tree 17 (*Eucalyptus leucoxylon*) – 4.3 metre radius from the centre of the tree base.
 - v. Tree 18 (*Callistemon salignus*) – 4.8 metre radius from the centre of the tree base.
 - vi. Tree 21 (*Eriobotrya japonica*) – 2.0 metre radius from the centre of the tree base
 - vii. Tree 24 (*Pittosporum eugenioides*) – 2.0 metre radius from the centre of the tree base
 - viii. Tree 25 (*Corymbia maculata*) – 8.8 metre radius from the centre of the tree base.
 - ix. Tree 26 (*Eucalyptus goniacalyx*) – 6.6 metre radius from the centre of the tree base.
 - x. Tree 27 (*Cedrus deodara*) – 4.3 metre radius from the centre of the tree base.
 - xi. Tree 28 (*Eucalyptus nicholii*) – 6.72 metre radius from the centre of the tree base.
 - xii. Tree 29 (*Prunus cerasifera*) – 2.0 metre radius from the centre of the tree base.
 - xiii. Tree 30 (*Melaleuca linariifolia*) – 7.32 metre radius from the centre of the tree base.
 - xiv. Tree 31 (*Pyrus calleryana*) – 3.0 metre radius from the centre of the tree base.
 - b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.

11.4
(cont)

- 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.
7. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:
- a) A project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of these trees do not adversely impact their health and / or stability now or into the future.

11.4
(cont)

- c) The Front Fence where within the TPZs of Trees 2, 12, 13, 25, 26, 27, 28, 30 and 31 must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within greater than 10% of the TPZs. There must be no Strip Footings used for the construction of the Front Fence where within the TPZs of these Trees, and no roots greater than 40mm in diameter are to be cut or damaged during any of the works.
- d) Unit 2 where within the TPZ of Trees 2 and 30, must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change within greater than 10% of the TPZ. The postholes must be hand dug and no roots greater than 40mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so that they are not affected by soil movement.
- e) The Decking's for Units 1 and 2 where within the TPZs of Trees 2 and 17, must be constructed on tree sensitive footings, such as post footings or screw piles, with no grade change greater than 10% within the TPZ. The postholes must be hand dug and no roots greater than 40mm in diameter are to be cut or damaged. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footings and foundations can be designed so that they are not affected by soil movement.
- f) The driveway where within the TPZ of Tree 26, must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within greater than 10% of the TPZ, and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.
- g) No trenching is allowed within the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 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.
- h) The builder / site manager must ensure that any buildings and works within or adjacent to the TPZs of Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 do not adversely impact their health and / or stability now or into the future.

11.4
(cont)

- i) The builder / site manager must ensure the TPZ Fencing Conditions and the Tree Protection Conditions for Trees 2, 12, 13, 17, 18, 21, 24, 25 and 26 are being adhered to throughout the entire building process, including site demolition, levelling, and landscape works.
8. Prior to the commencement of any buildings or demolition works, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority
- All works must be undertaken in accordance with the endorsed SDA to the satisfaction of the Responsible Authority. No alterations to the reports may occur without the written consent of the Responsible Authority.
- The SDA must include:
- i. An assessment addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied which includes rainwater tanks of a minimum 3,000 litre capacity for retention purposes for each dwelling in lieu of raingardens and/or Enviro Pits.
 - ii. Rainwater tanks connected to all toilet flushing, laundry systems and irrigation areas.
 - iii. Permeable paving to driveway areas.
 - iv. A complete, published BESS Report, with an acceptable overall score of at least 50% and also which meets the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.
 - v. That the development achieves an average minimum NatHERS 6.3 star energy efficiency rating reflecting best practice energy efficiency and thermal comfort.
 - vi. Heating and cooling systems include a minimum 4 star energy efficiency rating.
 - vii. Hot water systems include a minimum 5 star energy efficiency rating.
 - viii. A minimum 2 kilowatt solar photovoltaic system per dwelling.
 - ix. LED light fittings used to provide artificial lighting and designed to achieve a maximum illumination power density of 4 W/m² or less.

11.4
(cont)

- x. Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).
 - xi. Double glazing used to all living areas and bedrooms.
 - xii. One secure bicycle parking space per dwelling to the satisfaction of the Responsible Authority.
9. 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.

10. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. 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.
12. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.
13. 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.

11.4
(cont)

14. 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.
15. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.
16. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.
17. 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.
18. 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.
19. The endorsed Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.
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:

- i. 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.

11.4
(cont)

Assets

- ii. 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.
- iii. 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.
- iv. 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.
- v. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning permit, amendment of the Planning Permit might be required.
- vi. The vehicle crossing or any part of the vehicle crossing must not be within 10 metres of the intersection, i.e. the existing No Stopping signage must not be relocated or moved.
- vii. 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.
- viii. 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.
- ix. 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.

11.4
(cont)

- x. 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.
- xi. 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.
- xii. Floor levels need to be amended if vehicle access to the garage cannot be achieved.
- xiii. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890).
- xiv. No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans.

Waste Management

- xv. Any MGB placements proposed on Holland Road & Wicking Court for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.
 - a) If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service and a WMP must be resubmitted to Council for approval.
- xvi. Waste collections for this development are to be completed externally by Council's waste collection contractor.
- xvii. Council issued bins will be required for this development.
- xviii. MGB usage is based on individual usage by the occupiers of the development.
- xix. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.
- xx. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.

11.4

(cont)

xxi. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.

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.

AMENDMENT WAS PUT AND CARRIED

PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That the Motion be put.

CARRIED

The Motion moved by Cr Massoud, Seconded by Cr Lane was then put and CARRIED

A Division was called.

Division

| For | Against |
|--------------|----------------|
| Cr Barker | Cr Carr |
| Cr Cutts | Cr Lane |
| Cr Davenport | |
| Cr Liu | |
| Cr Massoud | |
| Cr McNeill | |
| Cr Skilbeck | |
| Cr Stennett | |

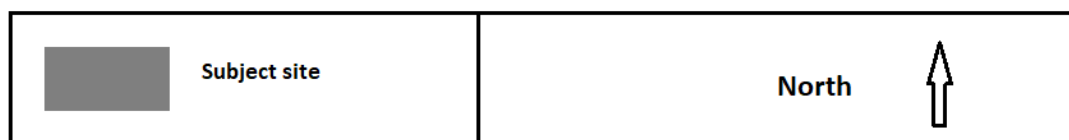
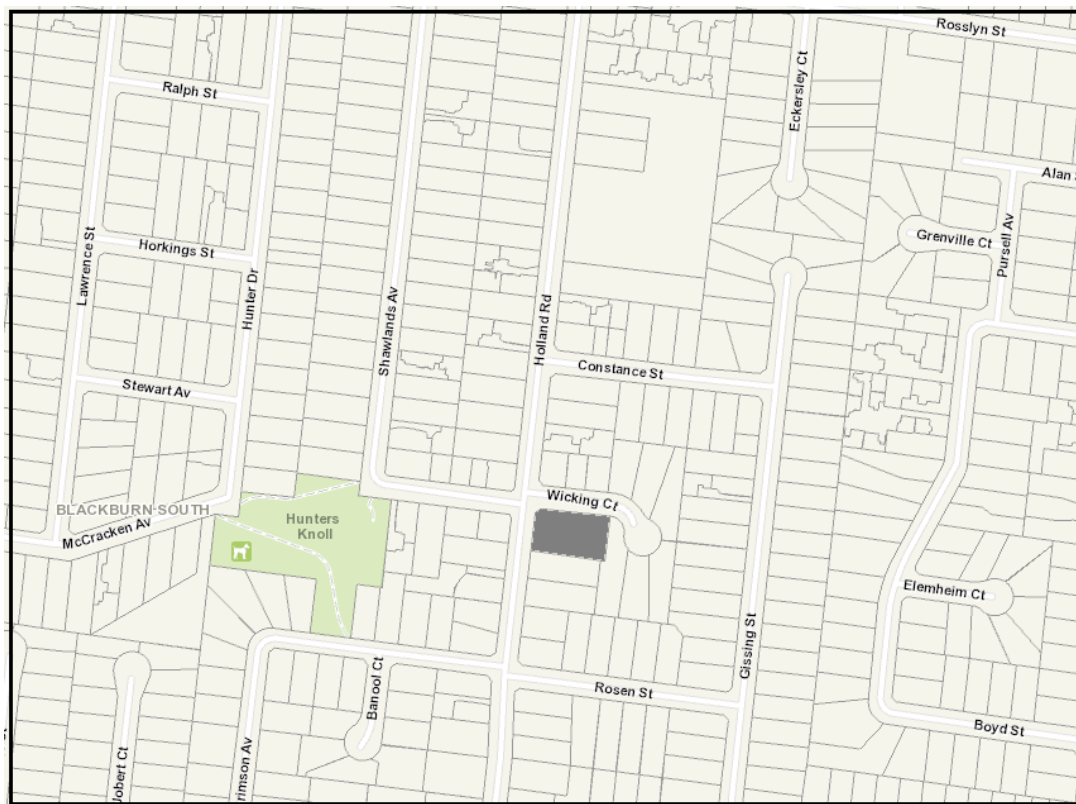
On the results of the Division the Motion was declared CARRIED

MELWAYS REFERENCE 61 K2

| | |
|-------------------|---|
| Applicant: | Ausdraft P/L |
| Zoning: | Neighbourhood Residential Zone, Schedule 3 (NRZ3) |
| Overlays: | Significant Landscape Overlay, Schedule 9 (SLO9) |
| Relevant Clauses: | |
| Clause 11 | Settlement |
| Clause 12 | Environment and Landscape Values |
| Clause 15 | Built Environment and Heritage |
| Clause 16 | Housing |
| Clause 21.05 | Environment |
| Clause 21.06 | Housing |
| Clause 22.03 | Residential Development |
| Clause 22.04 | Tree Conservation |
| Clause 32.09 | Neighbourhood Residential Zone, Schedule 3 |
| Clause 42.03 | Significant Landscape Overlay, Schedule 9 |
| Clause 52.06 | Car Parking |
| Clause 55 | Two or More Dwellings on a Lot or Residential Buildings |
| Clause 65 | Decision Guidelines |

11.4
(cont)

Ward: Eley



BACKGROUND

History

There is no known planning permit history for the subject site.

The Site and Surrounds

The subject site is located at the south-east intersection of Holland Road and Wicking Court, in Blackburn South. The site has a frontage of 24.82 metres to Holland Road, a splayed corner of 4.31 metres and a frontage of 47.7 metres to Wicking Court. The site comprises an area of 1,393 square metres.

The site has a minor sloping north-easterly aspect with a 2.44 metres wide easement located across the rear (eastern) boundary.

The site contains a double storey, brick dwelling with a detached brick garage, serviced via a loosely paved driveway. Two crossovers exist on Wicking Court with no crossover to Holland Road.

11.4
(cont)

Vegetation within the site is comprised of both native and exotic trees / shrubs and several large canopy trees. The applicant's arborist report, prepared by Tree Response, provides an assessment of 31 trees of which 17 are located within the subject site. A table summarising the affected trees on the subject site is included under the 'Planning Controls' heading below.

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

- To the south, at 43 Holland Road, the lot contains a single storey dwelling. The dwelling has a front setback of 8.95 metres and a minimum setback of 2 metres to the shared common boundary. To the rear of the dwelling is an area of secluded private open space.
- To the east, at 2 Wicking Court, contains a single storey brick dwelling. The eastern boundary has an interface with the front garden of this lot, noting the dwelling is set back deep into the lot.
- To the north, at 37 Holland Road, 1 and 1A Wicking Court, contains two double storey dwellings facing Wicking Court and one single storey dwelling facing Holland Road on a lot of 1039sqm (smaller than the subject site),

Planning Controls

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

Neighbourhood Residential Zone – Schedule 3

Pursuant to Clause 32.09-6 of the Neighbourhood Residential Zone, a permit is required for the construction of two or more dwellings on a lot. Schedule 3 to the Zone includes variations to the requirements of Clause 55.

Under Clause 32.08-4 a development must meet a minimum Garden Area requirement of 35%. The development plans indicate an area of 53.1% thus demonstrating compliance with Clause 32.09-4.

11.4
(cont)

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, including a front fence, as summarised in the tables below:

| Tree No. | Species | Common Name | Height (m) | DBH (cm) | Applicant's Arborist's Comments |
|----------|-------------------------------|-----------------|------------|----------|---|
| 5 | <i>Eucalyptus melliodora</i> | Yellow Box | 7 | 17 | Low amenity value with kinked trunk and thin canopy |
| 6 | <i>Eucalyptus gonicalyx</i> | Long-leaved Box | 6 | 24 | Low – to medium value with trunk lean to south |
| 7 | <i>Eucalyptus gonicalyx</i> | Long-leaved Box | 7 | 27 | Low – medium amenity value with kinked / leaning trunk and lower stem removed |
| 8 | <i>Eucalyptus gonicalyx</i> | Long-leaved Box | 5 | 14 | Low amenity value – minor lean to west and regrowth suckers between 7 and 8 |
| 10 | <i>Grevillea robusta</i> | Silky Oak | 14 | 39 | Medium amenity value – No major defects |
| 14 | <i>Eriobotrya japonica</i> | Loquat | 5 | 22 | Low amenity value with basal co-dominant stems |
| 15 | <i>Cupressus sempervirens</i> | Italian Cypress | 6 | 10 | Low amenity with two trees against the house |

Note: D.B.H= Trunk Diameter at Breast Height

Source: Tree Response, arborist report, dated 23 September 2020

The remaining trees on site – 1 (*Pittosporum undulatum*), 3 (*Fraxinus angustifolia*) and 9 (*Acacia baileyana*) do not require a permit for their removal, as they are environmental weeds listed under Schedule 9 to the SLO. Tree 4 (*Eucalyptus obliqua*), Tree 11 (*Cedrus deodara*) and Tree 16 (*Grevillea robusta*) are considered to be dead/dying and also meet the exemption provisions under the SLO.

11.4
(cont)

Buildings and works within 4m of protected trees

| Tree No. | Species | Common Name | Height (m) | DBH (cm) | Comments |
|----------|-------------------------------|-------------------------|------------|----------|---|
| 2 | <i>Eucalyptus obliqua</i> | Messmate | 13 | 60 | Medium amenity value |
| 12 | <i>Acacia melanoxylon</i> | Blackwood | 7 | 15 | Low to medium amenity value – with no major defects |
| 13 | <i>Jacaranda mimosifolia</i> | Jacaranda | 6 | 21 | Low amenity value |
| 17 | <i>Eucalyptus leucoxylon</i> | Yellow Gum | 8 | 36 | Medium amenity value |
| 18 | <i>Callistemon salignus</i> | Willow-leaf Callistemon | 8 | 40 | Neighbours tree Low – medium amenity value |
| 26 | <i>Eucalyptus goniocalyx</i> | Long-leaved Box | 13 | 58 | Neighbours tree Medium – high amenity value |
| 30 | <i>Melaleuca linariifolia</i> | Flax Leaf Paperbark | 6 | 61 | Street tree Medium amenity value |
| 31 | <i>Pyrus calleryana</i> | Callery Pear | 6 | 25 | Street tree Medium amenity value |

Note: D.B.H= Trunk Diameter at Breast Height

Source: Tree Response, arborist report, dated 23 September 2020

PROPOSAL

The application proposes the development of three double storey dwellings, tree removal and buildings and works within 4 metres of protected trees including a front fence. The key features of the proposal include:

- Dwelling 1 would front Wicking Court to the north and Dwellings 2 and 3 would be oriented west to front Holland Road.
- Dwellings 2 and 3 have a minimum front setback of 9 metres and Dwelling 1 a setback of 3.49 metres to Wicking Court.
- Dwelling 1 provides for a double-width garage (accessed via the north-west corner on Wicking Court), open plan kitchen, living and dining room, master bedroom, separate theatre room, study and laundry at ground level and a master bedroom, two further bedrooms, retreat area, sitting area and bathroom at first floor level.

11.4

(cont)

- Dwellings 2 and 3 both provide for a single-width garage (accessed via separate crossovers to Holland Road), open plan kitchen, meals and living area, bedroom, powder room and laundry at ground level and a master bedroom, two further bedrooms, bathroom and small retreat area at first floor level.
- Each dwelling is provided with an area of secluded private open space, including:
 - Dwelling 1 – located to the south-west, including an in-ground pool with an area of 235 square metres.
 - Dwelling 2 – located to the north-east (fence setback 2.5 metres from the Wicking Court boundary), with an area of 93.4 square metres.
 - Dwelling 3 – located to the east with an area of 103 square metres.
- Tree 2 (*Eucalyptus obliqua*) is retained within the area of secluded open space to dwelling 2; trees 12 (*Acacia melanoxylon*) and 13 (*Jacaranda mimosifolia*) are retained within the front setback to dwelling 1 and Tree 17 (*Eucalyptus leucoxylon*) is within the area of secluded open space to dwelling 3.
- The external materials include face brickwork, light-weight cladding at upper level with render finish (dulux flooded gum), colorbond cladding to the upper level hipped roofs (Woodland Grey in colour) with the ground level roof form flat. The front façade to dwelling 1 includes feature sandstone tile cladding and a glass balustrade to external balcony (accessed via the master bedroom).
- Front fencing across the site frontages (except for the area of SPOS to dwelling 2) is a 1.2 metre high brick pier with wrought iron infills.
- The proposed maximum overall height is 8.4 metres.
- The proposed site coverage is 37%.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting 2 notices to the street frontages. Following the advertising period 17 objections were received. The issues raised can be summarised as follows:

- Neighbourhood Character
- Extent of vegetation removal
- Landscaping opportunity on site
- Amenity impacts (overlooking and noise)
- Extent of site coverage
- Traffic impacts and parking
- Impacts during the construction period

11.4
(cont)

Consultation Forum

A consultation forum was held online via Zoom on 22 April 2021, chaired by Councillor Denise Massoud. The planning officer, applicant and objectors attended the meeting.

At the forum, the issues raised in the objections were discussed. However, no consensus were reached between the parties.

A Section 57A amendment was lodged on 25 October 2021. The following changes were made to address concerns:

Dwelling 1

- The garage has increased the setback from 4.32 to 5.03 metres to the east boundary.
- The upper level east elevation has increased its setback to the east boundary by 240mm.
- A reduction in the area of secluded private open space from 252.7 to 235 square metres (generally resulting from the reduction in the pool area).
- Retention of tree 17 (*Eucalyptus leucoxylon*).

Dwelling 2

- An increase in the front setback from 6.9 to 9 metres and increase in the setback to Wicking Court from 2 to 2.93 metres (ground level bedroom).
- Modification from a double-width garage to single-width garage.
- Paving replaced with decking to reduce impact to tree 2.
- Removal of the 1.8m brick piers and timber infill fence (enclosing the SPOS) from the Wicking Court boundary to a timber paling fence setback 2.5 metres.
- Increased porch width to the front façade.
- Increased separation to dwelling 1 from 2.9 to 3.2 metres.

Dwelling 3

- Reduction in the floor area with the kitchen no longer attached to dwelling 2. The internal separation between dwellings 1 and 2 has increased to 3 metres.
- Modification from a double-width garage to a single-width garage, resulting in shifting the wall off the south boundary (achieving a setback of 1.14 metres to south boundary).
- Increase in area of secluded private open space from 65.3 square metres to 103 square metres.

11.4
(cont)

Overall, the site coverage has reduced from 40% to 37% with the garden area increased from 50.5% to 53.1%.

The application was re-advertised on 11 November 2021. A further 2 written submissions were received from new objectors (these objections are included in the above total). The issues summarised above remain to be the key concerns with the proposal.

Referrals

External

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

Internal

Parks and Natural Environment Department

The application has been reviewed by Council's Parks and Natural Environment Team. The following is a summary of advice:

- Development is outside of the TPZ of Tree 29 and is not expected to impact on tree health and longevity.
- Development is within the TPZ of Tree 28 and Tree 30, but less than the 10% encroachment mandated within AS4970 2009 and is unlikely to significantly impact on tree health and longevity.
- Development of the proposed crossovers are within the TPZ of Tree 27 and 31 and likely an encroachment of greater than the 10% mandated within AS 4970 2009.
- Does not support the proposed crossover installation near Tree 27 and 31 and the plans must be modified to ensure both trees are retained under Whitehorse's Urban Forest Strategy. It is recommended that the crossovers are modified or moved without impacting Tree 27, 28, 30 or 31.

It is recommended a Tree Root Investigation Report be undertaken to substantiate the impact to trees 27 and 31.

- Planning Arborist

The application and the plans revised on 18/10/2021 have been reviewed by Council's Planning Arborist.

The initial referral identified for Trees 10, 12 and 17 to be retained with no objection to the removal of Trees 5, 6, 7, 8, 14 and 15, as these trees are relatively small and have poor form and can be easily be replaced in appropriate locations within the site.

The amended plans were reconsidered by council's arborist. The amended plans show the retention of Trees 12 and 17 and whilst the removal of tree 10 is proposed, the application is still supported subject to conditions.

11.4
(cont)

- Waste Management

The application has been reviewed by Council's Waste Management Team. The Waste Management Plan is supported subject to conditions and notes being included within any permit.

- Assets Engineer

The application has been reviewed by Council's Asset Engineer. The application is supported subject to standard conditions and notes included within the permit.

- Transport Engineer

The application has been reviewed by Council's Traffic and Transport Team. The application is supported subject to conditions placed on any permit.

- ESD

The application has been reviewed by Council's ESD officer. The application is supported subject to conditions.

DISCUSSION

The key considerations in the assessment are:

- Does the proposed development respond to its zoning and planning policy context?
- Is the development an acceptable response to the preferred and existing neighbourhood character?
- Whether the vegetation removal is acceptable?
- Would the trees to be retained adequately protected?
- Whether the proposed landscaping is adequate?
- Will the development have unacceptable amenity impacts on adjoining residential properties?
- Is the car parking layout satisfactory?

Consistency with State and Local Planning Policies

The construction of three dwellings on this site is generally 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 Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed 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.

11.4
(cont)

Clause 21.06 (Housing) of the Local Planning Policy Framework is informed by Council's Housing Strategy 2014, and identifies the site within a Limited Change Area. New development within Limited Change Areas should reinforce the preferred future neighbourhood character of the area, and some 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.

Consideration must also be given to the design response in relation to the site's location within the Significant Landscape Overlay Schedule 9 (SLO9). The presence of the SLO9 does not negate the ability of a site to be developed for residential purposes, however the combination of the SLO9 and the Bush Suburban character statement requires a more sensitive approach and places a higher level of expectation on how a site is to respond to built form, landscape and environmental values.

The SLO areas and controls do not seek to prohibit development but are designed to guide and shape new development to ensure the environmental and landscape elements valued by the community continue to be protected and new development respects and responds to these performance objectives.

The proposed dwellings have sought to respond to these measures through a site responsive design that creates appropriately landscaped areas and a variety of housing stock within the development.

Setbacks are provided that respond appropriately to the surrounding built form, articulated façade features, variation of external materials and the provision of a pitched roof form. Appropriate spacing for landscaping and replanting has been provided throughout the site and the decision guidelines of Clause 22.04 and the SLO9 are considered to be met.

11.4
(cont)

Design and Built Form

Holland Road supports a varied residential character, including remnant housing stock and newer infill residential development, including three double storey dwellings directly opposite the subject site to the north. With regard to policy guidance for the subject site, the Bush Suburban Neighbourhood Character Statement contained within the policy at Clause 22.03 - *Residential Development* of the Scheme, encourages the following preferred character outcomes:

The low scale, pitched roof dwellings will sit within established garden settings that contain substantial vegetation including native and exotic canopy trees. The dominance of remnant indigenous eucalypts is retained and enhanced.

Properties abutting or situated close to Gardiners Creek, the Blackburn Creeklands and Wurrundjeri Walk, or with interface to Bush Environment areas will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the open space corridors.

New buildings will occasionally be built to one side boundary, however the rhythm of dwelling spacing appears regular from the street. In areas where timber predominates, new buildings utilise complementary materials. The impression of the streetscape will be of informality and openness due to a frequent lack of front fencing or low, unobtrusive fences, and the landscaped setting.

The landscape character of the area will be enhanced through the planting and growth of new vegetation, including large shrubs and tall canopy trees.

The proposed development reflects the above statements through the modest building footprints which both meet the varied schedules to the zone for site coverage of 37% and permeability of 54.5% and provide suitable landscaping areas to accommodate trees and other planting to allow the development to integrate with the surrounding streetscape.

The wide street frontages (24.8 metres to Holland Road and 49.7 metres to Wicking Court) provide an opportunity for the three dwellings to have a direct orientation to each respective street to maintain the rhythm of streetscape, including active frontages to the public realm, and balance and symmetrical built form on both streets.

The layout proposes no walls on boundaries and the side and rear (east and south) boundary setbacks exceed the minimum boundary setbacks allowed by Standard B17 (Side and Rear Setbacks) of Clause 55 to ensure that the buildings respect the existing and preferred neighbourhood character of the area where landscaping space around buildings is a predominant character; and also to ensure the impacts on the amenity of existing dwellings on the southern and eastern abutments.

11.4
(cont)

The average front setbacks of adjoining dwellings are 8.95 metres which follows the established predominant rhythm of street setback 6-7m as specified under the 'key existing characteristics' in Bush Suburban Precinct 3. The ground level front setback for dwellings 2 and 3 varies between 9 and 9.7 metres (with porches within allowable setback encroachments) which meets Standard B6 (Front setback).

The 8.4 metre overall building height is below the 9 metre building height allowed under the zone. The proposal does not present a significant height difference to the neighbouring dwellings and other double-storey developments within the local setting, including that immediately opposite the subject site to the north that has a maximum building height of 8.3m in on the southern elevation.

The upper levels are centred within the site and offer an appropriate transition in height to the adjoining dwellings. The visual amenity of the neighbouring dwellings would be further improved by the proposed separation between the upper levels including the distance of 11.8m between dwellings 1 and 3, 7.1m between dwellings 2 and 3 that assist penetrating views across the properties and reducing the level of perceived bulk.

The proposed site (building) coverage of 37% is below the preferred maximum 40% as specified under the modified ResCode Standard B8 and the proposed permeable area of 54.5% also under the preferred minimum 40% as specified under the modified Standard B9 within the Neighbourhood Residential Zone Schedule 3, indicating that the site layout allows for acceptable landscaping areas.

Articulation is achieved via engaging front façades, recessed upper levels, and staggered setbacks across the built form, hipped roof forms (with eaves) at upper level, a flat roof form at lower level, and variation in materials to prevent visual monotony within the development and visual intrusion and perception of building bulk to the adjoining single storey dwellings on the southern and eastern abutments.

The proposed 1.2 metre high fence is consistent within this setting that displays a variety of fencing styles and types. The amended plans have set back the solid fence enclosing the area of SPOS to dwelling 2.5 metres from Wicking Court. 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.

11.4
(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:

- To retain and enhance the canopy tree cover of the 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.
- To ensure that new development provides adequate vegetation and gardens consistent with the preferred neighbourhood character.

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 7 trees (Trees 5, 6, 7, 8, 10, 14 and 15) protected by SLO9. The remaining trees as outlined in the table earlier in this report are not protected, as they are either environmental weeds or dead/dying trees.

Council's consulting arborist supports the application which includes the retention of Trees, 12 and 17 which were originally sought for removal. Removal of the remaining protected trees is acceptable as the species do not make a significant landscape contribution as their useful life expectancy is low. The trees proposed to be retained onsite are as follows:

- Trees 2 is a *Eucalyptus obliqua* (Messmate) of varied conditions and is moderately contributory to the landscape character although it has some prior wounds on the trunk. Much of the encroachment is by way of a decking and can be retained subject the tree management conditions.

11.4

(cont)

- Tree 12, is an *Acacia melanoxylon* (Blackwood) and has a limited useful life expectancy. However, as it is an evergreen indigenous species and does not have major defects, it has been suggested for retention.
- Tree 13 is a *Jacaranda mimosifolia* (Jacaranda). Although it is a small exotic tree of low landscape contribution according to its current condition, it is now shown on the plans to be retained as it is a growing tree that is suitable for long-term retention and has potential to increase its landscape value in the future.

Tree 17 is a *Eucalyptus leucoxylon* (Yellow Gum) tree. As it has substantial landscape contribution, it is shown on the plans to be retained. Most of the encroachment is by way of a decking that can be managed through the permit conditions. There is also an opportunity for replacement planting to occur, as evidenced by the generous garden area of 53%. The Planning Scheme requires consideration of an appropriate balance between retaining trees that make a landscape contribution versus those that would be better replaced with more appropriate species. These considerations are then also balanced between appropriate space and built form outcomes.

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 *Acacia melanoxylon* – Blackwood (12m high), 3 x *Eucalyptus goniocalyx* – Long leaf box (12m high) and 4 x *Pyrus Capital* – Ornamental Pear (8m high). This results in 13 trees across the site (4 retained and 9 new trees, with 9 trees exceeding a height of 12m).

This outcome would exceed the planting suggestions under Standard B13 (Landscaping), which encourages two trees per dwelling (six trees in total) capable of reaching a height of 12 metres at maturity. These six trees are complimented by a total of 264 shrubs and ground covers and 313 grasses and climbers.

Overall, the level of tree retention and new landscaping will achieve a complete garden scheme that will allow the development to blend with the preferred Bush Suburban landscape character of the area.

Amenity

Overshadowing

The shadow diagrams submitted with the application demonstrate that the proposal would not significantly overshadow the adjoining dwellings' areas of secluded private open space (situated to the east and south), complying with the numerical requirements of ResCode Standard B21. The shadow diagrams demonstrate that the shadows casting at 9am, 12noon or 3pm do not significantly cast into the secluded private open spaces of adjoining dwellings. The minor shadow cast into the tree line along on northern side of the dwelling at 43 Holland Road is acceptable, as this space is not form part of the secluded private open space.

11.4
(cont)

Overlooking

All habitable room windows within 9 metres of adjoining and internal lots are screened in accordance with Standard B22 (Overlooking).

Building

When viewed from the public and private realms, bulky buildings generally detract from the attractiveness of neighbourhoods and create a closed in feeling. However, in this case, the building bulk would not become unacceptable due to that fact the development has incorporated generous front and side street setbacks that have ample room for landscaping and growing canopy trees, side and rear setbacks capable of growing vegetation, moderate building height, hipped roof form, inset garages and building façade articulation.

Car Parking

The proposal has a requirement to provide six (6) resident car spaces, which is achieved through the provision of a double-width garage for dwelling 1 and a single-width garage for dwellings 2 and 3 (with tandem space within the driveway). On this basis, the proposal complies with the car parking requirement in Clause 52.06. Also, the layout and design of the car parking spaces are considered to meet Clause 52.06-9 (Design standards for car parking). Accordingly, the following is noted:

- Each access way has a minimum width of 3m;
- Headroom clearance of all garages entries are at least 2.1m;
- Corner splays are provided;
- Garage openings are wide 4.8m for the garage 1 (double garage) and 2.4m for garages 2 and 3 (single garages);
- Internal clearance of 6m x 5.5m provided to the double garage and 6m x 3.5m for the two single garages; and
- Ramp gradient of 1:11-1:12 are provided.

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 and found to achieve an acceptable outcome. It is determined that the siting provides acceptable opportunity for new landscaping to meet the landscaping objectives of the planning scheme and the design of the dwellings adds to the mix of dwelling styles present within the streetscape.

11.4
(cont)

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. The impacts of the development on trees have been assessed by Council's Planning Arborist and Parks and Natural Resources Department's Arborist. They are supportive of the proposal subject to conditions, which will be included within the Planning Permit requiring the implementation of tree protection measures for all adjoining and street trees.

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 car parking concerns. According to Council's Transport Engineers, the vehicle manoeuvring is appropriate and adequate number of parking can be provided within the site.

There is no requirement within the planning scheme for the provision of any further on-site visitor parking or for vehicles to exist the site in a forward direction. Further to this, the addition of three dwellings (which provide the appropriate level of on-site parking) will not contribute towards increased traffic congestion or safety risks.

Construction process

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 to provide some assurances around addressing impacts during construction.

11.4
(cont)

CONCLUSION

The proposal for construction of Construction of three, two storey dwellings, removal of trees and buildings and works within 4 metres of trees is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential 3 Zone and Clause 55.

A total of 17 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.

ATTACHMENTS

- 1 Plans 
- 2 Advertised Arborist Report 

The meeting was adjourned at 8.57pm for a five minute break. The meeting resumed at 9:02pm. Cr Skilbeck returning to the chamber at this point.

11.5 32 Laburnum Street, Blackburn (Lot 48 LP 6632) Tree removal in the Significant Landscape Overlay - Schedule 2

City Planning and Development
City Development
File Number: WH/2021/978
Attachment

SUMMARY

This application proposes removal of seven (7) indigenous trees located within the front setback of the site under the Significant Landscape Overlay (SLO2). Of these, Tree 1 is a Lemon-scented Gum (*Corymbia citriodora*) and Trees 2-7 are Sugar Gums (*Eucalyptus cladocalyx*) species. The trees are located along the front site boundary and the side of the existing carport. Tree 1 was found to be dead during the inspection by Council's consulting arborist and does not require a planning permit to remove but is referenced in this report for context.

The submitted arborist report found that all trees suffer from wounds or structural defects in their trunks which could not be resolved with maintenance. Trees 2 and 3 lean towards the street and Tree 3 has deadwood currently over the footpath. Trees 4, 5, 6 and 7 lean towards the neighbouring property or power lines. As relocating the structures/infrastructure at risk or isolating the fall area which is mostly in a public thoroughfare is not possible, remediation is not considered possible and so removal is recommended.

If approved, the applicant proposes to plant seven (7) replacement trees, with four (4) to be located in the front setback and three (3) within the rear open space. These would be either Yellow Box (*Eucalyptus melliodora*) or Narrow Leafed Peppermint Gums (*Eucalyptus radiata*).

The application was advertised, and a total of 25 objections and one letter of support were received. The objections raised issues with proposed removal of vegetation. A Consultation Forum was held online via Zoom on 1 March 2022 chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. After assessment by Council's consulting arborist and council officers the proposal is recommended for support as the age and structure of the trees are poor, and they cannot be remediated. Removal will allow conditioning of a complete landscaping response to replace the lost landscape contribution. It is recommended that the application be supported, subject to conditions.

11.5
(cont)

RECOMMENDATION

That Council being the Responsible Authority, having caused Application WH/2021/978 for 32 Laburnum Street, Blackburn (Lot 48 LP 6632) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Tree removal in the Significant Landscape Overlay - Schedule 2 is acceptable and should not unreasonably impact the amenity of adjacent properties and therefore issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 32 Laburnum Street, Blackburn (Lot 48 LP 6632) for the Tree removal in the Significant Landscape Overlay - Schedule 2, subject to the following conditions:

1. Before trees or vegetation are removed, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Tree 1 (Lemon-scented Gum - *Corymbia citriodora*) as being dead and not requiring a Planning Permit to remove.
 - b) A Landscape Plan in accordance with Condition 3.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. No vegetation, apart from trees 1 (Lemon-scented Gum - *Corymbia citriodora*); 2; 3; 4; 5; 6 and 7 (Sugar Gums – *Eucalyptus cladocalyx*) as detailed within the Arborist Report prepared by Tretec dated 26 March 2021, as shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
3. No trees or vegetation shall be removed until a landscape plan prepared by a suitably qualified and experienced landscape architect firm or person has been submitted to and endorsed by the Responsible Authority. This plan (when endorsed) must form part of this permit. This plan must show:
 - a) Any changes required by Condition 1.
 - b) The front open space of the site contain provision for a complete landscape response preferring native species including ground covers, low to mid-height shrubs and canopy plantings which can contribute to the surrounding 'bush' character of the landscape and objectives of the bush environment character statement.

11.5
(cont)

- c) Replacement planting of a minimum of at least seven (7) trees from the below list:
- Blackwood (*Acacia melanoxylon*)
 - Smooth-barked Apple (*Angophora costata*)
 - Rough-barked Apple (*Angophora floribunda*)
 - Yellow Gum (*Eucalyptus leucoxylon*)
 - Yellow Box (*Eucalyptus melliodora*)
 - Red Box (*Eucalyptus polyanthemos*)

All new trees must be planted at a minimum height of 1.5 metres:

- a) Four (4) of the replacement trees required under condition 3b must be planted within the Laburnum Street front setback of the site.
 - b) Three (3) of the replacement trees required under condition 3b must be planted within the open space to the rear of the dwelling on the site.
 - c) The stumps of trees approved for removal being retained;
 - d) Any recommendations to ensure the retained stumps do not pose a constraint to the proposed replanting must be clearly noted/detailed on the drawings
 - e) To note that the roots of the trees retained will not be 'bored out'.
 - f) All replacement trees must be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).
 - g) The capacity to replace any plantings damaged during the tree removal works
 - h) Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.
 - i) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - j) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.
 - k) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
- Once approved these plans become the endorsed plans of this permit.
4. Replacement planting as required by this permit must be completed within six (6) months of the permitted tree removal.

11.5
(cont)

5. The applicant/property owner is required to contact Council's Statutory Planning Enforcement team in writing after the completion of both tree removal and replacement planting to arrange for an inspection.
6. The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.
7. The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.
8. No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.
9. This permit will expire if the tree removal is not completed within 12 months from the date of issue 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. This application was not assessed against ResCode.
- B. 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.
- 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.

MOTION

Moved by Cr Cutts, Seconded Cr Barker

That Council:

- A. Being the Responsible Authority, having caused Application WH/2021/978 for 32 Laburnum Street, Blackburn (Lot 48 LP 6632) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Tree removal in the Significant Landscape Overlay - Schedule 2 is unacceptable and should not be supported.
- B. Has formed a position to oppose the application in relation to the land described as 32 Laburnum Street, Blackburn (Lot 48 LP 6632) for Tree removal in the Significant Landscape Overlay - Schedule 2, on the following grounds:

11.5
(cont)

C.

1. The proposal fails to comply with Clause 12 of the State Planning Policy Framework in relation to the protection and conservation of areas with identified landscape values.
2. The proposed tree removal is contrary to the Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly Clause 22.04 - Tree Conservation.
3. The proposed tree removal does not meet the decision guidelines under Schedule 2 to clause 42.03 – Significant Landscape Overlay.

- D. Has formed this position having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

THE MOTION WAS PUT AND LOST

A Division was called.

Division

| For | Against |
|-------------|----------------|
| Cr Stennett | Cr Barker |
| Cr Cutts | Cr Davenport |
| Cr Carr | Cr Liu |
| Cr Lane | Cr Massoud |
| | Cr McNeill |
| | Cr Skilbeck |

On the results of the Division the Motion was declared LOST

MOTION

Moved by Cr Davenport, Seconded by Cr Stennett

That this matter be adjourned to 9 May 2022 to enable Cootamundra Ward Councillor to be present for this item.

LOST

COUNCIL RESOLUTION

Moved Cr Massoud, Seconded by Cr Skilbeck

That Council being the Responsible Authority, having caused Application WH/2021/978 for 32 Laburnum Street, Blackburn (Lot 48 LP 6632) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Tree removal in the Significant Landscape Overlay - Schedule 2 is acceptable and should not unreasonably impact the amenity of adjacent properties and therefore issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 32 Laburnum Street, Blackburn (Lot 48 LP 6632) for the Tree removal in the Significant Landscape Overlay - Schedule 2, subject to the following conditions:

11.5
(cont)

1. Before trees or vegetation are removed, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Tree 1 (Lemon-scented Gum - *Corymbia citriodora*) as being dead and not requiring a Planning Permit to remove.
 - b) A Landscape Plan in accordance with Condition 3.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. No vegetation, apart from trees 1 (Lemon-scented Gum - *Corymbia citriodora*); 2; 3; 4; 5; 6 and 7 (Sugar Gums – *Eucalyptus cladocalyx*) as detailed within the Arborist Report prepared by Tretec dated 26 March 2021, as shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
3. No trees or vegetation shall be removed until a landscape plan prepared by a suitably qualified and experienced landscape architect firm or person has been submitted to and endorsed by the Responsible Authority. This plan (when endorsed) must form part of this permit. This plan must show:
 - a) Any changes required by Condition 1.
 - b) The front open space of the site contain provision for a complete landscape response preferring native species including ground covers, low to mid-height shrubs and canopy plantings which can contribute to the surrounding 'bush' character of the landscape and objectives of the bush environment character statement.
 - c) Replacement planting of a minimum of at least seven (7) trees from the below list:
 - Blackwood (*Acacia melanoxylon*)
 - Smooth-barked Apple (*Angophora costata*)
 - Rough-barked Apple (*Angophora floribunda*)
 - Yellow Gum (*Eucalyptus leucoxylon*)
 - Yellow Box (*Eucalyptus melliodora*)
 - Red Box (*Eucalyptus polyanthemos*)

All new trees must be planted at a minimum height of 1.5 metres:

- a) Four (4) of the replacement trees required under condition 3b must be planted within the Laburnum Street front setback of the site.

11.5
(cont)

- b) Three (3) of the replacement trees required under condition 3b must be planted within the open space to the rear of the dwelling on the site.
 - c) The stumps of trees approved for removal being retained;
 - d) Any recommendations to ensure the retained stumps do not pose a constraint to the proposed replanting must be clearly noted/detailed on the drawings
 - e) To note that the roots of the trees retained will not be 'bored out'.
 - f) All replacement trees must be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).
 - g) The capacity to replace any plantings damaged during the tree removal works
 - h) Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.
 - i) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - j) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.
 - k) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
Once approved these plans become the endorsed plans of this permit.
- 4. Replacement planting as required by this permit must be completed within six (6) months of the permitted tree removal.
 - 5. The applicant/property owner is required to contact Council's Statutory Planning Enforcement team in writing after the completion of both tree removal and replacement planting to arrange for an inspection.
 - 6. The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.
 - 7. The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.
 - 8. No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be

11.5
(cont)

retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.

9. This permit will expire if the tree removal is not completed within 12 months from the date of issue of this permit.
10. Prior to removal of any trees or vegetation on site, a report from a suitably qualified expert (in Zoology or similar) must be submitted to the Responsible Authority that assesses the trees for nesting hollows and areas of habitat, and provides recommendations for how to manage such nesting hollows/habitat and birds/mammals that are nesting or living in the trees:
These recommendations could include methods to ensure birds/mammals are safely relocated, as well as timing for when trees should be removed to be post nesting season.
This report once endorsed forms part of the 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. This application was not assessed against ResCode.
- B. 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.
- 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.

MOTION WAS CARRIED on casting vote of Chairperson

A Division was called.

Division

| For | Against |
|-------------|----------------|
| Cr Barker | Cr Carr |
| Cr Liu | Cr Cutts |
| Cr Massoud | Cr Davenport |
| Cr McNeill | Cr Lane |
| Cr Skilbeck | Cr Stennett |

MOTION CARRIED on casting vote of Chairperson

11.5
(cont)

MELWAYS REFERENCE 47 J10

| | |
|-------------------|--|
| Applicant: | Wildwood Nord Pty Ltd |
| Zoning: | Neighbourhood Residential Zone Schedule 1 |
| Overlays: | Significant Landscape Overlay – Schedule 2 |
| Relevant Clauses: | |
| Clause 11 | Settlement |
| Clause 12 | Environment and Landscape Values |
| Clause 12.01-2S | Native Vegetation Management |
| Clause 12.05-2S | Landscapes |
| Clause 15 | Built Environment and Heritage |
| Clause 21.05 | Environment |
| Clause 21.06 | Housing |
| Clause 22.03 | Residential Development |
| Clause 22.04 | Tree Conservation |
| Clause 32.09 | Neighbourhood Residential Zone Schedule 1 |
| Clause 42.03 | Significant Landscape Overlay Schedule 2 |
| Clause 65 | Decision Guidelines |
| Ward: | Cootamundra |



Aerial image of subject site

11.5
(cont)

BACKGROUND

History

The permits on file for the subject site are as follows:

WH/2004/14636 - Removal of 1 tree issued 22 July 2004. This permit approved the removal of a 7 metre high Hinoki False Cypress that was behind the dwelling with a native, replacement tree that would grow to 15 metres high at maturity.

WH/2004/15207 - Removal of four (4) protected trees and pruning of six (6) protected trees issued 10 November 2005. This permit approved removal of four (4) trees in the front setback. The permit required two (2) indigenous replacement plantings along the western boundary adjacent to the driveway and another two (2) indigenous replacement trees in the rear open space.

WH/2021/1076 - Lop one (1) *Eucalyptus cladocalyx* – Sugar Gum Tree was issued on 8 November 2021. The works have been undertaken and the lopped tree is identified as Tree 7 in this report.

The Site and Surrounds

The subject site is located on the southern side of Laburnum Street, between the intersections of Myrtle Grove, and Laurel Grove North in Blackburn. The northern side of Laburnum Street is zoned General Residential Zone 2 (GRZ2) and included in a 'Bush Suburban' Character Area, while the southern side is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1) and located within in a 'Bush Environment' Character Area.

The southern side of the street is typically developed to a lower density, with the majority of lots containing detached dwellings in generous, landscape/tree dominated settings while the northern side sees a presence of multi-unit and townhouse developments in more modest/compact garden settings.

Laburnum Street presents as an avenue as it is lined with developed street trees and a number of tall gum trees along the southern side, this fits with the Bush Suburban character of the north side of the street while also beginning the transition to the more bushland-like character of the areas to the south.

The subject site has a 20.14 metre frontage to Laburnum Street, a depth of 51.82m and a total site area of 1044m². No easements are located on the site which contains a single storey, weatherboard dwelling. The site is heavily vegetated and contains a number of canopy trees, seven (7) of these trees being identified under this application as proposed for removal.

The site is 30 metres west of the southern exit to the Elmore Walk Reserve which runs north-to-south between South Parade and Laburnum Street and contains a number of large gum trees and understorey plantings.

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Planning Controls

Significant Landscape Overlay – Schedule 2 (SLO2)

In accordance with Clause 42.03 of the Significant Landscape Overlay – Schedule 2, a planning permit is required to destroy, remove or lop a tree.

This does not apply to (inter alia):

- A tree having a single trunk circumference of 0.5 metre or less at a height of one metre above ground level.
- The pruning of a tree for regeneration or ornamental shaping.
- A tree which is dead or dying to the satisfaction of the responsible authority.

PROPOSAL

It is proposed to remove seven (7) indigenous trees located within the front setback of the site from the front boundary and the side of the carport.

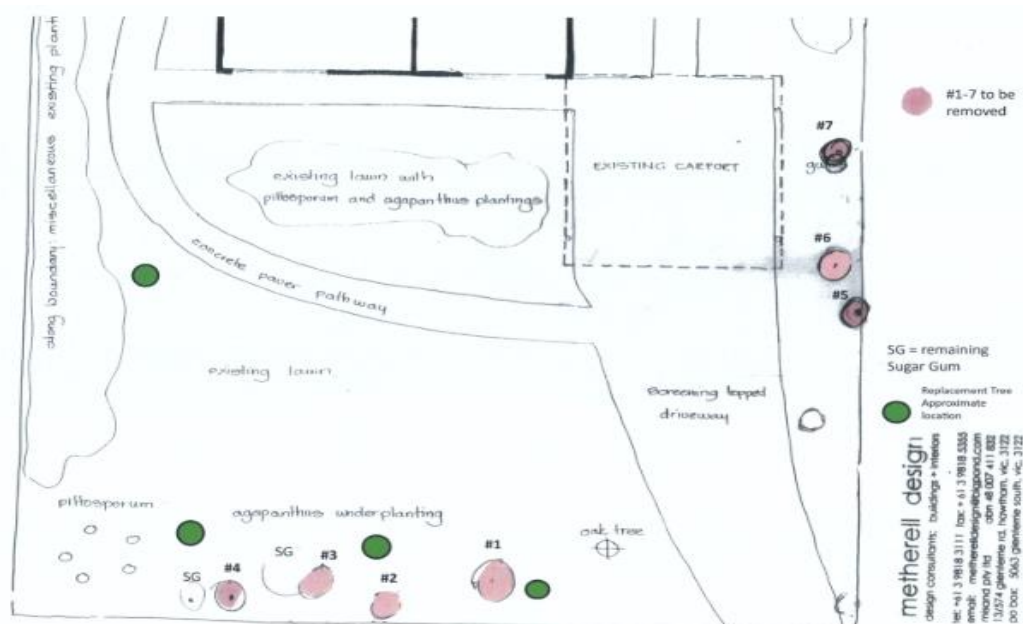
Tree 1 is a Lemon-scented Gum (*Corymbia citriodora*) the remaining six trees are Sugar Gums (*Eucalyptus cladocalyx*) species.

Council's arborist has inspected the trees and confirmed that Tree 1 is dead and therefore does not require a permit for its removal. Its details are included in the table below for reference.

The proposal includes seven (7) replacement plantings on the site, with four (4) to be located in the front setback and three (3) within the rear open space. The proposed replanting species are listed as either Yellow Box (*Eucalyptus melliodora*) or Narrow Leafed Peppermint Gums (*Eucalyptus radiata*).

The plans below combine the submitted drawings to outline the trees proposed for removal.

11.5 (cont)



Close up of front setback plan. Source – Metherell design, October 2004.
Note: pink circles represent proposed tree removal, green circles represent proposed replanting see full plan for all replantings.

The size of the protected trees as depicted in the Arborist Report dated 26 March 2021 are set out below as follows:

Arborist Report dated 26 March 2021

| Tree No. | Name | Species | Trunk Circumference (m) | Risk | Structure | Recommendation / Permit Required? |
|----------|-------------------|------------------------------|-------------------------|----------|-----------|---|
| 1 | Lemon-scented Gum | <i>Corymbia citriodora</i> | 1.25 | Moderate | Fair | Removal. Triggers the need for a permit.* |
| 2 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 1.85 | Moderate | Poor | Removal. Triggers the need for a permit. |
| 3 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 1.53 | Moderate | Poor | Removal. Triggers the need for a permit. |
| 4 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 1.53 | High | Poor | Removal. Triggers the need for a permit. |
| 5 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 2.38 | Moderate | Poor | Removal. Triggers the need for a permit. |
| 6 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 2.8 | Moderate | Unknown | Removal. Triggers the need for a permit. |
| 7 | Sugar Gum | <i>Eucalyptus cladocalyx</i> | 2.1 | High | Poor | Removal. Triggers the need for a permit. |

Source – TreeTec Arborist Report dated 26 March 2021

* Council's consulting arborist has confirmed Tree 1 is dead and does not require a planning permit to remove.

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According to the Arborist Report and Cover Letter prepared by the applicant on 3 October 2021 a total of seven (7) trees were proposed for removal as listed above.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Laburnum Street frontage. Following the advertising period 25 objections (25 objector properties) and one letter of support were received.

The issues raised are summarised as follows:

- Contravenes the provisions of the Whitehorse Planning Scheme, in particular the Significant Landscape Overlay 2 and Local Planning Policy Framework.
- Tree removal is a loss of character and habitat for the area.
- Replanting is insufficient to offset impacts to character and/or habitat.
- Removal of some trees may harm others on site due to enmeshed roots.
- Alternatives to removal have not been considered by the applicant.
- Reduction in amenity for pedestrians and adjoining properties.
- The proposal appears to be to facilitating an undisclosed development that will impact assessment.
- The risk to the occupants and pedestrians is overstated and without context.
 - QTRA Assessment method is not used, so only risks are considered in the assessment.
 - The trees proximity to the carport are due to the carport being constructed near the trees.
- The submitted arborist report is incomplete or inaccurate and only some and not all large trees on site are assessed and heights overstated.

Consultation Forum

A Consultation Forum was held online via Zoom on 1 March 2022. Approximately 10 objectors, the applicant and Council officers attended the meeting. The meeting was chaired by the Ward Councillor - Councillor Munroe.

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Key points discussed during the forum meeting related to the removal of vegetation, the sufficiency of replacement planting and the accuracy and merits of the applicant's arborist report. The applicant expressed a clear position to objectors that there was not an intention to develop the site.

An action item from the Forum was for Council officers to await further comments from Council's consulting arborist to investigate remedial measures as an alternative to removing the trees. This further discussion is addressed in detail later in this report. No resolution was reached between the parties during the meeting.

Referrals

External

No external referral authorities were required as part of the application.

Internal

Planning Arborist

The application was referred to and reviewed by Council's consulting arborist, who was generally supportive of the application and provided the following comments (in summary):

Tree 1:

This tree is dying to the satisfaction of the responsible authority. As such, it is exempt from requiring a permit for its removal.

Permit Triggered Under SLO2 – (for removal)

A permit is triggered under SLO2 for the following trees:

Trees 2 – 7:

Remove – I have assessed these trees and matched the applicant's arborist comments in relation to their health and structure against what I observed on site. I found the comments in relation to the applicant's arborist assessment of the trees to be accurate and correct in relation to their wounds and overall health and condition.

Based on what I observed, I agree with the recommendations in the arborist report, in that the trees should be removed. All the species (apart from tree 1) are Eucalyptus cladocalyx – Sugar Gum. This species has a propensity for failure, which is evident in relation to these trees.

The removal of the trees will have a significant and adverse impact on the landscape character. As such, replanting will need to be undertaken. Therefore, before the trees are removed it is recommended landscape plans be provided to Council.

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Landscape plans must meet with the neighbourhood character, landscape objectives, planning zone planting requirements and Council's Landscape guidelines and must show the following:

- *The tree species proposed for replanting.*
- *The heights and widths at maturity of the tree species proposed for replanting.*
- *The locations of the tree species proposed for replanting.*

The above could be provided by way of condition. However, given the significance of the area and the impacts the removal of these trees will have on the landscape character of the area, a landscape plan is necessary in my view.

DISCUSSION

The key considerations in this application include the extent of the tree removal proposed and whether it is an acceptable outcome in the context of the planning scheme provisions.

The primary planning control, being the Significant Landscape Overlay – Schedule 2 (SLO2) requires protection of landscape character attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity, and high proportion of Australian native trees, which in turn contributes to valuable bird and wildlife habitat.

The landscape character objectives to be achieved under this Overlay are to retain the dominance of vegetation cover, retention and regeneration of native vegetation or wildlife habitat and to ensure a reasonable proportion of the lot is free for tall trees in a natural garden setting.

In this context, the key considerations to be given weight in this assessment are:

- What is the policy framework for the vegetation removal?
- Can the extent of vegetation removal be justified?
- What is the role of replacement planting?

State and Local Planning Policy Framework

Objectives under Clause 12.05-2S (Landscapes) seek to protect and enhance significant landscapes that contribute to character, identity and sustainability of environments identified as significant. To achieve this objective, the policy provides strategies which seek to ensure that development does not detract from the natural qualities of significant landscape areas and recognise the natural landscape for its aesthetic and environmental value.

The retention of existing trees contributes to the identified landscape value of the site and surrounds as recognised under Clause 12.05-2S and the Significant Landscape Overlay – Schedule 2.

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Policy under Clause 21.05 (Environment), makes the connection between natural, visual and built environment. This connection influences neighbourhood character, landscape qualities, climate and health and wellbeing for individuals in the area. The landscape qualities are identified as contributing factors towards improving open space areas for passive and active recreation and the conservation and enhancement of trees and their canopy coverage is identified as integral to maintaining and achieving the above-mentioned elements.

The Tree Conservation Policy at Clause 22.04 (Tree Conservation) in its objectives refer to minimising the loss of significant trees and promoting the regeneration of established trees as a valued resource in the Whitehorse area. Policy and performance standards in respect of tree retention and regeneration are provided within this clause and will be discussed within the assessment section of this report.

Significant Landscape Overlay, Schedule 2

The subject site falls within the Significant Landscape Overlay - Schedule 2 (SLO2) which seeks to ensure the key objectives of retaining the dominance of vegetation cover, retention and regeneration of vegetation to protect habitat, ensuring sufficient space is provided and kept free of buildings for tall trees to be planted, and encouraging a tree-dominated landscape are achieved.

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines of this overlay.

Tree Removal

The application seeks permission to remove six trees protected under the SLO2 (an additional tree included in the application was confirmed dead by council's arborist and therefore exempt from planning permission). The applicant seeks to remove the trees due to safety and risk concerns should the trees fail.

The main consideration in this element of the assessment relates to the proposed tree removal meeting the objectives of the SLO2 provisions, most relevant to this consideration include *'to retain the dominance of vegetation cover in keeping with the bush character environment'* and *'to encourage the retention and regeneration of native vegetation for the protection of wildlife habitat.'*

The trees proposed for removal have been assessed as being of fair health, but with poor structure and form. This is based on an arboricultural assessment of the trees which is consistent between both the applicant's report and the review undertaken by council's independent consulting

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arborist of the application material and his own inspection of the subject trees.

The submitted arborist report found that all six (6) trees suffer from wounds in their trunks which could not be resolved with maintenance. The risks associated with the trees were as follows. All trees suffer from wounds or structural defects in their trunks. Trees 2 and 3 lean towards the street or with the latter having deadwood currently over the footpath. Trees 4, 5, 6 and 7 leans toward the neighbouring property or power lines. As relocating the structures (dwellings and power lines) at risk or isolating the fall area which is mostly in a public thoroughfare is not possible, remediation is not considered possible and so removal is recommended.

Council's Arborist has confirmed the finding in the applicant's arborist report that all six Sugar Gums would be unlikely to respond/recover through remediation works (i.e. pruning, watering or other care) based on their age and existing structural defaults. The applicant's arborist report notes that while pruning and proper maintenance can significantly reduce risk of tree failure, but due to the location of defects it would be a short term solution and would be unlikely to extend the life to the trees or prevent further failures.

Both arborists concur that the removal of these trees will have a significant landscape impact for the surrounding area but that the trees have come to the end of their useful life.

Given this context, the trees which are currently in a decline which is expected to continue and is likely to result in their death over the next few years. Significantly, once a tree is assessed as 'dead or dying' by the Responsible Authority, pursuant to the SLO2 provisions, it is exempt from requiring a planning permit for its removal. Capturing the opportunity at this time for replacement planting within the subject site as a condition of permit, ensures replacement planting can be managed and protected into the future, to provide a positive, long term outcome for the landscape character of the area.

Maintenance of Trees, Tree Canopy and Replacement Planting

The removal of six trees would result in a cumulative loss to the landscape given the existing canopy cover within the front of the site. Therefore, it is the officer opinion that any replacement landscaping must provide a full, native landscaping outcome including ground covers, shrubs, low and mid height canopy plantings so that faster growing species may grow to contribute to the landscape and Laburnum Street in the short and midterm while the taller canopy plantings establish themselves over a longer timeframe.

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The proposed locations for replacement trees, four in the front setback and three in the rear, maintains a consistent tree canopy spread for the site and would allow the trees sufficient space to reach their mature height. By having seven replacement trees of a height of 15 metres at maturity this is consistent with the decision guidelines of the SLO2 which seeks to have at least 7 trees for a lot of 1044 square metres.

The subject site can accommodate this number and size of canopy trees with sufficient space for the trees to mature over time within the site. Pursuant to the policy at Clause 22.04 of the Scheme, the standards for new tree replanting is to be in a 35 square metre area with a minimum dimension of 5 metres clear of any buildings or impervious surfaces and not within an easement. The front and rear open spaces on site generally meet this description. As the 'service drop' for electricity is located across the road on the north side of Laburnum Street, any new trees within the subject site would not be in direct conflict with infrastructure (i.e. overhead wires), or be at risk of future lopping from power line clearance.

Given the vegetation proposed to be removed, it is considered appropriate to require additional indigenous planting demonstrated through a professionally drawn landscape plan. Such a plan would need to account the potential damage of existing plantings in the front setback which might be damaged during the tree removal process and so a capacity for replacement or additional planting near retained trees will be needed in the plan.

A nominated list of appropriate species, similar to the trees proposed for removal, would be required to fit the 'Bush Environs' Neighbourhood Character Guidelines of the Whitehorse Planning Scheme. This has been included as a condition of permit, should one be granted.

Through supporting the tree removal as proposed, the replanting, over time, would ensure the re-establishment of canopy trees that provide a presence of vegetation within the subject site and wider streetscape. It is considered the property can accommodate appropriate replacement trees which meet decision guidelines of the overlay.

A condition would require the replacement planting to occur within six (6) months of the removal being undertaken, or as otherwise agreed by the Responsible Authority to accommodate seasonal changes and the like.

Response to objections

Tree Removal and Whitehorse Planning Scheme

In response to the concern around tree removal, conditions would be included within any planning permit requiring the planting of a native themed landscaping outcome including 7 replacement trees (canopy) with Council's Arborist recommendations.

As assessed earlier in this report, all trees proposed for removal are supported due to their low useful life expectancy and potential risk of failure.

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Conditions would be included within the planning permit for offset planting to occur within six (6) months of removal (or as otherwise agreed to in writing by the Responsible Authority). This will mitigate the impact to the landscape character by allowing for replacement planting within the front setback of the site to become more established over time while retaining an acceptable level of tree canopy throughout the subject site.

The trees proposed to be planted would ensure the subject site would continue to make a significant contribution to the existing and preferred landscape character of the subject site and surrounds over time.

The assessment above demonstrates that the proposal, with conditions, meets the landscape character objectives within the Whitehorse Planning Scheme to retain and regenerate the established tree canopy in significant landscape areas.

Impacts to amenity, character and landscape from tree removal and replanting

Concerns were raised by the objectors during the Consultation Forum regarding the loss of highly visible trees in the streetscape.

The decision guidelines under the SLO2 suggest to have one canopy tree capable of growing to at least fifteen metres high at maturity, for every 150 metres of site area. Using this calculation, the size of the subject site would equate seven such trees being suggested. As the application has proposed the replacement of seven canopy trees and previous planning permit have already had similar replanting undertaken on site, the resulting replacement planting would be in excess of the plantings expected under the overlay.

In addition to the seven Yellow box and Narrow Leafed Peppermint gums which are proposed to be planted by the applicant on the site, a condition would require a comprehensive landscaping response of indigenous species that will include species that will quickly grow to recover character and habitat contributions lost from the removal of the trees. This landscaping outcome will also enable a recovery of amenity for pedestrians from the shrubs and lower height plantings while the canopy trees grow.

Removal of some trees may harm others on site due to enmeshed roots.

The approval of this application would result in the retention of one established tree in the front setback, which the applicant's arborist report notes may be weakened by the loss of the surrounding trees. This retained tree is not included for removal in the application.

The health and structure of the trees to be removed has been the focus of this assessment and supported by the applicants and council's arborists. Based on these assessments the trees may fail undermining the retained tree and so an orderly removal of trees and their replacement is preferred. If approved the replacement plantings may grow to provide some stabilisation for the retained tree.

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The applicant stated in the forum that they are not intending to 'bore out' the roots of the trees to be removed. As such, the recommended condition includes reference to not boring out the roots. After discussion with council's Tree Education Officer it is also recommended the stumps be addressed in the landscaping plan to avoid issues with terminates and nitrogen draw down for the replacement scheme.

Alternatives to removal have not been considered in the report.

The applicant's arborist considered remediation and pruning measure but did not consider them a viable long term solution to retain the trees due to the location of the structural failures. Council's consulting arborist has confirmed that given the trees' ages it is unlikely they would recover and so pruning is not considered a viable solution.

The proposal appears to be to facilitate an undisclosed development that will impact assessment.

In the Consultation Forum it was stated by the applicant that the tree removal has been proposed due to the risk posed by the trees and not to facilitate a development.

The potential for development does not form part of this assessment, it is noted that permit triggers for 'buildings and works' are set under the SLO-2 and any future application would be subject to those controls.

Furthermore, the assessment of a planning application cannot pre-judge future action, it must be based on the application documents provided during the assessment process.

Tree retention measures and Arborist Report credibility

A request was received from objectors attending the Forum to investigate alternative tree management methods in an attempt to retain and remediate the six protected trees proposed for removal. Concerns were also raised regarding the quality of the arborist reports submitted with the application.

Through the council arborist's assessment, it was concluded that the overall poor condition and age of the trees results in these trees to be no longer viable. Replanting new trees was found to be the best option to satisfy the relevant planning controls and require further replacement planting.

The risk to the occupants and pedestrians is overstated and without context.

The assessment of the trees is verified by council's planning arborist and focuses on the health and structure of the trees. Given the trees' ages and structure failure has been confirmed as likely and so removal with replacement at the present time is the favoured outcome by council's arborist.

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The submitted arborist report is incomplete or inaccurate only some and not all large trees on site are assessed and heights overstated.

Not all trees on site were assessed as part of the submitted arborist report as the proposal impacts the trees in the front setback of the dwelling. The proposal includes replacement planting of enough canopy trees to meet the replanting guidelines of the SLO2 of seven (7) 15m high canopy trees by itself. As such, the details of existing trees are not needed to confirm sufficient canopy trees plantings will be retained on the site to meet this guideline. The assessment of the applicant's arborist has been confirmed by Council's consulting arborist who generally agreed with the findings of the report.

CONCLUSION

The proposal is considered to be an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the SLO2.


The proposal is consistent with the Whitehorse Planning Scheme as the trees have a minimal useful life expectancy (ULE) that remediation works would not extend. Their removal will enable replacement planting and landscaping to offset the loss of amenity, landscape contribution and habitat for the site through conditions to the permit.

A total of 25 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 WH/2021/978 - Plans 

11.6 Vegetation Removal Associated with a 'Minor Utility Installation' (Watermain Upgrade) in Mitcham, Nunawading, Forest Hill and Burwood East

City Planning and Development
City Development
FILE NUMBER: WH/2022/4
ATTACHMENT

SUMMARY

This application proposes the removal or lopping of 65 trees; 20 trees protected under the Significant Landscape Overlay, Schedule 9 and 45 Victorian native trees protected under Clause 52.17 – Native Vegetation. Removal is required to facilitate a 'minor utility installation' which proposes upgrading the existing water main pipeline, which traverses through four Ward Council areas of the City of Whitehorse and supplies 20 percent of the state's potable water.

The proposed upgrade works are exempt from requiring a planning permit, therefore only the proposed tree removal and lopping are assessed under this application. The trees proposed for removal or lopping are located within the four kilometre project area and are either street or privately owned trees or Victorian natives located within the pipe track reserve or Melbourne Water (Mitcham) Reservoir on Lucknow Street.

This application was advertised, with a total of 21 objections and one letter of support received. The objections raised issues with loss of canopy trees, ecological losses for floral and faunal habitat, lack of replacement canopy trees and lack of communication and community consultation. A Consultation Forum was held on 23 March 2022 chaired by Mayor Liu, at which the issues were explored and a reduction in trees to be removed was put forward by the applicant, however no resolution was reached between the parties.

If approved, the permit holder will be required to provide a one for one replacement of street and privately owned trees and must commit to the purchase of the required amount of vegetation offsets, as required by the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning, 2017).

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.

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RECOMMENDATION

That Council:

- A Being the Responsible Authority, having caused Application WH/2022/4 for the water main upgrade in Mitcham, Nunawading, Forest Hill and Burwood East to be advertised and having received and noted the objections, is of the opinion that the granting of a planning permit for the removal and lopping of trees, (SLO9 and Clause 52.17) associated with the upgrade of a minor utility installation (Water Mains) in Mitcham, Nunawading, Forest Hill and Burwood East (Refer to Attachment 1 for table of addresses) 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 Water main upgrade in Mitcham, Nunawading, Forest Hill and Burwood East for the Vegetation removal and lopping (SLO9 and Clause 52.17) associated with the upgrade of a minor utility installation (Water Mains) in Mitcham, Nunawading, Forest Hill and Burwood East (refer to Attachment 1 for table of addresses), subject to the following conditions:
1. Prior to works commencing and or the removal or lopping of any trees, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Increased clarity of where the proposed works will terminate on the southern end of Highbury Road (boundary of Monash City Council).
 - b) Annotations clearly identifying trees being approved for removal or lopping under the Significant Landscape Overlay, Schedule 9 or Clause 52.17, as listed in Attachment 2.
 - c) A replacement, re-planting plan, which includes one (1) for one (1) replacement for all SLO9 trees listed in Attachment 2.
 - d) Replacement tree planting for the privately owned trees, as listed in Attachment 2, must be undertaken in accordance with Condition 9.

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 vegetation removal and lopping as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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3. Prior to the commencement of buildings and works, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the permit holder 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

4. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. To offset the permitted removal of 0.466 hectares of native vegetation with a strategic biodiversity score of 0.106, the permit holder must provide a native vegetation offset that complies with the requirements in Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013).

The compliant offset must:

- a) Contribute gain of 0.071 General Biodiversity Equivalence units
 - b) Be located preferably within Whitehorse City Council or if a location within Whitehorse City Council cannot be established, then within the Port Phillip and Westernport Catchment Management Authority. and
 - c) Have a strategic biodiversity score of at least 0.106.
6. Within six (6) months of the issuing of this permit, evidence that the required offsets have been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence must be in the form of a credit register extract from the Native Vegetation Credit Register.

A copy of the offset evidence provided will then be endorsed by the Responsible Authority and form part of this permit.

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7. Council managed street trees (including those managed within any Council owned and managed parks or reserves) must not be removed or damaged, without the prior consent of Council's Parks and Natural Environment Department.
8. Replacement street tree planting (including those managed within any Council owned and managed parks or reserves), must be carried out by Council's Parks and Natural Environment Department within two (2) years of completion of the approved works.
9. Replacement canopy trees as listed at Condition 1 d) must be:
 - a) A species that meets the minimum height requirement, under the preferred neighbourhood character of each site.
 - b) Planted at a minimum height of 1.5 metres.
 - c) Located a minimum of three (3) metres from the dwelling, 1.5 metres from any boundary fencing and (where possible) within a dedicated garden bed (35 square metres of open ground) clear of easements, all hard surfacing, building structures and other tree canopies.
 - d) Must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.
 - e) Carried out within two (2) years of the tree removal, to the satisfaction of the Responsible Authority.
10. The permit holder must be responsible for ensuring the required replacement planting under Condition 9, is at no cost to the land owner or the Responsible Authority.
11. Such planting must be maintained to the satisfaction of the Responsible Authority.
12. An Arborist nominated by the Responsible Authority must be on-site to supervise and provide final comment on the lopping of Trees 23, 389, 498, 504, 505 and 507, to the satisfaction of the Responsible Authority.
13. This permit will expire if the vegetation removal has not been completed within two (2) years of the date of this permit.

The Responsible Authority may extend the period 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.

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- B. Written consent must be obtained from Council's Parks and Natural Environment Department prior to the removal of Council managed trees (including those managed within any Council owned and managed parks and/or reserves).
- C. All tree pruning works on private property, must be undertaken in accordance with Australian Standard AS4373-2007 - Pruning of Amenity Trees.
- D. All tree pruning works on Council owned or maintained trees, must be undertaken by the Responsible Authority.

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

COUNCIL RESOLUTION

Moved Cr Lane, Seconded by Cr Carr

That Council:

- A. Being the Responsible Authority, having caused Application WH/2022/4 for the water main upgrade in Mitcham, Nunawading, Forest Hill and Burwood East to be advertised and having received and noted the objections, is of the opinion that the granting of a planning permit for the removal and lopping of trees, (SLO9 and Clause 52.17) associated with the upgrade of a minor utility installation (Water Mains) in Mitcham, Nunawading, Forest Hill and Burwood East (Refer to Attachment 1 for table of addresses) 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 Water main upgrade in Mitcham, Nunawading, Forest Hill and Burwood East for the Vegetation removal and lopping (SLO9 and Clause 52.17) associated with the upgrade of a minor utility installation (Water Mains) in Mitcham, Nunawading, Forest Hill and Burwood East (refer to Attachment 1 for table of addresses), subject to the following conditions:
 - 1. Prior to works commencing and or the removal or lopping of any trees, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Increased clarity of where the proposed works will terminate on the southern end of Highbury Road (boundary of Monash City Council).
 - b) Annotations clearly identifying trees being approved for removal or lopping under the Significant Landscape Overlay, Schedule 9 or Clause 52.17, as listed in Attachment 2.

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- c) A replacement, re-planting plan, which includes two (2) for one (1) replacement for all SLO9 trees listed in Attachment 2.
- d) Replacement tree planting for the privately owned trees, as listed in Attachment 2, must be undertaken in accordance with Condition 9.

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 vegetation removal and lopping as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Prior to the commencement of buildings and works, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the permit holder 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

- 4. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 5. To offset the permitted removal of 0.466 hectares of native vegetation with a strategic biodiversity score of 0.106, the permit holder must provide a native vegetation offset that complies with the requirements in Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013).

The compliant offset must:

- a) Contribute gain of 0.071 General Biodiversity Equivalence units

11.6
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- b) Be located preferably within Whitehorse City Council or, if a location with Whitehorse City Council cannot be established, then within the Port Phillip and Westernport Catchment Management Authority.
 - c) Have a strategic biodiversity score of at least 0.106.
6. Within six (6) months of the issuing of this permit, evidence that the required offsets have been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence must be in the form of a credit register extract from the Native Vegetation Credit Register.
- A copy of the offset evidence provided will then be endorsed by the Responsible Authority and form part of this permit.
7. Council managed street trees (including those managed within any Council owned and managed parks or reserves) must not be removed or damaged, without the prior consent of Council's Parks and Natural Environment Department.
8. Replacement street tree planting (including those managed within any Council owned and managed parks or reserves), must be carried out by Council's Parks and Natural Environment Department within two (2) years of completion of the approved works.
9. Replacement canopy trees as listed at Condition 1 d) must be:
- a) A species that meets the minimum height requirement, under the preferred neighbourhood character of each site.
 - b) Planted at a minimum height of 1.5 metres.
 - c) Located a minimum of three (3) metres from the dwelling, 1.5 metres from any boundary fencing and (where possible) within a dedicated garden bed (35 square metres of open ground) clear of easements, all hard surfacing, building structures and other tree canopies.
 - d) Must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.
 - e) Carried out within two (2) years of the tree removal, to the satisfaction of the Responsible Authority.
10. The permit holder must be responsible for ensuring the required replacement planting under Condition 9, is at no cost to the land owner or the Responsible Authority.

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11. Such planting must be maintained to the satisfaction of the Responsible Authority. If a planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.
12. An Arborist nominated by the Responsible Authority must be on-site to supervise and provide final comment on the lopping of Trees 23, 389, 498, 504, 505 and 507, to the satisfaction of the Responsible Authority.
13. This permit will expire if the vegetation removal has not been completed within two (2) years of the date of this permit.

The Responsible Authority may extend the period 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:

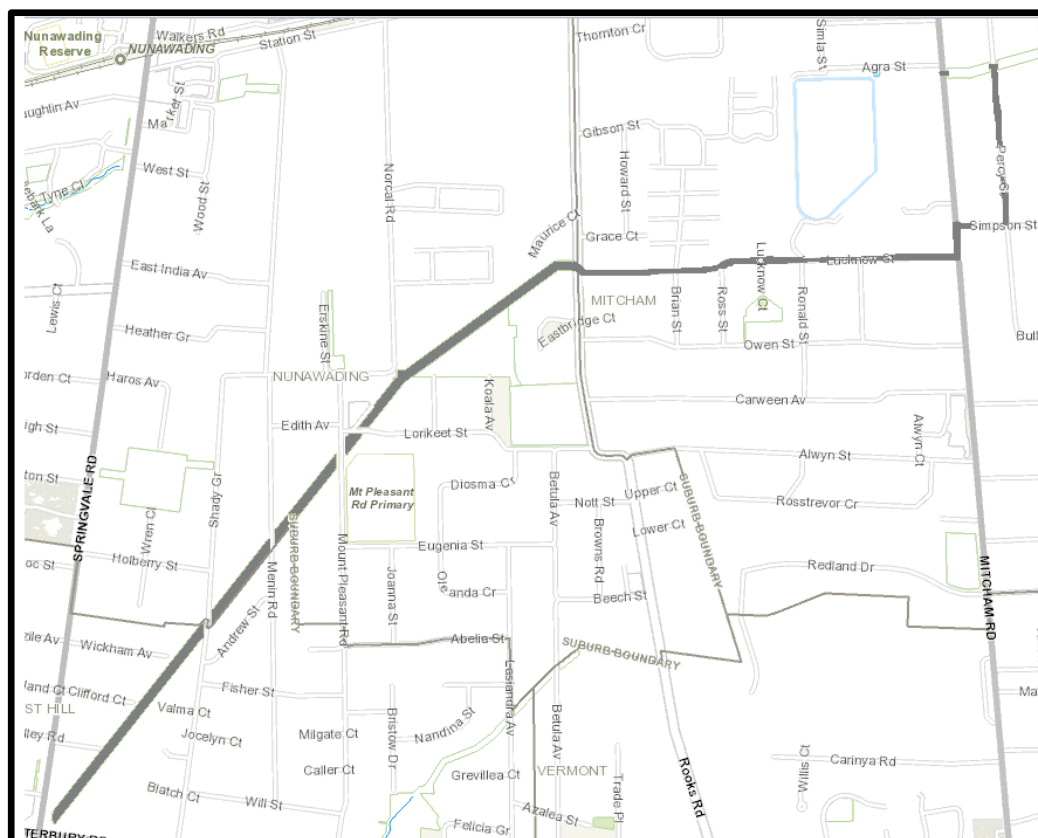
- A. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any Act, Regulation or Local Law.
- B. Written consent must be obtained from Council's Parks and Natural Environment Department prior to the removal of Council managed trees (including those managed within any Council owned and managed parks and/or reserves).
- C. All tree pruning works on private property, must be undertaken in accordance with Australian Standard AS4373-2007 - Pruning of Amenity Trees.
- D. All tree pruning works on Council owned or maintained trees, must be undertaken by the Responsible Authority.
- C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987

CARRIED UNANIMOUSLY

11.6
(cont)

MELWAYS REFERENCE 48 K10, 48 K11, 48 H11, 48 G11, 48 G12 48 F12,
62 F12, 62 E2, 62 C5, 62 B6, 62, B7 and 62 A7

| | |
|-------------------|---|
| Applicant: | Jacobs Group (Australia) Pty Ltd |
| Zoning: | Mixed Use General Residential (Schedule 1 and 2) Neighbourhood Residential (Schedule 1 and 3) Public Use (Schedule 1 and 2) Transport Zone, Schedule 2 (Principal Road Network) |
| Overlays: | Vegetation Protection (Schedule 1 and 3) Significant Landscape (Schedule 6 and 9) |
| Relevant Clauses: | |
| Clause 11 | Settlement |
| Clause 12 | Environmental and Landscape Values |
| Clause 12.01 -2s | Native Vegetation Management |
| Clause 12.05-2 | Significant Environments and Landscapes |
| Clause 21.05 | Environment |
| Clause 22.04 | Tree Conservation |
| Clause 42.03-2 | Significant Landscape Overlay, Schedule 9 |
| Clause 52.17 | Native Vegetation |
| Clause 65 | Decision Guidelines |
| Clause 72.02 | Decision Guidelines |
| Ward: | Mahoney, Terrara, Simpson and Walker |



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Map A – Reservoir Bypass and Section A



Map B – Section B

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(cont)

BACKGROUND

History

There are no Planning Permit applications which are relevant to the proposed development.

Council mapping records indicate that the Mitcham Water Reservoir and the pipe track reserve has been in existence since (maybe even before) 1945.

The Site and Surrounds

The project site spans four kilometres through the Municipality of Whitehorse and relates to an existing piece of pipeline infrastructure, which provides drinking water to the eastern suburbs of Melbourne and connects the Mitcham, Surrey Hills and Notting Hill Service Reservoirs.

Upgrading of the pipeline begins from the pipe track reserve on Mitcham Road, Mitcham heading west along Percy Street, to the intersection of Simpson Street and Mitcham Road, to the T-section with Lucknow Street, Mitcham. The pipeline continues west for the length of Lucknow Street. Then under Rooks Road, Nunawading through to the pipe track reserve, which extends south west, past Lorikeet Street and Mount Pleasant Road, Nunawading.

The pipeline continues (south west) through the pipe track reserve under Menin Road and Shady Grove, Nunawading to the intersection of Springvale and Canterbury Road, Forest Hill where it terminates. Works begin again within the pipe track reserve at the intersection of Mahoneys and Hawthorn Road, Forest Hill. Continuing south through the grounds of Burwood Heights Primary School and Forest Hill College and Deaf Facility, back into the pipe track reserve under Ballantyne Street, Burwood East. The pipeline then continues south west through Pickford Paddock, under Ruby Street and Burwood Highway, Burwood East. It then terminates within the pipe track reserve (adjacent to 20-22 Newhaven Road and 27 and 29 Sevenoaks Road, Burwood East). Please refer to Attachment 3 of this report for the decision plans of the project area.

As discussed above, the majority of the buildings and works will occur within the pipe track reserve which is zoned 'Public Use Zone' and 'Public Parks and Recreation Zone' reflecting the reserve has been purposely set aside for the provision of core infrastructure.

A total of 931 canopy trees have been identified within the project area. The majority of the trees identified are not proposed for removal or affected by the proposed works.

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PROPOSAL

Buildings and Works

It is proposed to undertake buildings and works to upgrade four kilometres of the existing water main that passes through and services the City of Whitehorse and the eastern suburbs of Melbourne.

The application seeks permission for tree removal/lopping to facilitate the replacement of this water main in stages to ensure the continued provision of drinking water to these areas. These works generally consist of the following three sections:

- Reservoir Bypass – comprises the road reserves of Mitcham Road, Simpson Street, Percy Street and Lucknow Street, Mitcham and includes:
 - A new 900 millimetre (in diameter) pipeline to allow the Mitcham Reservoir to be bypassed and a new 600 millimetre (in diameter) pipeline to allow Yarra Valley Water (YVW) to maintain supply to customers.
- Section A – comprises the suburbs of Mitcham and Nunawading and includes:
 - A new 1350 millimetre (in diameter) pipeline and valves to replace the existing M22 and M46 water pipelines from Mitcham Reservoir to the intersection of Springvale and Canterbury Road.
- Section B – traverses the suburbs of Nunawading, Forest Hill and Burwood East and includes:
 - A new 1150 millimetre (in diameter) pipeline to replace the existing M22 pipeline from the intersection of Hawthorn and Mahoneys Road to YVW Pump Station at Aston Court. The size of the pipelines and therefore the trench width required to enable construction varies along the length of the alignment.

Table 1 provides a summary of key information for each section.

Table 1 - Construction detail

| Section | Pipeline Diameter (mm) | Minimum Trench Width (m) | Minimum Trench Depth (m) |
|------------------|------------------------|--------------------------|--------------------------|
| Reservoir Bypass | 900 and 600 | 3.85 | 2.30 |
| Section A | 1135 | 2.4 | 2.35 |
| Section B | 1150 | 2.2 | 2.15 |

Minor Utility Installation

A 'Minor Utility Installation' is defined under Clause 73 of the Whitehorse Planning Scheme (the Scheme) as 'Land used for a utility installation comprising of any of the following: (a) sewerage or water mains...

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Pursuant to Clause 62.02-1 of the Scheme, '*any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to: buildings and works associated with a minor utility installation*'.

In light of the above provisions, all buildings and works associated with the water main are exempt from triggering the need for a planning permit and therefore this application is limited to the assessment of the removal or lopping of trees.

Removal or Lopping of Trees

At pre-application, the applicant identified 242 trees requiring planning consent for removal or lopping under SLO9 or removal under Clause 52.17- Native Vegetation.

At lodgement of the planning application, 87 trees required planning consent for removal or lopping.

Following the planning forum, the applicant confirmed 65 trees requiring planning consent for removal or lopping. These trees are listed in Tables 2, 3 and 4.

As this material was not formally introduced into the application, their retention will be reflected through a permit condition. The applicant confirmed they are satisfied with the inclusion of the condition.

Planning Controls

Zones

Under Clause 62.01 (Uses not requiring a permit) and Clause 62.02 (Buildings and works not requiring a permit), the proposed use and buildings and works for a 'minor utility installation', are generally exempt. Therefore the following zones are not permit triggers:

- Mixed Use Zone (MUZ)
- General Residential Zone (GRZ)
- Neighbourhood Residential Zone (NRZ)
- Transport Zone
- Public Use Zone (PUZ)

Under Clause 36.01-6 (Public Use Zone), buildings and works and removal of vegetation for Service and Utility are exempt. Therefore the Public Use Zone (PUZ) is not a permit trigger.

Exempt tree removals under the PUZ are provided at Attachment 4 to this report.

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Vegetation Protection Overlay

No trees protected under this overlay are proposed to be removed for the project, therefore the Vegetation Protection Overlay is not a permit trigger.

Significant Landscape Overlay

Buildings and Works

Under Clause 62.02 (Buildings and works not requiring a permit), the proposed buildings and works for a 'minor utility installation' are generally exempt. Therefore does not trigger a permit under the overlay.

Tree Removal

No tree removal is proposed in areas covered by Schedule 6 to the Significant Landscape Overlay.

Pursuant to Schedule 9 of Clause 42.03 (Significant Landscape Overlay), a permit is required to remove, destroy or lop a tree that is five metres in height and/or has a trunk circumference of 1 metre a metre above ground level.

Tables 2 and 3 identify trees requiring planning consent for removal or lopping under the SLO9.

Table 2 – Trees requiring consent for removal under SLO9

| Tree No. | Species | Height (m) | DBH (m) | Location | Plan No. |
|----------|---|------------|---------|--|----------|
| 79 | <i>Eucalyptus mannifera</i> - Red Spotted Gum | 23 | 0.80 | 10 Clifford Court | 29 |
| 103 | <i>Cupressus macrocarpa</i> - Cyprus | 20 | 1.0 | 55 Shady Gve, Nunawading | 25 |
| 115 | <i>Eucalyptus nicholli</i> - Narrow Leaved Peppermint | 16 | 0.80 | 27 Menin Road | 23 |
| 154 | <i>Pyrus calleryana</i> - Callery Pear | 6 | 0.20 | street tree (Rooks Rd pipe track) | 15 |
| 226 | <i>Melaleuca linariifolia</i> - Snow-in-Summer | 8 | 0.60 | street tree Ruby Street | 40 |
| 275 | <i>Melaleuca linariifolia</i> - Snow-in-Summer | 9 | 0.65 | street tree (Ballantyne St pipe track) | 37 |
| 413 | <i>Platanus orientalis</i> - London Plane | 9 | 0.30 | Madison Gardens Estate (Lucknow St) | 13 |

11.6
(cont)

| Tree No. | Species | Height (m) | DBH (m) | Location | Plan No. |
|----------|--|------------|---------|--|----------|
| 417 | <i>Platanus orientalis</i> - London Plane | 8 | 0.48 | Madison Gardens Estate (Lucknow St) | 12 |
| 420 | <i>Alnus acuminata</i> - Evergreen Alder | 9 | 0.85 | Madison Gardens Estate (Lucknow St) | 12 |
| 425 | <i>Alnus acuminata</i> - Evergreen Alder | 12 | 0.90 | street tree (adjacent YVW Lucknow St) | 12-11 |
| 426 | <i>Casuarina glauca</i> - Swamp She-oak | 15 | 1.05 | street tree (adjacent YVW Lucknow St) | 11 |
| 492 | <i>Quercus palustris</i> - Pin Oak | 13 | 0.70 | street tree (adjacent 1/57 Lucknow St) | 8 |
| 546 | <i>Eucalyptus botryoides</i> - Southern Mahogany | 10 | 0.35 | street tree (Lorikeet St pipe track) | 21 |
| 629 | <i>Angophora costata</i> - Sydney Red Gum | 9 | 0.30 | street tree (Percy St pipe track) | 2 |
| 636 | <i>Angophora costata</i> - Sydney Red Gum | 20 | 0.70 | street tree (Percy St pipe track) | 2 |
| 637 | <i>Angophora costata</i> - Sydney Red Gum | 15 | 0.50 | street tree (adjacent 32 Percy St) | 2 |

11.6
(cont)

Table 3 – Trees requiring consent for lopping under SLO9

| Tree No | Species | Height (m) | DBH (m) | Location | Plan No. |
|---------|--|------------|---------|--------------------------------------|----------|
| 23 | <i>Corymbia citriodora</i> - Lemon-scented Gum | 20 | 0.60 | 68 Shady Grove | 26 |
| 389 | <i>Plantanus x acerifolia</i> - London Plane | 7 | 0.20 | street tree (adjacent YVW car park) | 13 |
| 498 | <i>Syzygium paniculatum</i> - Magenta Cherry | 7 | 0.45 | street tree (adjacent 64 Lucknow St) | 7 |
| 504 | <i>Angophora costata</i> - Sydney Red Gum | 7 | 0.38 | street tree (adjacent 54 Percy St) | 4 |
| 505 | <i>Angophora costata</i> - Sydney Red Gum | 7 | 0.30 | street tree (adjacent 54 Percy St) | 4 |
| 507 | <i>Angophora costata</i> - Sydney Red Gum | 7 | 0.33 | street tree (adjacent 54 Percy St) | 4 |

Environmental Audit Overlay

Pursuant to Clause 45.03 (Environmental Audit Overlay) removal of trees for a 'minor utility installation' is not a 'sensitive use', therefore the Environmental Audit Overlay does not trigger the provision of any auditing requirements and is not a permit trigger.

Native Vegetation

Pursuant to Clause 52.17-7 (Native Vegetation) planning consent is required to remove, destroy or lop Victorian native vegetation, *on land, together with all contiguous land in one ownership, which has an area greater than one hectare*.

As the project area extends over four linear kilometres, a planning permit is triggered under Clause 52.17. Table 4 below identifies Victorian native species requiring planning consent for removal under Clause 52.17.

11.6
(cont)

Table 4 - Trees requiring consent for removal under Clause 52.17

| Tree No. | Species | Plan No |
|----------|--|---------|
| 79 | <i>Eucalyptus viminalis</i> subs. <i>viminalis</i> - Manna Gum | 28 |
| 95 | <i>Eucalyptus cephalocarpa</i> - Silver Leaved Stringy Bark | 27 |
| 100 | <i>Eucalyptus cephalocarpa</i> - Silver Leaved Stringy Bark | 26 |
| 126 | <i>Eucalyptus cephalocarpa</i> - Silver Leaved Stringy Bark | 19 |
| 142 | <i>Eucalyptus melliodora</i> - Yellow Box | 17 |
| 187 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 189 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 190 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 191 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 192 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 193 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 33 |
| 194 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 32 |
| 208 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 38 |
| 210 | <i>Acacia implexa</i> - Hickory Wattle | 39 |
| 211 | <i>Acacia implexa</i> - Hickory Wattle | 39 |
| 221 | <i>Eucalyptus ovata</i> - Swamp Gum | 39 |
| 222 | <i>Acacia implexa</i> - Hickory Wattle | 39 |
| 223 | <i>Acacia implexa</i> - Hickory Wattle | 39 |
| 229 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 40 |
| 230 | <i>Eucalyptus melliodora</i> - Yellow Box | 40 |
| 231 | <i>Eucalyptus viminalis</i> subs. <i>viminalis</i> - Manna Gum | 40 |
| 232 | <i>Eucalyptus ovata</i> - Swamp Gum | 39 |
| 233 | <i>Eucalyptus melliodora</i> - Yellow Box | 40 |
| 234 | <i>Eucalyptus ovata</i> - Swamp Gum | 40 |
| 235 | <i>Eucalyptus melliodora</i> - Yellow Box | 40 |
| 236 | <i>Eucalyptus ovata</i> - Swamp Gum | 40 |
| 237 | <i>Eucalyptus melliodora</i> - Yellow Box | 40 |
| 261 | <i>Eucalyptus melliodora</i> - Yellow Box | 41 |
| 262 | <i>Eucalyptus melliodora</i> - Yellow Box | 41 |
| 263 | <i>Acacia implexa</i> - Hickory Wattle | 41 |

11.6
(cont)

| Tree No. | Species | Plan No |
|----------|--|---------|
| 264 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 41 |
| 265 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 41 |
| 266 | <i>Acacia implexa</i> - Hickory Wattle | 41 |
| 267 | <i>Acacia implexa</i> - Hickory Wattle | 41 |
| 281 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |
| 282 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |
| 285 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |
| 292 | <i>Allocasurina littoralis</i> - Black She-oak | 36 |
| 293 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 36 |
| 294 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |
| 301 | <i>Allocasurina littoralis</i> - Black She-oak | 37 |
| 302 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |
| 303 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 37 |

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners (612 properties in total). Following the advertising period 21 objections and one letter of support were received.

The issues raised are summarised as follows:

- Lack of communication and consultation by Melbourne Water
- Vegetation removal/ loss of canopy trees
- Impacts to wildlife/ biodiversity
- Lack of detail for replanting
- Loss of amenity
- Amenity impacts of Mitcham Reservoir upgrade including:
 - Sound and vibration levels
 - Appearance
 - Size
 - Aesthetics
- Loss of property value

11.6

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Consultation Forum

An online Consultation Forum was held via Zoom on 23 March 2022, chaired by Mayor Liu. Approximately 12 objectors, the applicant (including contracted engineer, project manager, planning applicant, arborist and communications liaison), Ward Councillors and Council's planning officers attended the meeting, during which the above issues were explored.

Key points during the forum surrounded the extent of tree removal, amenity impacts, ecological and biodiversity impacts, replacement planting, re-instatement works for the pipe track reserve and communication of the project with the community moving forward.

After the forum meeting, the applicant provided a response to the objections received. Along with a further 22 trees agreed to be retained through the conditions, please refer to Table 5 below.

Table 5 – Trees agreed to be retained at planning forum

| Tree No | Species | Exemption/ Trigger | Location/ Plan No |
|---------|---|--------------------|-------------------|
| 238 | <i>Eucalyptus melliodora</i> - Yellow Box | 52.17 | 41 |
| 239 | <i>Eucalyptus melliodora</i> - Yellow Box | 52.17 | 41 |
| 240 | <i>Acacia melanoxylon</i> - Blackwood | 52.17 | 41 |
| 241 | <i>Acacia melanoxylon</i> - Blackwood | 52.17 | 41 |
| 242 | <i>Eucalyptus melliodora</i> - Yellow Box | 52.17 | 40-41 |
| 259 | <i>Ulmus glabara</i> 'Lutencens' - Golden Wych Elm | SLO9 | 42 Ruby St |
| 299 | <i>Pittosporum eugenoides</i> 'varigatum' - Silver Tarata | SLO9 | 29 Ballantyne St |
| 376 | <i>Liquidambar styraciflua</i> - Liquidamber | SLO9 | 14 |
| 383 | <i>Platanus x acerifolia</i> - London Plane | SLO9 | 13 |
| 497 | <i>Quercus palustris</i> - Pin Oak | SLO9 | 7 |
| 588 | <i>Quercus rubra</i> - Red Oak | SLO9 | 10 |
| 592 | <i>Quercus palustris</i> - Pin Oak | SLO9 | 9 |
| 598 | <i>Quercus palustris</i> - Pin Oak | SLO9 | 8 |
| Tree No | Species | Exemption/ Trigger | Location/ Plan No |
| 600 | <i>Quercus rubra</i> - Red Oak | SLO9 | 7 |
| 602 | <i>Quercus rubra</i> - Red Oak | SLO9 | 7 |
| 603 | <i>Quercus rubra</i> - Red Oak | SLO9 | 6-7 |

11.6
(cont)

| | | | |
|-----|--|------|--------------|
| 606 | <i>Eucalyptus globulus</i> - Blue Gum | SLO9 | 60A Percy St |
| 611 | <i>Agophora costata</i> - Sydney Red Gum | SLO9 | 5 |
| 614 | <i>Agophora costata</i> - Sydney Red Gum | SLO9 | 4 |
| 624 | <i>Agophora costata</i> - Sydney Red Gum | SLO9 | 3 |
| 625 | <i>Agophora costata</i> - Sydney Red Gum | SLO9 | 3 |
| 637 | <i>Agophora costata</i> - Sydney Red Gum | SLO9 | 3 |

Referrals

External

The application was not required to be referred under Section 55 of the *Planning & Environment Act 1987*.

Internal

Parks and Natural Environment

The application was referred to and reviewed by Council's Parks and Natural Environment. The following are the recommendations provided:

- The following trees identified in Table 6 were assessed as able to be retained, due to their root system not penetrating through the verge or road surface, the species tolerance for buildings and works within its tree protection zone (TPZ) and or the minimal encroachment of the proposed works in the trees TPZ.

Table 6 – Trees recommended for retention

| Tree No | Species | Exemption/ Trigger | Plan No |
|---------|---|--------------------|---------|
| 68 | <i>Corymbia maculata</i> - Spotted Gum | PUZ | 31 |
| 79 | <i>Eucalyptus mannifera</i> - Red Spotted Gum | 52.17 | 29 |
| 95 | <i>Eucalyptus cephalocarpa</i> - Silver Leaved Stringy Bark | 52.17 | 27 |
| 100 | <i>Eucalyptus cephalocarpa</i> - Silver Leaved Stringy Bark | 52.17 | 26 |
| 103 | <i>Cupressus macrocarpa</i> - Cyprus | SLO9 | 20 |
| 115 | <i>Eucalyptus nicholli</i> - Narrow Leaved Peppermint | SLO9 | 23 |
| 120 | <i>Eucalyptus botryoides</i> - Southern Mahogany | PUZ | 21 |
| 142 | <i>Eucalyptus melliodora</i> - Yellow Box | PUZ | 17 |
| 187 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | PUZ | 32 |

11.6
(cont)

| Tree No | Species | Exemption/ Trigger | Plan No |
|---------|--|--------------------|---------|
| 189 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | PUZ | 32 |
| 227 | <i>Melaleuca styphelioides</i> - Prickly-leaved Paperbark | PUZ | 40 |
| 269 | <i>Melaleuca styphelioides</i> - Prickly-leaved Paperbark | PUZ | 39 |
| 271 | <i>Eucalyptus globulus</i> - Blue Gum | PUZ | 39 |
| 278 | <i>Callistemon</i> sp.- Bottlebrush | PUZ | 37 |
| 279 | <i>Callistemon</i> sp.- Bottlebrush | PUZ | 37 |
| 281 | <i>Melaleuca ericifolia</i> – Swamp Paperbark | 52.17 | 37 |
| 282 | <i>Melaleuca ericifolia</i> – Swamp Paperbark | 52.17 | 37 |
| 283 | <i>Fraxinus angustifolia</i> subsp. <i>angustifolia</i> - Desert Ash | PUZ | 37 |
| 291 | <i>Callistemon</i> sp.- Bottlebrush | PUZ | 36 |
| 302 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 52.17 | 36 |
| 303 | <i>Melaleuca ericifolia</i> - Swamp Paperbark | 52.17 | 37 |
| 304 | <i>Callistemon</i> sp.- Bottlebrush | PUZ | 37 |
| 413 | <i>Platanus orientalis</i> - London Plane | SLO9 | 13 |
| 417 | <i>Platanus orientalis</i> - London Plane | SLO9 | 13 |
| 492 | <i>Quercus palustris</i> - Pin Oak | TRZ2 | 8 |
| 497 | <i>Quercus palustris</i> - Pin Oak | TRZ2 | 7 |
| 546 | <i>Eucalyptus botryoides</i> - Southern Mahogany | 52.17 | 20 |
| 636 | <i>Angophora costata</i> - Sydney Red Gum | SLO9 | 2 |

Council's Parks and Natural Environment Department has also recommended the following outcomes/conditions:

- Street and private trees clearly identified as trees to be removed.
- Plans must clearly show all works to the southern end of Highbury Road (boundary of Monash City Council).
- Parks and Natural Environment reserves the right to give final approval for any and all proposed removal of Council managed street trees (including those managed within any Council owned and managed parks and reserves).

The above outcomes have been taken into consideration and will be included as conditions on any permit issued.

11.6
(cont)

Planning Arborist

The application was referred to Council's Planning Arborist, for comment on the proposed removal of Tree 103 at 55 Shady Grove, Nunawading (private property).

Tree 103 appears in good health and structurally sound, with no obvious signs of root plate instability and its removal is assessed as excessive. Preliminary markings of the proposed works within the Pipe Track indicate, trenching 4.4 metres from the outside of the base of Tree 103. The level of encroachment is approximately a 25 percent of the TPZ, which is assessed as a major encroachment. Standard tree protection conditions are recommended for inclusion on any permit issued.

Tree protection conditions have been provided, however it is noted that the proposed works are further than four metres from Tree 103 and as previously discussed, buildings and works are exempt under Clause 62.02-2 therefore cannot be considered.

ASSESSMENT

The key considerations in the assessment of this application include the extent of the tree removal proposed and whether it is an acceptable outcome in the context of the planning scheme provisions. The primary planning controls, being the SLO9 and the Native Vegetation provisions require protection of landscape value provided by trees, and native vegetation as it relates to the preservation and protection of biodiversity.

The primary consideration for this application are as follows:

- Policy Framework for Vegetation Removal
- Justification of vegetation removal
- Replacement planting

Policy Framework for Vegetation Removal

The proposed tree removal or lopping of trees to facilitate the water mains upgrade is of high significance to the City of Whitehorse and the greater Melbourne area. The works are a key component of ensuring Melbourne's drinking water network, transferring approximately 20 percent of Melbourne's water supply through the pipeline.

Due to the age and poor condition of existing infrastructure, which is in excess of 100 years old, it is now critical that the pipelines are upgraded to avoid failure, leakage, third-party damages and to ensure that customer supply is maintained. A key objective in section 4(1) of the *Planning and Environment Act 1987* is:

'to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community'.

11.6
(cont)

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. The Planning Policy Framework operates together with the remainder of the scheme, to deliver integrated decision making.

This is where Council as the Responsible Authority must balance the relevant planning policies with the issues raised by the application, providing a net community benefit for present and future generations.

State and Local Planning Policies

State and Local Planning Policy aims to protect and conserve Victoria's biodiversity, by ensuring there is no net loss as a result of removal, destruction or lopping of native vegetation.

As discussed above, the applicant has continued to refine the pipe-line alignment throughout the assessment process. An example being, after the onsite meeting, realignment of the pipe toward the northern edge of the pipe track as it runs under Rooks Road. This alleviated the need to lop multiple trees to the south at 76-80 Rooks Road, protected under the Vegetation Protection Overlay, Schedule 3.

At public notice, the design was then further refined by Melbourne Water's contracted engineer, to consider impacts of trenching and equipment movement. This included preliminary tree root investigations of street trees along Percy, Simpson and Lucknow Streets, in turn minimising the effect and or loss of biodiversity and disturbance to the environment.

In accordance with Local Policy, replacement street tree replanting will be included as a condition of the permit. A one for one replacement will be recommended, with replanting undertaken by Council's Parks and Natural Environment Department. This recommendation will allow the Department the ability to source preferred species in accordance with Council's current street tree planting schedule. It will also give flexibility for timing of replanting to coincide with the seasons and maintenance schedule, ensuring maximum retention. As a precaution, replacement re-planting will be conditioned to be completed within two years of completion of the proposed works.

Tree Removal, Lopping and Replacement

As discussed, there are two permit triggers for tree removal and tree lopping and will be addressed as such.

11.6
(cont)

Significant Landscape Overlay, Schedule 9

The implementation of the SLO9 requires planning consent for the removal of Trees 79, 103, 115, 154, 226, 259, 275, 413, 417, 420, 425, 426, 457, 492, 497, 546, 588, 592, 598, 600, 602, 603, 606, 611, 614, 624, 625, 629, 636, 637, and lopping of Trees 23, 389, 498, 504, 505 and 507.

It is noted that Tree 457 is a *Pittosporum Undulatum* – Sweet Pittosporum are listed as an environmental weed under the SLO9 exemptions, therefore is not a permit trigger. However as it is a Council asset, a replacement tree will be required as a permit condition.

The SLO9 trees proposed to be removed or lopped are either street trees or trees within private properties adjacent to the pipe track reserve. Council's Parks and Natural Environment Department have assessed each tree, not only in terms of encroachment, but their contribution to the preferred neighbourhood character, landscape and retention value due to the location, species, age, health and/or growth characteristics.

It is noted that Melbourne Water continues to work with Council to retain trees, which as discussed above, has resulted in a significant increase in the number of trees to be retained. The majority of which are trees that are exempt. This demonstrates that there is an understanding of retaining trees that extends to their contribution to the preferred neighbourhood character, landscape and value due to their location, species, age and health/growth characteristics.

Replacement street tree planting will be included as a condition of the permit, stipulating a one for one replacement undertaken by Council's Parks and Natural Environment Department. Replacement canopy trees for private tree removal will also be included as a permit condition and must take into consideration the preferred neighbourhood character as stipulated at Clause 22.04 – Tree Conservation.

Of the trees proposed for removal only 20 are protected under SLO9. As outlined earlier in this report, removal can be supported as it is to permit the upgrade of an essential service, and removal has been reduced to the minimum extent necessary. Timing of replanting and maintenance has been recommended as a permit condition, to ensure replanting within Section A and B and the reservoir bypass are undertaken in a timely manner.

11.6
(cont)

Clause 52.17 – Native Vegetation

The intent of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of Victorian native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation (Department of Environment, Land Water and Planning 2017)* (the Guidelines):

1. 'Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation'.

The submitted Native Vegetation Removal Report *ID JAC_2021_045, Project ID IS5000DJ_Ensym_2021215_1324, dated 16 December 2021*, provides detail regarding the offset requirements for the proposed native vegetation removal as follows:

- A total of 0.446 hectares of native vegetation removal, consisting of three large, scattered trees, with a Minimum Strategic Biodiversity Score of 0.106. The condition score of all mapped native vegetation relevant to the proposed development is between 0.110 and 0.200.
- The subject site is not covered by A Native Vegetation Precinct Plan. No patches of native vegetation are present across the project site.
- The native vegetation is not in an area mapped as an 'endangered Ecological Vegetation Class (EVC)', 'sensitive wetland' or 'coastal area'. Removal of less than 0.5 hectares will not have a significant impact on any habitat for a rare or threatened species.
- Native vegetation location category is identified as 'Location 1', with a native vegetation condition 0.110 - 0.20 and a strategic biodiversity value (SBV) score of 0.100 - 0.210.
- Based on the calculations of loss provided in the NVR, the offset target proposed is as follows:
 - 0.071 general habitat units, General Biodiversity Equivalence Units (GBEUs) with a minimum strategic biodiversity score of 0.106.
 - The offsets must protect at least one large tree for every large tree removed. A large tree is a native canopy tree with a Diameter at Breast Height greater than or equal to the large tree benchmark for the local Ecology Vegetation Class. A large tree can be either a large scattered tree or a large patch tree.

Each of the Victorian native trees identified for removal has been assessed in accordance with the three step approach outlined above. As a result of the submitted NVR, the required offset total has been identified and will be included as a permit condition.

11.6
(cont)

Native vegetation offsets are a regulated mechanism to compensate for the losses of native flora and fauna habitat due to development. Offsets must be purchased by the permit holder from a registered 'Bush Broker', who allocates the required number of offsets at a location, where native vegetation condition and threatened species habitat are protected in perpetuity.

Offsets for this application are required to be located within the Port Phillip and Westernport Catchment Management Authority or Whitehorse City Council. In the context of the removal of 45 Victorian Natives, the proposed works have followed the key principals of avoid and minimise the loss of native vegetation and to protect the open space areas that exist within the project area. Again removal can be supported, as it is to permit the upgrade of an essential service. Suitable vegetation offsets with timing of secured credits must be included as permit conditions.

DISCUSSION

It must be noted that there are restrictions on the Titles of the following sites:

- Lucknow Street Road Reserve (eastern portion prior to Mitcham Reservoir) - Lot 1 on TP 519571

Covenant 0572996 – at no time shall the land be used for the use or manufacture of bricks, tiles, pipes, pottery and other.

- 512 Mitcham Road, Mitcham - Lot 1 on Plan PS623073
Covenant 0545668 – at no time shall the land be used for the use or manufacture of bricks, tiles, pipes, pottery and other.

- 19 Lucknow Street (Madison Gardens Common) - Lot CM1 on plan PS449279

Covenant 0545668 - No cultivation, digging, excavation to a depth greater than 300 millimetres. No planting of trees or shrubs. No construction of walls or other obstructions. No construction of structures or other improvements. No drilling or excavation for pit, well, foundation, pavement or other installation/ structure. No use of explosives. No alteration of grade or contours. No interference with the rights and privileges of the owner of the easement.

Section 173 Agreement AB992985H – Care and Management of Private Roads (Body Corporate)

The proposed works and removal of trees does not breach the above restrictions.

11.6
(cont)

Objectors Concerns not Previously Addressed

Removal of Tree 103 – 55 Shady Grove

Concerns have been raised by the owner of Tree 103 with regard to its removal, damage to fencing and other property due to the proposed works.

As previously discussed, Council's Planning Arborist has attended the site and advised removal of Tree 103 is excessive, given the works are further than four metres from the tree. The proposed works can be managed via tree protection conditions (which are exempt from review).

The concerns of the objector regarding the removal of Tree 103 leaving an adjoining tree exposed are acknowledged. This would need to be subject to a separate application or amendment to remove the adjoining tree in question.

With regard to damage of fencing and other property due to the proposed works, this is a private matter between the property owner and Melbourne Water and outside the parameters of this planning application.

Amenity impacts of Mitcham Reservoir upgrade including, sound, vibration appearance, size and aesthetics

Concerns have been raised with regard to the proposed bypass/ upgrade works to the Mitcham Reservoir on Lucknow Street. As previously discussed, the proposed works are exempt from requiring planning consent, therefore are unable to be assessed as part of this application.

Melbourne Water have advised that investigations are ongoing with regard to sound, vibration and the appearance of the works to the Mitcham Reservoir. This information will be provided as part of their ongoing community engagement with residents for the project.

Loss of Property Value

Concerns have been raised with regard to the loss of property value due to the removal of mature trees.

Property values are not a matter that can be addressed through the requirements of the Planning Scheme.

Other Matters

The submitted plans do not clearly identify trees exempt from planning consent from those that trigger a planning permit for removal. It is recommended that the submitted plans are revised to clearly indicate trees being removed or lopped under the SLO9 and Clause 52.17. This would be addressed through a permit condition.





11.6
(cont)

CONCLUSION

The proposed removal and lopping of trees, that traverses four kilometres and is a part of Council's commitment to providing the wider community access to mains water, is assessed as an acceptable response, which via conditions, satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the Significant Landscape Overlay, Schedule 9 and Clause 52.17 (Native Vegetation).

It is considered that the application should be approved.

ATTACHMENT

- 1 Certificates of Title 
- 2 Condition 1a) 
- 3 Decision Plans 
- 4 Exempt Tree Removals 

11.7 Box Hill Car Parking Review

Engineering and Investment
City Development

SUMMARY

Council officers have been requested to review car parking arrangements in Box Hill following two separate Notices of Motion raised at Council's Meetings on 28 June 2021 and 16 August 2021. In summary, the following items were raised in each Notice of Motion (NOM):

Notice of Motion Summary - 28 June 2021

1. Council write to the Minister for Transport requesting enforcement of all Clearway Tow Away prohibitions in Whitehorse;
2. Department of Transport provide Council with a monthly report on the enforcement of the Clearway Tow Away prohibitions in Whitehorse;
3. Consultation to be undertaken with the community in relation to altering the current operating times of the Clearway Tow Away parking prohibition on Station Street to be provided to Council.

Notice of Motion Summary - 16 August 2021

1. Review of the efficacy of other jurisdictions employing differential/discriminatory pricing from street versus multi-deck parking to enhance amenity and parking equity and options for Council.
2. Investigate the possibility of converting the parking in Surrey Drive and Irving Avenue to restricted metered car parking;
3. Consider temporarily changing the use of underutilised Council owned land in the Box Hill Metropolitan Activity Centre to paid off street parking.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Lane

That Council notes:

1. Officer's review, actions and recommendations resulting from Notice of Motion Items 1, 2 and 3 arising from Council's meeting on 28 June 2021.
2. Officer's review, actions and recommendations resulting from Notice of Motion Items 1, 2 and 3 arising from Council's meeting on 16 August 2021.
3. Advocate to the Suburban Rail Loop Authority to fund the construction of a temporary off street car park, for the former Box Hill Bowling Club site with all associated works and infrastructure.

CARRIED

11.7
(cont)

Key Matters

The key item for this report includes the review of car parking within Box Hill and how any proposed parking changes will impact the local and wider communities.

STRATEGIC ALIGNMENT

The following Council Strategies are relevant to this report:

- Box Hill Central Activities Area Car Parking Strategy
- Box Hill Integrated Transport Strategy
- Investment & Economic Development Strategy Extension 2020-2022 – relating to investment, priority places, business engagement and support for the business sector
- Strategic Direction 2.1.2 – Local Law and Parking service provision that is designed to support and assist business

Policy

There are no Engineering and Investment or Community Safety policy implications related to this report.

BACKGROUND

This report has been prepared to respond to the two separate Notices of Motion raised at Council's Meetings on 28 June 2021 and 16 August 2021. A response to each of the items for both Notices of Motion is outlined below.

Notice of Motion from Meeting 28 June 2021

That a letter be sent for the Minister for Transport, requesting that:

1. Instruction be issued immediately to the Department of Transport, requesting it to enforce all Clearway Tow Away prohibitions in Whitehorse.

Community Safety have requested the Department of Transport (DoT) to actively manage the Clearway framework in the City of Whitehorse and if they were unable to do so, that Council will actively manage the clearways. DoT advised that Council should not manage the clearways as it was not in line with the State framework. As to the other issues raised with the DoT, to date, no response has been received in relation to this matter.

11.7
(cont)

2. A monthly report be provided to Council from the Department of Transport on the enforcement of the Clearway Tow Away prohibitions in Whitehorse.

Council officers wrote to DoT requesting the provision of statistics following on from discussions regarding the same. No response was received with a subsequent meeting held with senior management from DoT, the Director City Development and Manager Community Safety. Council officers are yet to receive a follow up response from DoT.

3. A report be provided to Council after consultation regarding the current afternoon peak hour Clearway Tow Away restriction in Station Street, Box Hill to be extended from its current 4:00-6:00pm Monday to Friday, to 4:00-6:30pm Monday to Friday bringing it in line with the current prohibition in Elgar Road, Box Hill.

Station Street between Whitehorse Road and Thames Street (on both sides) is currently a Clearway Tow Away Zone from 7-9am and 4-6pm, Monday to Friday. This is the only section of Clearway Tow Away zone along Station Street in Whitehorse.

Elgar Road between the Eastern Freeway and Burwood Highway (on both sides) is a Clearway Tow Away Zone from 6:30-9:30am and 4-6:30pm, Monday to Friday.

Council does not have the jurisdiction to alter the current Clearway Tow Away times along arterial roads, as this is the responsibility of the DoT who are also responsible for community consultation with affected properties in relation to any alteration of the current Clearway Tow Away prohibitions along arterial roads under its control and management.

Consistent with the NOM, Council officers have requested that DoT consider altering the PM peak Clearway Tow Away time on both sides of Station Street from 4-6pm to 4-6:30pm to be in alignment with the restrictions in place currently along Elgar Road and consistent with the NOM.

Separate to the NOM, there is also merit for DoT to consider altering the AM peak Clearway Tow Away Zone time along both sides of Station Street from 7-9am, Monday to Friday to 6:30-9:30am Monday to Friday. This change will also bring the AM peak restrictions in alignment with those in Elgar Road.

An update to Council will be provided as soon as DoT have considered Council's request to alter the existing Clearway Tow Away restrictions along Station Street, and have advised Council officers of their decision.

11.7
(cont)

Notice of Motion from Meeting 16 August 2021

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

1. Review of the efficacy of other jurisdictions' employing differential/discriminatory pricing from street versus multi-deck parking to enhance amenity and parking equity and options for Council.

Parking fee structures vary considerably across local governments that have both off street and on street carparks.

The locations surveyed place a premium fee structure on the use of multi deck carparks as opposed to on street. Whitehorse's current position is in line with the sector as demonstrated below. Of the ten (10) Councils benchmarked with respect to differential pricing, only two (2) provided options of on street and multi deck parking as follows:

BOROONDARA

On Street Parking

\$3.20 per hour

All day \$6.70

Multi deck

1st hour \$3.20

2nd hour \$3.90

All day \$12.00

DANDENONG

On Street Parking

1hr 60c to \$1.50

All day \$4.20

Multi deck

1hr \$1.70

All day \$9.80

WHITEHORSE

On Street Parking

\$2.80 per hour (max 2 hours)

\$8.40 All day in open off street car parks

Multi deck

Up to 1hr \$3.20

1 -2 Hours \$6.40

Greater than 2 Hours \$8.50

11.7

(cont)

2. Investigate the possibility of converting Surrey Drive and Irving Avenue, Box Hill to restricted metered parking.

Consideration has been given to both Surrey Drive and Irving Avenue, Box Hill for metered car parking as follows:

Surrey Drive, Box Hill

- The west side of Surrey Drive between Alexander Street and Brougham Street is currently unrestricted parking, while the east side is '2-Hour 7:30am to 7:30pm, Monday to Friday'.
- Pre-COVID parking conditions confirm a very high demand for on-street parking along the unrestricted west side during weekday periods. The west side of Surrey Drive currently has provision for approximately 55 on-street car spaces.
- The current parking demand along the restricted east side of Surrey Drive is very low, due to restricted parking with a supply of approximately 45 on-street car spaces.
- Converting the existing on-street car parking along Surrey Drive to restricted metered car parking would have a significant impact on parking conditions in nearby local streets, given that the existing long term commuter car parking is likely to transfer to nearby local streets where unrestricted car parking is currently available on at least one side of the streets.
- Council's Transport Team do not support converting Surrey Drive to restricted metered car parking for this reason. However, Community Safety are reviewing the parking meter footprint in Box Hill and will assess the Surrey Drive option further.
- It is noted that restricted metered car parking within Whitehorse is generally limited to the medical and commercial precincts of Box Hill and it does not extend to the residential areas outside the activity centre.

Irving Avenue, Box Hill

- The north side of Irving Avenue between Station Street and Shipley Street is metered unrestricted parking, 'P' 8:30am-6pm, Monday to Saturday, with a supply of approximately 42 on-street car parking spaces.
- The south side of Irving Avenue between Station Street and Shipley Street has a '2-Hour 7:30am to 7:30pm, Monday to Friday' restriction for a supply of approximately 28 on-street car spaces.
- Pre-COVID, demand for on-street car parking along both sides of Irving Avenue was very high, with both sides generating peak utilisation of all spaces. This parking demand continues to be prevalent either due to the adjacent large scale developments that have been built or that are currently under construction in the area.

11.7

(cont)

- Converting the on-street unrestricted metered parking along the north side of Irving Avenue to restricted metered car parking (e.g. 2-Hour metered) could be considered by Council. However due to the early works associated with the Suburban Rail Loop Project (SRL), any change to the current parking arrangements may result in significant parking impacts to the area, given the SRL are likely to take temporary occupancy of Irving Avenue for works associated with the Box Hill component of the Project. As such, it is the Transport Team's recommendation that this proposal be delayed until confirmation is provided to Council on the status of Irving Avenue associated as part of the SRL works, including timing.
 - It is also recommended that the existing '2-Hour' parking restrictions along the south side of Irving Avenue be retained and not be converted to metered parking due to the residential nature along the south side of the street and, possible impacts due to SRL.
3. Consider temporarily changing the use of underutilised Council owned land in the Box Hill Metropolitan Activity Centre to paid off street parking.

Council officers have investigated the former Box Hill Bowling club site as a potential off street paid car parking site. Preliminary concept plans have been prepared however there are a number of unknowns that are fundamental to providing an accurate indication of feasibility, cost and buildability of this car park. From analysis of the site and potential car parking layout plans, it is determined that the site is likely to accommodate between 90 – 100 car parking spaces dependant on the final detailed design layout. New infrastructure such as ticket machines, signage, line marking, kerbing, lighting and access ramps between the site and Poplar St is also proposed.

Council officers are unaware of any other underutilised Council land that may be converted to off street car parking.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

11.7
(cont)

Community Engagement

The Transport team has not undertaken community engagement in preparation of this report.

If DoT considers Council's request to alter the existing Clearway Tow Away prohibition along Station Street, it would be expected that DoT as the responsible road authority for Station Street as well as managing Clearways engage with the community before any parking changes are made.

Financial and Resource Implications

There are no financial or resource implications for Council arising from the recommendations contained in this report that are related to the alteration of the Clearway Tow Away prohibitions along Station Street and with on-street car parking along Surrey Drive and Irving Avenue.

Financial implications apply to the installation of ticket machines if the proposal was to proceed for Irving Avenue to be converted to metered car parking (\$25,000) and for the temporary use of the former Box Hill bowling club for off-street car parking (approximately \$675,000).

A number of possible options were considered for the former Box Hill bowling club site, including both a formal and informal car park, with the informal option having lower construction costs. An informal car park, subject to further site investigations and detailed design, may include placing a 150mm thick layer of Class 2 crushed rock on top of the existing crush rock base, finished with a 40mm wearing cost. The estimated costs also include the establishment of parking meters within the proposed carpark.

This is a high order estimated construction cost that has been determined taking into account project contingencies, project management fees, waste removal, all being subject to soil testing, a further review of the pavement design by a Geotechnical consultant, a final design review of the levels and layout by a Civil consultant incorporating a 20% design contingency in addition to the construction estimates. The construction cost will be determined once the project uncertainties are identified.

It is recommended that Council officers advocate to the Suburban Rail Loop Authority (SRLA) to fund the construction of a temporary off street car park, for the former Box Hill Bowling Club site with all associated works and infrastructure as part of its project scope, due to the car parking spaces lost permanently within the precinct.

It is expected that the loss of on street car parking spaces may occur within the next 12 months as part of the SRL early works program. As such, it is Council officer's view that the SRLA should identify and implement alternate car parking options within the area (such as within the underutilised former Box Hill Bowling club site) to offset this parking loss.

11.7
(cont)

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Council officers have strong collaboration with internal stakeholders and external agencies such as DoT.

Discussion and Options

Not Applicable

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The officer's recommendations have carefully considered the two separate Notices of Motions that relate to car parking in Box Hill. These recommendations provide a balanced approach to car parking, amenity and improved traffic conditions along arterial roads.

**11.8 Draft Box Hill Metropolitan Activity Centre Community
Infrastructure Plan**

Community Engagement and Development
Community Services
ATTACHMENT

SUMMARY

The Draft Box Hill Metropolitan Activity Centre Community Infrastructure Plan (BHMAL CIP) has been developed by Symplan Consulting in collaboration with Council officers and details the community, sport and active recreation facilities required to satisfy the needs of the local and wider community served by the Box Hill Metropolitan Activity Centre in the short (2026), medium (2031) and long term (2041).

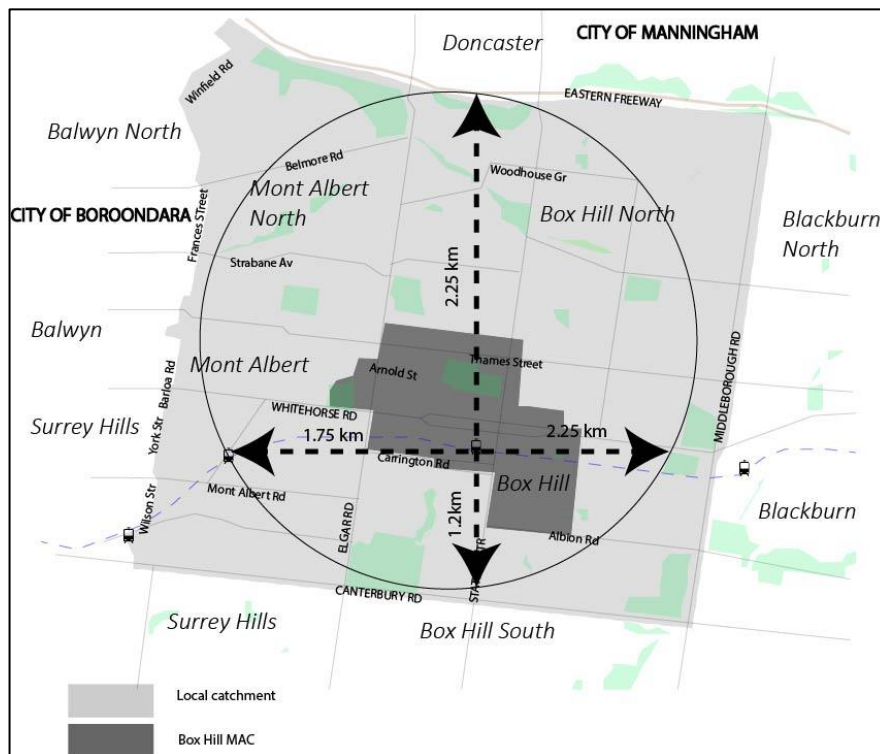
The report provides the strategic justification for the collection of development contributions towards community facilities in the catchment area using an evidence base of population forecasts and knowledge of future developments together with a review of the strategic, legislative and land use planning framework that will continue to guide future growth and development in the area of the Box Hill Metropolitan Activity Centre.

A detailed audit and mapping of existing facilities was undertaken, along with a review of the facilities functionality and capacity. Industry supported provision rates and benchmarks were then applied to understand the spatial distribution of the need for these facilities over time and indicative costings provided.

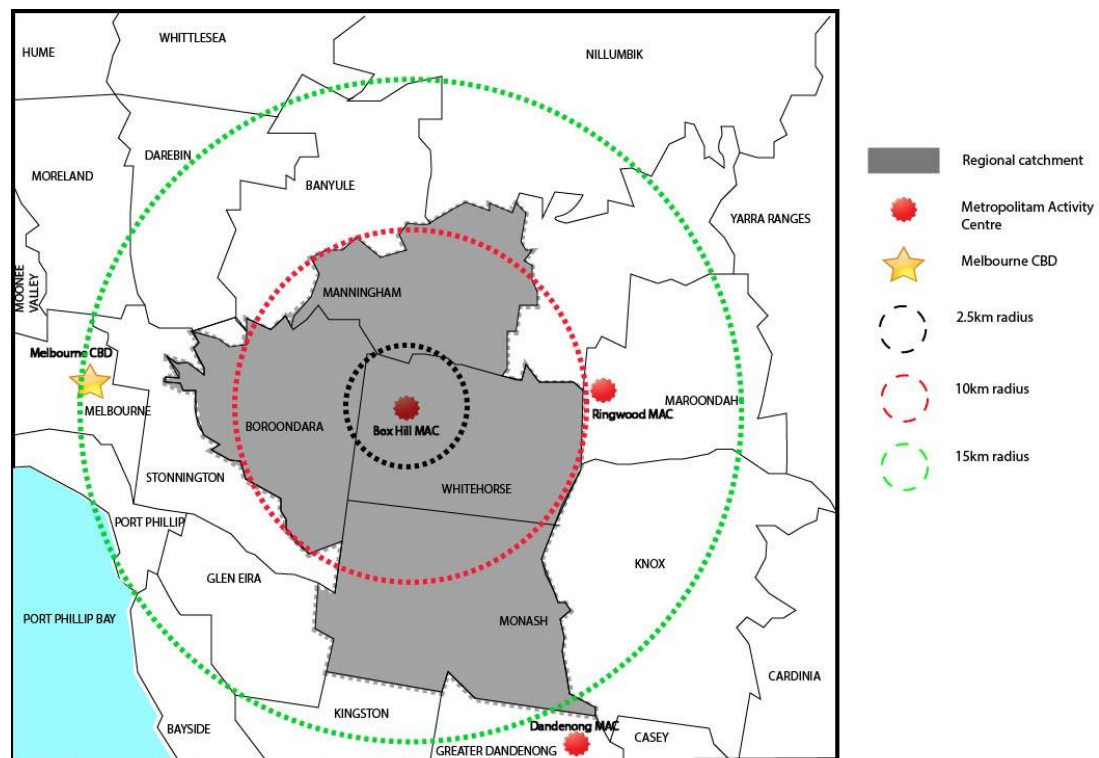
The study area comprises two catchments, the local catchment and the regional catchment. The local catchment includes the surrounding suburbs of Box Hill, Box Hill North, Mont Albert and Mont Albert North, while the regional catchment comprises the City of Whitehorse, parts of Boroondara, Monash and Manningham.

11.8 (cont)

Local Catchment



Regional Catchment



11.8
(cont)

The qualitative needs assessment in the BHMAL CIP undertaken by Symplan Consulting identified the following *additional* community, sport and active recreation facilities as being required for the catchment area:

- Space for library and ancillary activities
- Multi-purpose community spaces
- A sporting reserve
- Hard courts

The report also identified the need for investment to improve the capacity and functionality of *existing* Council owned facilities to continue to meet service demand including:

- Library
- Kindergartens
- Pavilions
- Halls for hire

Based on this identified need for community, sport and active recreation facilities the BHMAL CIP provides the following key recommendations to allocate funds:

- For the redevelopment of the existing library facility such that it operates as a multi-purpose community hub and integrates into existing community meeting spaces in the BHMAL.
- To optimise the use of neighbourhood houses and halls, and provide new meeting spaces in the redeveloped library facility.
- To enhance the capacity and functionality of existing Council owned kindergartens.
- For the upgrading of existing sports ovals to improve capacity and functionality.
- To the upgrading of existing pavilions.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr McNeill

That Council endorse the Draft Box Hill Metropolitan Activity Centre Community Infrastructure Plan.

CARRIED UNANIMOUSLY

11.8
(cont)

KEY MATTERS

Planning for community, sport and active recreation facilities in the local catchment will be influenced by an increase of 18,000 to 24,000 users including residents, workers and visitors, and an increase in land values and scarcity of land available for community infrastructure.

Existing facilities therefore need to be optimised, while opportunities to establish additional well-located facilities accessible within a 20 minute walk are identified in the Report.

The Mont Albert community has poor access to community, sport and active recreation facilities, due in part to barriers created by road and rail infrastructure.

STRATEGIC ALIGNMENT

This report aligns with the Whitehorse 2040 Community Vision, specifically key priorities:

- 2.3: Provide active public spaces which are accessible by all, where people feel safe and connected with others in the community.
- 2.4: Facilitate opportunities for the community to interact and immerse with natural and built environments.
- 3.1: Provide community and business with access to cohesive and vibrant spaces to encourage innovation and creativity, including art, craft and innovative practices.

This report also aligns with Strategic Direction 4 of the Council Plan, specifically strategies:

- 4.1.1: Plan, build, renew and maintain community assets and facilities to meet current and future service needs in an environmentally, financially and socially sustainable way.
- 4.2.1: Review the provision and use of open spaces considering current and future needs for active and passive recreation, safe meeting spaces and wellbeing programs in accessible green open spaces.
- 4.2.2: Advocate to State government on how to foster '20-minute neighbourhoods' that improve community connection and local access to a diversity of services.
- 4.2.3: Maximise the usage of Council and Community facilities to improve community access opportunities.

Policy

Council's statutory roles in supporting the health and wellbeing of the community and providing community, sport and active recreation facilities are defined by the Local Government Act 1989, the Planning and Environment Act 1987, the Public Health and Wellbeing Act 2008 and the Disability Discrimination Act 1992.

11.8
(cont)

These statutory roles include direct service provision and facilitating the provision of lower order community, sport and active recreation facilities by the private sector, service providers, the community and the State Government.

The Commonwealth and State governments have the statutory responsibility for providing higher order education and health facilities such as universities, TAFEs and hospitals. Council, the State Government and the private sector share the responsibility for delivery of some lower order facilities such as childcare centres and kindergartens.

BACKGROUND

The BHMAL CIP was informed by evidence drawn from:

- A review of the strategic context guiding the future growth and development of the study area
- An understanding of the socio-economic and health profile of the people likely to use the facilities in the future
- A detailed audit and mapping of existing facilities
- Review of the functionality and capacity of existing facilities
- Applying industry supported provision rates and benchmarks to understand the spatial distribution of the need for these facilities over time.

The mapping and audit processes found that there is a range of community, sport and active recreation facilities dispersed throughout the local catchment serving the community's day-to-day needs.

There are several higher order retail, health and education facilities serving both the local and regional catchments and two concentrations of co-located facilities in Box Hill, one of which is located in the BHMAL. These facilities are well served by a public transport interchange and arterial roads.

Related Documents

A separate document, the City of Whitehorse Indoor Sports Feasibility Study (August 2020), identifies the need for additional or redeveloped indoor active recreation facilities in the form of multi-purpose courts accommodating basketball, table tennis and netball, and is referenced in the BHMAL CIP.

The BHMAL CIP also acknowledges the scarcity of land in the local catchment area limits opportunities to provide additional open space and recommends that Council refer to the Open Space Strategy (which is currently being reviewed) for recommendations relating to the delivery of open space in the study area.

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(cont)

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The Strategic Planning Department is currently working on a Development Contributions Plan (DCP) for the whole municipality and are seeking to confirm items on the Community Infrastructure Projects list for inclusion in that plan.

Consultants assisting in the preparation of the Draft DCP have recommended that the BHMAL CIP be referenced in the DCP and the priority items for development be included as a single line item (rather than discrete projects) because it offers two key advantages. Firstly, Council has greater flexibility in terms of what is delivered within the 20 year life of the DCP (provided it is referenced in the BHMAL CIP), and secondly amendments can be made to the BHMAL CIP rather than the DCP which requires a significantly more complex and lengthier approval process.

Projects included in the municipal Development Contributions Plan (DCP) need to be supported by a Council resolution, policy, strategy or plan. These supporting documents (such as the BHMAL CIP) will become public documents when a development contributions plan proceeds through a planning scheme amendment process.

If Council chooses not to endorse the BHMAL CIP then Council would not be able to include it as an item in the DCP and collect development contributions towards the cost of its delivery.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*. It is considered that the subject matter does not raise any human rights issues and would support the right to take part in public life and peaceful assembly through the provision of accessible spaces for community events and programs.

Community Engagement

Site inspections were conducted on various facilities in the catchment area, as well as interviews with the Whitehorse Manningham Libraries CEO, staff from Arts Space, the Box Hill Community Arts Centre and Council's Cultural Infrastructure Lead who is responsible for the Box Hill Town Hall and halls for hire.

No community engagement has been carried out in the preparation of this report, however would be undertaken in the further exploration of individual recommendations at that time.

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Financial and Resource Implications

The BHMAL CIP includes indicative costings to guide Council's decisions with respect to the upgrading of existing facilities to improve their functionality and capacity or the provision of new facilities in the study area in the future.

The indicative costings were derived from research commissioned by the Victorian Planning Authority (VPA) that provides baseline infrastructure cost data for community, sport and active recreation infrastructure to standardise the cost estimation of infrastructure contribution projects.

The scope of the BHMAL CIP did not include identifying specific sites and facilities which may be suitable to accommodate the future demand for community infrastructure, therefore this methodology was considered more appropriate than utilising the expertise of architects and quantity surveyors at this stage.

The below table summarises the indicative infrastructure costings (without cost escalation applied) for upgrading of existing facilities to improve capacity and functionality.

| Facility | Size | Rate | Indicative Cost | Discussion |
|--------------|--|-------------------------|-----------------|---|
| Library | Redevelopment of existing library to meet contemporary design standards (9,727 sqm) | \$2,587 per sqm | ± \$25,164,396 | Existing site is land constrained and not sufficient for additional expansion. Consider development of Civic Precinct Master Plan. |
| Kindergarten | 750 sqm for two kindergarten rooms to accommodate 66 licensed places | Average \$2,781 per sqm | ± \$2,085,977 | Three Council owned kindergarten facilities have limited capacity to accommodate existing and future demand. Feasibility of redevelopment should be considered. |
| | 150 sqm for further additional 33-place kindergarten room / multipurpose meeting space | Average \$2,587 per sqm | ± \$388,103 | |
| | 700 sqm for outdoor play spaces | Average \$646 per sqm | ± \$452,249 | |

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| | | | | |
|-----------|---------------|-----|--|--|
| Pavilions | 420 – 700 sqm | N/A | \$5,000,000 to redevelop (\$ estimate sourced from Council's Capital Works Programs) | Some pavilions have limited capacity to accommodate existing and future demand. Feasibility of redevelopment should be considered. |
|-----------|---------------|-----|--|--|

The below table summarises the additional facilities required and their indicative infrastructure costs.

| Facility | Size | Rate | Indicative Cost | Discussion |
|---|--|-----------------|---|--|
| Multi-purpose community spaces/halls for hire | 200 to 500 sqm | \$2,587 per sqm | ± \$517,471 - \$1,293,677 | Potential to be provided in improved library facility or through optimisation of neighbourhood house facilities. |
| Sporting reserves | 5-6 hectare to 8-10 hectare | N/A | ± \$9,048,607 per reserve for 5-6 hectare site ± \$11,681,626 per reserve for 8-10 hectare site | Given the constraints on acquiring additional land for sporting reserves, Council may consider upgrading existing reserves to improve capacity and functionality i.e. lighting |
| Hard courts | Standard Half Court and Multi-Use Courts | N/A | Council's Capital Works Programs indicate the cost to develop a new standard half-court is \$200,000. | Once adopted the Open Space Strategy will provide guidance on the provision and location of Half-Courts and |

11.8

(cont)

| Facility | Size | Rate | Indicative Cost | Discussion |
|----------|------|------|--|-------------------|
| | | | Multi-purpose Sports Courts range in cost from \$200,000 - \$500,000 depending on the site conditions. | Multi-Use Courts. |

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report. However development of the BHMAL CIP is based on continuous improvement principles.

Collaboration

A Project Working Group (PWG) was established to oversee development of the BHMAL CIP and provide feedback at various key stages. The PWG was comprised of Managers from Community Engagement & Development, Health & Family Services, Whitehorse Home & Community Services, Arts & Cultural Services and Leisure & Recreation Services. The Project Working Group also included the Coordinator of Strategic Planning, the Box Hill Activity Centre Manager and Council's Social Policy Officer. Additional feedback was also sought from the Manager of Property & Leasing.

Discussion and Options

Benchmarks and provision standards/rates used in the quantitative analysis component of the BHMAL CIP serve only as a guide and as a useful comparison tool. The benchmarks and standards used were selected from various sources and interpreted in the context of Council policy, future growth and development, available land, feasibility and available funding.

Indicative costings with respect to the acquisition of land were not provided for two main reasons. The main finding of the Community Infrastructure Plan was that future demand could be met through improving the functionality and capacity of existing facilities rather than acquiring additional land. Secondly, the difficulties associated with predicting land values in the medium and long terms.

The qualitative needs assessment in the BHMAL CIP undertaken by Symplan Consulting identified the following *additional* community, sport and active recreation facilities as being required for the catchment area:

- Space for library and ancillary activities
- Multi-purpose community spaces

11.8

(cont)

- A sporting reserve
- Hard courts

The report also identified the need for investment in improve the capacity and functionality of *existing* Council owned facilities to continue to meet service demand including:

- Library
- Kindergartens
- Pavilions
- Halls for hire

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The endorsement of the Draft BHMAL CIP will enable its inclusion in the Development Contributions Plan list of Community Infrastructure Projects and the collection of developer contributions towards the delivery of facilities in the Box Hill area.

Based on the identified need for community, sport and active recreation facilities the BHMAL CIP provides the following key recommendations to allocate funds:

- For the redevelopment of the existing library facility such that it operates as a multi-purpose community hub and integrates into existing community meeting spaces in the BHMAL.
- To optimise the use of neighbourhood houses and halls, and provide new meeting spaces in the redeveloped library facility.
- To enhance the capacity and functionality of existing Council owned kindergartens.
- For the upgrading of existing sports ovals to improve capacity and functionality.
- For the upgrade of existing pavilions.

ATTACHMENT

- 1 Draft Box Hill Metropolitan Activity Centre Community Infrastructure Plan



11.9 2021/22 Local Road Rehabilitation Works Quotation Evaluation (Package Two)

Project Delivery and Assets
Infrastructure
ATTACHMENT

SUMMARY

This report is to consider quotations received for the provision of asphalt resurfacing of local roads for the 2021-2022 financial year (Package 2) under the Procurement Australia Contract 2006/0329 and to recommend the acceptance of the quote for the selected Core Works (Schedule 11A) and three streets from the provisional list (Schedule 11B) including selected Core Works projects from Schedule 11A to be replaced with the proposed alternative environmentally sustainable asphalt mix (Reconophalt) received from Prestige Paving Pty Ltd, for the amount of \$920,312.36 (including GST), and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Davenport

That Council accept the quotation received under Procurement Australia Contract 2006/0329 for Asphalt Resurfacing of Local Roads (Package 2) for the 2021-2022 financial year received from Prestige Paving Pty Ltd (ABN 84 140 970 912), of 11-13 Elsum Avenue, Bayswater North, Vic 3153, for the quoted amount of \$920,312.36 (including GST) being for the selected Core Works (Schedule 11A), three streets from the provisional list (Schedule 11B) including selected Core Works projects from Schedule 11A being replaced with the proposed alternative environmentally sustainable asphalt mix (Reconophalt) as part of the total expected project expenditure of \$1,171,307 (excluding GST).

CARRIED UNANIMOUSLY

Key Matters

Council allocates annual capital works funding to renew asphalt surfacing of local roads within the municipality. A package of works was developed and quotations were sought from suitably qualified contractors under Procurement Australia Contract 2006/0329 to deliver these services. This report seeks Council's approval to enter into a works contract.

STRATEGIC ALIGNMENT

This report aligns with Council Plan 2021-2025

Strategic Direction 4: Our Built Environment; Movement, and Public Places

Objective 4.5 Whitehorse will support provision of effective, sustainable and inclusive transport services.

11.9
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Strategy 4.5.1 Maintain, enhance and advocate for transport accessibility and improved transport routes and modes.

Policy

In line with Council's Procurement Policy (2021), this package of works requires Council endorsement as total project expenditure exceeds \$1,000,000 in value.

The replacement of standard materials with Reconophalt product for selected sites is consistent with Council's commitment to Green Purchasing, and in line with the adopted Sustainability Strategy and Interim Climate Action Plan.

Background

At its meeting on 18 September 2017 Council resolved to accept a panel of providers under the Procurement Australia Contract 2006/0329 - Road Resurfacing and Associated Services to the Eastern Regional Procurement Excellence Network (RPEN) Group of Councils. The last of the one year extensions for this Contract has been enacted by Procurement Australia inclusive of approval from Council's Chief Executive Officer.

As part of the Contract, Council can seek lump sum quotations (using Schedule 11 – Lump Sum Schedule Template) of the Contract to obtain best value for Council.

Roads require periodic rehabilitation usually by applying an asphalt overlay to maintain the integrity of the road pavement, serviceability and to prolong the life of the road pavement. Periodic rehabilitation also minimises the need for routine maintenance such as pothole patching. The specific locations are selected using technical ratings of a variety of condition indicators through Council's Road Pavement Management System (SMEC), visual inspections, past maintenance history and resident requests. The works include profiling, asphalt supply and laying, line marking, patching and traffic management.

Council has adopted to use 20% recycled asphalt product as part of its standard requirements.

Package 1 works were approved under Chief Executive Officer delegation as the cost was less than \$1 million in November 2021 and the work has been progressively implemented throughout the municipality.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the approval for this plan.

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Consultation

The package of works have been developed in consultation with Council's Design and Construction, Engineering Assets and City Works teams and consideration is given to existing road condition as well as any customer service requests.

Impacted residents are provided with notification of works a minimum of five days prior to the scheduled commencement dates for each project.

Collaboration

This package of works is being awarded under Procurement Australia Contract 2006/0329 which is a collaborative purchasing contract available to all local governments within the eastern region.

Financial and Resource Implications

The cost of works is determined by the applicable schedule of rates under the Procurement Australia Contract 2006/0329 and funded from existing budget funding within the 2021/22 Capital Works Program.

| | Budget | Expenditure |
|--|--------------------|--------------|
| Capital Works Funding Account No. Y103 (Renewal Program Local Roads Rehabilitation) | \$2,600,000 | |
| 2021/22 Committals to date (March 2022) (various contracts) | | -\$1,313,233 |
| Available budget for these works | \$1,286,767 | |
| Preferred tenderer's lump sum offer for the Core Works and replacement projects with alternative asphalt treatment and three provisional projects – (including GST) | | \$920,312 |
| Less GST | | \$(83,665) |
| Net cost to Council | | \$836,648 |
| Allowance for Patching | | \$125,497 |
| Construction Contingency (15%) * | | \$125,497 |
| Project Management Fee (10%) | | \$83,665 |
| Total Project Expenditure (ex GST) | \$1,171,307 | |
| Total Remaining Available Budget Y103 (Renewal Program Local Roads Rehabilitation) | \$115,460 | |

* Contingencies are set aside for any latent ground conditions such as exposed Macadam which needs to be regulated or soft spots identified during works that may impact on construction and require attention during resurfacing works. These funds may or may not be used during the works.

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Discussion and Options

Quotations were sought from five of the approved panel members under the Procurement Australia Contract and closed on Wednesday 7 March 2022.

One quote was received.

The quote was evaluated against the following criteria:

- Quotation Offer;
- Capacity;
- Credibility;
- Social and Environmental Sustainability
- Local Contents
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The quotation was evaluated using a weighted attributes method. OH&S and Equal Opportunity were assessed on a Pass/Fail basis. The results of this assessment are summarised in the attached Quotation Evaluation Matrix.

Prestige Paving Pty Ltd is the recommended contractor for this work. Prestige Paving is experienced in this type of work and successfully completed Council's 2018/19, 2019/20, 2021/2020 programs including being successful on Package 1 of the 2021/22 program. Prestige Paving has also undertaken similar works for other Councils including Darebin and Manningham. The quote received from Prestige Paving Pty Ltd is considered to be the most beneficial to Council.

As part of the quotation submission, contractors were also requested to provide an alternative environmentally sustainable asphalt product for a selection of roads that could still meet Council's requirements for value for money, suitable quality, fit for purpose and that has an increased recycled content or product.

In response, Prestige Paving Pty Ltd has proposed the use of 'Reconophalt'. The innovations in this product is demonstrated in the incorporation of various recycled product streams such as soft plastic and glass that would likely end up in landfill, stockpiled or as a pollutant in our natural environments. This product contains greater than 25% total recycled material content.

The use of 'Reconophalt' will further Council's commitment to green purchasing and help to ensure that Council continues to be a leader in this field.

Conflict of Interest

Council officers involved in the preparation of this report and evaluation of submissions have no conflict of interest in this matter.

11.9
(cont)

Conclusion

By adopting the recommendation in this report, Council is meeting its obligation to renew community assets in line with community expectations and maintain community satisfaction with quality of sealed local roads.

ATTACHMENT

- 1 Tender (30011) - Evaluation Matrix - Asphalt Resurfacing of Local Roads 2021 22 - Package 2

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That the Council meeting be adjourned and remaining reports deferred for consideration on 9 May 2022.

LOST

11.10 Records of Informal Meetings of Councillors

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

| Councillor Informal Briefing 11.04.22 6:30pm-6:43pm | | |
|--|--|------------------|
| Matter/s Discussed <ul style="list-style-type: none">Public Question TimeWhitehorse Reconciliation Advisory Committee 2022-2025 | Councillors Present | Officers Present |
| | Cr Liu (Mayor & Chair) | S McMillan |
| | Cr Massoud (Deputy Mayor) | J Green |
| | Cr Barker | L Letic |
| | Cr Carr | S Cann |
| | Cr Cutts | S White |
| | Cr Davenport | S Sullivan |
| | Cr Lane | C Atlan |
| | Cr McNeill | R Anania |
| | Cr Munroe | E Outlaw |
| Cr Skilbeck | R Johnston | |
| Cr Stennett | | |
| Disclosures of Conflict of Interest | None disclosed | |
| Councillor /Officer attendance following disclosure | None disclosed | |
| Councillor Briefing 19.04.22 6:32pm-9:35pm | | |
| Matter/s Discussed <ul style="list-style-type: none">Proposed 2022-23 Budget and Financial Report as at 28 February 2022Elevating ESD Targets ProjectDraft Box Hill Metropolitan Activity Centre Community Infrastructure PlanWaste Service Charge, Community EngagementPlanning for the activation of Davy Lane, Forest HillDraft Council Agenda 26 April 2022 Cr Massoud arrived at 6:34pm | Councillors Present | Officers Present |
| | Cr Liu (Mayor & Chair) | S McMillan |
| | Cr Massoud (Deputy Mayor) | L Letic |
| | Cr Barker | S Cann |
| | Cr Cutts | S White |
| | Cr McNeill | C Atlan |
| | Cr Munroe | V Ferlanio |
| | Cr Skilbeck | C Clarke |
| | Virtual Cr Davenport | C Bolitho |
| | | W Tolis |
| A Egan | | |
| | R Hood | |
| | S Kinsey | |
| | L Morris | |
| | K Chandler | |
| | J Hansen | |
| Disclosures of Conflict of Interest | Cr Skilbeck declared a conflict of Interest on Draft Agenda Item 11.3 39-41 Holland Road, Blackburn (LOT 48 LP 6632) | |
| Councillor /Officer attendance following disclosure | Cr Skilbeck having declared a conflict of interest in item 11.3 39-41 Holland Road, Blackburn (LOT 48 LP 6632) left the meeting at 9:16pm prior to discussion on the item, returning at 9:18pm | |

Cr Barker left the Chamber at 10:19pm and did not return.

12 Councillor Delegate and Conference/Seminar Reports

12.1 Reports by Delegates

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

- 12.1.1 Cr Massoud reported on her attendance as a delegate at the
- Eastern Affordable Housing Alliance meeting, held on the 21 April 2022.
- 12.1.2 Cr Cutts reported on her attendance as a delegated at the:
- Environment and Sustainability Reference Group meeting, held on the 20 April 2022.
 - Sports and Recreation Network meeting, held on the 21 April 2022.
- 12.1.3 Cr Lane reported on his attendance as a delegated at the:
- Whitehorse Business group meeting, held on the 12 April 2022.
 - Whitehorse Manningham Library Corporation Audit and Risk Committee meeting, held on the 13 April 2022.
- 12.1.4 Cr Liu reported on her attendance as a delegate at the;
- Eastern Region Group meeting, held on the 22 April 2022.
 - Eastern Transport Coalition meeting, held on the 21 April 2022.
 - Environment and Sustainability Reference Group meeting, held on the 20 April 2022.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

13.2 Reports on Conferences/Seminars Attendance

None submitted.

13 Confidential Reports

Nil

14 Close Meeting

Meeting closed at 10:24pm

Confirmed this 9th day of May 2022

CHAIRPERSON