WHITEHORSE
CITY COUNCIL

Whitehorse City Council

AGENDA

Council Meeting

on

Monday 14 July 2025 at 7:00 PM

To be held in the
Council Chamber
Nunawading Civic Centre

Members:	Cr Andrew Davenport	Mayor
	Cr Prue Cutts	Deputy Mayor
	Cr Peter Allan	
	Cr Blair Barker	
	Cr Daniel Griffiths	
	Cr Jarrod Gunn	
	Cr Kirsten Langford	
	Cr Jason Martin	
	Cr Kieran Simpson	
	Cr Ben Stennett	
	Cr Hayley Weller	

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AGENDA

1 Welcome

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.

Acknowledgement of Country

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 Apologies

3 Disclosure of Conflicts of Interest

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 23 June 2025

RECOMMENDATION

That the minutes of the Council Meeting 23 June 2025 be confirmed.

5 Urgent Business

6 Requests to Speak

7 Public Question Time

8 Petitions

8.1 Safe Paths and Crossing in Mont Albert North

A petition requesting that the Council establish Safe Paths and Crossing in Mont Albert North has been received and signed by 200 signatories in support.

Survey Local Footpaths of Mont Albert North (MAN), identify damaged areas, publicise needs for works and schedule repairs. Engage and Consult with the Community on Current Policy, existing monitoring procedures & strategies for Safe Paths & Crossovers. (as per the Positive Ageing Survey 2024) Provide media / communication overview of how Council engages with Community on Safety and amenity issues.

RECOMMENDATION

That Council:

1. Receives the petition and refers it to the Jeff Green, Director City Development and Steven White, Director Infrastructure for appropriate action and response; and
2. Notifies the Head Petitioner of the outcome of this resolution.

9 Notices of Motion

10 Council Reports

10.1 77 - 83 Whitehorse Road Blackburn– Amendment to Planning Permit WH/2012/227/B to construct two additional levels, increase of 10 apartments, associated built form changes and changes to the basement car parking layout for increase in car parking.

Department	City Planning and Development
	Director City Development

WH/2012/227/C
Attachment

SUMMARY

This report provides Council with an assessment of the application for amendment to planning permit WH/2012/227 at 77-83 Whitehorse Road, Blackburn, which seeks approval to amend the existing permit to add two additional levels to the approved four-storey building, increasing the development by ten apartments, changes to the façade and addition of basement mezzanine to increase parking to a total of 84 parking spaces.

The key considerations for assessment of the proposed changes include the acceptability of the increase in height, including associated changes to built form and appearance of the building, having regard to the zoning, policy and character of the area and the applicable Design and Development Overlay; the impacts of traffic, parking and road safety and whether the proposed amendments would unreasonably impact on surrounding residences.

As part of the planning amendment process, the application was advertised and a total of 18 objections have been received. The objections raised issues with increased traffic and parking constraints, offsite amenity impacts including overlooking, overshadowing and increased building bulk. Issues were also raised around the impact on sewerage and infrastructure provision and the increase in height. A consultation forum was held on 22 May 2025 and chaired by Cr. Simpson, at which the issues were explored however no resolution was reached between the parties. Objector concerns have been addressed in further detail within the report.

The application has been referred externally to Head, Transport for Victoria, as well as internal departments including City Services and Transport Engineering as well as independent urban design advice being sought, all of which provided general levels of support.

The report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the purpose and decision guidelines of the Residential Growth Zone Schedule 1, Design and Development Overlay Schedule 11, Significant Landscape Overlay Schedule 9, Development Contributions Plan Overlay Schedule 11, Clause 52.06 (Car Parking, Clause 58 (Apartment Developments) and Clause 65 (Decision Guidelines).

10.1 (cont)

It is relevant to note that as part of the assessment, consideration can only be given to the proposed changes as part of the amendment, and not the development as a whole, which has been previously approved.

It is recommended that the application be supported and that Council issue a Notice of Decision to Amend a Permit, subject to the following changes:

RECOMMENDATION

That Council:

A. Being the Responsible Authority, having caused Application WH/2012/227/C for 77 - 83 Whitehorse Road BLACKBURN to be advertised and having received and noted the objections is of the opinion that the granting of the Amendment to Planning Permit WH/2012/227/B to construct two additional levels, increase of 10 apartments, associated built form changes and changes to the basement car parking layout for increase in car parking is acceptable and should not unreasonably impact the amenity of adjacent properties.

B. Issue a Notice of Decision to Grant an Amended Permit under the Whitehorse Planning Scheme to the land described as 77 - 83 Whitehorse Road BLACKBURN for the Amendment to Planning Permit WH/2012/227/B to construct two additional levels, increase of 10 apartments, associated built form changes and changes to the basement car parking layout for increase in car parking, subject to the following amendments:

1. Update permit preamble to read:
   - Construction of a six-storey building containing 59 apartment style dwellings over basement car parking, tree removal and buildings and works within 4 metres of protected trees and alteration of access to a road in a Transport Zone 2.

2. Amend Condition 1 to read
   - Prior to endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans TP101 (EN7), TP101a (EN7), TP102 (EN7), TP103 (EN7), TP104 (EN7), TP105 (EN8), TP106 (EN8), TP107 (EN8), TP108 (EN8), TP200 (EN8), TP201 (EN8) & TP300 (EN7), dated December 2024, but modified to show:

3. Add condition 1 (ee) to read:
   Deletion of car parks 33 and 34 so the adjacent eastern accessway is no less than 5.8m wide.

4. Addition of Condition 1(ff)

10.1 (cont)

- Addition of 1 car space on the western side of the mezzanine parking level generally in accordance with the plansTP101 and TP101a, revision EN8 and dated Jan 2025.

5. Addition of Conditions 25 & 26
   25. A Development Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Whitehorse City Council as the Collecting Agency not more than 21 days prior to, the grant of a building permit under the Building Act, 1993 or the commencement of development of any buildings and works associated with the permitted development, whichever occurs first; or the Owner must enter into an agreement with Whitehorse City Council as the Collecting Agency to pay the Development Infrastructure Levy within a time specified in the agreement.

   26. A Community Infrastructure Levy must be paid to Whitehorse City Council as the Collecting Agency in accordance with the approved Development Contribution Plan which applies to the land prior to the issue of a building permit under the Building Act 1993; or the Owner must enter into an agreement with Whitehorse City Council as the Collecting Agency to pay the Community Infrastructure Levy within a time specified in the agreement.

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.*

10.1 (cont)

MELWAYS REFERENCE Page 47 Ref K9

Applicant:	Dekas One Pty Ltd
Zoning:	Residential Growth Zone Schedule 1
Overlays:	Development Contributions Plan Overlay Schedule 1 Design and Development Overlay Schedule 11 Significant Landscape Overlay Schedule 9
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 16.01	Residential Development
Clause 32.07	Residential Growth Zone Schedule 1
Clause 43.02	Design and Development Overlay Schedule 11
Clause 42.03	Significant Landscape Overlay Schedule 9
Clause 45.06	Development Contributions Plan Overlay Schedule 1
Clause 52.06	Car Parking
Clause 55	Two or more dwellings on a lot and residential buildings
Clause 65	Decision Guidelines
Ward:	Cootamundra Ward

BACKGROUND

History

Planning Permit WH/2012/227 was issued on the 28th of November 2012 for: *Construction of a four storey building contains 61 apartment style dwellings over basement car parking, reduction in car parking requirement and alteration of access to a road in a Road Zone Category 1*

10.1 (cont)

The permit was issued at the direction of VCAT in 2012 following an appeal against Council's refusal to grant a planning permit. VCAT issued the permit for the construction of a four-storey building over a basement containing not more than 61 dwellings.

An amendment was approved on the 21st of October 2022, which included changes to the permit preamble and alterations to the design to reduce the number of apartments, remove car stackers, alter internal and site layouts. Plans for this amendment were endorsed on the 25th of October 2022.

A second amendment was approved on the 11th of September 2023 which reduced the number of dwellings, altered the internal layout and the external presentation of the development, as well as amended conditions and the preamble to include reference to tree removal and buildings and works under the Significant Landscape Overlay – Schedule 9. Plans for this second amendment were endorsed on 25 March 2025.

The permit has been subject to multiple of extension of time approvals, with the latest issued in May 26, 2023, which approved the development to commence by 26 September, 2023 and be complete by 26 September, 2025.

Since this extension of time, trees on site have been removed and excavation works for the basement have commenced, and as such the permit is valid until 26 September 2025.

Section 57A amendment

Subsequent to the advertising period for this amendment, and the Applicant's receipt of the comments provided by an independent urban designer engaged by Council, a Section 57A amendment was lodged on 12 February 2025 making the following changes to the plans:

- Apartment 307 reduced to a 2-bedroom apartment to provide increased living/dining areas.
- Apartments 404 and 405 further set back to 9.0m from the northern boundary to meet the preferred setbacks of the DDO-11.
- Apartment 407 reduced to 2-bedroom apartment to increase living/dining areas.
- Introduction of apartment 503 to the upper-most level.

The amended plans (Prepared by MAP Architecture, Revision's EN7 & EN8 and dated December 2024) were not readvertised, however, they were circulated to all objectors prior to the public consultation meeting. These plans now form the decision plans.

The Site and Surrounds

The subject site is located on the north side of Whitehorse Road, 90 metres west of Williams Road and comprises three lots including 77-79, 81 and 83 Whitehorse Road Blackburn. The overall subject site has a frontage of 63.73 metres, depth of 44.81 metres and site area of 2,709m^2. A 1.83 metre

10.1 (cont)

wide drainage and sewerage easement runs along the north boundary of all sites. The site has a slope of 1.85 metres from south-east to north-east across the site.

The site is located on the western edge of the Blackburn Neighbourhood Activity Centre, approximately 400m walking distance from the Blackburn Railway Station which is located to the south, on the opposite side of Whitehorse Road.

The immediately adjoining properties contain a mix of residential and commercial zoned land, with land immediately to the east falling within the Commercial 1 Zone and land to the north and west falling within the General Residential and Residential Growth Zone respectively.

The immediate abutting land uses can be summarised as follows:

North

The site abuts the rear yards of four lots. Numbers 28, 30, and 34 O'Hara Street accommodate single storey brick dwellings. No. 32 O'Hara Street has been cleared in preparation for construction of one new double storey dwelling.

East

Number 85 Whitehorse Road has been developed with a three-storey apartment building containing ground floor showroom and car park built to the common boundary shared with the subject site. The upper levels contain dwellings which are set back approximately 2.8 metres from the subject site at the first floor and generally 3.7 metres at second floor. This neighbouring building was approved under Planning Permit WH/2010/903, and the floor plans for this development are below:

10.1 (cont)

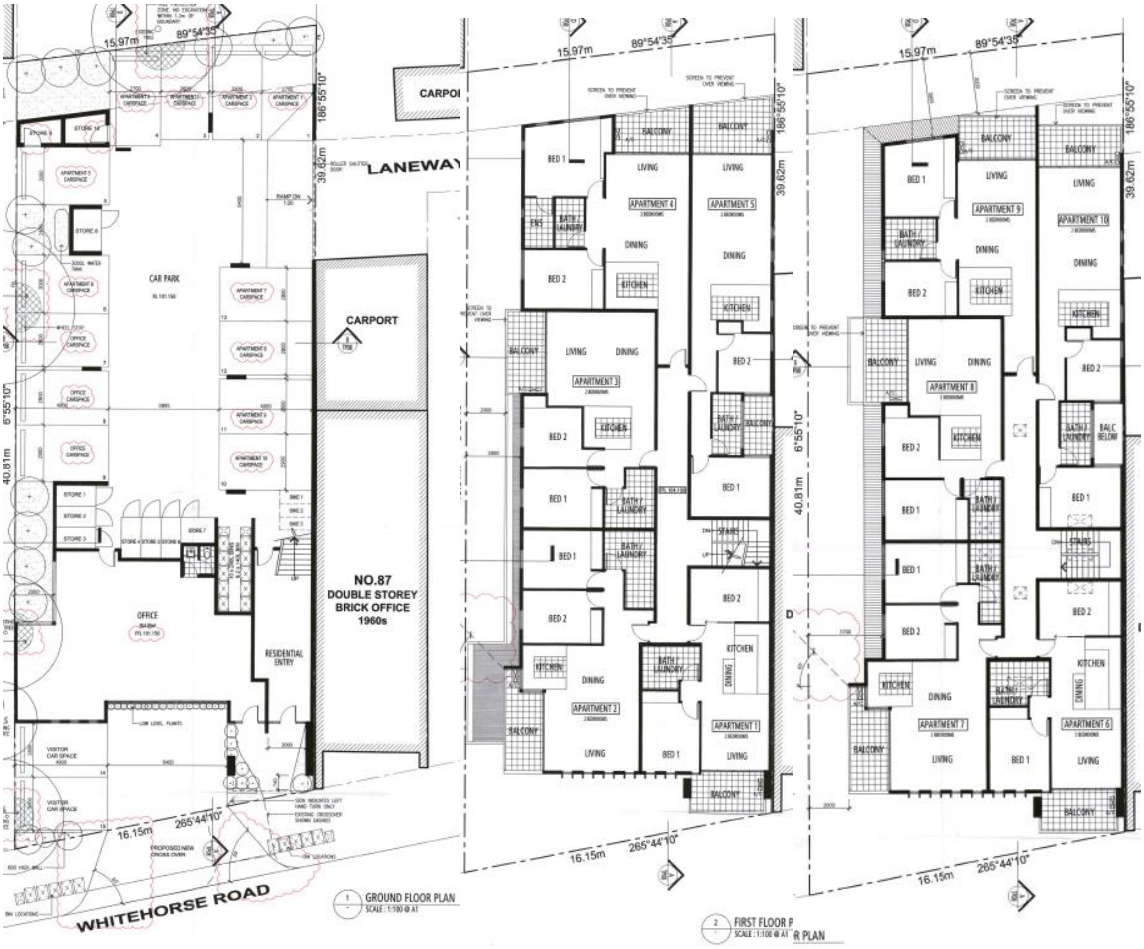

Figure 1: layout of properties to the west

West

Number 75 Whitehorse Road is occupied by a single storey brick veneer dwelling that is setback 6 metres from the frontage and 1.8 metres from the common boundary. There is one habitable room window facing the subject site.

South

The south side of Whitehorse Road is a mixture of dwellings and commercial uses located within single and double storey buildings.

Of note, the land at 96-100 Whitehorse Road has obtained a planning permit (WH/2014/1261) for a four-storey apartment building. This development currently has a VCAT appeal for the refusal for an amendment for a 5 storey apartment development.

Planning Controls

An application for Amendment was received under Section 72 of the *Planning and Environment Act 1987* ("the Act") which provides:

"A person who is entitled to use or develop land in accordance with a permit may apply to the Responsible Authority for an amendment to the permit."

10.1 (cont)

Section 73 of the Act states that sections 47 to 62 of the Act apply to any application to the Responsible Authority to amend a permit.

In accordance with Section 60(1) of the Act the Responsible Authority must consider, when deciding on an application, the following matters:

- The planning scheme.
- The objectives of planning in Victoria.
- All objections and other submissions which it has received, and which have not been withdrawn.
- Any decision and comments of a referral authority, which it has received.
- Any significant effects, which the Responsible Authority considers the use or development may have on the environment or which the Responsible Authority considers may have on the use or development.

The Responsible Authority may also consider if the circumstances appear to require so, any of the matters listed in Section 60.

Zoning and Overlays

Residential Growth Zone Schedule 1

The subject sit e is located within the Residential Growth Zone (Schedule 1) for which the purpose includes providing housing at increased densities whilst encouraging a transition between areas of more intensive use and development and other residential areas. A permit was triggered under the zone for construction of more than one dwelling.

Pursuant to Clause 32.07-6 Clause 58 does not apply to an application for an amendment of a permit under section 72 of the Act if the original application was lodged before the approval date of VC174 (20 December 2021). This amendment benefits from these transitional provisions.

Development Contributions Plan Overlay Schedule 1

The site is located within the Development Contributions Overlay Schedule 2 which has a purpose of levying contributions for the provision of works, services and facilities before development can commence.

As the original permit was approved prior to the implementation of this overlay, no conditions have been included to facilitate the intent of the DCPO. Conditions will be included to the permit which applies to the increase of the 10 apartments only, in the event a planning permit issues.

Design and Development Overlay Schedule 11

On 1 March 2024 amendment C220whse was gazetted, which saw the implementation of the of the Whitehorse Residential Corridors Built Form Study (2019) by applying the Design and Development Overlay - Schedule 11 (DDO11) to land adjacent to Whitehorse Road and Burwood Highway,

10.1 (cont)

with the subject site being included within this area. No transitional arrangements apply to this Overlay.

Design objectives under the DDO11 include:

To promote mid-rise development in the residential growth corridors to accommodate housing at increased densities and a diversity of housing type.

To ensure the eight and built form of new buildings provide an acceptable built form interface, amenity outcomes and transition to adjoining neighbouring lower scale residential areas is the General Residential Zone and the Neighbourhood Residential Zone.

Specifically, the DDO-11 promotes increased built form citing discretionary heights up to 6 storeys (or 19 metres) where the subject site under the original application where the Residential Growth Zone suggested a maximum height at 13.5m as a 'discretionary' height.

The DDO11 also provides for discretionary side-and-rear setback controls, guidance on proposed fencing, pedestrian interfaces, landscaping and overshadowing outcomes to provide protection of amenity to adjoining properties and public spaces.

PROPOSAL

The application to amend Planning Permit WH/2012/227 proposes a redesign of the approved development to include two additional levels for a total of six storeys and increase the number of apartments from 49 to 59. The key changes can be summarised as follows:

Amendment to Preamble

The documentation provided with the amendment application does not outline nor request any amendments to the preamble of the permit.

The latest permit provided the following preamble:

- *Construction of a four-storey building containing 49 apartment style dwellings over basement car parking, tree removal and buildings and works within 4 metres of protected trees and alteration of access to a road in a transport zone 2.*

Any amendment to the permit would need to update the preamble to read as follows:

- *Construction of a six-storey building containing 59 apartment style dwellings over basement car parking, tree removal and buildings and works within 4 metres of protected trees and alteration of access to a road in a transport zone 2.*

This is an administrative matter to ensure that the increase in apartments and building height is accurately reflected within the permit preamble.

Amendment to Permit Conditions

10.1 (cont)

The documentation provided with the amendment application does not outline, nor request, any amendments to any conditions to the permit.

Changes are required to condition 1 to allow for amended plans to relocate two car spaces. These are discussed in the assessment section of the report below.

Conditions for the provision of Development Contributions Plan have also been added to reflect the mandatory provision is complied with.

Amendment to Endorsed Plans

It is proposed to amend the plans as follows:

- Building height increase to approx. 18.78m above NGL.
- Increase in number of storeys from 4 to 6.
- Addition of level 4 to include:
  - 3 X 2 bedroom apartments.
  - 4 X 3 bedroom apartments.
  - This level will have setbacks of:
    - 9m to 11.47m from the rear boundary.
    - 7.73m to 8.76m from the east boundary.
    - Minimum of 10m from the street frontage.
    - 11.2 to 13m from the west.
  - Storage rooms provided for the apartments on this level.
  - Included services and bin chute.
- Addition of level 5 to include:
  - 1 x 3 bedroom apartment
  - 2 x 4 bedroom penthouse apartments;
  - Communal terrace area of 72m^2.
  - This level will have setbacks of:
    - Approx 11.2 to 13.6m from the rear boundary.
    - Approx 10m from the east boundary.
    - Minimum of 12.15m from the street frontage.
    - 11.39 to 15m from the west.
- Changes to basement parking to include:

10.1 (cont)

- Amendment of existing basement parking to remove 2 parking spaces (total of 67)
- Addition of basement mezzanine containing 17 parking spaces.
- Total parking spaces of 84 across both basement and mezzanine level (overall increase of 15 spaces).

- Aesthetic changes to the building facades including materials and design composition.
- Removal of Communal open space and incorporated into SPOS of apartment G.07.
  - Storage rooms provided for the apartments on this level.
  - Included services and bin chute.

The amendments to the plans and assessment against the Whitehorse Planning Scheme are undertaken in further detail in the assessment section of this report below.

Figure 3: Southern render of endorsed plans (as viewed from Whitehorse Road)

Figure 4: South-east render of the proposed plans (as viewed from Whitehorse Road)

Amendment to Endorsed Documents

As part of the amendment application package, an amended Sustainable Management Plan and Waste Management Plan were provided and

10.1 (cont)

supported by the respective internal departments. These will be endorsed to form part of the permit.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting 4 notices to the Whitehorse Road frontage. Following the advertising period 18 objections were received.

The issues raised are summarised as follows:

Objection	Response
Increase in building height and associated impacts (character, overlooking, overshadowing)	An assessment of the height under the DDO is undertaken in further detail below.
Overlooking	Overlooking has been assessed in further detail later in this report and found to be acceptable.
Overshadowing	Overshadowing has been assessed in further detail later in this report and found to be acceptable.
Building bulk and impact on neighbourhood character.	An assessment of the scale, size and bulk of the development and its impact on neighbourhood character is undertaken in further detail below.
Increase in traffic and impact on parking	Car parking and traffic impacts are assessed in further detail further below in the assessment section of this report.
Safety of pedestrians	The development has been designed to ensure that privacy and security of existing neighbouring residences will be maintained.
Sewerage impacts	Assessment on sewerage and the impact from developments is undertaken by Yarra Valley Water (the relevant sewerage authority) during Building Permit process and does not fall under planning consideration.
Construction management	A Construction Management Plan has been including as a condition on the existing permit

10.1 (cont)

	which has been approved. This will continue to apply as a result of the amendment.
Safety to surrounding properties due to construction of basement.	The basement has approval under the existing planning permit. While this application proposes some modest modification to the layout, this is generally confined to the addition of a mezzanine. The structural integrity of the basement is a matter for engineering assessment which has been addressed through the Building Permit process.
Electrical Vehicles and fire hazards.	The plans and Sustainable Management Plan indicate areas within the basement for future distribution board for Future EV charging. The provision of fire safety and as a result of the EV is a matter for engineering design through the Building Permit Process and is not a matter which can be assessed under the Whitehorse Planning Scheme.
Pressure on local infrastructure.	It is expected that an increase of the usage of local infrastructure is expected with an increase of residences in any area. There is no evidence before council to indicate that the proposed development would result in unacceptable stress or overuse of any infrastructure.
Decrease in property value	The loss of property value is not a matter which can be addressed through the requirements of the Whitehorse Planning Scheme and therefore does not form part of assessment for this application.

Consultation Forum

A Consultation Forum was held on 22 May 2025 and chaired by Councillor Simpson. Five (5) objectors and the applicant attended the meeting along with Planning Officers. While the issues raised from objections were discussed at the meeting, no resolutions were reached.

Referrals

External

Head, Transport for Victoria (HTfV)

10.1 (cont)

HTfV did not have any objections subject to their previous conditions on the permit (11-15), being maintained on the permit.

Urban Design

Independent, external Urban Design advice was sought by planning officers on the first iteration of plans which provided two recommendations for change:

- *Recommendation 01 – Revise the intended design approach to achieve greater consistency with the full spectrum of the DDO11's various provisions*
- *Recommendation 02 – Revise the architectural expression of Levels 4 and 5.*

As detailed earlier in this report, the plans were amended by the applicant to address these urban design points. The amended plans were subsequently re-referred to Blades Studio who provided the following, additional comments:

- *It looks as if Apartments 4.04 and 4.05 have been redesigned to address previous overlooking and visual bulk concern.*
- *Changes have been made at the uppermost storey to include more apartments (5.03), but communal facilities have not been shifted to the Ground Plane. The discussion was around 'swapping' GF apartments for rooftop communal open space to respond to the DDO Ground Plane activation provisions, not providing for further apartments.*
- *I can see significant progress toward the recommended architectural changes and the building has improved in some ways, but this could be further strengthened by lightening the 'Gehl' coloured BR1 brickwork – at least within the façade.*

The following further changes were recommended:

- *Compliance with Standard B17 of Clause 55 at the rear boundary.*
- *Substitution of the 'BR1 Gehl Brick' within GF-Level 03 of the southern elevation for a lighter tone of brickwork*
- *Substitution of Apartments G.13 and G.14 for communal facilities*

The responses to the Urban Design advice are discussed in further detail in the assessment section below.

Internal

Transport Engineer

The proposed parking layout complies with AS 2890.1. However, it is recommended that the ramp beside parking spaces 33 and 34 be widened as per the other ramps i.e. 6.1m wide which would require the removal of two parking spaces, as the site distance to approaching traffic is low.

10.1 (cont)

A parking management plan condition is required, as I do have concerns about access i.e. the requirement for intercoms and boom gates. If a visitor tries to enter the development and cannot gain access do, they reverse out onto Whitehorse Road?

This is discussed in further detail below in the assessment section of this report.

Waste Services

Council's Waste Services team supports the submitted Waste Management Plan (WMP).

Assets Engineer

Asset engineering supports the proposed changes subject to conditions and notations to be included on the permit. These have been included in the recommendation.

ESD Advisor

Council's ESD officer supports the proposed changes and accompanying Sustainability Management Plan.

DISCUSSION

The proposed amendments have been assessed against the Planning Policy Framework (PPF) and provisions of the Whitehorse Planning Scheme and are supported as an amendment that would make a positive contribution to the housing stock in the municipality. The following sections of this report assess the specific elements of the proposed development in more detail against the requirements of the Whitehorse Planning Scheme.

Strategic Direction

Policy Framework

The State Planning Policy Framework objectives for housing support dwelling diversity, urban consolidation and the provision of affordable housing with a particular emphasis on the provision of more diverse housing types at higher densities in and around activity centres, on strategic redevelopment sites and in locations well serviced by public transport and other infrastructure.

While this may be the case, the State-wide planning policy also requires development to respond to its physical context and to achieve good quality environments through good urban design.

Design objectives under Clause 15.01-2S (Building Design) encourage development that contributes positively to local urban character, enhances liveability and amenity, promotes attractiveness of towns and cities within broader strategic contexts and minimises detrimental impact on neighbouring properties.

Clause 16 (Housing) notes that the City of Whitehorse is under increased pressure to accommodate more residents who are attracted to the area.

10.1 (cont)

Maintaining a high-quality residential environment is sought and allowing change and growth in urban areas with good public transport and other services. Clause 16 includes reference council's Neighbourhood Character Study (2014) which identifies three categories of 'change' in the municipality and also further individual character areas. The subject site is situated in a 'Substantial Change' area which is described as follows:

> *"Substantial Change areas provide for housing growth with increased densities, including inside designated structure plan boundaries and opportunity areas, in accordance with the relevant plans as well as around most train stations, adjoining tram routes and around larger activity centres."*

Relevant objectives for Substantial Change Areas at Clause 16 include (listed as relevant):

- *Support increased residential densities.*
- *Support increased housing choice by allowing for a diversity of dwelling types, sizes and tenures to suit a range of household types.*
- *Facilitate achieving a new, preferred character for these areas over time through quality developments.*
- *Provide space for planting, communal spaces and rooftop gardens to improve the amenity and liveability of dwellings."*

Clause 16.01-1L (Housing Change) policy applies to all residentially zoned land in the municipality and outlines the preferred character statements and the relevant Precinct Guidelines within the City of Whitehorse Neighbourhood Character Study 2014 be applied. Relevant strategies for Substantial Changes Areas (Clause 16.01-1L) are as follows (listed as relevant):

- *Facilitate the creation of a valued and identifiable sense of place, through an appropriate design response that supports additional housing and the preferred neighbourhood character.*
- *Encourage medium and higher density housing, in the form of:*
  - *Units and townhouses.*
  - *Flats and apartments.*
- *Locate dwellings on upper floors of retail or commercial premises and low-scale apartment developments in activity centres, particularly within key neighbourhood activity centres identified on the Neighbourhood Activity Centres Category Map in Schedule 4 to Clause 43.02, and in designated areas abutting the Principal Public Transport Network and main roads.*
- *Manage the sensitive interface between development in substantial change areas along major road corridors and adjoining low-rise residential areas.*

10.1 (cont)

- *Ensure the built form of new development in substantial change areas along major road corridors does not visually dominate the street, and is massed to provide an acceptable interface to the low-rise scale of adjoining development.*

The policy above identifies the subject site as being located within an area which aims to provide a diversity of housing types at increased densities. These increased residential density objectives are tempered through the policy direction to require a built form transition to the lower scale General Residential and Neighbourhood Residential Zones which sit behind land directly interfacing with Whitehorse Road. While the proposed development's ability to provide a successful transition to the adjoining lots will be assessed in detail later in this report, it is sufficient at this point to state that the setbacks provided by the proposed building are supported within this policy context.

The above policy direction should also be viewed in context of the site's location within the DDO-11, which provides specific context for heights and setbacks along the arterial corridors of Whitehorse. Through the DDO-11, local policy promotes a significant shift to new building footprints and housing typologies to ensure the delivery of future housing in higher density settings. The response of the proposed amendments to the DDO-11 is assessed in further detail below.

The proposed built form is consistent with the policy direction outlined above for the following reasons:

- The amended proposal would successfully implement the state planning policy objectives for urban consolidation by providing increased density on a site that is well serviced by public transport, and in proximity to commercial and community services including shops, medical and education services within the Blackburn Activity Centre.
- The proposed increase and range of dwelling sizes would cater for the future needs of the municipality in terms of a greater variety of housing stock where single dwellings currently dominate.
- The proposed additional levels have been designed to avoid unreasonable impacts on adjoining properties through a recessed footprint atop the lower levels. Coupled with a darker materials palette from the lower levels, this will achieve a visually recessive form which minimises visual bulk to an acceptable level as reflected within the supportive comments received from council's independent Urban Design advice.
- The approved Ground Level footprint would continue to incorporate landscaping, including canopy trees which would soften the development and contribute to the garden character of the area when viewed from adjoining lots.
- A range of environmentally sustainable measures have been included into the design in support of best practice methods for sustainable

10.1 (cont)

development. This is evidenced in the Sustainable Management Plan, which has been supported by council's ESD advisor.

Overall, the proposed amended design would ensure that the development continues to demonstrate a high degree of compliance with the Planning Policy Framework and would make a positive contribution to is physical context, as well as contributing to urban consolidation objectives. The following sections of this report will explore the design response of the amendments in more detail and its ability to respond to the area and sensitive interfaces with neighbouring dwellings.

Building Design

Height

While clause 32.07-9 of the Residential Growth Zone sets out discretionary maximum building height of 13.5 metres, the DDO-11 also sets a discretionary height of 19metres (6 storeys) which has been specifically implemented through the overlay to reflect preferred locations for increased residential densities along arterial roads.

The proposed maximum building height as a result of the amendment would be below the 19m discretionary height (excluding lift run) stated under the DDO-11.

The proposed amendment would meet both the height and number of storeys under the DDO-11, being a maximum height of 18.97m and 6 storeys (noting that lift overruns and services do not fall within the overall building height).

As such, the new height and number of storeys of the proposed development, aligns with the heights supported under the DDO-11.

Setbacks

Objectives under the DDO-11 seek to limit impact of proposed built form to interfacing lower scale residential zones through requiring a transition of building height to be achieved through appropriate setbacks. The DDO-11 includes preferred setbacks which aim to achieve this objective.

Being a discretionary control, developments may encroach on these preferred setbacks if the building addresses amenity impacts (such as shadowing) and can otherwise demonstrate an acceptable design response that achieves an acceptable amenity outcome for adjoining properties. The setbacks of the proposed additional levels in comparison to the preferred setbacks of the DDO11 are shown in the table below.

Setback	Preferred setbacks	Proposed setbacks	Compliant with DDO
Front setback	Minimum 5m with an additional 3m to	Level 4 – 10.48m Level 5 – 12.15m	Yes, compliant with the minimum 8m

10.1 (cont)

Setback	Preferred setbacks	Proposed setbacks	Compliant with DDO
	levels above 4 storeys.		front setback.
Side setbacks	Minimum of 4.5m with an additional minimum 4.5m to levels above 4 storeys to adjoining land in the Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone.	Does not apply to the east (Commercial 1 Zone)	Compliant at both storeys to the west.
		Level 4 West – 11.47m Level 5 West – 11.38m	
Rear setback	Minimum 9m to adjoining land in the General Residential Zone and Neighbourhood Residential Zone.	Level 4 – 9m Level 5 – 11.59m	Yes, compliant with the 9m rear setback.

As outlined above, the setbacks outlined as part of the DDO are discretionary in nature and where a proposal triggers a non-compliance, this must be measured against the particulars of the design response and its ability to manage issues like topography and impacts to the occupiers on neighbouring lots.

As noted in the table above, the interface to the east is within the Commercial 1 Zone, which the consideration of side setbacks under the DDO does not apply. Impact of the additional two levels is undertaken in the amenity impacts section of this report below.

The proposed additional levels have setbacks ranging between 6.09m to 7.3m which far exceeds the 2.0m setback provided by the neighbouring apartment building to the common boundary shared with the subject site. In this context, the proposed development has provided a fair ‘sharing’ of the provision of space on its side of the shared boundary to protect amenity outcomes between the properties.

The setbacks to the north, and west of the remainder of the proposed two additional levels, meet the setbacks listed under the DDO-11 and are considered acceptable on this basis.

Amenity Impacts

10.1 (cont)

Clause 32.07-11 of the Residential Growth Zone specifies that *"Any buildings and works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary'.*

As such, this provision applies to the northern boundary of the subject site and is required to ensure that both amenity impacts and issues of transition from one zone to another are met. With respect to these specified Clause 55 elements, it is noted that the proposed development meets the requirements as follows:

- Clause 55.03-5 – Energy Efficiency: The proposed development would not cast shadows onto rooftop solar energy facilities of neighbouring properties and thus readily accords with the objective.
- Clause 55.04-1 – Side and Rear setbacks: For levels 4 and five, the setbacks are as follows:

Location	Wall Height	Required Setback to north boundary	Proposed Setback from north boundary	Variation sought
Level 4				
Apartment 4.02	14.91m	10m	11.93m	Met
Apartment 4.03	15.8m	10.89m	11.47m	Met
Apartment 4.04	15.56m	10.65m	9m	1.65m
Apartment 4.05	15.44m	10.53m	9m	1.53m
Level 5				
Apartment 5.01	17.95m	13.04m	13.61m	0.57m
Apartment 5.02	18.97m	14.06m	11.59m	2.47m

As evidenced above, there are some variations required to B17 requirements. These variations are acceptable for the following reasons:

- As evidenced in figure 5 below, the areas of variation relate to modest portions to the northern setback (marked within a triangle at each level). The variation is considered acceptable as it will not lead to an increase in overshadowing of the SPOS or the habitable windows to the properties to the north. Further, as shown on this elevation, while a variation is required, the two new upper levels are setback well behind the approved lower levels, which, coupled with the darker materials, assists in achieving a reduced building bulk and built form from this variation. As such, the variation is considered acceptable.

Figure 5: Eastern elevation with areas of non-compliance in yellow.

- These north-facing walls would be set back a minimum of 9.0m and 11.5m at levels 4 and 5 respectively which would comply with the suggested setbacks under the DD0-11 which, when coupled with the recession behind the approved levels beneath, would provide acceptable transition of built form away from the sensitive interface with back yard areas associated with properties to the north as discussed earlier in this report.
- Clause 55.04-3 – Daylight to existing windows: The proposed amendments are set back from neighbouring habitable room windows to the north and would comply with this standard (while not technically applicable given it is not a listed consideration under the zone). The proposed additional levels provide for the following:
  - Level 4 to the east provides for a maximum wall height of 15m which has a required minimum setback of 7.5m to these windows. The minimum setback provided from these windows is 8.89m.
  - Level 4 to the west provides for a maximum wall height of 14.81m which has a required minimum setback of 7.4m. The minimum setback provided from this boundary is approximately 12.4m.
  - Level 5 to the east provides for a maximum wall height of 18.14m which has a required setback of 9.07m. The minimum setback provided from these windows is 10.8m.

10.1 (cont)

- Level 5 to the west provides for a maximum wall height of 18.91m which requires a minimum setback of 9.45m. The minimum setback provided from this boundary is 15.01m meeting the requirement of the standard.

Overall, as evidenced above, the additional 2 levels will continue to ensure that access to appropriate daylight can be provided to neighbouring habitable room windows.

- Clause 55.04-5 – Overshadowing open space: Shadow diagrams provided with the application show that the majority of the overshadowing falls onto the subject site itself and Whitehorse Road, with no overshadowing to the north.

  As with other standards, while the site is located in a zone that allows for reduced amenity considerations to neighbouring properties, reasonable consideration has still be given to properties to the east and west as follows.

  West – No.75 Whitehorse Road

  To the west, there would be an increase of 57sqm of overshadowing at 9:00am on the September Equinox, which would decrease to 5sqm additional shadowing by 10:00am. No additional overshadowing would occur to this property after 10am. This will ensure that 40sqm of unshadowed areas are still provided to this adjoining property, and as such would align with overshadowing standard, despite not strictly applicable for this application.

  East – No 85 Whitehorse Road

  To the east, the proposed additions would not result in additional overshadowing to the west-facing apartment balconies beyond shadows already cast by the approved development.

- Clause 55.04-6 – Overlooking: the location of all new balconies is greater than 9m from the SPOS of properties within the General Residential Zone to the north, and as such, are not required to provide screening. The standard is met.

Urban Design Response

The independent Urban Design advice reiterates that a key pillar of the DDO-11 is the promotion of a ‘human scale’ street interface to Whitehorse Road, with architectural resolution playing a particularly critical role in achieving this.

The original iteration of the plans submitted to Council failed to achieve this, with recommendations given to revise the architectural expression of proposed levels 4 & 5.

Through the amended plans provided post-notice, the design now incorporates a darker external material on the upper two levels to provide the appearance of being read as recessive which works in conjunction with the three distinct forms of the lower 4 storeys. This ensures that the building successfully reads as a 4-storey bulk (in line with the approved

10.1 (cont)

development) with the upper two levels being read as secondary, providing a more successful 'human scale' from the streetscape. This is in line with the comments received from Blades Studio and is supported on this basis.

It is to be noted that the independent urban design advice sought further changes to the ground level apartments, including substitution of apartments for an internal communal space. This change was suggested to the applicant with the applicant not taking on this suggestion. As the amendment only involves the top two levels (with the exception of external communal space at ground level being removed, (to be replaced with new external open space to the new top level), the changes to the lower levels suggested in the urban design advice cannot be conditioned, nor can the overall proposal be refused for not accepting the suggested change, given the scope for consideration under this amendment is limited to the extent of amendments, not the entire proposal.

In any event, the urban design of the proposed amended building is considered to be satisfactory and compliant with what is sought in the DDO, with future resident amenity not impacted by the absence of additional communal space.

Traffic and Parking

Car Parking Assessment

The statutory parking spaces required for by the planning scheme for the entire development (as proposed to be amended) is 83, with 84 provided parking spaces proposed within the basement levels. The number of parking spaces (15 additional spaces) will accommodate the increase in apartments as per the planning scheme requirements.

The site is located within the Principal Public Transport Network (PPTN), there is no requirement for visitor parking spaces to be provided.

Car parking has been provided above the statutory requirement, no further assessment of carparking provision can be made for this application.

Basement layout

In terms of car parking design standards, access to the proposed basement via Whitehorse Road is not changing from the currently endorsed design, and as such, continues to satisfy the design standards outlined at Clause 52.06-9

Within Basement level 1, the aisle width at 4.4m wide is not sufficient to provide for two-way vehicle access and is not consistent with the current endorsed plans (5.8m). It is recommended that this be addressed by way of condition to increase the aisle width to 5.8m. The applicant is aware of this issue and has provided draft plans (TP101 and TP101a, revision EN8 and dated Jan 2025). which demonstrate that two car parking spaces can be relocated within the basement areas to achieve the 5.8m aisle width. This has been addressed by way of permit conditions.

Traffic Generation and surrounding road/transport network

10.1 (cont)

The level of increased traffic proposed as a result of the amendment is a marginal increase from the previous approval, and it is considered that this can be adequately accommodated by the surrounding road network as a result of the increase in apartments. Council's Transport Engineer has reviewed the proposed changes and did not raise any concern with the increase in traffic.

CONCLUSION

The proposal for construction of Amendment to Planning Permit WH/2012/227 to construct two additional levels, increase of 10 apartments, associated built form changes and changes to the basement car parking layout for increase in car parking is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone Schedule 1, Design and Development Overlay Schedule 11, Development Contributions Overlay Schedule 9, Clause 52.06 (Car Parking), Clause 58 (Apartment Developments) and the General Decision Guidelines of Clause 65.

A total of 18 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 amendment application should be approved.

ATTACHMENT

1 Assessment Plans
2 Existing Planning Permit
3 Existing Endorsed Plans

10.2 Tender Evaluation Report - Contract 30632 - Cleaning of Public Toilets and Barbeques

Department	City Services
	Director Infrastructure

Attachment

SUMMARY

The services for this contract include opening, closing, cleaning and providing consumables for Council public toilets, and cleaning public barbeques on a regular schedule. There are 12 automated Exeloo public toilets that are cleaned under a separate contract due to the specialised requirements.

This report is to consider tenders received for the cleaning of public toilets and barbeques and to recommend the acceptance of the tender received from WC Convenience Management Pty Ltd, trading as WC Innovations for the tendered amount of $355,473 including GST in the first year, for three years commencing on 1 August 2025, concluding on 31 July 2028.

There are options presented in the report to reduce the frequency of barbeque cleaning to reduce costs. The lower service level would result in an increase in the number of customer requests and higher internal operating costs for Council officers to attend to the requests.

RECOMMENDATION

That Council accepts the tender and signs the formal contract document for Contract 30632 for Cleaning of Public Toilets and Barbeques received from WC Convenience Management Pty Ltd (ABN 16 005 671 830) of 13 Horscroft Place, Moorabbin, trading as WC Innovations, for the tendered amount of $355,473, including GST in the first year as part of the total expected project expenditure including estimated additional callouts and cleaning that may be required over the three year period of $1,127,205, including GST.

KEY MATTERS

There are 33 conventional Council public toilet facilities and one toilet at a Council facility cleaned under this contract. There are 12 automated Exeloo public toilets that are cleaned under a separate contract.

All the 34 toilets are cleaned and stocked with consumables once every day that they are open. There are periodical major cleans and extra cleans as required. The opening and closing times vary depending on the classification and the time of year, with the toilets being open for longer during daylight saving.

The conventional public toilets are in the following classifications:

10.2 (cont)

- 7-Day Facilities at Parks and Sporting Facilities
  17 facilities at various parks and sporting facilities
  Opened and closed by contractor every day

- 7-Day Facility at Shopping Centre
  1 facility at Britannia Mall, Mitcham
  Opened and closed by contractor every day

- Weekend Facilities
  15 facilities at various parks and sporting facilities
  Opened and closed by sporting clubs on the weekends
  Can be opened on request during the week for particular needs

- 1 non-public facility at Council's Operations Centre cleaned Monday to Friday

There are 17 sites with public barbeques throughout the municipality. There are 22 barbeque units and 41 hot plates. During daylight saving the barbeques and surrounds are cleaned every day and during other times of the year they are cleaned on Saturday, Sunday and Wednesday.

The contract is a lump sum for three years commencing on 1 August 2025, with no extension options.

DISCUSSION, OPTIONS AND ANALYSIS

Background

Tenders were advertised and closed on Wednesday 30 April 2025. A total of twenty-four submissions were received of which one tender was non-conforming.

The tenders were evaluated against the following criteria:

- The tender offer;
- Capability
- Credibility
- Social and Environmental Sustainability
- Local Contents
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

Refer to Tender Report – Confidential Attachment – Attachment 1.

Discussion

The recommended tenderer is WC Innovations. WC Innovations is a Melbourne based company that provides a wide range of toilet and barbeque cleaning services to councils throughout Victoria, South Australia and Western Australia.

WC Innovations was ranked highest by demonstrating in its tender submission the capacity to undertake the services with appropriate

10.2 (cont)

resources and appropriate work plan and methodology. WC Innovations has an excellent record of providing services to Council, as well as similar services to multiple Melbourne metropolitan councils.

WC Innovations utilises GPS tracking and a real-time field management system to coordinate cleaning and maintenance services, offering Council a comprehensive service history. The approach provides safety for staff and ensures compliance with the required service contract standards, including an excellent reporting structure with daily reports and issues noted.

The tender from WC Innovations represents the best value for money, meeting Council's requirements with demonstrated expertise and a cost-effective approach.

Options

The recommendation is to provide the same level of service as the current contract for cleaning of public toilets and barbeques.

There are options to reduce the service cost for the cleaning of public toilets and barbeques by reducing the frequency of barbeque cleaning. The current standard is during daylight saving the barbeques and surrounds are cleaned every day and during other times of the year they are cleaned on Saturday, Sunday and Wednesday.

An assessment of costs for the alternative options for consideration is provided below:

	Current Standard	Option 1 - Reduced Standard	Option 2 - Reduced Standard
BBQ cleaning Daylight Saving	7 days	4 days - Friday, Saturday, Sunday, Monday	3 days – Friday, Saturday, Sunday
BBQ cleaning Non-Daylight Saving	3 days - Saturday, Sunday, Wednesday	3 days - Friday, Saturday, Sunday	1 day – Saturday
Saving over 3 years including GST		$74,479	$166,699
Total estimated contract value over 3 years Including GST	$1,127,205	$1,052,726	$960,236

Reducing the barbeque cleaning regime is feasible as it is observed that most people clean the hotplates before they use them, but it comes with some risks:

- There could be a reputational risk for Council reducing the level of service. There could be an increased number of requests and complaints about the cleanliness and appearance of the barbeques

10.2 (cont)

and higher internal operating costs for Council officers to respond to the reactive requests.

- While most people who use the barbeques bring equipment for a basic clean of the hot plate, there is a risk with reducing the cleaning frequency is that while the hot plate may be able to be cleaned by individuals, the fat trays may fill. We see the users using a significant amount of water when they clean the barbeques which fills up the fat trays. Another trend that people use to cook on a clean surface is bringing foil to put on top of the barbeque plate. In this case, what is under the foil gets more attached to the hot-plates and is harder to clean if left for longer periods.

Other options related to the public toilets are not recommended due to the nature of this service, including:

- Do not close public toilets each night. It takes time for the cleaner to go around to all the toilets and close them each evening. The risk if the toilets are open all night they may attract anti-social behaviour and result in an increase in graffiti and vandalism.
- Reduce the number of toilets that are open seven days. A reduction to the service standard for times toilets are opened would result in toilets not available to the community and likely negative feedback. There are continued requests received to have more public toilets, and toilets to be open longer.

Consultation

Councils Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

Financial and Resource Considerations

OPERATIONAL

	Budget Excl GST	Expenditure Excl GST
Operational Public Toilets - 4409 504127 Barbeques - 4409 504122		
Total Budget (to meet expenditure)	$1,073,529	
Public Toilets – 3 years		$724,622
Barbeques – 3 years		$251,312
Subtotal		**$975,935**
Estimated contingencies 5% over 3 years for callouts and possible additional cleans		$48,797
Total Expenditure (Excl GST)		$1,073,529
Total Expenditure (Incl GST)		$1,127,529

10.2 (cont)

The recommended option is to manage the $46,500 budget impact via the budget forecasting process during the year.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	Strategic Direction 4 - Our Built Environment Objective 2.4 A desirable and well-presented City Council's Public Toilet Service Policy is used to inform how Council makes decisions about when public toilets are open.
Financial and Resource Implications	The expenditure for this tender is based on maintaining the current levels of service for the cleaning of public toilets and barbeques. The tendered price exceeds the budget in Year 1 by $46,500 (excl GST). Council could consider providing a reduced level of service to reduce expenditure, and the risks are associated with this are outlined in the report. The recommended option is to manage the budget impact via the budget forecasting process during the year.
Legislative and Risk Implications	There are no legal or risk implications arising from the recommendation contained in this report. Council requires a reputable contractor that has sufficiently resources this service and has sound OHS practices to ensure its work practices protect its workers working in secluded locations in dawn and dusk times.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.
Innovation and Continuous Improvement	Council and the contractor will continue to work on innovation and continuous improvement throughout the contract. The contractor provides GPS tracking and a real-time field management system to coordinate cleaning and maintenance services.

10.2 (cont)

Collaboration	No collaboration was required for this report.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

1 30632 Confidential Attachment Tender Evaluation Report

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020.This ground applies because the matter concerns private commerical information*

10.3 Tender Evaluation Report - Contract 30634 - Morack Public Golf Course Irrigation

Department	Leisure and Recreation Services Acting Director Community Services

Attachment

SUMMARY

The purpose of this report is to present the outcomes of the tender process for Contract 30634 – Morack Public Golf Course Irrigation Renewal – and to recommend the appointment of Planned Irrigation Projects Pty. Ltd as the preferred contractor, at a total cost of $1,206,801.31 (inclusive of GST). The report also seeks Council's consideration of the overall project expenditure.

The Tender Evaluation Report is attached as Attachment 1.

Following a comprehensive evaluation and assessment process, it is recommended that a suitably qualified contractor be appointed to undertake the delivery of the Morack Public Golf Course Irrigation Renewal Project.

RECOMMENDATION

That Council accept the tender and sign the formal contract document for Contract 30634 for the Morack Public Golf Course Irrigation received from Planned Irrigation Projects Pty. Ltd (ABN 50 006 031 590), of 795 Springvale Road Mulgrave, Victoria, 3170, for the tendered amount of $1,206,801.31, including GST as part of the overall capital works allocation of $1,735,000 in Council's 10-year Capital Works Program.

KEY MATTERS

Morack Public Golf is Council's sole-owned golf course, located in Vermont South. In recent years, Council has undertaken significant capital improvements at the facility, including the redevelopment of the pavilion and driving range. Swing Factory, as the appointed management operator (under lease), supported the redevelopment by contributed funding towards the construction of the 18-hole mini golf facility, as well as the fit-out of the driving range and pavilion areas. These upgrades have resulted in a significant increase in community participation and improved financial returns to Council.

Following the completion of works to the pavilion, driving range, and mini golf facilities, the course improvements represent the next significant component of Council's capital investment program at Morack Public Golf.

The irrigation renewal project is the first stage of the broader course improvement works and is identified in Council's 10-Year Capital Works Program. Subject to the awarding of the irrigation contract, Council will progress with the procurement of further improvements to the course,

10.3 (cont)

including upgrades to tees, fairways, greens, and bunkers, as well as the reinstatement of the practice putting green. These works will be funded through the remaining capital budget allocation and an additional contribution of $250,000 from the management operator, Swing Factory Morack Unit Trust.

DISCUSSION, OPTIONS AND ANALYSIS

The proposed irrigation system upgrade at Morack Public Golf is critical to maintaining the facility's quality and sustainability. The existing infrastructure's age and declining performance have prompted this renewal to ensure ongoing operational efficiency, improved water use, and enhanced turf conditions.

Following the redevelopment at the site, which included a new pavilion, driving range and mini golf facilities, a masterplan for the Morack Public Golf site was provided to Council by Swing Factory which outlined the strategic vision for the long-term development and enhancement of the golf course and associated facilities. It helped informed the scope and priorities for the irrigation upgrade project by identifying key infrastructure needs to support sustainable operations and improved user experience. The masterplan's recommendations have been considered alongside Council's broader asset management and capital works strategies to ensure alignment with community and operational objectives.

Further, resident clubs at Morack Public Golf have expressed challenges associated with the current condition of the course which can impact participation and experience of their members and competitors, who travel from other municipalities.

OPTIONS

The tender was structured to enable pricing of the two primary irrigation systems commonly used in the industry. This approach was necessary to ensure the project could be delivered to the preferred standard and to assist in mitigating budget risk by providing Council with a comprehensive understanding of the total project cost across the entire course.

It is recommended that Council proceed with all tendered options, as this enables the completion of irrigation works across all 18 holes at Morack Public Golf. Completing the irrigation renewal in full provides a more cohesive foundation for subsequent course improvements, allowing those future works to be delivered more effectively and efficiently.

Should Council wish to reduce its financial commitment to the project, there is an opportunity to reduce the scope of works, which would involve completing irrigation renewal on selected parts or sections of the course only. This option may address priority areas but will materially limit our ability to service the needs of the course, including adequately supporting future course upgrades.

10.3 (cont)

Background

The tender for the irrigation system upgrade at Morack Public Golf was publicly advertised via Council's eTender portal and in The Age newspaper on Saturday, 5 April. The tender period closed on 30 April, providing prospective contractors with a four-week timeframe to prepare and submit their proposals.

A total of five tenders were received and evaluated by an assessment panel comprising Council officers and an independent golf course irrigation specialist. The evaluation process was undertaken in accordance with Council's Procurement Policy, ensuring compliance with all relevant legislation and adherence to the principles of fairness, transparency, and value for money.

All submissions were assessed against a set of weighted evaluation criteria, as follows:

- Tender Offer (Financial)
- Capability
- Credibility
- Local Content
- Social and Environmental Sustainability
- Occupational Health and Safety, Equal Opportunity, and Business Viability (assessed on a pass/fail basis)

Following a detailed evaluation process, the Tender Evaluation Panel has concluded that the submission received from Planned Irrigation Projects Pty. Ltd represents the best overall value for Council and the Whitehorse community. Planned Irrigation Projects Pty Ltd is a well-established golf irrigation contractor with demonstrated experience delivering similar projects for other local government authorities.

Subject to Council approval, contract documentation will be finalised and executed in accordance with Council's procurement and contract management procedures.

Consultation

Consultation was undertaken with Swing Factory, the appointed operator of Morack Public Golf, throughout the planning, design, and tender preparation phases of the project. In addition, updates were provided to the four resident clubs at key milestones, to ensure they were informed of project progress. These communications addressed both the anticipated benefits of the course improvements and the potential temporary impacts on course access and usage during construction.

No significant objections or risks have been identified beyond those typically associated with construction projects of this nature.

10.3 (cont)

Council's Procurement team was consulted extensively throughout the tender process to ensure full compliance with Council's Procurement Policy and relevant legislative requirements. The contract for the irrigation upgrade (Contract 30634) will be structured as a Lump Sum Contract for construction works.

Project funding will be sourced from the adopted C458001 Capital Works Funding Budget. The contract will be administered and financially managed by Council's Leisure & Recreation Services department.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	The project delivery within this contract supports the following strategic direction. Strategic Direction 4 – 'Our Built Environment, Movement and Public Places' The project delivery within this contract also supports the following objectives within the above strategic direction: 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 4.3: Provide active public spaces which are accessible by all, where people feel safe and connected with others in the community**.**
Financial and Resource Implications	All financial or resource implications arising from the recommendation contained in this report are included in the confidential Tender Information Report. The recommendation can be delivered within the endorsed 2025/26 Council budget and 10-year Capita Works Program. A detailed financial summary is contained within the Confidential Attachment 1.1.
Legislative and Risk Implications	There are no legal implications arising from the recommendation contained in this report. Risks associated with project are outlined in Confidential Attachment 1.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.

10.3 (cont)

Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
Collaboration	No collaboration was required for this report.
Conflict of Interest	The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates. Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

1 Contract 30634 - Morack Public Golf Irrigation - Tender Report - Confidential Attachment

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020.This ground applies because the matter concerns private commerical information*

10.4 Mirrabooka Reserve Joint-Use-Agreement

Department	Leisure and Recreation Services Director Community Services

Attachment

SUMMARY

The purpose of this report is to seek endorsement from Council to execute the Mirrabooka Reserve Joint Use Agreement (JUA) with the Minister for Education, Orchard Grove Primary School and the Aurora School and to bring associated capital investments forward into the capital works plan.

The Blackburn South reserve includes four sports fields (west, north and mid fields are on school land and the south is on Council land) used for school activity during weekdays and for community sport weeknights and weekends.

The Council-owned south sports field is the only open space at the reserve with lights, with 34 football (soccer) teams and over 600 community players in winter using it for training and games. It is currently estimated to have 204.4% usage compared to recommended levels. This results in safety concerns and poor turf condition reports that extend through winter and into the summer cricket season each year.

A JUA has been developed to replace the historical informal maintenance and usage arrangement and to provide long-term certainty for the future of the site as a community sport and recreation venue. This partnership approach will allow Council to invest into sports field and floodlighting upgrades and improved maintenance on the school land to cater for community use and future growth.

The JUA is strategically important given high levels of current use, record rates of growth of football (soccer) in Whitehorse and the current Mirrabooka Reserve Pavilion project being delivered in partnership with the State and Federal Governments designed to support all four sports fields.

RECOMMENDATION

That Council:

1. Resolves to endorse the funding allocation of $5,951,000 as provided for in the Financial Plan – capital works program, facilitate the sports field and floodlighting upgrades required to secure the agreement.
2. Authorises the Chief Executive Officer or delegate to sign and execute the Mirrabooka Reserve Joint Use Agreement (Confidential Attachment 1) with the Minister for Education, Orchard Grove Primary School and the Aurora School.

10.4 (cont)

KEY MATTERS

Mirrabooka Reserve and Local Sporting Clubs

Mirrabooka Reserve in Blackburn South is an important sporting reserve across both Council and Department of Education (DoE) land. The site includes four sports fields (west, north and mid owned by DoE, south owned by Council – as shown in attachment 2) and a small sports pavilion (being replaced by 2027).

The DoE land is used during the week in school hours by the adjacent Orchard Grove Primary School (OGPS) and Aurora School and by sporting clubs and the public on weeknights and on weekends. Council currently maintains the whole area via an informal agreement.

The site has hosted community sport since at least 1983 and is currently home to the following Whitehorse seasonal sporting clubs as well as supporting the use of casual users and the public:

- Blackburn NewHope Football Club – approximately 600 players in 34 junior and senior teams and Kickstart program.
- Blackburn South Cricket Club – approximately 200 players in 11 teams and Blasters program.
- Orchard Grove Auskick Centre (affiliated to East Burwood Football Netball Club) – approximately 50 participants in 2025.
- The site is also used as a secondary venue for junior and senior teams of Laburnum, Deakin and Mont Albert Cricket Clubs.
- The Heads of State Ultimate Frisbee Club have recently used the site as an overflow venue, and it supports winter preseason training for different football codes.
- Alongside daily use of the schools for play and physical activity programs, the site often hosts school competition, in particular large cross-country events using the adjacent Wurundjeri Walk open space.
- General public use of the space has significantly increased over the past few years, particularly for dog walking on the western oval as part of the corridor through from the adjacent Wurundjeri Walk.

The majority of winter sporting club participation uses Council's south sports field as the only open space with lights at the reserve. Despite Blackburn NewHope Football Club's decision to limit the extent of its training activities at this site (single weekly sessions per team), the field still carried up to an estimated 204.4% of recommended turf industry levels for activity in 2025.

As the landowner of this field, Council has invested more heavily in upgrading and maintaining the turf for training and competition to try and support these high levels of usage. This included the 2020 investment of over $1.5m upgrading the turf and underlying drainage / irrigation systems.

10.4 (cont)

Despite this investment the field shows significant signs of decline in turf condition with safety concerns and poor participant experience reported each year. The field generally does not recover from this overuse until about halfway through each summer season, also impacting upon the participation of 200+ cricket players and potentially reducing the lifespan of the recently upgraded surface.

By comparison, the unlit sports fields at the site are underused due to having no lights and poor turf surface quality. An upgraded Mirrabooka Reserve would provide improved surfaces for all current winter players and provide additional capacity for growth for another 192 participants training and competing at the site three hours a week in winter. In summer, upgraded school fields would result in far improved conditions for cricket and contribute to a faster turnaround of the quality of the south field turf from winter to summer.

Currently, a $7.8m upgrade of Council's central pavilion (funded by $5m of state and federal government funding and $2.8m from Council) is being undertaken, designed with six changerooms to support all the sports fields at the site being used at the same time for training and matches.

Importance of Mirrabooka Reserve for Whitehorse Sport and Recreation

Activation of the whole site is strategically important for Council's Leisure and Recreation delivery as the whole network of floodlit sports field network is under significant pressure as participation levels rise over time. In 2024, the floodlit network was estimated to be carrying 122.5% of recommended levels, with fields supporting the sport of football up to 146.4%. These percentages are projected to increase further (10%-20%) upon further detailed analysis of 2025 participation levels.

The sport of football (soccer) is in an acute growth phase, with 28.6% and 18.5% annual growth reported over the last two years in Whitehorse. This has resulted in almost 900 extra players using Council fields. Growth is being observed in all recorded categories (senior / junior, female / male) with junior girls more than doubling in participation levels since Australia hosted the Women's World Cup in 2023. Similar trends for all categories are being reported across the Eastern Region, Victoria and Australia.

Football (Soccer)	2023	2024	2025	Two Year Growth
Teams	105	135	160	52.4%
Estimated Players	1700	2190	2565	50.9%

Through Council's seasonal allocation process, community sporting clubs are requesting more timeslots than is available in the network of Whitehorse floodlit sporting fields available for football (soccer).

10.4 (cont)

Mirrabooka Reserve Joint-Use-Agreement (JUA*)*

While there has never been a formal agreement in place for the shared use of the site, there is an informal agreement in place for Council to provide a basic maintenance for the DoE sports fields in exchange for community use of them outside of school hours.

The agreement intends to provide long-term certainty for all parties and support capital investment into the sports fields at the site.

Key terms of the JUA are listed below:

- An initial term of 30 years with a further 10-year option (upon agreement of both parties) for all the land of the site to be used for community sport and related purposes, as well as school activity using the sports fields.
- Expectation that Council delivers sports field upgrades on the north and west sports fields including drainage and irrigation, as well as competition / training standard floodlighting. The smaller Mid field is also agreed to be upgraded at Council's discretion relating to budget and feasibility.
- Council continues to assume responsibility to maintain the sports fields as per current practices for similar venues across the whole site.
- There is a split of responsibilities for the different car parks and access road of the site depending on their primary usage (clubs, schools, public).
- The JUA ensures that OGPS will consult with Council in relation to the installation of a 1.8m fence, which will be installed by OGPS to limit public access to western school ground during school hours (8am-4pm) but remain open to the community before and after.
- The JUA represents a granting of licences for the entirety of the school land to the schools during school hours and Council outside of school hours. Access for either party outside of their times is to be arranged free of charge with permission of the other party.

Risks and opportunities regarding these key terms of the JUA and executing the document or continuing the existing informal agreement are explored in the Discussion, Options and Analysis section below.

10.4 (cont)

Proposed JUA Capital Works Program

The JUA outlines the need to confirm a capital works schedule for the site. The below sets out an indicative schedule for projects at the site until 2027/2028 developed in consultation with schools and clubs (*italicised* projects are not formally part of the JUA):

Financial Year	Project
2025/26	Execute JUA
	Site power upgrade
	Pavilion construction commences
	Completion of precinct masterplan
2026/27	North sports field surface and sports field lighting design and construction
	Pavilion construction concludes
2027/28	West sports field surface and sports field lighting design and construction works
	Mid sports field surface and sports field lighting design and construction (if budget permits)

DISCUSSION, OPTIONS AND ANALYSIS

There are two options for the continued management of the reserve with risks and opportunities for the community explored in detail in relation to the development of the JUA.

Continuing with Informal Arrangement

It is acknowledged that the current informal arrangement does support community sport and recreation at a basic level and requires limited resourcing by Council and the schools. However, it does not provide the participation opportunities of a formal JUA that would allow Council to upgrade all the school sports fields of the site.

Without long-term certainty or guaranteed access to school sports fields it is difficult for Council to justify both capital investment or the delivery of proactive maintenance activities to deliver improved sports field surfaces, many of which need access to functional, high-quality drainage and irrigation systems not present under the school fields. In this arrangement, intense usage of the south sports field as the only floodlit training option for the winter tenant will continue, damaging the surface significantly each year and reducing its lifespan.

The informal agreement also does not provide certainty for the schools, Council or DoE, with any party able to withdraw or adjust its management of

10.4 (cont)

the site with limited notice. Without a formal agreement there is the risk that community access could be restricted or lost in the future.

Any future loss of community access to sports fields at the site would significantly impact community club sport, both for the local clubs of Mirrabooka Reserve and for the sports across Whitehorse. This outcome would also mean that the pavilion developed through contribution from all levels of government would be not used to its full potential.

Executing the Formal JUA

Supported by significant capital investment and ongoing maintenance, an executed JUA would support several strategic priorities of Council and assist the sport of football (soccer) to meet some of its recent sports field capacity issues in Whitehorse.

Upgraded school fields with new lights would give clubs opportunity to spread training and competition across the whole site with all fields experiencing far improved conditions. It would also provide opportunity for player numbers to grow at the site where currently clubs face challenges in finding timeslots for new and existing teams.

The JUA commits Council to not sell its land for at least 30 years and committing the south field to support community sport and recreation during this time. This is consistent with the current delivery of the venue since at least 1983 and the community's ongoing aspiration for the site as explored through the ongoing precinct masterplan process.

Recommendation – Execute the JUA and undertake Capital Works Program

For the reasons discussed above, including the significant community demand for higher quality sporting surfaces with lights across both the school and Council sports fields of the site, it is recommended that the JUA be executed by Council along with the other parties.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	Securing this agreement and facilitating capital works development to support existing community participation and future growth aligns with Council's strategic priorities including the following direct linkages to the Integrated Council Plan 2025-2029: Strategic Direction 1: Community • Objective 1.3 A healthy and active community – Support community initiatives to promote health and prevent disease Strategic Direction 2: Built

10.4 (cont)

	• Objective 2.2 Well used community facilities and shared spaces – Plan for and provide suitable and accessible recreation spaces for all • Objective 2.3 Sustainable planning and infrastructure to respond to population change – Advocate and plan for open spaces to meet increasing demand
Financial and Resource Implications	Projects related to the JUA's execution would increase Council's future capital works budgets by $5,951,000, with discretion in the 2027/28FY Budget cycle to consider investment in the mid-sports field surface and lighting. It is likely that Council's Sportsfield team would need to raise its level of service once the fields are upgraded from the current basic maintenance program provided on the school fields of the site. Resourcing approaches will be considered through future department planning and other budget processes.
Legislative and Risk Implications	Risk relating to poor community outcomes and other risks regarding the terms of the JUA are discussed throughout this report. There are no additional legal or risk implications arising from the recommendation contained in this report.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	Council has been consulting with the community regarding expectations and aspirations for the site through the stages of the ongoing precinct Masterplan. Any future projects will be individually consulted upon as part of their planning and delivery.
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
Collaboration	The JUA has been developed by Council officers and DoE. Additional consultation and engagement

10.4 (cont)

	has been undertaken with the schools. Tenant sporting clubs have been provided with updates as available.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

1 Mirrabooka Reserve Joint-Use-Agreement - Execution Copy with Annexures - July 2025

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) (k) of the *Local Government Act 2020.This ground applies because the matter concerns confidential clauses as specified by the signatory parties*

2 Ownership and Aerial Photo - Mirrabooka Reserve Blackburn South

10.5 Audit and Risk Committee Matters - Extension of Independent Member's Term and Independent Member's Fee Review

Department	Governance and Integrity
	Director Corporate Services

SUMMARY

1. Extension of Independent Member

Pursuant to section 53 of the *Local Government Act 2020*, every Council is required to establish an Audit and Risk Committee (ARC). At Whitehorse, the Committee comprises three independent members and two Councillors.

Under the ARC Charter, independent members are appointed for an initial term of up to three (3) years. Following a formal performance review, members may be considered for an extension or reappointment for a further three (3) year term.

In September 2022, Ms Binda Gokhale was appointed as an independent member of the ARC by the Council. This initial term runs from 1 October 2022 to 30 September 2025, with the option of a three-year extension based on performance.

Following the performance evaluation process, it is recommended that Council extend Ms Gokhale in her current position. This extension will utilise the last three-year option permitted under the original agreement, extending her term until 30 September 2028.

2. Independent Members remuneration

The ARC Charter states that independent members are to be remunerated in accordance with rates set periodically by Council resolution.

The last benchmarking exercise was conducted in July 2022, and since then, remuneration has been adjusted annually in line with the rate cap, as outlined in the Charter.

In accordance with the Charter, and following the commencement of the new Council term, a new benchmarking review was undertaken in June 2025, covering twelve metropolitan councils across Victoria. The results support an average fee increase of approximately 6%.

3. Resignation of Independent Member

Ms Lisa Woolmer, an independent member of the ARC, formally submitted her resignation to the CEO on 16 June 2025, with her departure effective from 30 September 2025.

10.5 (cont)

Ms Woolmer has served on the Committee since 1 September 2017, initially appointed for a three-year term and subsequently reappointed for two further three-year terms. Her current term was due to conclude on 31 August 2026, however, her resignation comes one year ahead of schedule. Ms Woolmer has held the role of the Committee Chair since September 2022.

RECOMMENDATION

That Council:

1. Extend Ms Binda Gokhale's term as an independent member of the Audit and Risk Committee for an additional three-year period ending 30 September 2028;
2. From 1 July 2025, approve remuneration for the Chairperson of the Audit and Risk Committee at $2,360 per meeting for a maximum of five meetings per annum;
3. From 1 July 2025, approve remuneration for the independent members of the Audit and Risk Committee at $1,805 per meeting for a maximum of five meetings per annum;
4. Note Ms Lisa Woolmer's resignation, effective 30 September 2025, and acknowledge her contributions to the Audit and Risk Committee; and
5. Note that recruitment for a new independent member will commence in July 2025. A report will be presented to Council by 30 September 2025, with the intention of appointing the successful candidate by 1 October 2025.

KEY MATTERS

1. Extension of Independent Member

In accordance with the ARC Charter, independent members are eligible for a term extension following a formal performance review. A comprehensive assessment was undertaken by the CEO, the two Councillors who are the appointed representatives to the ARC, and two independent members. The review outcome was positive, and an extension of Ms Gokhale's term is recommended to Council.

2. Independent Members remuneration

A periodic review of independent member fees is essential to ensure remuneration remains appropriate and competitive. In line with the ARC Charter, which requires benchmarking at least once every Council term, a benchmarking exercise was conducted in June 2025. Based on the findings, a 6% increase in remuneration for independent members is recommended.

3. Resignation of Independent Member

10.5 (cont)

Under section 53 of the *Local Government Act 2020*, the ARC must consist of a majority of members who are not Councillors of the Council. In accordance with the ARC Charter, the Committee is comprised of five members, two Councillors and three independent members.

To maintain compliance with these requirements, Ms Woolmer's position will need to be refilled. A formal recruitment process will be undertaken, including advertisement, evaluation, interviews, and appointment.

As with previous independent member appointments, the existing independent members will be involved in the shortlisting and interview process.

DISCUSSION, OPTIONS AND ANALYSIS

1. Extension of Independent Member

Ms Gokhale's first term will conclude on 30 September 2025 and she has expressed her intention to utilise the option available under the original agreement and the ARC Charter to extend her current term as an independent member for an additional three years until 30 September 2028.

The questions used to evaluate Ms Gokhale's performance were based on member responsibilities as per the ARC Charter and guidance provided in '*The Audit Committees: A Guide to Good Practice*' (a joint publication from the Auditing and Assurance Standards Board, Australian Institute of Company Directors and The Institute of Internal Auditors-Australia), considered an authoritative and independent forum for guidance. The questions were:

1. Rate the member's understanding of, and commitment to, the Committee's role and responsibilities, as defined in the ARC Charter.
2. Rate the member's level of objectivity and independence in their role on the Committee, particularly in relation to Council matters.
3. Rate the member's ability and willingness to take a firm but constructive stance on challenging issues during Committee meetings when necessary.
4. Rate the member's effectiveness in preparing for meetings and actively contributing to Committee discussions and decision-making processes.
5. Rate the member's understanding of Council operations, financial reporting requirements, and related obligations.
6. Rate the member's understanding of the Council's risk management framework and internal control processes.
7. How effectively does the member engage in activities to maintain and update their knowledge of relevant business, industry, financial, and regulatory matters?

10.5 (cont)

8. Do you have any additional comments or feedback regarding the member's performance on the Committee?

All respondents unanimously endorsed and recommend the extension to Ms Gokhale's term, offering positive feedback on each of the eight evaluation questions. Their consensus is that she fully meets the criteria and supports the extension of her new term.

Ms Gokhale is commended as a highly valued member of the ARC, bringing extensive experience and strong networks across the sector. She is attentive, engaged in discussions, and consistently offers valuable insights on a range of topics. Her contributions enhance the effectiveness of the Committee.

2. Independent Members remuneration

The last benchmarking exercise was conducted in July 2022, and since then, remuneration has been adjusted annually in line with the rate cap, as outlined in the Charter. Until 2024/25, the remuneration for an independent member of the Committee was $1,706 per meeting (for 5 meetings) or $8,530 per annum. For the elected Chairperson, remuneration was $2,235 per meeting (for 5 meetings) or $11,175 per annum.

In accordance with the Charter, and following the commencement of the new Council term, a new benchmarking review was undertaken in June 2025, covering twelve metropolitan councils across Victoria. The results support an average fee increase of approximately 6% as follows:

	Chairperson fees per meeting	Independent member fees per meeting
Average Council	$2,359	$1,804
Highest Council	$3,442	$2,563
Whitehorse City Council – Current Remuneration	$2,235	$1,706
Whitehorse City Council – Recommended Remuneration	$2,360	$1,805

3. Resignation of Independent Member

Following Ms Woolmer's resignation from the Committee and the conclusion of her term as Chair, a new Chair will be elected at the September 2025 meeting in accordance with the Committee Charter.

Ms Woolmer's position will be filled through a formal recruitment process. Existing independent members will be requested to participate in the shortlisting and interview process. A report will be presented to

10.5 (cont)

Council by 30 September 2025, with the aim of appointing the successful candidate by 1 October 2025.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	Strategic Direction 8 – Governance and Leadership The ARC supports the strategic direction of Governance and Leadership by providing independent oversight that strengthens accountability, transparency, and ethical decision-making. It plays a key role in reviewing governance frameworks, monitoring risk management and internal controls, and ensuring accurate financial and performance reporting. Through its assurance and advisory functions, the ARC promotes continuous improvement, supports executive accountability, and upholds strong leadership values aligned with legislative and organisational expectations.
Financial and Resource Implications	The remuneration for an independent member of the ARC is in line with current approved budgets. Increasing remuneration for the Chairperson to $2,360 will result in an increase of $125 per meeting and for Independent Members to $1,805 an increase of $99 per meeting. The recruitment process for the independent member may incur additional costs which will be disclosed in the future report to Council.
Legislative and Risk Implications	*Local Government Act 2020*. ARC Charter There are no other legal or risk implications arising from the recommendation contained in this report.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.

10.5 (cont)

Community Engagement	No community engagement was required for this report.
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report. Comments and feedback from the performance evaluation will be shared with the respective member.
Collaboration	The member's performance evaluation involved consultations with other ARC members and the CEO. Other metropolitan councils across Victoria were contacted for benchmarking the independent member's remuneration.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

10.6 Appointment of Authorised Officers and Instrument of Sub-Delegation

Department	Governance and Integrity Director City Development

Attachment

SUMMARY

The appointment of authorised officers enables appropriately qualified staff within Council to administer and enforce a range of Acts, Regulations, and local laws in accordance with legislative powers.

These appointments are formalised through Instruments of Delegations and Instruments of Appointment and Authorisation, prepared in accordance with advice from Maddocks (Lawyers) Authorisations and Delegations Service, which Council subscribes to.

Authorisations and delegations differ in that authorisations are appointed to individual persons who hold statutory positions, enabling them to carry out specific functions as outlined in the relevant instrument. Delegations are assigned to roles or positions within the Council, rather than to individuals.

While most authorised officer appointments are executed by the Chief Executive Officer under delegation, officers administering the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* need to be authorised by Council resolution.

- **S11A Appointment of Authorised Officers under the *Planning and Environment Act 1987***

  Council is required to appoint individuals as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987*.

- **S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017***

  The *Environment Protection Act 2017* and associated Regulations came into effect on 1 July 2021. Under the Act and Regulations, the scope of Council's role as a regulator did not change, but changes to the laws and powers of councils included a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to council. Pursuant to section 437(1) of the Act, the EPA issued the S18 Instrument of Delegation directly to Council.

- **S11B Appointment of Authorised Officers under the *Environment Protection Act 2017***

  Powers delegated under the *Environment Protection Act 2017* (S18 above) can only be delegated to staff who are also authorised under section 242(2).

These three instruments have been reviewed and updated to reflect staff changes and position title updates. No additional powers have been introduced. All three instruments are presented to Council for adoption.

10.6 (cont)

In accordance with the *Local Government Act 2020*, Council must review all delegations within 12 months of a general election. This review is currently in progress and will be presented at a future Council meeting.

RECOMMENDATION

That Council:

1. In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolves that:
   a) The members of Council staff referred to in the instrument S11A (Attachment 1) be appointed and authorised as set out in the instrument.
   b) The S11A instrument comes into force following the adoption of this Resolution and the subsequent signing by Council's Chief Executive Officer. It remains in force until Council determines to vary or revoke it.
2. In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council resolves that:
   a) There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation S18 (Attachment 2) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
   b) The instrument comes into force immediately upon this resolution being made and is to be signed by Council's Chief Executive Officer.
   c) On coming into force all previous S18 delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
   d) The duties and functions set out in the S18 instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
3. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
   a) The members of Council staff referred to in the instrument S11B (Attachment 3) be appointed and authorised as set out in the instrument.
   b) The S11B instrument comes into force immediately upon this resolution being made and is to be signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

10.6 (cont)

KEY MATTERS

This report recommends the renewal of the S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017* as part of Council's ongoing review of all delegations. It also seeks Council approval for the updated S11A and S11B Instruments of Appointment and Authorisation, to reflect recent staff changes.

These instruments ensure individuals (other than Councillors) appointed as authorised officers can perform their statutory compliance and enforcement duties effectively. While delegations are position-based, authorisations apply to named individuals.

No new powers are being introduced. The proposed updates support the efficient and consistent delivery of Council's statutory responsibilities and day-to-day operations.

DISCUSSION, OPTIONS AND ANALYSIS

S11A Instrument of Authorisation

A review of authorised officers has been conducted in response to staff changes. The revised S11A Instrument (Attachment 1) is presented for Council's consideration.

S18 Instrument of Delegation

The *Environment Protection Act 2017* (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.

By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.

The powers, duties and functions described and summarised in the Schedule (Attachment 1) to this report, are only delegated for the purpose of regulating:

- onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- noise from the construction, demolition or removal of residential premises.

S11B Instrument of Authorisation

A review of authorised officers has been conducted in response to staff changes. The revised S11B Instrument (Attachment 2) is presented for Council's consideration.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	Strategic Direction 8 – Governance and Leadership Objective 8.3 Good Governance and Integrity, which is focused on compliance with Council policies, legislative requirements and regulations

10.6 (cont)

Financial and Resource Implications	There are no financial or resource implications arising from the recommendation contained in this report.
Legislative and Risk Implications	The report complies with Council's obligations under the: • *Planning and Environment Act 1987* • *Local Government Act 2020* • *Environment Protection Act 2017* • *Environment Protection Regulations 2021.* Failure to adopt and update these instruments will impact the ability of the organisation to fulfil its statutory responsibilities.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
Collaboration	This Instrument of Appointment and Authorisation has been prepared following feedback from relevant departments within Council.
Conflict of Interest	The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates. Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

1 Draft S11A Instrument of Appointment and Authorisation
2 Draft S18 Instrument of Sub-Delegation under the Environment Protection Act 2017
3 Draft S11B Instrument of Appointment and Authorisation

10.7 Records of Informal Meetings of Councillors

Department	Governance and Integrity Director Corporate Services

RECOMMENDATION

That Council receives and notes the Records of Informal Meetings of Councillors.

Pre Council Meeting Briefing – 23 June 2025 – 6:30pm – 6.39pm		
Matter/s Discussed: • Council Meeting Agenda – 23 June 2025	**Councillors Present** Cr Andrew Davenport Mayor Cr Prue Cutts Deputy Mayor Cr Peter Allan Cr Blair Barker Cr Jarrod Gunn Cr Daniel Griffiths Cr Kirsten Langford Cr Jason Martin Cr Kieran Simpson Cr Ben Stennett Cr Hayley Weller	**Officers Present** S McMillan S Cann J Green T Gledhill S White F Nolan A Ghastine C Robinson K Woods A Wintle
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor attendance following disclosure: N/A		

10.7 (cont)

Councillor Briefing – 7 July 2025 – 6:30pm – 10.30pm		
Matter/s Discussed: • Asset Plan • Community Grants 2025/26 • Open Space Strategy • Mirrabooka Joint User Agreement • Urban Forest Strategy and Tree Management Policy • Councillor Advisory Committee Review • Council Meeting Agenda – 14 July 2025	**Councillors Present** Cr Andrew Davenport Mayor Cr Prue Cutts Deputy Mayor Cr Peter Allan Cr Blair Barker Cr Jarrod Gunn Cr Daniel Griffiths Cr Kirsten Langford Cr Jason Martin Cr Kieran Simpson Cr Hayley Weller	**Officers Present** S McMillan S Cann J Green L Letic S White F Nolan A Ghastine C Robinson K Woods T Gledhill L Morris Z Quinn S Day K Marriott
Others Present: N/A		
Disclosures of Conflict of Interest: Cr Gunn declared a General Conflict of Interest as he the Chairperson of the Neighbourhood House Committee. This Committee has applied for a grant *Item 3.2 Community Grants 2025/26*		
Councillor attendance following disclosure: Cr Gunn left the briefing at 7.17pm while the item was discussed and returned at 7.22pm		

11 Councillor Delegate and Conference / Seminar Reports

11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance

Department Governance and Integrity
Director Corporate Services

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

RECOMMENDATION

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

12 Confidential Reports

13 Close Meeting