



# City of Whitehorse

## MINUTES

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### Council Meeting

In accordance with the COVID-19 Omnibus (Emergency Measures) Bill 2020 – Amendment of Local Government Act 2020, our Council meetings remain open to the public via Live Stream only.

Please do not attend in person. Meetings can be viewed via Council's live stream platform <https://webcast.whitehorse.vic.gov.au/video.php>.

on

## Monday 22 June 2020

at 7:00pm

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

**Mr Simon McMillan**  
Chief Executive Officer

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Meeting opened at 7:00pm

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

## **1 PRAYER**

### **1a Prayer for Council**

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

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

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

***Amen.***

### **1b Aboriginal Reconciliation Statement**

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

## **2 WELCOME AND APOLOGIES**

The Mayor welcomed all.

APOLOGIES: Nil

## **3 DISCLOSURE OF CONFLICT OF INTERESTS**

None disclosed

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Council Meeting 25 May 2020 and Confidential Ordinary Council Meeting 25 May 2020

### **RECOMMENDATION**

***That the minutes of the Ordinary Council Meeting 25 May 2020 and Confidential Ordinary Council Meeting 25 May 2020 having been circulated now be confirmed.***

### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Cutts

***That the minutes of the Council Meeting 25 May 2020 and Confidential Council Meeting 25 May 2020 having been circulated now be confirmed, subject to amending resolution – item 9.2.6 Electoral Representation Review – Single Ward/Ward Names to factually correct ward name J – Mahoney to Mahoneys.***

**CARRIED**

**PROCEDURAL MOTION- SUSPENSION OF STANDING ORDERS**

Moved by Cr Bennett, Seconded by Cr Liu

***That Standing Orders be suspended in order to allow questions to be read out under item 5 responses to questions***

**CARRIED**

**5 RESPONSES TO QUESTIONS**

5.1 Mr Peter Carter of Box Hill North asked questions in relation to:

- a) Easy Ride (ER) Network Priority Routes – creating a limited ER network and sharrow line marking

Council's General Manager City Development responded to the question on behalf of Council

- b) Federal Local Road and Community Infrastructure Program COVID-19 Allocation– consideration of projects for Whitehorse

Council's General Manager City Development responded to the question on behalf of Council.

5.2 Mr Chris Trueman of Blackburn asked questions in relation to:

- a) Local Roads Community Infrastructure Program Funding allocation and 2020-21 Financial Assistance Grant Bring Forward Funding allocation – Council proposed projects

Council's General Manager City Development responded to the question and advised that a more detailed written response would be provided to Mr Trueman.

- b) Pop-Up Facilities – opportunities to implement

Council's General Manager City Development responded to the question on behalf of Council.

**PROCEDURAL MOTION – RESUMPTION OF STANDING ORDERS**

Moved by Cr Liu, Seconded by Cr Bennett

***That Standing Orders be resumed.***

**CARRIED**

## 6 NOTICES OF MOTION

### 6.1 Notice of Motion No 133 Cr Barker

#### MOTION

Moved by Cr Barker, Seconded by Cr Cutts

#### *That Council:*

1. *Writes to the Peoples Republic of China's Ambassador to Australia, Mr Cheng Jingye regarding the travel warning issued to Peoples Republic of China (PRC) citizens from visiting Australia. In particular Council confirm that it:*
  - a) *Is disappointed by this action,*
  - b) *Disputes the concerns raised by the PRC Government about Australia and indirectly implied about the City of Whitehorse,*
  - c) *Has one of the lowest COVID infection rates in Australia,*
  - d) *offers a superb tertiary education sector, affordable living and a vibrant and richly culturally diverse living experience,*
  - e) *Has been a favoured destination for students and tourists from around the world, we are determined that this will continue, and*
  - f) *Will continue to welcome diverse Chinese and indeed all international people from around the world when our national borders open.*

*Further we note that we have made very considerable investments in highly popular cultural events, including celebrating the Lunar New Year that PRC embassy and consular staff have regularly attended.*

2. *Will stand by local business, many that are owned by the diverse Chinese Australian community members and our ambition is for them to continue to thrive.*
3. *Looks forward to the removal of the travel warning for the reasons outlined.*

LOST

A Division was called.

#### Division

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

On the results of the Division the motion was declared LOST

**7        PETITIONS**

Nil

**8        URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 4 Cadorna Street, Box Hill South (Lot 1 TP 86731 10, Lot 7 TP 23715Q) Use and development of two double storey rooming houses and associated tree removal**

FILE NUMBER: WH/2019/834  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 12 objections were received. The objections raised issues with neighbourhood character, amenity impacts, car parking and traffic, site services, and landscape. A Consultation Forum was held on 19 February 2020 chaired by Councillor Davenport, at which the issues were explored, with some resolutions reached between parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Liu

#### **That Council:**

- A Being the Responsible Authority, having caused Application WH/2019/834 for 4 Cadorna Street, Box Hill South to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of two double storey rooming houses and associated tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 4 Cadorna Street, Box Hill South (Lot 1 TP 86731 10, Lot 7 TP 23715Q) for the use and development of two double storey rooming houses and associated tree removal, subject to the following conditions:**
  - 1. Before the development starts, or vegetation removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:**
    - a) The locations of the Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.**
    - b) The location of all service trenches to serve the buildings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.**

### **9.1.1**

(cont)

- c) An accurate calculation of the garden area provision (as defined by Clause 73.01 of the Planning Scheme) for the proposed development as required by Clause 32.09-4 of the Neighbourhood Residential Zone. The denoted Garden Area must be clearly hatched and demonstrated on a separate scaled site plan, and be no less than 35% of the site area.*
- d) Conversion of Unit 1 bedroom 2 and ensuite to a meals/living area (remove one bedroom of Unit 1).*
- e) Conversion of Unit 2 bedroom 3 and ensuite 2 to extended living/meals area, and conversion of ensuite 2 to serve bedroom 3 (remove one bedroom of Unit 2).*
- f) The Unit 1 upper level bedroom 7 window to be fixed and obscure glazed to 1.7 metres above the finished floor level in accordance with Standard B22 (Overlooking).*
- g) The site plan to provide a pedestrian path adjacent to the west boundary to provide access into the service yard to Unit 1 from the street.*
- h) The vehicle crossover to be drawn to scale and dimensioned.*
- i) The provision of two bicycle spaces per rooming house.*
- j) Any changes required to the plans arising from the recommendations or implementation of the Access Audit as required by Condition 9 of this permit must be implemented without reducing boundary setbacks or compromising vehicle turning movements or the amenity of open space areas.*
- k) The Unit 1 kitchen to be further setback from the shared accessway in order to allow vehicles to access the Unit 1 garage in a forwards direction and manoeuvre to exit forwards, to the satisfaction of the Responsible Authority, and swept paths diagrams provided to demonstrate this.*
- l) The cladding colours and materials schedule updated to indicate that all obscured glazing be manufactured obscured glass.*
- m) An amended landscape plan to show:
  - i. A notation that no trees within 1/6 Cadorna Street will be lopped during the process of construction.*
  - ii. A pedestrian path adjacent to the west boundary to provide access into the service yard to Unit 1 from the street.**

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

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

#### **Landscaping and Tree Protection**

- 3. Prior to the occupation of the approved buildings, landscaping and tree planting must be undertaken in accordance with the endorsed landscape plan that forms part of this permit, to the satisfaction of the Responsible Authority.*
- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*



### **9.1.1**

(cont)

5. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
- a) *Tree Protection Zone distances:*
- i. *Tree 1 (Leptospermum morrisonii) – 2.0 metre radius from the centre of the tree base.*
  - ii. *Tree 3 (Prunus persica var. nectarine) – 2.5 metre radius from the centre of the tree base.*
  - iii. *Tree 5 (Prunus domestica) – 5.0 metre radius from the centre of the tree base.*
  - iv. *Tree 10 (Eucalyptus leucoxylon) – 2.1 metre radius from the centre of the tree base.*
  - v. *Tree 11 (Eucalyptus leucoxylon) – 2.0 metre radius from the centre of the tree base.*
  - vi. *Tree 12 (Eucalyptus leucoxylon) – 2.52 metre radius from the centre of the tree base.*
- b) *Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
- i) *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii) *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii) *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
  - iv) *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v) *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi) *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii) *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii) *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*

### **9.1.1**

(cont)

6. *During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:*
  - a) *A project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.*
  - b) *The Project Arborist must supervise all approved works within the TPZs of Trees 1, 3, 5, 10 and 11. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.*
  - c) *All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 3 and 5.*
  - d) *For Trees 3 and 5 no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
  - e) *The Driveway where within the TPZs of Trees 1, 10 and 11 must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within the TPZs, and no roots are to be cut or damaged during any part of the construction process.*
  - f) *The removal of the sections of the existing driveway where within the TPZs of Trees 10 and 11 must be undertaken with the supervision and direction of the project arborist. The exposed areas must then be mulched with a 75mm layer of coarse grade composted woodchips, which must be maintained until such time as the treatment approved for that section is installed.*
  - g) *The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
7. *The existing street tree must not be removed or damaged, unless with the further written consent of the Responsible Authority.*

#### **Construction Management Plan**

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

*This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.*

*Once submitted to and approved by the Responsible Authority the Construction Management Plan will form part of the documents endorsed as part of this planning permit.*

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

### **9.1.1**

(cont)

#### **Site Use and Operation**

9. *Prior to the endorsement of plans, an Access Audit must be prepared by a suitably qualified access auditor to assess any plans and provide advice/recommendations on access and mobility issues to the satisfaction of the Responsible Authority. The Plan must be submitted to and approved by the Responsible Authority.*

*When submitted and approved to the satisfaction of the Responsible Authority, the Access Audit and associated notated plans will form part of this permit.*

*The recommendations of the Access Audit must be implemented at all times by the land owners, operators and residents to the satisfaction of the Responsible Authority. No alterations to the Access Audit may occur without the written consent of the Responsible Authority.*

10. *No more than 14 persons, comprising one person per bedroom, may be accommodated on the site at any one time.*
11. *The car spaces within the garages must not be allocated to specific rooms, so that they can be utilised on a 'first come, first served' basis*
12. *For so long as these premises operate as rooming houses, they must be owned and managed by an experienced operator, to the satisfaction of the Responsible Authority.*
13. *Prior to the occupation of the rooming houses, a site manager must be appointed.*
14. *Within one month of the commencement of the use, the owner/managers of each rooming house must set up a management plan/ charter for the site and this must be clearly displayed in prominent locations within the buildings for residents to clearly read.*
15. *The development must be provided with external lighting capable of illuminating access to each garage. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
16. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*

#### **Asset Engineering**

17. *All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s.*
18. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
19. *The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
20. *The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*

### **9.1.1**

(cont)

#### **Waste Management Plan**

- 21. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval.**

**The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.**

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

**If the criteria for the on-street bin collection services is unable to be met and the service is rendered inoperable, then the waste collection service will revert to an external Private waste collection service AND a WMP must be resubmitted to Council for approval.**

#### **Expiry**

- 22. This permit will expire if one of the following circumstances applies:**

- a) The development is not commenced within two (2) years from the date of issue of this permit;**
- b) The development is not completed within four (4) years from the date of this permit.**
- c) The use is not commenced within two (2) years of the completion of the development.**

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

#### **Permit Notes:**

- A. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**
- B. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting the Property Team on 9262 6470.**
- C. Any aboriginal remains, artefacts etc discovered on site must be protected in accordance with the Aboriginal Heritage Act 2006.**

#### **Asset Engineering:**

- D. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor.**
- E. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.**
- F. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**

### **9.1.1**

(cont)

- G. *No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans. Council's arborist must approve the landscaping plans.***
- H. *The alignment of the Sewer and Council drain in the easement to be shown on the plans.***
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***


**CARRIED UNANIMOUSLY**

### 9.1.1 (cont)

MELWAYS REFERENCE 61 A3

|                   |   |
|-------------------|---|
| Applicant:        | WestUrban Group   |
| Zoning:           | Neighbourhood Residential Zone, Schedule 5 (NRZ5)       |
| Overlays:         | Significant Landscape Overlay, Schedule 9 (SLO9)        |
| Relevant Clauses: |   |
| Clause 11         | Settlement  |
| Clause 12         | Environment and Landscape Values                        |
| Clause 15         | Built Environment and Heritage                          |
| Clause 16         | Housing   |
| Clause 21.05      | Environment   |
| Clause 21.06      | Housing   |
| Clause 22.03      | Residential Development                                 |
| Clause 22.04      | Tree Conservation                                       |
| Clause 32.09      | Neighbourhood Residential Zone Schedule 5               |
| Clause 42.03      | Significant Landscape Overlay Schedule 9                |
| Clause 52.06      | Car Parking   |
| Clause 52.23      | Rooming House   |
| Clause 55         | Two or More Dwellings on a Lot or Residential Buildings |
| Clause 65         | Decision Guidelines                                     |
| Ward:             | Riversdale  |



|  |  |              |  |  |   |
|--|--|--------------|--|--|---|
|  |  | Subject site |  | 12 Objector Properties<br>(1 outside of map) | <br><b>North</b> |
|--|--|--------------|--|--|---|

### 9.1.1

(cont)

## BACKGROUND

### History

Planning Permit WH/2004/14605 was issued on 7 September, 2005, allowing development of a single storey dwelling to the rear of the existing single storey dwelling. This permit has not been acted upon.

### The Site and Surrounds

The subject site is located on the south side of Cadorna Street, approximately 70 metres east of the intersection with Elgar Road. The site is an irregular rectangular shape, with a frontage of 15.24 metres to Cadorna Street, a maximum depth of 51.7 metres (along the east boundary) with an overall site area of 748m<sup>2</sup>.

The subject site contains a single storey, rendered brick dwelling with a vehicle crossover and concrete driveway located adjacent to the east boundary. The site has a fall of approximately 2 metres from the north (front) to the south (rear) boundaries.

The arborist report, prepared by ArborReport Victoria, provides an assessment of 19 trees. This includes a street tree (Tree 12), Trees 2, 4, 6, 7, 8, 9, 13, 14, 15, 16, 17 and 18 within the subject site and Trees 1, 3, 5, 10, 11 and 19 within adjoining lots. Trees 3, 5, 9, 10, 12 and 17 are protected under the Significant Landscape Overlay, Schedule 9. A table summarising the affected trees on the subject site and adjacent lots is included under the Planning Controls heading below.

The site is located within a residential area. Within the immediate context the following is noted:

- To the east, at 6 Cadorna Street, is a medium density development comprising a single detached dwelling fronting Cadorna Street and two attached dwellings at the rear.
- To the west, at 2 Cadorna Street, is a medium density development comprising two double storey dwellings arranged one behind the other.
- To the south, are two lots with a frontage to Stott Street. The lot at No. 3 Stott Street contains a single storey brick dwelling and the lot at No. 5 Stott Street contains two double storey dwellings arranged one behind the other.
- Parking in Cadorna Street in the vicinity of the subject site is subject to resident parking permits, or is otherwise limited to 0.5 hour 7am-5pm on weekdays.

### Planning Controls

A rooming house is defined as, '*Land used for a rooming house as defined in the Residential Tenancies Act, 1997*'. Under the *Residential Tenancies Act, 1997*, a rooming house means a building in which there is one or more rooms available for occupancy of payment of rent:

- a) *In which the total number of people who may occupy those rooms is not less than 4; or*
- b) *In respect of which a declaration under section 19 is in force.*

Pursuant to Clause 73.03 Land Use Terms, a rooming house is nested under 'Residential Building'.

### 9.1.1

(cont)

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

#### Neighbourhood Residential Zone, Schedule 5

Pursuant to Clause 52.23 (Rooming House), the proposed development requires a permit to for both the use and buildings and works for rooming houses because:

- More than 9 bedrooms are proposed.
- The total floor area exceeds 300m<sup>2</sup>.
- More than 12 persons will be accommodated.

Clause 55 applies to 'Two or more dwellings on a lot and Residential Buildings'. Under Clause 32.09-4, an application to construct a residential building on a lot must provide a minimum garden area of 35% (as the lot is greater than 650m<sup>2</sup>). The 'area analysis', indicates an area of 264.5m<sup>2</sup> (or 35.4%). There is no site plan verifying this outcome, therefore this will be addressed through a condition of the permit.

#### Significant Landscape Overlay, Schedule 9

Amendment C191 introduced Schedule 9 to the Significant Landscape Overlay to the Whitehorse Planning Scheme on an interim basis. The Overlay is set to expire on 30 June 2020.

Pursuant to Clause 42.03-2 a Planning Permit is required for the removal or lopping of protected trees and/or for works within 4 metres of protected trees. The proposed impacts to protected trees are summarised in the table below:

| Tree No. | Species and Common Name                                  | Height | Condition   | Permit Trigger                                    |
|----------|--|--------|---|---|
| 3        | <i>Prunus persica</i> var. <i>nectarine</i><br>Nectarine | 5m     | Healthy tree in the adjoining lot   | Works within 4m (Unit 2 decking and landscaping)  |
| 5        | <i>Prunus domestica</i><br>Plum                          | 8m     | Neighbouring tree   | Works within 4m (Unit 2 path and landscaping)     |
| 9        | <i>Syzygium paniculatum</i><br>Magenta Cherry.           | 6m     | Poor structure and decay evident in one trunk   | Removal   |
| 10       | <i>Eucalyptus leucoxylon</i><br>Yellow Gum               | 8m     | Broken branch within the canopy   | Works within 4m (accessway, and landscaping)      |
| 12       | <i>Eucalyptus leucoxylon</i><br>Yellow Gum               | 7m     | Street tree in a healthy condition, although the northern branch has been severely damaged by collision with a vehicle. | Works within 4m (pedestrian path and landscaping) |
| 17       | <i>Cotoneaster frigidus</i><br>Cotoneaster               | 5m     | Low retention value weed species  | Removal   |



### 9.1.1

(cont)

#### PROPOSAL

The application proposes the development of two residential buildings to be used for the purpose of rooming houses. The key features of the proposal include:

##### Use:

- The applicant has provided the following information in respect to the operation of the rooming house:
  - The number of people to be accommodated will be one per bedroom.
  - A private organisation will operate the rooming house.
  - The accommodation is to provide housing for predominantly low income earners and welfare recipients.
  - A site manager will be appointed upon the issue of the occupancy certificate.

##### Development:

The development of the two rooming houses is summarised as follows:

- The two units are attached and arranged one behind the other. At ground level, Unit 1 is setback 9 metres to Cadorna Street, with a minimum setback of 1.15 metres to the west boundary. Unit 2 is setback between 1.74 and 7 metres from the irregular alignment of the rear boundary, 1.24 metres from the east boundary and 1.52 metres from the west boundary.
- The upper levels of both rooming houses are setback 2.5 metres from the west boundary. The minimum rear (south) upper level setback for Unit 2 is 3.39 metres, and to the east, Unit 2 has an upper level setback of 2 metres, whereas Unit 1 achieves a 4.61 metre setback, allowing for the accessway alignment. A five metre separation is provided between the upper levels of the two proposed buildings.
- Shared vehicle access is via the existing crossover and a driveway located adjacent to the east boundary. The development provides for two, double-width attached garages.
- The layout to each unit provides for an entrance, open plan kitchen, dining and living area, and three bedrooms (each with ensuite) at ground level with five bedrooms (each with ensuite) at first floor level.
- The total number of bedrooms proposed within the development is 16.
- The area of secluded private open space provided to Unit 1 is beside the western boundary and comprises an area of 35.5m<sup>2</sup> with a minimum dimension of 5 metres. The secluded private open space area to Unit 2 is to the rear and comprises an area of 35.45m<sup>2</sup> with a minimum dimension of 4.88 metres.
- External materials comprise a mix of face brickwork at ground level, render at upper finish at level and feature architectural columns to the front elevation. The roof forms at ground and upper level are hipped with tile cladding.
- The maximum height of the development is 7.05 metres.

### **9.1.1**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting one large notice to the Cadorna Street frontage. Following the advertising period 12 objections were received.

The issues raised are summarised as follows:

- Neighbourhood Character:
  - Site Coverage is non-compliant
- Amenity impacts
  - Overlooking
  - Overshadowing
  - Rooming houses should not be located in this area.
  - Increased noise
  - Increased rubbish on the street
  - Potential increased crime
- Car Parking
  - Increased on-street parking
  - The number of car spaces provided on site is insufficient for the likely rate of car ownership of residents
  - Traffic safety impacts on the street
  - Visitor parking permits are required in the street, but these are often not displayed in parked cars and the rules are not enforced.
- Landscaping:
  - Tree removal
  - Proposed trees are too close to buildings
- Site Services
  - The naturestrip is too small to accommodate waste storage and collection.
  - Increased load on utilities such as sewers which are already failing
  - Proposed living areas on site are insufficient for residents' needs.
- Non-planning matters
  - Dust and damage to footpath will result from the demolition of the existing building on site.

### **Consultation Forum**

A Consultation Forum was held on 19 February 2020, chaired by Councillor Davenport. The planning officer, applicants and their planning consultant, and six objectors attended the meeting.

At the forum, the issues raised in the objections were discussed including a number of additional matters including:

- Non-compliance with the Residential Tenancies (Rooming House Standards) Regulations 2012, by Consumer Affairs Victoria, including insufficient size for kitchen, living and dining areas.
- Non-compliance with DDA requirements.
- Waste management
- The subject site is a sacred aboriginal site.

### 9.1.1

(cont)

The applicant agreed to a number of outcomes including:

- Addition of an overlooking screen to the bedroom 7 window on the Unit 1 east elevation (with overlooking otherwise meeting Standard B22).
- An agreement not to lop any trees on the adjacent lot at 1/6 Cadorna Street.
- An agreement to provide two bicycle parking spaces to each rooming house.
- An agreement to accept a Construction Management Plan.

Post forum, the applicant prepared a 'discussion' plan, which made a number of changes including:

- Conversion of the Unit 1 bedroom 2 and its ensuite to a meals/living area (reduction of one lodging room).
- Conversion of the Unit 2 bedroom 3 and ensuite 2 to extend the existing meals/living area to Unit 2 (reduction of one lodging room).
- The screening of the window in bedroom 7 on the east elevation of Unit 1 in accordance with Standard B22.
- An alteration to the landscape plan to provide for a pedestrian path along the western boundary of the front setback to facilitate waste management.

It is noted that the proposed loss of two bedrooms (one per rooming house) reduces the total number of rooms and occupants proposed to 14, and does not alter the permit trigger or the car parking requirements for the proposed rooming houses. The changes shown in the 'discussion plans' will be given effect through Condition 1 of the Permit, and the report below will assume the implementation of these changes.

### Referrals

#### Internal

- Transport Engineer

The application has been reviewed by Council's Transport Engineer, who has advised:

Forward access into both garages can be achieved. Reverse egress movements from Garage 1 is not satisfactory. In order to exit the site in a forwards direction from Unit 1 both car spaces, vehicles would be required to reverse into these car spaces and drive out forwards. This does not meet the decision guidelines of Clause 52.06 with regard to the ease and safety with which vehicles access and circulate within the parking area. Furthermore, reversing manoeuvres into car spaces are not considered to be manoeuvres that all motorists are confident to perform with ease.

As such, this is likely to encourage vehicles to park on-street with the garage spaces not utilised for residential car parking. It should also be noted that Cadorna Street is located within a 1/2-Hour parking area, where unrestricted parking is only permitted with a valid parking permit that is provided to eligible residents at a fee and is charged on a yearly basis.

Reverse egress from both car spaces of Garage 2 is considered satisfactory, and cars can manoeuvre to exit the site in a forwards direction.

- Assets Engineer

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

### 9.1.1

(cont)

- Planning Arborist

The application has been reviewed by Council's Planning Arborist, who advised that there are no trees on site worthy of retention or shown to be retained. To ensure adequate replanting is undertaken landscape plans must be provided.

In relation to Trees 1, 3, 5, 10 and 11 on adjoining lots, the proposed buildings and works encroachments into the TPZs of retained trees can be supported, subject to tree protection condition requirements. Tree 19 is sufficiently setback from the subject site that it will not be impacted by the proposal.

- Health

The operator is required to obtain the relevant health approvals required to operate under separate regulations.

### DISCUSSION

The primary considerations for this application are as follows:

- Use of the land;
- Clause 55 assessment;
- Vegetation removal and replacement landscaping; and
- Vehicle accommodation and access.

#### Use for Rooming Houses

A rooming house is a specifically defined use that is distinct from a dwelling (which may be rented as a whole to one or several people, and also from student accommodation, which is restricted to occupancy by students only.

Rooming house is specifically defined as the provision of rental occupation, by the room, but without restriction on the type of people who can be accommodated (ie not just students). As such, Council's Student Accommodation Policy does not apply to this application, although it is noted that the proximity of the subject site to Deakin means that that students may be among the future tenants. Rooming houses typically provide affordable accommodation.

Objectors to the application have identified concerns with the use of the land including:

- Rooming houses should not be located in this area
- Potential increased crime
- Increased rubbish on the street.

These issues are addressed below in context of the Planning Scheme.

Under Clause 32.09-2 a rooming house is a Section 1 use provided it meets the requirements of Clause 52.23-2. As stated above, these requirements are not be met, therefore a permit is required for the proposed rooming house use.

Clause 32.09-6 of the Scheme requires the assessment of various residential applications including those for residential buildings, against Clause 55. The Clause is principally directed towards privately owned medium density dwellings therefore assessment against the Standards and Objectives can be tempered by consideration of the communal nature of the housing.

General guidance to the exercise of discretions under the Planning Scheme is provided by Clause 65. It provides that consideration is to be given to various matters including the Planning Policy and Local Planning Policy Framework, the orderly planning of the area, the purpose of the zone, overlay or other control, and the effect of the proposal on the amenity of the neighbourhood.

### 9.1.1

(cont)

Clause 65 in turn refers to the components of the Local Planning Policy Framework. Clause 21.06 sets out Councils strategic planning objectives for 'Housing'. Under Clause 21.06-2, the Vision' in the City is:

- *To ensure that housing in the City of Whitehorse meets residents' needs in terms of location, diversity, sustainability, accessibility, affordability and good design. There are a number of key challenges facing the City of Whitehorse in relation to housing.*

These challenges are (where applicable to the application):

- *Accommodating an additional 12,997 dwellings to house the projected population growth in the City to 2036.*
- *Ensuring established residential areas continue to play an important role in providing additional housing.*
- *A higher demand for private rental housing, a proportion of which will need to be affordable to low-income tenants.*
- *A higher proportion of lone person households may require smaller housing types including town houses, units and apartments. However in some instances, these housing types are more costly to buy or rent than older housing stock, and can contribute to housing affordability problems.*

Clause 21.06-4 deals with Housing Diversity. The key issues (applicable to this application) include:

- *Meeting the continuing high demand for private rental accommodation, which puts pressure on housing affordability.*
- *Encouraging a broader range of housing types to meet the differing needs of the future population through the lifecycle.*

Clause 21.06-5 deals with Housing Affordability. The key issue and subsequent objectives (applicable to this application) includes:

- *Meeting an increasing demand for more affordable housing across the municipality.*
- *To increase the supply and distribution of affordable housing in the City of Whitehorse.*
- *To reduce housing stress in the City of Whitehorse.*

Amongst other Policy objectives within the Planning Scheme, there is an emphasis on ensuring an adequate provision of alternative and affordable accommodation to low-income persons. On this basis, the proposal meets policy objectives and a clear demand.

Conditions of any permit issued can include requirements that relate to the management of the use to minimise off-site amenity impacts. This can include ways in which to manage waste via a waste management plan, methods to control development impacts via a construction management plan, a limitation on the number of occupants at any one time to one per bedroom (total of 14 residents), and for the use of the two rooming houses to be managed by a site manager.

#### **Residential Character**

The subject site is located within the Garden Suburban Precinct 3 area under Clause 22.03 (Residential Development). The preferred character statement includes (as relevant):

*The area will retain its classic garden dominated characteristics with low scale dwellings set in generous garden settings. Wide front and side setbacks from at least one side boundary allow views between dwellings, and low or open style front fences will continue to contribute to the spacious character of the area. The landscape settings will be enhanced through the planting and growth of new vegetation, including large shrubs and tall canopy trees...*

*Areas with good access to trams and Wattle Park shopping centre will accommodate more dwellings, including well designed medium density housing, with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens.*

### 9.1.1

(cont)

The *City of Whitehorse Neighbourhood Character Study, 2014* is a reference document that provides a number of objectives and design response outcomes that guide a preferred character outcome.

The subject site is also included within the Significant Landscape Overlay Schedule 9. The 'statement of nature and key elements of landscape' recognise that trees are significant to the landscape character of Whitehorse and the tree cover simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, providing habitat for fauna and increasing the liveability of neighbourhoods. The landscape character objective and the decision guidelines can be summarised as retaining trees that are significant and allowing sufficient space for offset planting for indigenous or native trees that can grow to a mature height.

The proposal balances the urban consolidation outcomes and housing objectives of the Planning Policy Framework with the preferred landscape outcomes in the objectives and decision guidelines of the Neighbourhood Residential Zone Schedule 5, the Significant Landscape Overlay Schedule 9, Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conversation), as outlined below.

The character of Cadorna Street comprises a mix of original housing stock, older style infill development and a number of new contemporary medium density developments, which are often double-storey in scale and prominent in built form. Nearby examples include three double storey dwellings at the intersection of Elgar Road and Cadorna Street, two attached double storey dwellings at 1A and 1B Cadorna Street and two large double storey dwellings at 14 Cadorna Street. Given the established neighbourhood context, the site is capable of supporting two double storey dwelling forms, as they will reflect similar scale and proportions of nearby developments .

The Precinct Guidelines identify front setbacks within the Precinct '*as generally 5 to 7 metres, with 1-2 metre side setbacks from at least one side boundary with new developments generally having smaller front and side setbacks usually displaying reduced front setbacks*'. The proposed setback to Cadorna Street is 9 metres with minimum setbacks to the east and west boundaries varying between 1.15 and 1.24 metres. These front and side setbacks maintain and reinforce the rhythm of space between and around buildings and the alignment of buildings along the street.

The upper levels also enjoy generous setbacks to front, side and rear boundaries and provide a generous internal separation of 5 metres. For the most part, the upper levels are recessed from the ground floor below and with varying materials and hipped roof forms, to assist with reducing the perception of visual bulk.

The Precinct Guidelines encourage the provision of a single vehicle crossover as a means of *minimising car accommodation visible to the streetscape*. The development provides for a single crossover and driveway located adjacent to the east boundary with appropriate landscape buffers either side. The garages are centralised within the development and have limited visibility to the street. This siting outcome avoids any visual impact of car accommodation when viewed from the streetscape and provides opportunity for an open front garden setting.

The proposal requires the removal of two protected trees (Trees 9 and 17), which both have a 'low' retention values, and their removal was supported by Council's Arborist. The landscape plan demonstrates capacity for new tree planting including two *Tristanopsis laurina* (Luscious WaterGum) within the front setback and one *Hymenosporum flavum* (Native Frangipani) trees within each area of secluded private open space. In addition, a further 12 large shrubs, 9 medium shrubs and 202 low shrubs, ground covers and grasses are proposed to provide a complete landscape scheme. The strong level of replanting will enhance the landscape character and meet the objectives of the Significant Landscape Overlay Schedule 9.

### **9.1.1**

(cont)

The development proposes a site coverage of 42.1% and a permeable area of 35.4%, in compliance with Standards B8 and B9, as varied by the Schedule to the Zone. This demonstrates the ability to meet a preferred character and respond to the features of the site.

The 7.05 metre maximum height of the proposed development is below the mandatory 9 metre height limit identified within the Neighbourhood Residential Zone Schedule 5. This contributes to the rooming houses maintaining an inconspicuous profile within the setting.

#### **Amenity**

Clause 55.04 sets out a number of objectives and standards that seek to ensure the amenity of adjoining residential lots is not unreasonably impacted. When tested against the standards, the development does not cause any loss of daylight to adjoining windows, does not cause any overlooking (subject to a condition requiring screening to the east window in in bedroom 7 to Unit 1) and does not cause over unreasonable shadowing to adjoining areas of secluded private open space (with shadows cast over adjoining driveways, outbuildings and a section of the dwelling at 3/6 Cadorna Street during the 2-3pm period).

Standard B17 (Side and Rear Setbacks) seeks to ensure that the height and setback of a building respects the existing character and limits the impact on the amenity of existing dwellings. The ground level and upper level setbacks meet the required setbacks and prevent excessive bulk or amenity impacts. The adjoining lots to the east and west have their shared driveways adjacent to the common boundary with the site, ensuring adjoining dwellings are well separated from the subject site and therefore will not experience reduced amenity impacts.

#### **On site amenity**

Clause 55.05 sets out a number of objectives and standards that ensure for a strong level of on-site amenity.

Standard B25 (Accessibility) encourages the consideration of the needs of people with limited mobility. One of the objector concerns was that the laundries provided at the ends of the garages would not be accessible by people with limited mobility when cars were parked in the garages. In addition, there appear to be steps between the main living areas and the garages, and between the laundries and the clotheslines, and these must be removed to allow for DDA compliant access. Wheelchair turning circles must also be provided to allow for reasonable movement to and from all common areas and within the accessible rooms and ensuites.

A condition of the permit will require an Access Audit to be undertaken and implemented, to ensure all access and mobility issues are addressed, but without resulting in additional planning issues. Given the proposed loss of one bedroom per building, it is anticipated that there will be sufficient space available to relocate the laundries out of the garages.

The areas of secluded private open space include a 35m<sup>2</sup> area with a minimum dimension of 5 metres for each rooming house and meet Standard B28 (Private Open Space). The area of secluded private open space to Unit 2 is to the south, however this is a function of the orientation of the lot and the most logical outcome (and takes advantage of the small irregular portion of the lot at the rear), which allows a 6.6 metre deep open space area that complies with Standard B29 (Solar Access to Open Space).

The proposed rooming houses enjoy daylight to new windows in accordance with Standard B27 (Daylight to New Windows) and each unit is provided with 6m<sup>3</sup> of externally accessible and secure storage.

### 9.1.1

(cont)

#### Vehicle access

Table 1 to Clause 52.06-5 requires one car space to each four bedrooms. The proposal provides for 14 bedrooms (noting the 'discussion plans' reduce the number of bedrooms by two) and therefore requires a statutory parking requirement of four spaces. The proposal provides for a double-width garage for each unit, and is therefore compliant with the statutory requirement. The car spaces to each rooming house are independently accessible and will not be allocated, so that they can be utilised on a 'first come, first served' basis, which will minimise the reliance on on-street car parking for residents.

Council's Transport Engineer has indicated that Unit 1 requires further modification in order to allow vehicles to enter Garage 1 in a forwards direction, and manoeuvre on site to exit forwards also. Given the proposed rooming house use and the potential transitory nature of residents and sharing of the garages, it is not considered appropriate to allow for the current proposed garage layout, which would require vehicles to reverse into Garage 1 in order to exit forwards. This is a more difficult manoeuvre that is not suited to the proposed rooming house use. As a result, Unit 1 will be modified to set the kitchen further back from the shared accessway in order to allow vehicles to access the Unit 1 garage in a forwards direction and manoeuvre to exit forwards, and swept paths diagrams provided to demonstrate this

Subject to this condition, the proposal will provide compliant car parking on site and will not result in excessive traffic impacts within the street.

#### Objectors Concerns not Previously Addressed

The objectors have raised concerns with neighbourhood character, tree impact, amenity, landscaping, and traffic, which have been addressed in the discussion above. Other outstanding matters include:

- Consumer Affairs Guide for Rooming Houses

One objector detailed how the proposal had several non-compliances with the Residential Tenancy Standards contained within the Consumer Affairs Guide for Rooming Houses. As this is not a reference document, nor is it incorporated into the Scheme it holds no weight in making a decision. Compliance with this document will be required when a Building Permit is issued and the applicant has been reminded of this.

- Aboriginal cultural heritage

One objector identified that the site has aboriginal cultural sensitivity stating that she had an ancestor buried on the site and that the 'Wurundjeri people use the Gardeners Creek area and the rear of the subject site as a sacred site'.

Areas of cultural heritage sensitivity include registered Aboriginal cultural heritage places, as well as landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. If an area, or site, is sensitive, a Cultural Heritage Management Plan is required when a high impact activity is planned as defined in the *Aboriginal Heritage Regulations 2018*.

The subject site is not registered as a heritage place, nor is the proposal a high impact activity. However, it has been agreed with the objector that a note will be provided on the permit that in accordance with the Aboriginal Heritage Act 2006, any aboriginal remains, artefacts etc must be protected.



### **9.1.1**

(cont)



#### **CONCLUSION**

The proposal for the use and development of the land for two rooming houses, including tree removal is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone Schedule 5 and the objectives and decision guidelines of the Significant Landscape Overlay Schedule 9.

A total of 12 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved, subject to conditional changes as discussed in this report.

#### **ATTACHMENT**

- 1     Advertised plans including landscape plan 
- 2     Amended discussion plans submitted in response to Forum 

**9.1.2 27-29 The Avenue, Blackburn (Lot 50 LP 3212 B, Lot 51 LP 3212 B) Partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, front fence and tree removal.**

File number: WH/2019/1029 ATTACHMENT

**SUMMARY**

*This application was advertised, and a total of 38 objections were received. The objections raised issues with building massing and scale (including neighbourhood character, boundary setbacks, site coverage, dominant dwelling street profile), landscape character / environment (including excessive tree loss, landscaping opportunity, limited provision of large canopy trees and indigenous / native plant species, inconsistency with the bush environment preferred character, and habitat loss) and heritage.*

*A Consultation Forum was held on 11<sup>th</sup> March 2020 chaired by Councillor Munroe, during which the issues were explored, however no resolution was reached between the parties. Without Prejudice Plans submitted after the consultation forum resulted in 6 objections being withdrawn (a reduced total of 32 objections) at the time of this report.*

*This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

**That Council:**

- A Being the Responsible Authority, having caused Application WH/2019/1029 for 27-29 The Avenue, BLACKBURN (Lot 50 LP 3212 B, Lot 51 LP 3212 B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, front fence and tree removal, is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 27-29 The Avenue, BLACKBURN (Lot 50 LP 3212 B, Lot 51 LP 3212 B) for the Partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, front fence and tree removal, subject to the following conditions:**
- 1. Before the development starts, amended plans (in digital format) 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 without prejudice development plans prepared by Neil Architecture, dated 31/3/2020, and without prejudice landscape plan prepared by Bethany Williamson, dated 23/3/2020, but modified to show:**
    - a) A Building exclusion zone site plan for Lot 50 as follows:**
      - i. On this plan, state 'Lot 50 LP 3212 B' for the resulting vacant lot, and 'Lot 51 LP 3212 B' for the eastern lot that will contain the relocated existing dwelling.**
      - ii. 12.3 metre wide building exclusion zone across the full width of the frontage.**
      - iii. A 2.5 metre wide building exclusion zone along the full extent of both the eastern side and northern rear boundaries.**
      - iv. A 2 metre wide building exclusion zone along the fully extent of the western side boundary.**
    - b) A tree removal and retention plan that clearly shows the removal of only Trees 2 (in part), 14, 16-22 and 24 detailed, and the retention of all trees on Lot 50.**

**9.1.2**  
(cont)

- c) *Full length windows proposed for the master bedroom, walk-in-robe and ensuite must be modified to reflect more 'traditional' forms to the satisfaction of the Responsible Authority.*
- d) *Specific cladding and structural details of both the existing and proposed chimneys being provided to confirm the accuracy of its reconstruction.*
- e) *The front fence reduced to a maximum height of 1.2 metres.*
- f) *The plans accurately updated to reflect Conditions 4, 5 and 6 of this permit.*
- g) *The Relocation Management Plan & Tree Removal Management Plan updated to reflect the requirements of Condition 1.*

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

- 2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. *The garden areas shown on the endorsed plan and schedule must only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 4. *Prior to the commencement of any buildings or demolition works, a revised Landscape Plan in accordance with Council's Landscape guidelines prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscape plan must generally in accordance with the without prejudice landscape plan prepared by Bethany Williamson, dated 23/3/2020, and include, but not be limited to:*
  - a) *Any changes required by Condition 1.*
  - b) *The rear deck area modified such that the extent of encroachment into the Tree Protection Zone (TPZ) of Tree 12 does not exceed 10%.*
  - c) *The plans updated to only show the removal of Tree Nos. 2 (in part), 13, 14, 16-22 and 24*
  - d) *A small native canopy tree with a maximum growth heights of 6 metres in the landscape strip south of driveway directly behind front boundary.*
  - e) *The boundary along the western side boundary immediately adjacent the dwelling to accommodate 4 metre high tall screening shrubs along this side boundary. Any reference to Blueberry Ash trees in this specific area must be deleted.*
  - f) *Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.*
  - g) *(e) The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority.*
  - h) *A 6-month Maintenance Plan. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.*

*The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three*

## 9.1.2 (cont)

*months of completion of the permitted development. With written consent of the Responsible Authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.*

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

*Tree Protection Zone distances:*

- a) *Tree 1 (Lophostemon confertus – Brush Box) – 3.6 metre radius from the centre of the tree base.*
- b) *Tree 2 in part (Hesperocyparis macrocarpa – Monterey Cypress) – 2.6 metres metre radius from the centre of the tree base.*
- c) *Tree 3 (Eucalyptus cladocalyx – Sugar Gum) – 10 metre radius from the centre of the tree base.*
- d) *Tree 4 (Pyrus sp. – Pear) – 4.2 metre radius from the centre of the tree base.*
- e) *Tree 5 (Eucalyptus botryoides – Southern Mahogany Gum) – 2.4 metre radius from the centre of the tree base.*
- f) *Tree 6 (Fraxinus angustifolia – Desert Ash) – 9.0 metre radius from the centre of the tree base.*
- g) *Tree 7 (Melaleuca bracteata – Golden Paperbark) – 3.0 metre radius from the centre of the tree base.*
- h) *Tree 8 (Fraxinus angustifolia – Desert Ash) – 4.8 metre radius from the centre of the tree base.*
- i) *Tree 9 (Pyrus sp.– Pear) – 4.2 metre radius from the centre of the tree base.*
- j) *Tree 10 (Fraxinus angustifolia – Desert Ash) – 2.2 metre radius from the centre of the tree base.*
- k) *Tree 11 (Fraxinus angustifolia – Desert Ash) – 4.8 metre radius from the centre of the tree base.*
- l) *Tree 12 (Fraxinus angustifolia – Desert Ash) – 2.6 metre radius from the centre of the tree base.*
- m) *Tree 13 (Fraxinus angustifolia – Desert Ash) – 2.4 metre radius from the centre of the tree base.*
- n) *Tree 15 (Fraxinus angustifolia – Desert Ash) – 4.8 metre radius from the centre of the tree base.*
- o) *Tree 23 (Syzygium paniculatum – Magenta Lilly Pilly) – 7.0 metre radius from the centre of the tree base.*
- p) *Tree 26 (Robinia pseudoacacia – Black Locust) – 1.75 metre radius from the centre of the tree base.*

*Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*

- a) *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.*
- b) *Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*

**9.1.2**  
(cont)

- c) *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
  - d) *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - e) *All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - f) *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - g) *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - h) *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
- 6. *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:*
  - a) *A project arborist must be appointed by the applicant or builder. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.*
  - b) *The Project Arborist must supervise all approved works (including site demolition) within the TPZs of all trees shown to be retained on the endorsed plans. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.*
  - c) *The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
  - d) *Any buildings and works (including retaining walls) that extend into the TPZ of any existing tree must be done by hand, hydro excavation or air spading under the supervision of an arborist. If any roots are encountered, the posts or works protruding into the ground must be relocated a minimum of 300mm from these roots.*
  - e) *Any part of the driveway and associated excavations that encroach within the TPZ of Tree 23, must be in accordance with the recommendations of the Root Investigation Report prepared by John Patrick Landscape Architects, dated 22/4/2020, contained within Sections 5.2 and 5.4, pages 4 and 5 of 6.*
  - f) *Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.*
- 7. *The Relocation Management Plan & Tree Removal Management Plan prepared by Neil Architecture, dated updated to include the following additional detail:*
  - a) *The buildings and works and tree removal management plan updated to be consistent with the Condition 1 requirements of this permit.*

### **9.1.2**

(cont)

*The requirements of the RMP & TRMP must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*

8. *Prior to commencement of buildings and works, the owner of the land shall enter into a Section 173 Agreement with the Responsible Authority which covenants that:*
  - a) *No buildings shall be constructed within the building exclusion zones required by Condition 1a of this permit unless with the prior written consent of the Responsible Authority.*
  - b) *Land to Benefit: Lot 51 LP 3212 B.*
  - c) *Land to be Burdened: Lot 50 LP 3212 B.*
  - d) *All costs associated with the preparation and registration of the agreement shall be borne by the owner.*
9. *Prior to commencement of buildings and works, evidence of the Section 173 Agreement, required by Condition 8 of this permit, being registered with Land Use Victoria must be provided to the satisfaction of the Responsible Authority.*

#### **Asset Protection Conditions**

10. *All stormwater drains are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s.*
11. *Stormwater drains must not encroach more than 10% into the Tree Protection Zone (TPZ) of any tree being retained under this permit, to the satisfaction of the Responsible Authority.*
12. *The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
13. *The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*

#### **Time Condition**

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

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

#### **Permit Notes**

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

### **9.1.2**

(cont)

- B. The frontage setback for the construction of the building authorised under this permit is regulated by the planning scheme and the setback has been assessed in the consideration of the permit application. Therefore the Building Surveyor does not need to consider the frontage setback under Regulation 409 of the Building Regulations 2006.***
- C. Building works approved under this planning permit is not to be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2006.***
- D. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings***
- G. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.***
- H. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.***
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

## **9.1.2**

(cont)

### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Munroe

**That Council:**

- A** *Being the Responsible Authority, having caused Application WH/2019/1029 for 27-29 The Avenue, BLACKBURN (Lot 50 LP 3212 B, Lot 51 LP 3212 B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, front fence and tree removal, is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 27-29 The Avenue, BLACKBURN (Lot 50 LP 3212 B, Lot 51 LP 3212 B) for the Partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, front fence and tree removal, subject to the following conditions:*
- 1.** *Before the development starts, amended plans (in digital format) 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 without prejudice development plans prepared by Neil Architecture, dated 31/3/2020, and without prejudice landscape plan prepared by Bethany Williamson, dated 23/3/2020, but modified to show:*
    - a)** *A Building exclusion zone site plan for Lot 50 as follows:*
      - i.** *On this plan, state 'Lot 50 LP 3212 B' for the resulting vacant lot, and 'Lot 51 LP 3212 B' for the eastern lot that will contain the relocated existing dwelling.*
      - ii.** *12.3 metre wide building exclusion zone across the full width of the frontage.*
      - iii.** *A 2.5 metre wide building exclusion zone along the full extent of both the eastern side and northern rear boundaries.*
      - iv.** *A 2 metre wide building exclusion zone along the fully extent of the western side boundary.*
    - b)** *A tree removal and retention plan that clearly shows the removal of only Trees 2 (in part), 14, 16-22 and 24 detailed, and the retention of all trees on Lot 50.*
    - c)** *Full length windows proposed for the master bedroom, walk-in-robe and ensuite must be modified to reflect more 'traditional' forms to the satisfaction of the Responsible Authority.*
    - d)** *Specific cladding and structural details of both the existing and proposed chimneys being provided to confirm the accuracy of its reconstruction.*
    - e)** *The front fence reduced to a maximum height of 1.2 metres.*
    - f)** *The driveway constructed of permeable gravel construction (not permeable concrete construction) or similar, to the satisfaction of the Responsible Authority.*
    - g)** *The plans accurately updated to reflect Conditions 4, 5 and 6 of this permit.*
    - h)** *The Relocation Management Plan & Tree Removal Management Plan updated to reflect the requirements of Condition 1.*

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



## **9.1.2**

(cont)

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. The garden areas shown on the endorsed plan and schedule must only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it must be required to be replaced by a tree or shrub of similar size and variety.**
- 4 Prior to the commencement of any buildings or demolition works, a revised Landscape Plan in accordance with Council's Landscape guidelines prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscape plan must generally in accordance with the without prejudice landscape plan prepared by Bethany Williamson, dated 23/3/2020, and include, but not be limited to:**
  - a) Any changes required by Condition 1.**
  - b) Provision of 6 canopy trees (of which a minimum of 2 are indigenous) that are of a species capable of growing to a mature height of 15 metres on Lot 51.**
  - c) The rear deck area modified such that the extent of encroachment into the Tree Protection Zone (TPZ) of Tree 12 does not exceed 10%.**
  - d) The plans updated to only show the removal of Tree Nos. 2 (in part) 14, 16-22 and 24**
  - e) A small indigenous canopy tree with a maximum growth heights of 6 metres in the landscape strip south of driveway directly behind front boundary.**
  - f) The boundary along the western side boundary immediately adjacent the dwelling to accommodate 4 metre high tall screening shrubs along this side boundary. Any reference to Blueberry Ash trees in this specific area must be deleted.**
  - g) Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.**
  - h) The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority.**
  - i) A 6-month Maintenance Plan. The requirements of the Landscaping Maintenance Plan must be implemented by the owners and occupiers of the site for the life of the buildings, to the satisfaction of the Responsible Authority.**

**The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the Responsible Authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.**

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

## 9.1.2 (cont)

### **Tree Protection Zone distances:**

- a) **Tree 1 (*Lophostemon confertus* – Brush Box) – 3.6 metre radius from the centre of the tree base.**
- b) **Tree 2 in part (*Hesperocyparis macrocarpa* – Monterey Cypress) – 2.6 metres metre radius from the centre of the tree base.**
- c) **Tree 3 (*Eucalyptus cladocalyx* – Sugar Gum) – 10 metre radius from the centre of the tree base.**
- d) **Tree 4 (*Pyrus sp.* – Pear) – 4.2 metre radius from the centre of the tree base.**
- e) **Tree 5 (*Eucalyptus botryoides* – Southern Mahogany Gum) – 2.4 metre radius from the centre of the tree base.**
- f) **Tree 6 (*Fraxinus angustifolia* – Desert Ash) – 9.0 metre radius from the centre of the tree base.**
- g) **Tree 7 (*Melaleuca bracteata* – Golden Paperbark) – 3.0 metre radius from the centre of the tree base.**
- h) **Tree 8 (*Fraxinus angustifolia* – Desert Ash) – 4.8 metre radius from the centre of the tree base.**
- i) **Tree 9 (*Pyrus sp.* – Pear) – 4.2 metre radius from the centre of the tree base.**
- j) **Tree 10 (*Fraxinus angustifolia* – Desert Ash) – 2.2 metre radius from the centre of the tree base.**
- k) **Tree 11 (*Fraxinus angustifolia* – Desert Ash) – 4.8 metre radius from the centre of the tree base.**
- l) **Tree 12 (*Fraxinus angustifolia* – Desert Ash) – 2.6 metre radius from the centre of the tree base.**
- m) **Tree 13 (*Fraxinus angustifolia* – Desert Ash) – 2.4 metre radius from the centre of the tree base.**
- n) **Tree 15 (*Fraxinus angustifolia* – Desert Ash) – 4.8 metre radius from the centre of the tree base.**
- o) **Tree 23 (*Syzygium paniculatum* – Magenta Lilly Pilly) – 7.0 metre radius from the centre of the tree base.**
- p) **Tree 25 (*Corymbia ficifolia* – Red-flowering Gum) – 2.4 metre radius from the centre of the tree base.**
- q) **Tree 26 (*Robinia pseudoacacia* – Black Locust) – 1.75 metre radius from the centre of the tree base.**

**Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:**

- a) **Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.**
- b) **Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
- c) **Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.**
- d) **No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
- e) **All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**

**9.1.2**  
(cont)

- f) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - g) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - h) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
- 6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
  - a) A project arborist must be appointed by the applicant or builder. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.*
  - b) The Project Arborist must supervise all approved works (including site demolition) within the TPZs of all trees shown to be retained on the endorsed plans. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.*
  - c) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
  - d) Any buildings and works (including retaining walls) that extend into the TPZ of any existing tree must be done by hand, hydro excavation or air spading under the supervision of an arborist. If any roots are encountered, the posts or works protruding into the ground must be relocated a minimum of 300mm from these roots.*
  - e) Any part of the driveway and associated excavations that encroach within the TPZ of Tree 23, must be in accordance with the recommendations of the Root Investigation Report prepared by John Patrick Landscape Architects, dated 22/4/2020, contained within Sections 5.2 and 5.4, pages 4 and 5 of 6.*
  - f) Council's Compliance Officer must be advised of the completion of all tree planting required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that the planting has been adequately maintained.*
- 7. The Relocation Management Plan & Tree Removal Management Plan prepared by Neil Architecture, updated to include the following additional detail:**
  - a) The buildings and works and tree removal management plan updated to be consistent with the Condition 1 requirements of this permit.*

*The requirements of the RMP & TRMP must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*
- 8. Prior to commencement of buildings and works, the owner of the land shall enter into a Section 173 Agreement with the Responsible Authority which covenants that:**

## 9.1.2

(cont)

- a) *No buildings shall be constructed within the building exclusion zones required by Condition 1a of this permit unless with the prior written consent of the Responsible Authority.*
  - b) *Land to Benefit: Lot 51 LP 3212 B.*
  - c) *Land to be Burdened: Lot 50 LP 3212 B.*
  - d) *All costs associated with the preparation and registration of the agreement shall be borne by the owner.*
9. *Prior to commencement of buildings and works, evidence of the Section 173 Agreement, required by Condition 8 of this permit, being registered with Land Use Victoria must be provided to the satisfaction of the Responsible Authority.*

### **Asset Protection Conditions**

- 10. *All stormwater drains are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s.*
- 11. *Stormwater drains must not encroach more than 10% into the Tree Protection Zone (TPZ) of any tree being retained under this permit, to the satisfaction of the Responsible Authority.*
- 12. *The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
- 13. *The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*

### **Time Condition**

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

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

### **Permit Notes**

- A. *The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.*
- B. *The frontage setback for the construction of the building authorised under this permit is regulated by the planning scheme and the setback has been assessed in the consideration of the permit application. Therefore the Building Surveyor does not need to consider the frontage setback under Regulation 409 of the Building Regulations 2006.*

## 9.1.2

(cont)

- C. *Building works approved under this planning permit is not to be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2006.***
- D. *All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings***
- G. *The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.***
- H. *There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.***
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***

**CARRIED**

**A Division was called.**

**Division**

**For**

Cr Barker  
Cr Bennett  
Cr Carr  
Cr Davenport  
Cr Ellis  
Cr Liu  
Cr Massoud  
Cr Munroe  
Cr Stennett

**Against**

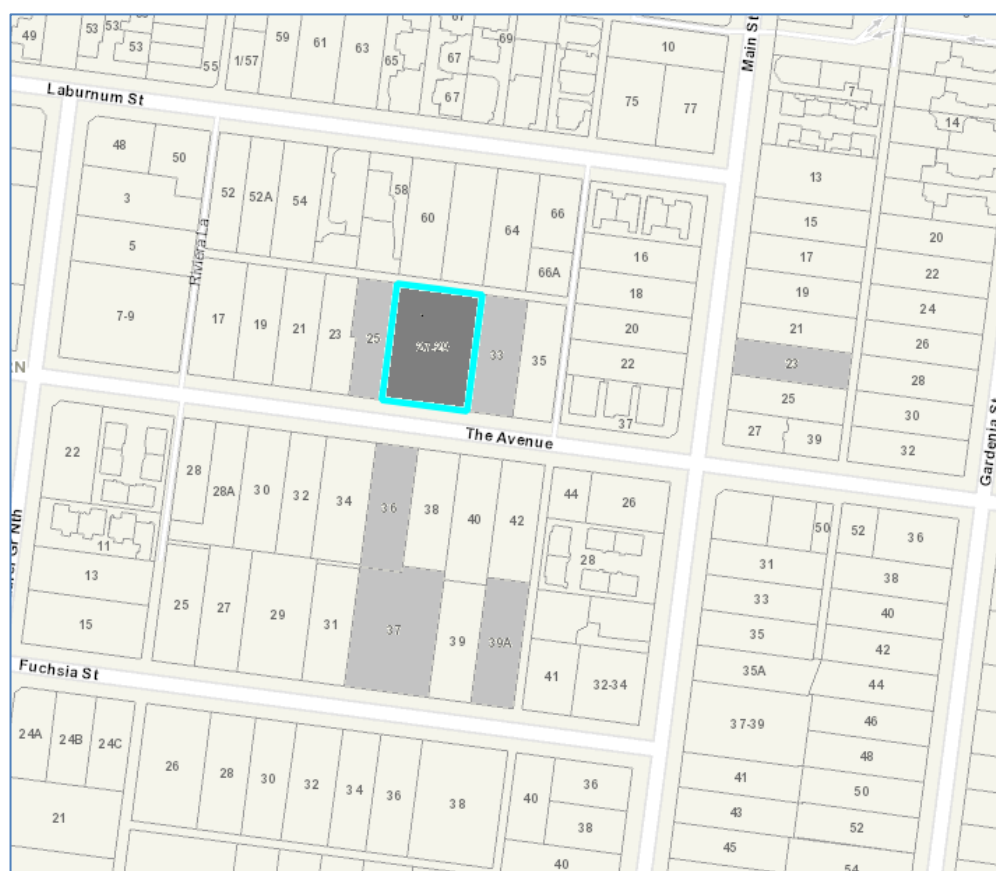
Cr Cutts

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

## 9.1.2 (cont)

MELWAYS REFERENCE 47 J10

|                   |  |
|-------------------|--|
| Applicant:        | Fulcrum Urban Planning Pty Ltd   |
| Zoning:           | Neighbourhood Residential Zone Schedule 1 (NRZ1)   |
| Overlays:         | Significant Landscape Overlay Schedule 2 (SLO2)<br>Heritage Overlay Schedule 210 (HO210) |
| Relevant Clauses: |  |
| Clause 11         | Settlement   |
| Clause 12         | Environmental and Landscape Values   |
| Clause 15         | Built Environment and Heritage   |
| Clause 16         | Housing  |
| Clause 21.05      | Environment  |
| Clause 21.06      | Housing  |
| Clause 21.10      | Environmentally Sustainable Development  |
| Clause 22.01      | Heritage Buildings and Precincts   |
| Clause 22.03      | Residential Development  |
| Clause 22.04      | Tree Conservation  |
| Clause 32.09      | Neighbourhood Residential Zone, Schedule 1   |
| Clause 42.03      | Significant Landscape Overlay, Schedule 2  |
| Clause 43.01      | Heritage Overlay, Schedule 210   |
| Clause 52.06      | Car Parking  |
| Clause 65         | Decision Guidelines  |
| Ward:             | Central  |



|  |  |              |  |  |           |
|--|--|--------------|--|--|-----------|
|  |  | Subject site |  | 6 Objector Properties<br>(26 outside of map) | <br>North |
|--|--|--------------|--|--|-----------|

## 9.1.2

(cont)

### BACKGROUND

#### History

##### Planning Permit history

On 9<sup>th</sup> June 2017, Planning Permit WH/2017/336 was issued for the demolition of a garage, an outbuilding and a glasshouse in a Heritage Overlay. Development plans were endorsed on 13<sup>th</sup> June 2017.

##### Pre-Application Advice

On 5<sup>th</sup> August 2018, aided with advice from Council's heritage advisor, Council officers provided pre-application advice (PIR/542/2017) for a proposed repositioning of the existing heritage dwelling within the site. The following summarised advice was provided:

- *Preference to relocate the dwelling fully within No 29 (Lot 51) The Avenue to 'group' with the adjoining heritage building [33 The Avenue].*
- *The provision of outlook and open space must be appropriately designed with regard to ResCode and SLO2 amenity and built form outcomes in mind.*
- *Eastern boundary setbacks shared with No.33 The Avenue increased to benefit and reflect historic layout of the dwelling.*
- *The front setback to be consistent with the adjoining heritage dwelling at No.33 The Avenue (ie 15 metres).f*
- *Tree retention (in balance with SLO2 objectives) must be demonstrated through the building's relocation.*
- *Creation of the 'new' lot should ideally be accompanied by a development plan or other details to demonstrate how the objectives of the Zone, Significant Landscape Overlay and Heritage Overlay would be addressed through any future development.*
- *A management plan that details how the relocation works will be undertaken while ensuring the protection of the heritage building should form part of any future application.*
- *An arborist report to assess the value of vegetation for removal will be critical in assessing the suitability of the building's relocation. This report must also provide detail for the resulting lot and its ability to contain any future development while retaining any valuable vegetation.*
- *Tree removal within the vacant lot is unlikely to be supported unless accompanied by a development plan.*

On 18<sup>th</sup> June 2018, Council officers provided pre-application advice (PIR/660/2018) for a proposed 3 lot subdivision. The advice provided that the proposal was inappropriate and would be unlikely to receive officer's support.

#### The Site and Surrounds

The subject site is located on the north side of The Avenue, in Blackburn, approximately 88 metres west of the junction with Main Street. The site includes numbers 27 (western lot: Lots 50 LP 3212 B) and 29 (eastern lot: Lots 51 LP 3212 B) The Avenue, and whilst currently existing as one large lot, comprises the two individual titles, thereby presenting as a lot effectively double the size of surrounding land parcels. The site has a combined southern frontage width of 36.58 metres to The Avenue, a maximum depth of 50.29 metres, and a total site area of 1840m<sup>2</sup>. The land slopes a maximum of 2 metres in a north direction to the rear boundary. The site is not encumbered by any easements, covenants or agreements.

## 9.1.2

(cont)

The site currently contains a detached single storey timber dwelling, with tiled hipped roofing, located centrally within the site, straddling both lots. This building has a minimum front setback of 17.4 metres to The Avenue, and contains a small shed within the rear yard. A concrete driveway connects to a concrete slab where a previous garage existed (removed under Permit WH/2017/336 as stated above). A 2 metre high hedge exists along the front boundary, while a mix of native and exotic canopy trees are currently scattered across the site.

The surrounding properties are residential containing a mix of single and double storey brick and timber weatherboard dwellings set on lot sizes varying predominantly between 190m<sup>2</sup> to 2,100m<sup>2</sup> in area. Within the immediately surrounding area bound by Rivera Lane (west), Main Street (east), Fuchsia Street (south) and Laburnum Street (north), lot sizes are typically between 340m<sup>2</sup> and 980m<sup>2</sup> in area. Being a double block, the size of the site is an anomaly, and the largest property in this context.

The surrounding area is typical of the preferred Bush Environment Character precinct, which is extensive in area in Blackburn. High portions of tree canopy exist within the area that continually increase towards the southern and south-western direction until the Blackburn Creeklands where canopy coverage is at its highest levels for the area. Canopy vegetation for the immediately surrounding area is dominated by a variety of native and exotic species comprising Sugar Gum, Monterey Cypress, Silky Oak, Lilly Pilly, Desert Ash, Shining Privet, Red-flowering Gum, Brush Box, Paperbark Silver-leafed Stringybark and Paperbark species.

The site adjoins two properties, one on each side facing The Avenue. Adjoining to the west is No 25 The Avenue. This property comprises a detached single storey brick dwelling, (setback of 12.25 metres from The Avenue), a front detached garage and a detached rear roof canopy for amenity purposes. Adjoining the east side of the site is No 33 The Avenue. This property contains a heritage dwelling (Heritage Overlay HO211) setback 15.53 metres from The Avenue, and includes an attached rear garage.

To the rear is a disused right of way, with two properties beyond, being numbers 60 and 62A Laburnum Street. These nearby properties each contain a double storey detached dwelling with rear yards interfacing the laneway.

### Planning Controls

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

#### Neighbourhood Residential Zone, Schedule 1

Pursuant to Clause 32.09-6 of the Whitehorse Planning Scheme; a permit is not required to construct a dwelling on a lot greater than 500m<sup>2</sup> in area. The 35% minimum garden area requirement is however applicable.

#### Significant Landscape Overlay – SLO2

Applicable to the proposal, pursuant to Clause 42.03-2 of the Whitehorse Planning Scheme a permit is required to remove, destroy or lop a tree, to construct a building or construct or carry out works (including a front fence) within 4 metres of a tree protected under this SLO, and to provide ground floor site coverage that exceeds 33% of the site area.

#### Heritage Overlay (Clause 43.01) – HO210

Applicable to the proposal, pursuant to Clause 43.01 of the Whitehorse Planning Scheme a planning permit is required for demolition, alterations and additions to a heritage building.



## 9.1.2

(cont)

### PROPOSAL

The proposal seeks approval for partial demolition and relocation of a heritage dwelling, buildings and works for alterations and additions to a heritage dwelling, and tree removal (see *Attachments 1 and 2*). In summary, the proposal includes the following:

|   |   |
|---|---|
| <b>Partial demolition</b>                               | <ul style="list-style-type: none"> <li>Removal of projecting bays (west and north elevations), chimney, laundry, western timber deck, alterations to internal walls, windows, roofing and cladding materials/colours.</li> </ul>  |
| <b>Relocation of existing dwelling</b>                  | <ul style="list-style-type: none"> <li>Dwelling relocated fully within Lot 51 and reorientated to front the street (The Avenue).</li> </ul>   |
| <b>Alterations and additions to a heritage dwelling</b> | <p><u>Dwelling</u></p> <ul style="list-style-type: none"> <li>New cladding materials/colours, window portions, light-weight chimney and solar panels.</li> </ul> <p><u>Rear extension</u></p> <ul style="list-style-type: none"> <li>Internal layout comprises new open plan dining/living/kitchen area, pantry, and bedroom.</li> <li>The garage will have a maximum height varying between 2.7 metres and 3.1 metres.</li> </ul> <p><u>External Works</u></p> <ul style="list-style-type: none"> <li>Driveway, crossover (eastern side of frontage) rear decking, pool, retaining walls and water tanks.</li> </ul> |
| <b>Fence</b>  | <ul style="list-style-type: none"> <li>A 1.77 metre high timber post and rail fence with lattice batten infill.</li> </ul>  |
| <b>Minimum Setbacks</b>                                 | <ul style="list-style-type: none"> <li>Front boundary (11.5 metres to the front bay window and 12.3 metres to the front building wall).</li> <li>West side boundary (1.2 metres)</li> <li>East side boundary (0 metres)</li> <li>Northern rear boundary (6 metres)</li> </ul>   |
| <b>Maximum Height</b>                                   | <ul style="list-style-type: none"> <li>A maximum building height of 6.1 metres for the dwelling, 5.4 metres for the rear extension and between 2.7 metres to 3.1 metres for the garage.</li> </ul>  |

### Tree Removal

12 trees, comprising 11 onsite trees (Trees 2, 13, 14, 16-22 and 24) and 1 street tree (Tree 26) are proposed for removal. Tree 2 is a part removal, while Street Tree 26 is proposed for relocation within the road reserve. All trees proposed for removal require a permit under the SLO2. The following specific details are provided:

| Tree No. | Botanical Name / Common Name                        | DBH (cm) / TPZ (m) / Height (m) | Age         | Health/Structure |
|----------|---|---------------------------------|-------------|------------------|
| 2        | <i>Hesperocyparis macrocarpa</i> / Monterey Cypress | 22 / 22 / 2.5                   | Mature      | Good / Good      |
| 13*      | <i>Fraxinus angustifolia</i> / Desert Ash           | 10 / 2.4 / 7                    | Semi-mature | Good / Poor      |
| 14       | <i>Ligustrum lucidum</i> / Shining Privet           | 10 / 2.0 / 6                    | Mature      | Good / Poor      |

## 9.1.2 (cont)

| Tree No. | Botanical Name / Common Name               | DBH (cm) / TPZ (m) / Height (m) | Age         | Health/Structure |
|----------|--|---------------------------------|-------------|------------------|
| 16       | <i>Grevillea robusfa</i> / Silky Oak       | 28 / 3.4 / 11                   | Mature      | Fair / Fair      |
| 17       | <i>Grevillea robusfa</i> / Silky Oak       | 38 / 4.6 / 16                   | Mature      | Good / Fair      |
| 18       | <i>Fraxinus angustifolia</i> / Desert Ash  | 40 / 4.8 / 14                   | Mature      | Good / Fair      |
| 19       | <i>Syzygium smithii</i> / Lilly Pilly      | 15 / 2.0 / 8                    | Mature      | Good / Fair      |
| 20       | <i>Syzygium smithii</i> / Lilly Pilly      | 15 / 2.0 / 8                    | Over-Mature | Poor / Poor      |
| 21       | <i>Syzygium smithii</i> / Lilly Pilly      | 20 / 2.5 / 8                    | Mature      | Fair / Poor      |
| 22       | <i>Syzygium smithii</i> / Lilly Pilly      | 42 / 5 / 9                      | Mature      | Poor / Poor      |
| 24       | <i>Syzygium smithii</i> / Lilly Pilly      | 40 / 4.8 / 13                   | Mature      | Good / Fair      |
| 26       | <i>Robinia pseudoacacia</i> / Black Locust | 13 / 2.0 / 6                    | Semi-Mature | Dormant / Fair   |

### Trees being retained

When taking into account the without prejudice plans referred to in the 'Consultation' section of this report below, the following 16 trees are ultimately proposed for retention:

| Tree No. | Botanical Name / Common Name                         | DBH (cm) / TPZ (m) / Height (m) | Age         | Health/Structure |
|----------|--|---------------------------------|-------------|------------------|
| 1        | <i>Lophostemon confertus</i> / Brush Box             | 30 / 3.6 / 7                    | Mature      | Good / Fair      |
| 2        | <i>Fraxinus angustifolia</i> / Desert Ash            | 22 / 2.6 / 2.5                  | Mature      | Good / Good      |
| 3        | <i>Ligustrum lucidum</i> / Shining Privet            | 25 / 10 / 25                    | Mature      | Good / Fair      |
| 4        | <i>Pyrus sp.</i> / Pear                              | 20 / 4.2 / 7                    | Mature      | Good / Fair      |
| 5        | <i>Eucalyptus botryoides</i> / Southern Mahogany Gum | 20 / 2.4 / 7                    | Semi-Mature | Good / Good      |
| 6        | <i>Fraxinus angustifolia</i> / Desert Ash            | 60 / 9.0 / 12                   | Mature      | Poor / Poor      |
| 7        | <i>Melaleuca bracteata</i> / Golden Paperbark        | 25 / 3.0 / 7                    | Mature      | Good / Fair      |
| 8        | <i>Fraxinus angustifolia</i> / Desert Ash            | 40 / 4.8 / 12                   | Mature      | Good / Good      |

## 9.1.2 (cont)

| Tree No. | Botanical Name / Common Name               | DBH (cm) / TPZ (m) / Height (m) | Age         | Health/Structure |
|----------|--|---------------------------------|-------------|------------------|
| 9        | <i>Pyrus sp.</i> / Pear                    | 35 / 4.2 / 8                    | Mature      | Good / Fair      |
| 10       | <i>Fraxinus angustifolia</i> / Desert Ash  | 18 / 2.2 / 9                    | Semi-Mature | Good / Fair      |
| 11       | <i>Fraxinus angustifolia</i> / Desert Ash  | 40 / 4.8 / 9                    | Mature      | Good / Good      |
| 12       | <i>Fraxinus angustifolia</i> / Desert Ash  | 22 / 2.6 / 7                    | Semi-Mature | Good / Poor      |
| 13       | <i>Fraxinus angustifolia</i> / Desert Ash  | 10 / 2.4 / 7                    | Semi-Mature | Good / Poor      |
| 15       | <i>Fraxinus angustifolia</i> / Desert Ash  | 40 / 4.8 / 16                   | Mature      | Good / Good      |
| 23       | <i>Fraxinus angustifolia</i> / Desert Ash  | 20 / 3.4 / 13                   | Mature      | Good / Fair      |
| 26*      | <i>Robinia pseudoacacia</i> / Black Locust | 13 / 2.0 / 6                    | Semi-Mature | Dormant / Fair   |

\* please note that Trees 13 and 26 were originally proposed for removal, but then later proposed or required for retention as part of the most recent 'without prejudice plans'.

## CONSULTATION

### Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers, and by erecting notices on the site's frontage to The Avenue (see *Advertised Plans on Attachment 3*). Following the advertising period a total of thirty-eight (38) objections were received.

The issues raised can be summarised as building massing and scale (including neighbourhood character, boundary setbacks, site coverage, a dominant street profile), landscape character / environment (including excessive tree loss, landscaping opportunity, limited provision of large canopy trees and indigenous / native plant species, inconsistency with the bush environment preferred character, and habitat loss).

The other key issue was heritage (relocation of heritage dwelling and impact on heritage place, damage from process of house relocation, limited separation between adjoining dwellings, and inconsistency with the Elmore architectural heritage merits associated to the 'Arts and Craft' and 'Fresh Air' movements).

### 9.1.2

(cont)

#### **Without Prejudice Plans (Pre- Consultation Forum)**

Prior to the Consultation Forum, informal 'without prejudice' amended plans (development plans dated 3/3/2020 and the landscape plan dated 28/2/2020) were submitted, and were subsequently circulated to all objectors and Ward Councillors. The key changes, included to inform the Consultation Forum process as summarised by the applicant include:

- *Reconfigured garage and storage areas, including overall lowering of the garage height and length of wall on boundary.*
- *Change to the north-eastern corner of the rear deck and dwelling addition.*
- *Pedestrian gate to the street has been relocated to the west side of the main hedge, away from the driveway entry.*
- *Pool deck amended to accommodate a new canopy tree.*
- *Two additional skylights.*
- *The sill height of the three west facing bedroom and bathroom windows have be raised, to match the other windows within the retained section of the house.*
- *The Area Schedule on the plans has been updated to reflect the above changes and to better respond to the SLO standards.*
- *Additional native planting, including extra canopy trees, have been included on the landscape plan, and the architectural set have been updated accordingly.*

#### **Consultation Forum**

A Consultation Forum Meeting was held on 11<sup>th</sup> March 2020. Nineteen (19) objectors attended the meeting, in addition to Councillors Munroe and Massoud, planning officers and the applicant. The Forum meeting was chaired by Councillor Munroe and concerns/objections with the proposal were grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern. The permit applicant was also given an opportunity to respond to objector concerns.

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

#### **Without Prejudice Plans (Post-Consultation Forum).**

Subsequently to the Consultation Forum, a second set of informal 'without prejudice' amended plans (development plans dated 31/3/2020 and landscape plan dated 23/3/2020) were submitted (*see Attachments 1 and 2*). The key modifications include:

- Deletion of the swimming pool and reduction of deck area;
- Wider planting areas along the side and rear boundaries.
- Better separated canopy trees complemented by large shrubs/smaller trees and medium sized shrubs and grasses to provide more effective continuous tree canopy and multi-layered landscape screen along boundary interfaces
- Grassed areas retained for open lawn family activities and/or other activities such as vegetable gardens etc.
- Vehicular crossover and driveway relocated approximately 750mm further west towards the adjacent speed hump on The Avenue, to protect (no longer relocate) Street Tree 26 (Black Locust). The full extent of proposed tree removal is consequently reduced from 11 trees to 10 trees.
- Six additional 15 metre high canopy trees across Lot 51.
- Building envelope for the resulting vacant lot (Lot 50) prescribing boundary setbacks of 11 metres (southern front boundary), 2.5 metres (eastern side boundary), 2 metres (western side boundary) and 2.5 metres (northern rear boundary).

## 9.1.2

(cont)

- An arborist Root Investigation Report prepared by John Patrick Landscape Architects, dated 22/4/2020 demonstrating the protection of adjoining Tree 23 from proposed driveway works.

After the amended plans were circulated to all objectors, 6 objections were withdrawn, resulting in a total 32 objections remaining applicable as part of this determination. Please also note that the 'without prejudice' development plans dated 31/3/2020 and landscape plan dated 23/3/2020, will form the basis of subsequent discussions below.

### Referrals

|                          |   |
|--------------------------|---|
| <b>Asset Engineer</b>    | The application was referred to Council's Asset Engineering team who have reviewed the proposal and do not object to the proposal, subject to 4 standard conditions and 3 standard notes. |
| <b>Planning Arborist</b> | The application was referred to Council's Planning Arborist who consented to the proposal subject to the conditional retention of Trees 2, 3, 11, 12 13, 15, 23 and 25.                   |
| <b>ParksWide</b>         | The application was referred to Council's Parkswide team who has provided conditions including tree protection zone construction measures for Street Tree 26.                             |
| <b>Heritage Advisor</b>  | Council's Heritage advisor has reviewed and supported the application subject to conditional changes.   |

## DISCUSSION

### State Planning Policy

The proposal accords with State Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

The proposal will also adequately conserve the site as a place of heritage significance. It is clear that the heritage place will be disturbed by the alteration and relocation of the heritage dwelling. However, subject to conditions, the attributes in the citation of the HO210 that make the dwelling significant can be retained, restored and protected.

It is also considered that that an appropriate bush setting can be achieved to ensure that the heritage dwelling maintains an inconspicuous profile to the streetscape.

### Local Planning Policy

#### Character

Local planning policy at Clause 21.05 (Environment) identifies issues of natural, visual and built environment. Clause 21.06 acknowledges that The City of Whitehorse is a '*middle ring municipality providing housing for a wide range of household types, ages and cultural groups*' and that it is '*under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities*'.

The Council seeks to accommodate and facilitate this change through its *Housing Strategy 2014* and *Neighbourhood Character Study 2014*; which identify various neighbourhood character areas (Bush Environment, Bush Suburban and Garden Suburban) and areas appropriate for substantial, natural and limited change.

### 9.1.2

(cont)

It is important to recognise that the site is located within a 'Bush Environment', 'Limited Change' residential area as confirmed by Clause 22.03 (Residential Development). This represents the lowest scale of intended residential growth in Whitehorse and the preservation of its significant landscape character and environmental integrity is the highest priority to be protected over new housing development.

An inspection of the immediately surrounding area reflects a single dwelling per lot, low-density residential character. This is largely due to generous front and rear boundary setbacks that contain heavily populated tree canopy coverage. This tree canopy surrounds predominantly single-storey housing, with open or absent front fencing. While limited side boundary setbacks are relatively common, dwellings still have an inconspicuous profile by the enclosed, dominant landscape setting.

The site is consistent with the character of the immediately surrounding area insofar as the existing dwelling has an inconspicuous street profile. However, this is largely due to the dwelling's central location on a double block well away from the street frontage, and the enclosed nature of the front boundary hedge (Tree 2). While Tree 3 is the most dominant tree on the site, the tree canopy across the site is not continuous, but of a scattered nature.

The proposed development seeks to relocate the existing dwelling fully onto the eastern lot of the site (Lot 51), resulting in a vacant western lot (Lot 50) with a new dwelling entitlement. With each lot being 920m<sup>2</sup> in area, they are each consistent with the lot pattern of the immediately surrounding area. It is considered that in principle, providing one dwelling on each lot of the site with their own street frontage is consistent from a character perspective.

The proposed relocated dwelling will be positioned centrally within the eastern lot (Lot 51), provided with genuine front and rear boundary setbacks, and limited side boundary setbacks. The proposed 11.5 metre to 12.3 metre front setback is consistent with the prevailing street setback, which varies between 4.3 metres and 12.3 metres.

The proposed relocated dwelling's minimum side boundary setbacks are 1.2 metres (western boundary) and 5.5 metres (eastern boundary), consistent with the 1 metre to 2 metre side boundary setbacks of dwellings facing The Avenue. However, also acknowledged are the properties to the rear and further east of the site that have greater side boundary setbacks of up to 4 metres. The location of the proposed garage onto a side boundary behind the front façade of the dwelling is a common characteristic recognised in the immediately surrounding area. Examples of this are reflected at 17, 19, 21, 23, 30, 36, and 40 The Avenue, as well as 50 and 1/56 Laburnum Street to the rear of the site.

From a backyard character perspective, the 10.26 metre rear boundary setback is smaller than those nearby dwellings facing The Avenue to both sides of the site, when not including outbuildings. However, it is comparable to properties east of the site facing Laburnum Street on opposite side of the rear laneway, where buildings are much closer to the laneway with rear boundary setbacks of between 1 metre to 4 metres to the laneway being not uncommon.

From a building mass perspective, the proposal seeks to retain the single storey built form of the existing dwelling, which has been reoriented to face the street. The appearance and built form of the existing dwelling will maintain consistency with the immediately surrounding single storey housing stock. The proposed extension will be located to the rear of, and be lower in height than, the existing dwelling. This will ensure that the rear extension is sympathetic to the existing dwelling built form, and will have a limited street profile.

As discussed later in this report, all vegetation on the western lot (Lot 50) is being retained, while all vegetation will be removed on the eastern lot (Lot 51) to accommodate the proposed development. As stated above, the current inconspicuous street profile of the existing dwelling is largely due to the front boundary hedge (Tree 2), and the dwelling's extensive street setback and single storey built form. The current landscape setting is dominated by Tree 3, but does not provide a continuous tree canopy across the site.

### 9.1.2 (cont)

The landscape plan will ensure that a much more continuous, multilayered large tree canopy (includes 43 canopy trees) is provided across the site that provides greater consistency with the bush environment preferred character statement in Clause 22.03.

The resulting relocated dwelling and rear extension, will not only maintain, but also enhance, the dwelling's inconspicuous street profile with a more dominant tree canopy landscape setting. This setting will maintain genuine front and rear boundary setbacks, as well as retaining a single storey building mass and appearance.

This will be in accordance with the Bush Environment preferred character statement and the limited change objectives of Clauses 15.01 (Urban Design), 21.05 (Environment) and 22.03 (Residential Development).

#### **Significant Landscape Overlay – Schedule 2 (SLO2)**

##### Character and Tree Removal

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines of this overlay. The presence of the SLO2 does not negate the ability of a site to be developed for residential purposes. However, the hierarchy of the SLO2 control does require a more sensitive approach and places higher levels of expectation on how a site is to respond to built form, landscape and environmental values.

The SLO2 identifies the site as being located within Blackburn whereby the following statement of significance is outlined below:

*'The significance of the area is attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees. This in turn contributes to the significance of the area as a valuable bird and wildlife.'*

While all the vegetation on Lot 51 is proposed for removal, it is important to acknowledge that only 11 trees are protected under the SLO2. All vegetation on Lot 50 will be retained. The desert ash trees (Trees 8, 10-12, and 15), which largely represent the lower tree canopy, are predominantly being retained, the exception being Tree 18. It is acknowledged that these trees are not native and present as a conflicting species within a native bush setting. That said, the overlay itself is a landscape overlay, and these trees do contribute to the landscape canopy of the site. In this context, the removal of Tree 18 (Desert Ash), being located centrally within the relocated dwelling envelope, can be justified in that its removal does not entirely remove the existing canopy provided, however does present an opportunity for a more appropriate species to replace it on site.

All other on-site trees have little contribution to the wider significant landscape due to their height, their poor structural health, and central location on site from a development potential perspective.

The front hedge (Tree 2: Monterey Cypress) is not an established large canopy tree that the SLO2 seeks to specifically protect. However, it does play an important role in the streetscape from a character and heritage perspective, and significant contributes to the wider landscape value of the site and the streetscape. It also enables a landscape-dominated appearance to the streetscape; and an inconspicuous dwelling street profile; as encouraged by the 'Bush Environment' preferred character statement. It is also a key feature of the original extent of the heritage place. From this perspective, the predominant retention of Tree 2 is a priority.

The 'without prejudice plans' will result in the main portion of the front hedge being protected except to allow for pedestrian and vehicular access into the site. From this perspective, the preferred outcomes of providing a landscape-dominant frontage and an inconspicuous dwelling profile will be maintained.

### 9.1.2

(cont)

Council's arborist has generally supported the proposal in terms of protecting the significant trees on site and tree impacts adjoining the site, including required additional measures to ensure the protection of Trees 12 and 23. All buildings and works must be at least 2.6 metres from the trunk of Tree 12 (Desert Ash) and at least 3 metres from the trunk of adjoining Tree 23 (Magenta Lilly Pilly), in addition to being outside of this tree's structural root zone. This will ensure their protection during construction. The John Patrick Root Investigation Report requires further construction measures to the driveway and associated excavation to guarantee the structural integrity of Tree 23. These measures can be addressed via permit conditions should this application be approved.

#### Landscaping

The amended landscape plan focuses on the eastern lot (Lot 51) only, to ensure that proposed relocated dwelling respects the preferred and existing character of the area, and addresses the key heritage related matters as part of the citation of the HO210.

The landscape plan will ensure that upper storey tree canopy will be heavily represented across Lot 51, dominated by Red-Flowering Yellow Gums (15 metres high), and complemented intermittently by Kanooka Gums (15 metres high). There is also a strong middle storey tree canopy along the perimeters of this lot represented by numerous Blueberry Ash species (9 metres high), the retained Red Flowering Gum (Tree 3: 6 metres high), Lilly Pilly (6 metre high), Luscious Water Gums (5 metre high) and a Japanese Maple (5 metres high). Numerous shrubs and ground covers are included as part of the landscape plan.

In all, 43 new canopy trees are included in the landscape plan, including 24 trees, nine metres or greater in height. This tree canopy is well balanced in their native and exotic origins from a heritage and character perspective. A pool and large deck area to the rear of the proposed relocated dwelling are detailed in the advertised plans, however the amended 'without prejudice' plans shows the pool deleted and the deck area heavily reduced, creating a noticeably increased unencumbered space for landscaping to successfully establish.

With the relocation of the driveway and crossover closer to the speed hump, the proposed red flowering yellow gum along the front boundary has been deleted. The resulting widened landscape strip east of the driveway has however created an opportunity to accommodate an additional small canopy tree alongside the frontage. This can be addressed as a permit condition should this application be approved.

Improvements to the landscape plan include smaller, more appropriate plant species (tall screening shrubs rather than canopy trees) provided along the narrow western boundary setback, an additional canopy tree in the south-western corner of the site within the widened landscape strip south of the driveway, and a longer 6 month maintenance plan to guarantee plant establishment. These improvements can be addressed as permit conditions should this application ultimately be approved.

Subject to permit conditions, when also considering the dwelling's generous front setback and single storey form, and the retention of the front hedge, the tree canopy will provide a bush-like landscape setting that dominates the site, the streetscape and the wider landscape, and ensures an inconspicuous street profile for the proposed relocated dwelling. This will comply with Clauses 12.05 (Significant Environments and Landscapes), 22.03 (Residential Development), 22.04 (Tree Conservation) and 42.03 (SLO2).

#### **Heritage**

The site forms as a heritage place protected by Heritage Overlay (HO210) 'Elmore Houses'. The citation of HO210 indicates that Algernon Elmore was well known in Blackburn being an inaugural member of the Shire of Blackburn and Mitcham Council in 1925. 29 Elmore houses were ultimately constructed as part of the Arts and Crafts and Fresh Air movements. Many of these houses exist in the immediately surrounding area, particularly in Laburnum Street, Laurel Grove, The Avenue (including the eastern adjoining property at No 33 The Avenue (HO211) and Main Street.



### 9.1.2 (cont)

The HO210 heritage citation provides detailed analysis on the heritage aspects of the existing dwelling on site within its statement of significance.

- Existing Dwelling Relocation

The relocation of heritage buildings is generally not acknowledged as good practice as it impacts on the integrity of the heritage place and should be resisted as the first step. Council's heritage advisor cited the Australia ICOMOS Charter for places of Cultural Significance 2013 (*Burra Charter*) which defines the basic principles and procedures concerning the conservation of heritage places in Australia and particularly Victoria:

- a) The physical location of a place is part of its cultural significance. A building, work or other element should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival (Article 9.1).*
- b) If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.*

As reflected in the HO210 citation, both the applicant's, and Council's, heritage advisors acknowledge that the Elmore house itself forms a large part of what is significant as part of this particular heritage place. This has warranted consideration of a proposal that includes both retention and relocation (if required by sound credible consulting advice) of the existing dwelling. The impact of the dwelling's proposed relocation to the heritage place is a key consideration.

Elmore Houses were traditionally centrally located on sites (straddling two blocks is common), with generous boundary setbacks from all aspects that provided a bush-like setting, while enabling the building to be largely screened from view. The nearest Elmore house adjoining to the south at 31 The Avenue contains these characteristics. However, unlike the site, the exception of this adjoining property is its limited side boundary setbacks being a single block.

Concerning the site, Council's heritage advisor firstly acknowledges that the front and rear boundaries have been reduced. However, confirmation is provided that these setbacks are still substantial enough to accommodate a bush-like, inter-war landscape setting that encloses the dwelling from street view. The proposed landscape works on the amended landscape plan have been discussed earlier to this effect. Landscape works are not however proposed on the resulting vacant lot (Lot 50). Nor do the plans provide a development for Lot 50 to provide certainty of how the integrity of the heritage place will ultimately be protected. It is understood that the applicant intends to sell Lot 50 to financially support the proposed development.

Council's heritage advisor is concerned that the height, form and location of a future dwelling on Lot 50 can potentially significantly impact the integrity of the heritage place from a visual amenity perspective, unless managed and mitigated appropriately. Sufficient separation space, consistent and generous street setbacks, and height limitations for the future dwelling, protection of key original vegetation that demonstrates the original extent of the property (the front hedge or Tree 2), and retention of the Heritage Overlay over Lot 50, are recommended.

It is acknowledged that Heritage Overlay will remain in place regardless of the outcome of this application. This is one measure that will ensure that any new dwelling on Lot 50 can be assessed on its merits as part of a future planning application concerning its relationship and potential impacts on this heritage place. Building height is tempered by expectations found in the preferred character statement 'Bush Environment', which encourage dwellings to have inconspicuous street profiles.

### 9.1.2

(cont)

Given the existing heritage dwelling's limited side boundary setbacks and extensive street setback, there is potential that a future dwelling on Lot 50 with a lesser street setback and limited side boundary setbacks, could undermine the integrity of the heritage place by blocking street views to the existing dwelling. Additionally, being greater than 500m<sup>2</sup> in area, the required boundary setbacks of Res Code will not apply to a future dwelling application on Lot 50. Consequently, more definite setback measures are required to adequately protect this heritage place and building.

The imposition of a building envelope on Lot 50 to prescribe preferred boundary setbacks to achieve adequate view-lines and separation around the existing dwelling is not an appropriate option. While prescribing appropriate boundary setbacks, building envelopes also create unnecessarily perceived expectations that a dwelling the full size of the building envelope is acceptable, or that any tree within the building envelope is appropriate for removal. These perceived expectations must be avoided as any future dwelling or potential tree removal on Lot 50 must be still assessed on its merits.

Building exclusion zones are preferred in this context as they provide prescribed boundary setbacks, but otherwise provide greater options for designing a dwelling within these parameters. Concerning Lot 50, a 12.3 metre wide building exclusion zone along the front boundary is recommended to align with the front setbacks of both adjoining dwellings. 2 metre (west boundary) and 2.5 metre (east and rear boundaries) building exclusion zones are further recommended to create genuine separation between both adjoining dwellings from street view. These setbacks will also provide strong landscape opportunities including large canopy trees along all boundary interfaces to address heritage and landscape character issues.

It is acknowledged that the resulting vacant lot (Lot 50) will likely be sold in due course, and it is critical that any prospective purchasers are aware up-front of the constraints and expectations attached to a future dwelling on this lot. To achieve this, the required building exclusion zones on this lot must form as a plan for endorsement as part of the development, if approved. This required building exclusion zone plan will be tied to a Section 173 Agreement that would be registered on the title. This would ensure that a required building exclusion zone on Lot 50 will have ongoing effect. Evidence of the Section 173 Agreement being registered on title with Land Use Victoria prior to the subject development commencing, would also be required as a permit condition should this application be approved.

From a risk perspective during the dwelling relocation and construction periods, Council's heritage advisor recommended that sound advice from a heritage and arborist consultant are both required to ensure that the heritage building and any nearby original vegetation can be protected from damage. The applicant submitted a relocation management plan in consultation from both their heritage and arborist advisors, which sets out all the necessary procedures to ensure that the relocation process can be effectively managed (*see Attachment 4*).

While Council's heritage advisor supported this report, this document needs to be updated to provide consistency with the without prejudice plans, in that all vegetation on Lot 50 is to be protected. In this report, Trees 6, 11 and 13 are still shown as being removed. This issue can be addressed as a permit condition if this application is ultimately approved. Overall, sufficient detail has been provided to ensure that the risks associated with the dwelling relocation and construction process, can be effectively managed and mitigated.

- *Dwelling alterations / Additions*

Advice provided indicates that the significance of the building is focused on the front third, and front façade, of the building that is potentially visible to the streetscape from a heritage impact perspective. As the roof is not extended beyond its original extant, there are no concerns to the rear two thirds of the western elevation.

### 9.1.2

(cont)

There is now physical separation between the original verandah and both the proposed garage and rear addition as required by Council's heritage advice. This is subject to the removal of the infill walls at the north end of the verandah, which can be addressed as permit conditions if the proposal is ultimately approved. The new garage itself was also supported given its simple parapet form to the southern front elevation, and low street profile from a generous street setback.

The extension of the western wall and roof eaves that overhang approximately two-thirds of the western elevation, have received consent from Council's heritage advisor. This is due to modifications that have the previously occurred to this area, its limited street visibility and limited contribution to the understanding of the building from a heritage perspective. However, the extent of the original building being clearly defined at the north gable was recommended, which can also be addressed as a permit condition, if this proposal is ultimately approved.

Reconstruction of a new lightweight chimney to replace the original masonry chimney received consent from Council's heritage advisor subject to details of both the existing and proposed chimneys being provided to confirm the accuracy of its reconstruction as the chimney is a prominent external element of the building. Other recommendations included more traditional window forms for the Master Bedroom, WIR and ensuite. These issues can be addressed as a permit condition should this application be approved.

All other elements concerning the form and general design (including cladding, solar panels, water tanks) of the proposed dwelling alterations and additions, has otherwise received the consent of Council's heritage advisor.

- The proposed front fence

New pedestrian and vehicle gates are proposed between the east end of the hedge and the east boundary. While the design of the fence and gate are acceptable in appearance, Council's heritage advisor indicates that the proposed 1.46 metre height is not typical of properties of the period. A maximum height of 1.2 metres is recommended, which can be addressed as a permit condition should this application be approved.

- *Landscaping Works*

When reviewing the advertised plans, Council's heritage advisor recommended that a more natural, inter-war style layout and planting be required for endorsement. This included the predominant retention of the existing front boundary hedge (Tree 2), stronger ground-level landscaping, a single-width, more informally constructed driveway (materials such as Lilydale toppings or red brick), and stronger landscaping between the rear extension and driveway.

The without prejudice amended development and landscape plans now show the provision of an informal broken footpath in the front setback area and much wider peripheral garden beds. Tree 2 is now predominantly retained, and a more curvilinear, single-width driveway of permeable construction, with widened adjacent landscape strips, is now proposed. The rear decking area is now heavily reduced and the landscape setting provides a more informal, natural, bush-like setting, including a more spacious provision of large canopy trees across the site. Subject to conditions, it is considered that the landscape design response is now consistent with the expectations of Council's heritage advisor.

Overall, the disturbance of the heritage place is warranted primarily as the existing building is being largely maintained, and the sound relocation and construction process has been adequately demonstrated. The proposal has demonstrated that, subject to conditions, the integrity, character, form and appearance of the heritage dwelling will be ultimately restored and conserved in accordance with Clause 22.01 (Heritage Buildings and Precincts). The proposal will also retain the predominant key characteristics contained in the statement of significance (*refer to the HO210 citation in Attachment 7*), and will comply with Heritage Overlay (HO210).

### **9.1.2**

(cont)

#### **External Amenity**

The proposed dwelling relocation and additions generally will not cause adverse external amenity impacts from a visual amenity, overlooking, overshadowing and daylight access perspective. The exception is the proposed garage located on the east side boundary, creating some overshadow to one west-facing habitable room of the adjoining dwelling at 33 The Avenue. This adjoining resident initially objected to this design, but later withdrew their objection primarily due to a reduced southern wall width, retention of the boundary fence and more sympathetic cladding materials, colours and finishes.

It is acknowledged that a permit is not required under the Neighbourhood Residential Zone and the Standards of Res Code do not apply given the size of the site. From this perspective, this amenity impact outcome is considered an acceptable compromise.

#### **Objectors Concerns not Previously Addressed**

##### Neighbourhood Character

The 'neighbourhood character' objection ground relates to building massing and scale, setbacks (to the street and separation from adjoining buildings), high site coverage (SLO2), and that the dwelling will no longer take on an inconspicuous street profile. The building mass, scale, setbacks, and separation, profile of the dwelling, and additions to the street, have all been discussed earlier in this report.

The ground floor site coverage of 38% will exceed the 33% permit exemption stated under the SLO2. This figure is a permit trigger only and not a specific landscape character objective or design guideline of the SLO2. Rather the question is whether the landscape objectives and guidelines have been adequately met.

As discussed earlier in this report, there will now be a reasonable proportion of the site as being unencumbered and subsequently free of buildings to allow for the successful regeneration of large canopy trees to the front and rear of the dwelling. This will provide a tree-dominated natural landscape that will ensure that the dwelling will have an inconspicuous profile when viewed from the street. It will also ensure that the dwelling will be compatible with the bush environment preferred character of the area. This will achieve compliance with the SLO2.

##### Landscape Character / Environment

This objection ground includes issues of excessive tree loss, limited landscaping opportunity to provide for numerous large indigenous and/or native canopy trees that is consistent with bush environment preferred character; while also resulting in substantial habitat loss. It is considered that the revised landscape plan, including the provision of 48 new canopy trees on Lot 51, will provide an appropriate landscape dominated setting that improves upon the current landscape appearance of the site, and provides for improved heritage, preferred landscape character, and environmental (habitat etc) outcomes. This has been discussed in detail earlier in this report.

##### Heritage

The heritage objection grounds specifically related to (a) the relocation of heritage dwelling and impact on heritage place; (b) the potential damage during the house relocation and construction process; (c) the limited separation and/or spacing around the building, and (d) inconsistency with the Elmore, Victorian hardwood architectural movements of the past.

### 9.1.2

(cont)

The proposal has sufficiently demonstrated that the integrity of the heritage place can be adequately protected through the retention and relocation of the existing dwelling, which will be carefully managed through both processes. This is crucial as the dwelling is largely intact and forms a large part of what is understood to be most significant in the Elmore Home architectural movements of the past. All these issues have been discussed in detail earlier in this report.

### CONCLUSION





The proposed development is consistent with the relevant planning controls and policies, including the Local Planning Policies and provisions of the Significantly Landscape (SLO2) and Heritage (HO210) Overlays. The proposed form, siting and overall design of the development is considered consistent with the existing and preferred neighbourhood character of the surrounding area.

The plans and documentation have also provided sufficient certainty that the integrity of the dwelling can be protected and restored from a heritage perspective. This would be consistent with Clauses 12.04-2 (Landscapes), 16 (Housing), 21.05 (Environment), 22.01 (Heritage Buildings and Precincts), 22.03 (Residential Development), 22.04 (Tree Conservation) and 42.03 (SLO2).

The proposed development has adequately addressed all objection grounds.

It is therefore considered that the application should be approved accordingly.

### ATTACHMENT

- 1 Without Prejudice Development Plans 
- 2 Without Prejudice Landscape Plan 
- 3 Advertised Plans 
- 4 Relocation Management Plan 

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation (Contract 30236) Provision of Inspection and Repair Services for Emergency / Exit Lighting and Means of Egress Inspections

FILE NUMBER: SF20/45

#### SUMMARY

*To consider tenders received for the provision of Inspection and Repair Services for Emergency / Exit Lighting and Means of Egress Inspections throughout Council's building portfolio. The current contract expires on 30 June 2020. This contract is comprised of two parts:*

- *Part 1 - Inspection and Repair Services for Emergency / Exit Lighting*
- *Part 2 - Means of Egress Inspections*

*This report recommends the acceptance of the tender received from the P & M Hartmann Family Trust (ABN 94 489 751 476), trading as Adapt Essential Services Pty Ltd for Part 1 and Part 2 with a total estimated cost of \$1,030,943 over five years. This contract is a schedule of rates contract for labour and materials based on a detailed cyclic program of Essential Safety Measures inspections for all buildings located on Council land. The rates are subject to a CPI adjustment on each anniversary of the contract. The initial term of the contract is three years with a two year optional extension term subject to satisfactory performance and Council's business needs.*

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

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

- 1. Accept the tender and sign the formal contract document for Contract 30236 for the Provision of Inspection and Repair Services for Emergency / Exit Lighting and Means of Egress Inspections, on a schedule of rates basis, for the initial contract term of three years commencing on 1 July 2020 from:***
  - Part 1 - the P & M Hartmann Family Trust (ABN 94 489 751 476), trading as Adapt Essential Services Pty Ltd, 2/28 Superior Drive Dandenong South 3175 for the estimated cost of \$523,981, including GST; and***
  - Part 2 - the P & M Hartmann Family Trust (ABN 94 489 751 476), trading as Adapt Essential Services Pty Ltd, 2/28 Superior Drive Dandenong South 3175 for the estimated cost of \$94,584, including GST.***
- 2. Authorise the Chief Executive Officer to award a two year extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract term, in accordance with the contract provisions.***

**CARRIED**

#### BACKGROUND

Council is required by building regulations under the National Construction Code (NCC) to conduct regular inspections on facilities fitted with Essential Safety Measures (ESM) such as portable fire equipment, smoke/fire detection, fixed sprinkler systems, illuminated exit lighting, emergency lighting, paths of travel to exits and discharge from exits. These inspections are to ensure that all ESMs are fully functional at all times for occupant safety.

### **9.2.1**

(cont)

Council relies on external service providers to deliver the services under this contract due to the specialised competencies required to ensure compliance with regulatory and NCC requirements and the volume of assets to be maintained which is currently in excess of 2600 items. The current contract expires on 30 June 2020.

The intent of the contract is to:

- Satisfy the obligations set out in the NCC;
- Satisfy the requirements set out in the relevant Australian Standards;
- Provide building users with safe egress from facilities in the event of fire;
- Ensure paths of travel to exit the building are clear and unobstructed; and
- Ensure designated exits are compliant with requirements outlined in the Building Code of Australia.

The contract has been established in two parts.

Part 1 of the contract is for inspection and repair services for emergency and exit lighting systems at 122 buildings on Council land.

Part 2 of the contract is for Means of Egress Inspections for 193 buildings on Council Land.

Tenderers were able to tender for Part 1 only, Part 2 only or Parts 1 and 2.

The term of the contract is three years commencing on 1 July 2020 with an option to extend the contract for a further two years at Council's discretion.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 4 April 2020 and closed on Wednesday 29 April 2020.

A total of 15 tenders were submitted for this contract and all tenders were evaluated against the following criteria:

- Tender Offer (40%)
- Workmanship Quality and compliance with industry codes and standards (20%)
- Demonstrated Knowledge (15%)
- Management and reporting / invoicing systems (15%)
- Evidence of capacity to deliver services to nominated schedules (10%)

Occupational Health and Safety, Equal Employment Opportunity and Business Viability credentials were assessed on a Pass/Fail basis.

The methodology used for the financial evaluation of the tenders was based on the number of inspections required to comply with Council's cyclic testing and inspections program, the estimated amount of remedial works, the estimated number of reactive calls for faults, both in and out of hours, and associated repair works generated from the cyclic testing program.

Scores for non-financial evaluation criteria were based on the quality and content of the tender submissions and referee checking where relevant.

Fifteen tender submissions were received for Part 1 – Inspection and repair services for emergency and exit lighting.

### **9.2.1**

(cont)

Adapt Essential Services Pty Ltd (Adapt) is the current provider of this service and has successfully serviced all requirements under the contract for its five year term. Although the tender offer from Adapt was the 2<sup>nd</sup> lowest, an assessment of their submission against the full tender criteria demonstrated that the tender from Adapt offers the best outcome for Council for Part 1 of the contract. Adapt have a high level of demonstrated experience with managing ESM contracts for local governments.

Six submissions were received for Part 2 - Means of Egress Inspections. The current contractor for this service is Fire Equipment Services (FES) however the tender from Adapt offers the best value outcome for Council for Part 2 of the contract.

Adapt is well experienced within the local government sector and satisfactorily services the requirements of other Local Government organisations, has a very good understanding of Essential Safety Measures inspection, testing, repair and maintenance requirements and is well equipped to service this contract in a timely and effective manner.

A detailed financial assessment has confirmed Adapt's ability to fulfil the requirements of the contract.

### **CONSULTATION**

Facilities Maintenance Officers have liaised extensively with staff currently responsible for building operations and management to ensure that the scope of works under contract can be delivered in the most efficient and least disruptive manner possible. Reference checks have confirmed that Adapt has successfully delivered similar inspections and services programs.

### **FINANCIAL IMPLICATIONS**

The provision of inspection, testing and maintenance of emergency and exit lighting systems and means of egress inspections is based on an agreed Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The estimated expenditure under this contract over the initial three year contract term is \$616,565, including GST. This expenditure will increase to approximately \$1,030,943, including GST if the option to extend the contract for a further two years is exercised.

The costs incurred under this contract will be charged to the relevant Assets, Buildings and Capital Works - Facilities Maintenance annual operational budgets. Estimated expenditures to be incurred under this contract are consistent with the current costs for these services.



## 9.2.2 Parkland Advisory Committee: Extension of Term

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### **SUMMARY**

*Council has 13 Parkland Advisory Committees (PACs) made up of volunteer members who undertake a diversity of work in Council's parks and reserves. The current term and membership of active PAC members expires on 30 June 2020. A review of the governance and functions of the PACs is underway which has been informed by consultation with all members. The review has not been completed due to the limitations imposed by the COVID-19 pandemic on effective stakeholder consultation and completion is unachievable prior the 30 June 2020 expiry. Subsequently, it is recommended that the current term of PACs be extended under the existing Terms of Reference until 30 June 2021.*

### **COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr Massoud

***That Council extends the current term and membership of active Parkland Advisory Committee members to 30 June 2021 under the existing Terms of Reference.***

**CARRIED**

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### **BACKGROUND**

Council has 13 Parkland Advisory Committees (PACs) comprising a combined active membership of nearly 100 volunteers. The PACs undertake planting, bushland maintenance, events, education programs and work with Council Officers with regard to the ongoing management and planning of open spaces in Whitehorse. These tasks vary depending on the size, character and condition of each site.

A Parkland Governance Review has commenced with input received from the existing PACs and recommended actions are being developed for stakeholder consultation. Any recommended actions from the review will require extensive stakeholder consultation prior to implementation. As the current COVID-19 restrictions limit the ability to effectively engage with stakeholders, it is recommended that the PACs be extended under the existing Terms of Reference until 30 June 2021.

### **DISCUSSION**

In late October 2018, a consultant was appointed to undertake a Parkland Governance Review project. A community engagement plan was developed and a thorough consultation and engagement process with PACs was then undertaken.

The consultant finalised its report in late 2019. Council's officers have considered the findings of the report and are preparing an engagement plan to workshop the review findings with the PACs and relevant stakeholders which will be presented to Council at a later date.

It is not appropriate to develop or finalise recommended actions from the Parkland Governance Review without appropriate stakeholder engagement. Accordingly, additional time is needed to complete the project and it is recommended that the current PAC membership be extended to 30 June 2021. Maintaining continuity of membership of PACs, particularly those who have been involved in the project consultation process will assist Council to maintain momentum and complete this project. If the recommendations of the review are finalised and accepted before 30 June 2021, the adopted changes could be made at an earlier time.

In addition, the recommendations of the review must be revised for conformance with the Local Government Act 2020.

### **9.2.2**

(cont)

#### **CONSULTATION**

The proposal to extend the endorsement of Parkland Advisory Committees and the existing members was sent to the secretary of each of the 13 committees via email and posted letter on 29 May 2020. At time of report authorisation there were no objections to the extension.

#### **FINANCIAL IMPLICATIONS**

There is no financial implication for the 2020/21 operational budgets.

#### **POLICY IMPLICATIONS**

A report outcomes of stakeholder engagement and recommended actions will be presented to Council at a later date. The Parkland Advisory Committee and Volunteer program is referred to in Councils:

- The Council Vision and Council Plan;
- The Whitehorse Open Space Strategy; and
- The Whitehorse Community Participation Strategy (which now sits within the Whitehorse Health and Wellbeing Plan).

## **9.3 HUMAN SERVICES**

### **9.3.1 Approval to Amend Maximum Expenditure Threshold (Contract 15024) Pool Plant Maintenance Services for the Aqualink Centres**

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#### **SUMMARY**

*The purpose of this report is to seek approval to amend the maximum expenditure threshold available against Contract 15024 – Pool Plant Maintenance Services for the Aqualink Centres and extend the contract for a further one year.*

*The approval amends the previous maximum expenditure threshold contained in the tender evaluation report that was submitted to Council on 16 May 2016, to \$2,305,000 for the period of the Contract extension until 30 June 2021.*

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Carr

#### **That Council:**

- 1. Approve an amended whole of contract maximum expenditure of \$2,305,000 including GST for Contract 15024 – Pool Plant Maintenance Services for the Aqualink Centres.**
- 2. Authorise the Chief Executive Officer to award the final one year contract extension to 30 June 2021.**

**CARRIED**

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#### **BACKGROUND**

Aqualink Nunawading is located at Fraser Place, Forest Hill. The Centre has approximately 565,000 visitations per annum. Aqualink Box Hill is located at Surrey Drive, Box Hill. The Centre has approximately 950,000 visitations per annum.

Both Aqualinks are high patronage Council venues that provide a range of aquatic and dry leisure facilities, activities and programs for the community. The aquatic facilities within the Aqualinks are heavily utilised, therefore plant room servicing and maintenance are essential to maintaining the community assets to a high standard, and to ensure the water quality is maintained within health regulation parameters.

#### **DISCUSSION**

On 16 May 2016 Council awarded Contract 15024 – Pool Plant Maintenance Services for Aqualink Centres to Roejen Services. The contract is a Schedule of Rates contract and had a three year initial contract term with a further two by one year options to be exercised under CEO Delegation. The initial one year extension commenced on 28 June 2019 with the contract extension to expire on 30 June 2020.

The contract does not have options to extend after contract completion date of 30 June 2021. Officers will start the Tender process to select a Contractor for a new Contract after 30 June 2021.

### **9.3.1**

(cont)

As part of this contract, Roejen Services undertook a comprehensive asset condition audit for the pool plant at both Centres and a 10 year plant replacement program was established. This has been the basis for all works undertaken since July 2016. Another asset condition audit was undertaken in 2019 for an updated program to be undertaken over the next 10 years.

Since the original contract approval in 2016 the essential maintenance, upgrade and renewal of pool plant infrastructure has increased. The expiration of warranty periods for some plant infrastructure at Aqualink Box Hill, in conjunction with the ageing plant at Aqualink Nunawading has resulted in an increase in expenditure to adequately maintain the pool plant at both facilities. The projected expenditure for the one year extension to the contract is \$1,106,682 including GST. Approximately one third of the expenditure for 2020/2021 will be used to undertake significant filter replacement and electrical works at Aqualink Nunawading.

As a result of the increased work under this contract, the previously estimated total expenditure will need to be revised. The new total estimated expenditure is \$2,305,000 (including GST) which includes \$1,106,682 budgeted expenditure for 2020/2021.

### **CONSULTATION**

Council's Procurement team have assisted with providing current contract expenditure details and advice on this process in line with Council's adopted Procurement Policy.

### **FINANCIAL IMPLICATIONS**

All expenditure incurred against this contract is funded from relevant adopted budgets.

### **POLICY IMPLICATIONS**

In accordance with the Procurement Policy, Clause 7.7 Contract/Purchase Order Variations, it states – *contract variations must be approved and signed off as per the delegations under 4.3.*

### 9.3.2 Draft Floodlighting Policy: Outdoor Sports and Recreation

ATTACHMENT

#### **SUMMARY**

*The draft Floodlighting Policy – Outdoor Sports and Recreation (the Policy) has been developed to provide a consistent approach for the use of floodlighting for sporting activity at Council-managed outdoor sports and recreation venues. The draft Policy supports community participation at these venues while considering the residential amenity of adjoining properties and the surrounding area.*

*This report presents a summary of the first phase of community consultation which has been used to inform the development of the draft Policy and seeks Council's endorsement to release it to key stakeholders and the broader community for comment.*

#### **RECOMMENDATION**

***That Council endorses the draft Floodlighting Policy – Outdoor Sports and Recreation (Attachment 1) to be released to key sporting stakeholders, submitters and the wider community for comment.***

#### **MOTION**

Moved by Cr Davenport, Seconded by Cr Munroe

***That Council:***

- 1. Revises the Draft Floodlighting Policy – Outdoor Sports and Recreation by changing the following:-***
  - a) Add Clause 5.1.2 (e). When upgrading floodlighting at Wembley Park & Mahoney's Reserve SE sports fields Council will allow in the design process and fund future proofing to 200 lux. This includes conduits, poles and cross arms, and footings.***
  - b) 5.3.1 b) iv is changed to may be played at an outdoor sport and recreation venue up to three nights a week;***
  - c) 5.3.1 e) At the end of the first sentence write "Council shall not unreasonably withhold permission but may impose conditions on granting such permission";***
  - d) 5.3.1 h)iii add at the end (e.g charity events, club family days, community festivals)***
  - e) 5.3.2 (b) After Sporting Clubs add (and community events hosted by a sporting club)***
- 2. Releases the revised Floodlighting Policy to Whitehorse sporting clubs, sporting associations, submitters, casual users and be made available to the broader community for comment.***

The motion was LOST on the casting vote of the Mayor

### 9.3.2

(cont)

#### MOTION

Moved by Cr Barker, Seconded by Cr Davenport

***That Council:***

1. ***Endorses the draft Floodlighting Policy: Outdoor Sports and Recreation (Draft Policy) (Attachment 1) to be released to key sporting stakeholders, submitters and the wider community for comment, subject to the Draft Policy being amended to include:***
  - a) ***Delete Clause 5.3.1 e) which includes that sporting clubs wishing to use floodlights on sports fields for any activities such as social activities or events outside of approved training and competition such as social activities must seek Council permission;***
  - b) ***Add Clause under Section 5.3 - Allow a grace period of 30 minutes for floodlights to automatically switch off on sports fields after the finish time stated in seasonal licence agreements.***
  - c) ***Delete Clause 5.3.1 b) iv that night competition may be played at an outdoor sport and recreation venue up to two nights a week as it is not necessary.***

The motion was LOST on the casting vote of the Mayor

#### COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

***That Council endorses the draft Floodlighting Policy – Outdoor Sports and Recreation (Attachment 1) to be released to key sporting stakeholders, submitters and the wider community for comment.***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

The City of Whitehorse enjoys a healthy sporting participation base using Council outdoor sports and recreation venues. Council's sports fields are utilised by many different sporting clubs for a wide variety of sports including baseball, cricket, soccer, lacrosse, rugby union and Australian Rules Football. Council supports community-level sport by providing floodlighting for training purposes to encourage a fit, active and healthy community.

At present, competition is accommodated during daytime timeslots. Recently, some clubs have expressed a desire to play night competition following an increase of new participants and teams competing in Whitehorse. Dedicated female Australian Rules Football and soccer teams have increased from 16 in 2015 to 49 in 2019 (a 206% increase) through the recruitment efforts of local club volunteers, the launch of the elite AFL Women's competition and significant investment into unisex sporting facilities by Council.

To accommodate these increasing sporting club requests for additional junior and female participation opportunities, the need for a Policy for floodlighting usage has arisen, including providing a position in regards to community-level night competition. The attached draft Policy provides this, supporting community-level sport while also considering the residential amenity of adjoining properties and the surrounding area.

#### DISCUSSION

The draft Policy provides a consistent approach for the use and management of floodlights at Council outdoor sports and recreation venues addressing both community sport training and night competition.

### 9.3.2

(cont)

#### Scope of the Policy

The draft Policy applies to outdoor sports and recreation venues managed under a seasonal licence agreement with local sporting clubs (eg Australian Rules Football, cricket, soccer, rugby union). Also included within the scope are skate park facilities and other passive and/or unstructured outdoor sports and recreation venues with floodlights such as public outdoor courts used for netball and basketball.

#### Informing the Draft Policy

The draft Policy was informed and developed considering industry best practice, benchmarking and an extensive internal and external consultation process. Details of the consultation activities undertaken are included in the Benchmarking and Community Consultation Findings summary (Attachment 2).

Benchmarking of eight Melbourne metropolitan Councils indicated similar approaches to floodlighting for community sport. Key positions included all but one permitting night competition, 9pm or 9:30pm as the required finishing times, most allowing night competition any day of the week and generally not permitting the use of floodlighting for pre-season activity. All Councils had changed or intended to change to the use of LED technology for floodlighting and delivering 100 lux projects at their venues.

Council received 271 submissions from external stakeholders. Broadly, the responses received were supportive of the draft Policy's development and the concept of night competition on Council sports fields as shown in the below table:

| Night Competition Support (# responses)               | Yes    | No    | No response |
|---|--------|-------|-------------|
| Sporting Clubs (26)                                   | 100.0% | 0.0%  | 0.0%        |
| Sporting Associations (9)                             | 100.0% | 0.0%  | 0.0%        |
| General Public (236)                                  | 73.7%  | 15.7% | 10.6%       |
| Residents Living Abutting Floodlit Sports Fields (50) | 46.0%  | 50.0% | 4.0%        |

Night competition permitted upon approval up to 9:30pm any day, two nights a week supports the needs of senior competition. There was reasonable support across all days of the week for night competition with stakeholders preferring Friday (72%) and Saturday (62%) nights.

#### Key Policy Positions

The draft Policy outlines Council's approach to the management of floodlighting to support community participation at these venues while considering residential amenity including the following key positions:

#### Key Policy statements

- The use of floodlighting for night competition (including twilight competition) at sports fields is permitted at venues with floodlighting that complies with the relevant Australian Standard and/or sporting association guidelines for the level of competition played.
- Night competition may be played up until 9:30pm on any day of the week, with a maximum of two nights a week at a site, approved as part of the seasonal allocation process.
- Clubs to fund the floodlighting of practice facilities such as batting cages for use up to 9pm year-round subject to Council approval and sporting club seasonal allocations.
- Council will provide and fund the development, maintenance and renewal of floodlighting infrastructure to 100 lux (unit of measurement of light) on sports fields, outdoor sports courts and skate parks to support community-level sport and active recreation.
- Sporting clubs requiring more than 100 lux floodlighting for sporting activity will be required to fund the difference to reach a higher lux level. Clubs will be responsible for ongoing maintenance costs associated with sustaining the higher floodlighting level.

### 9.3.2

(cont)

- Council's outdoor sports court facilities will be floodlit up to 9pm throughout the year as required.
- Council's skate parks will be floodlit up to 10pm throughout the year as required.

#### *Floodlighting current practice and as identified in the Sporting Facilities Guide (SFG)*

- Floodlights used for training must be turned off by 9pm (Monday-Sunday), as managed by seasonal licence agreements with sporting clubs.
- Permission must be sought from Council's Active Communities team for any use of floodlighting outside of approved training and night competition.
- Sporting clubs are financially responsible for power bills associated with floodlighting use.
- Floodlighting is not permitted for pre-season training on sports fields.

#### *100 lux provision*

The 100 lux level of floodlighting provision has been determined in the interests of participant safety and to support the greatest amount of community-level sporting participation through enabling winter sport training in Australian Rules Football, soccer and rugby. The Australian Standards for Football – all codes discuss two levels of training activity, ball and physical training (2-4 participants at a time moving in predictable patterns) requiring 50 lux and match practice training (game simulation activities with many participants) requiring 100 lux. Council recognises match practice as the level of training at Whitehorse sports fields and has delivered 100 lux upgrades since 2016. This level of provision also supports community-level (amateur) competition in these sports.

This approach is reflective of wider industry practice and Council benchmarking with all but one Council providing at least 100 lux when upgrading systems to facilitate appropriate levels of training activity and community night competition. Council's annual floodlighting renewal program is discussed further in the Financial Implications section of this report.

#### *Preseason training*

Each year during the months of December, January and February approximately twenty sports fields are made available to clubs for winter preseason training. This generally includes a minimum of two 1.5 – 2 hour weekly pre-season training sessions per winter sporting club. This scheduling is reviewed for the month of March, with a reduced offering of sports fields provided in consideration of summer finals use and maintenance schedules. The draft Policy's position follows current practice to only permit pre-season sessions in daylight hours, supporting the sustainable management of Council sports fields. Benchmarking indicated that most Councils follow similar practices, not permitting pre-season training under floodlights.

Advice from the ParksWide department regarding turf condition benchmarking analysed against seasonal allocation information indicates that the majority of the Whitehorse sports field network is over-subscribed in regards to activity that it can carry before deterioration. Turf consultants indicate that a sports field that is used by 20-30 adults per hectare (approximately one soccer team squad of 15 per soccer pitch or one football team squad of 30 per oval) can sustain 20-25 hours of activity before showing signs of deterioration. Sports field surfaces that carry 35 hours or more of activity are at high risk of requiring major renovation or turf restoration works. Council's allocated winter sports field usage hours are shown below:

| Allocated Winter Usage (hours) | Low ~5-20 | Medium ~20-30 | Heavy ~30+ |
|--------------------------------|-----------|---------------|------------|
| Seasonal Sports Fields         | 19*       | 9             | 25         |

\*all sports fields with no floodlighting that cannot facilitate mid-week activity at night



### 9.3.2 (cont)

Pre-season floodlighting requests in March as daylight hours shorten would coincide with the most favourable window of scheduling for key turf maintenance works undertaken by ParksWide. This includes the oversowing of approximately 15 of Council's premier sports fields (those of which typically receive medium to heavy usage during the season) which will be impacted by activity damaging newly germinated grass seed. Limiting activity on sports fields at this time gives the best chance for improved turf condition outcomes for the upcoming season allowing ParksWide to best deliver upon their service delivery standards.

#### *Summer sports and those requiring higher levels of floodlighting*

The draft Policy supports Council funding and providing floodlighting up to 100 lux. This level of provision will be able to support the majority of sports played in winter for both training and amateur level competition. Sporting codes requiring more than 100 lux will be required to fund the difference to reach a higher lux level in accordance with Australian Standards and sporting association guidelines.

Based on advice from Council's Risk Management team, floodlighting can only be used for training or competition if it meets the lux level requirements of the relevant Australian Standards and/or sporting association guidelines. This also applies to the use of floodlighting to supplement twilight or poor light conditions. Council as asset owner has a duty of care to ensure that the facility it provides is fit for purpose and meets all relevant standards and requirements.

Following discussion with representatives from Cricket Victoria, cricket matches to be played under twilight and night conditions must have floodlighting of 300 lux average on the cricket square and 200 lux in the outfield as per current Cricket Australia guidelines. This applies to all levels of cricket competition from approximately under nine level to seniors played on Council sports fields.

#### *Provision of Floodlighting – New and Existing*

The table below shows the existing floodlighting provision in Whitehorse as of the end of April 2020 and approximate resources required to bring systems to Australian Standards:

| Sports Fields | Floodlit | 0-49 lux | 50-99 lux | 100 lux | Average Project Cost – 100 lux LED | Cost to bring existing to 100 lux |
|---------------|----------|----------|-----------|---------|------------------------------------|-----------------------------------|
| 53            | 34       | 10       | 11        | 13      | ~\$450,000                         | ~\$9,450,000<br>(21 projects)     |

As per the above, 34 Council sports fields are floodlit and 19 are not. The level of 100 lux floodlighting has been delivered at 13 sites with the remaining 21 existing floodlighting systems being renewed on a cyclical basis with an average project cost of approximately \$450,000. At this current expected project cost the renewal program will bring Council's existing floodlighting systems up to Australian Standards for community level training and match practice purposes (100 lux) over the next 10-15 years. The site priority order for the program is informed by asset management (physical condition of poles etc) and service delivery (community utilisation) considerations.

The 19 sports fields that are not currently floodlit are considered as new projects on a case by case basis subject to demand/feasibility and the annual capital works nomination process (eg Surrey Park South East in 2020). Some of these sports fields would not be suitable for floodlighting and increased sporting activity due to size constraints, lack of facilities or other considerations while others may be suitable for projects on an as needs basis. Details regarding individual sites can be found in the Sports Field Floodlighting in Whitehorse summary (Attachment 3). Please note that Bennettswood Reserve North, which is not currently seasonally allocated, is listed in this appendix. There is potential opportunity to consider this site for future floodlighting and seasonal allocation in consultation with Deakin University.

### **9.3.2**

(cont)

For sporting clubs wishing to fund projects to bring sites to higher levels of floodlighting, it would cost approximately \$150,000 to upgrade from 100 lux to 200 lux and approximately \$350,000 to upgrade from 100 lux to 300 lux (costs do not include site-by-site considerations including power upgrades).

#### **CONSULTATION**

Surveys were distributed directly to 30 sporting associations, 59 sporting clubs, 1030 residents living abutting sports fields with floodlighting and the Whitehorse Sport and Recreation Network. The opportunity for general public input was promoted via Council's media releases and postings (articles were subsequently published in the Sunday Herald Sun and Whitehorse Leader) and a digital Facebook campaign reaching over 7000 people. Council received 271 responses from the consultation.

Internal consultation was undertaken with a number of teams across Council. Benchmarking of approaches to floodlighting was also completed with eight local government authorities including all neighbouring municipalities to Whitehorse.

Subject to Council endorsement, it is intended to release the attached draft Policy for comment.

#### **FINANCIAL IMPLICATIONS**

The average 100 lux LED floodlighting upgrade costs approximately \$450,000. This is based on recent project delivery and cost estimates from Council's Engineering and Environmental Services Department and includes design, construction, contingencies and internal project management fees. This cost does not include site power upgrades if required and other individual site considerations. To provide a 300 lux solution to cater for summer sporting competition or higher standards of winter sporting competition would cost upwards of \$800,000 per site.

Council's floodlighting renewal program addressed in the 10 year capital works program annually commits \$620,000 for the cyclical renewal and upgrade of existing floodlighting systems to 100 lux. At the current expected project cost the program will address the 21 floodlighting systems rated below Australian Standards for winter match practice training (100 lux) over the next 10-15 years. Sites without floodlighting are considered on a case by case basis subject to demand/feasibility.




ParksWide have an annual program to undertake cleaning and globe replacement to maintain existing floodlighting levels that is funded as part of the capital works program. This program is reviewed on an annual basis in regard to the maintenance demands of Council's expanding network of floodlighting systems.

#### **POLICY IMPLICATIONS**

The draft Policy supports Council actions 23 and 39 of Council's Recreation Strategy 2015-2024, Goal 1.1 and 3.1 of the Council Plan and the action to 'increase access to shared spaces for physical activity and sports participation' in the Whitehorse Health and Wellbeing Plan 2017-2021.

Section 6.2.1 of Council's Sporting Facilities Guide refers to the development of a Floodlighting Policy – Outdoor Sports and Recreation.

#### **ATTACHMENT**

- 1 Draft Floodlighting Policy - Outdoor Sports and Recreation 
- 2 Benchmarking and Community Consultation Findings 
- 3 Sports Field Floodlighting in Whitehorse 

## 9.4 CORPORATE

### 9.4.1 Adoption of the Proposed Budget 2020/2021

ATTACHMENT

#### **SUMMARY**

*This report recommends that Council adopt the Proposed Budget 2020/2021 in accordance with 127 and 130 of the Local Government Act 1989.*

#### **MOTION**

Moved by Cr Munroe, Seconded by Cr Carr

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

1. ***Having:***
  - a) ***Considered all written submissions;***
  - b) ***Heard the presentations of submissions;***
  - c) ***Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and***
  - d) ***Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989.***
2. ***Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
3. ***Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130 (2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130 (4) of the Local Government Act 1989.***

#### **AMENDMENT**

Moved by Cr Cutts, Seconded by Cr Stennett

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

1. ***Having:***
  - a) ***Considered all written submissions;***
  - b) ***Heard the presentations of submissions;***
  - c) ***Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and***
  - d) ***Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989 subject to:***
    - ***Council including funding allocations of \$4,840,000 in this Budget and \$900,000 in 2021/22 Budget to allow construction of the Heatherdale Reserve Pavilion to proceed, acknowledging that there is a \$2 million commitment from the federal government.***
2. ***Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
3. ***Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130(2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130(4) of the Local Government Act 1989.***

LOST

### 9.4.1

(cont)

#### AMENDMENT

Moved by Cr Stennett, Seconded by Cr Cutts

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

**1. *Having:***

- a) *Considered all written submissions;***
- b) *Heard the presentations of submissions;***
- c) *Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989 subject to:***
  - *The inclusion of the construction of temporary facilities at the Heatherdale Pavilion to be ready by September/October 2020 ahead of Council considering the construction of a pavilion in 2021/22.***
- 2. *Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
- 3. *Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130(2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130(4) of the Local Government Act 1989.***

The amendment was declared LOST on the casting vote of the Mayor

A Division was called.

##### **Division**

| <b>For</b>   | <b>Against</b> |
|--------------|----------------|
| Cr Bennett   | Cr Barker      |
| Cr Carr      | Cr Ellis       |
| Cr Cutts     | Cr Liu         |
| Cr Davenport | Cr Massoud     |
| Cr Stennett  | Cr Munroe      |

On the results of the Division the amendment was declared LOST on the casting vote of the Mayor

#### AMENDMENT

Moved by Cr Bennett, Seconded by Cr Stennett

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

**1. *Having:***

- a) *Considered all written submissions;***
- b) *Heard the presentations of submissions;***
- c) *Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989 subject to:***
  - *The inclusion of all supported New Business Initiatives approximately \$6m commencing in 2020/21.***

### 9.4.1

(cont)

2. *Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.*
3. *Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130(2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130(4) of the Local Government Act 1989.*

LOST

A Division was called.

#### Division

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

On the results of the Division the amendment was declared LOST

#### AMENDMENT

Moved by Cr Davenport, Seconded by Cr Barker

***That Council:***

1. ***Having:***
  - a) *Considered all written submissions;*
  - b) *Heard the presentations of submissions;*
  - c) *Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and d) Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989 subject to a:*
    - *Zero percent average general rates increase from 2019/20*
2. *Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.*
3. *Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130(2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130(4) of the Local Government Act 1989.*

LOST

A Division was called.

#### Division

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

On the results of the Division the motion was declared LOST

### 9.4.1

(cont)

#### SUBSTANTIVE MOTION

Moved by Cr Munroe, Seconded by Cr Carr

***That Council:***

1. ***Having:***
  - a) ***Considered all written submissions;***
  - b) ***Heard the presentations of submissions;***
  - c) ***Received the report of the Special Committee (minutes extract Attachment 1) of its meeting held on 9 June 2020; and***
  - d) ***Considered officer comments (as attached Attachment 2), now adopt the Proposed Budget 2020/2021 (Attachment 3) in accordance with Section 130 of the Local Government Act 1989.***
2. ***Thank persons making submissions in writing for their contribution and advise them of the outcome of Council's decision.***
3. ***Authorise the Chief Executive Officer to give public notice of Council's decision in accordance with Section 130 (2) of the Local Government Act 1989 and submit a copy of the budget to the Minister in accordance with Section 130 (4) of the Local Government Act 1989.***

**CARRIED**

**A Division was called.**

#### Division

| <b>For</b>  | <b>Against</b> |
|-------------|----------------|
| Cr Bennett  | Cr Barker      |
| Cr Carr     | Cr Cutts       |
| Cr Ellis    | Cr Davenport   |
| Cr Liu      |                |
| Cr Massoud  |                |
| Cr Munroe   |                |
| Cr Stennett |                |

**On the results of the Division the substantive motion as moved by Cr Munroe, Seconded by Cr Carr was declared CARRIED**

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#### BACKGROUND

The Proposed Budget 2020/2021 was presented to the Council meeting on 20 April 2020 and public notice advertised, in accordance with Section 129(1) and (3) of the *Local Government Act 1989*, in The Age newspaper on Wednesday 22 April 2020. This Budget has been prepared prior to the COVID-19 pandemic, and has been updated to incorporate the hardship support and stimulus packages that have been adopted by Council in response to the pandemic. The full impact of this pandemic on Council's budget will be progressively assessed over the coming months resulting in a major reforecast for the year.

The Proposed Budget 2020/2021 was available for public inspection on Council's website for 28 days after publication of the notice, in accordance with the *Local Government Act 1989* and the *Local Government (Planning & Reporting) Regulations 2014*.

Submissions regarding the Proposed Budget 2020/2021 were required to be received by Wednesday 20 May 2020 for consideration by Council at its Special Committee meeting, held

### 9.4.1

(cont)

on Tuesday 9 June 2020. The details of submissions received are contained in Attachment 1 of this report.

## DISCUSSION

The Proposed Budget 2020/21 is in line with Council's long-term financial plan, and ensures that Council continues to meet the community's demand for high quality services and facilities while maintaining its financial sustainability into the future.

The Proposed Budget 2020/21 has been prepared with emphasis for the coming year on a continuation of service delivery for our community, providing consistency and support for our residents. The budget funds a range of community services including health and family services, home and community services, the maintenance of community facilities, parks, gardens, playgrounds, infrastructure, waste and recycling collection, and building and planning services. In addition, the Capital Works Program provides for a sustainable level of funding for the renewal of the community's infrastructure and an investment in major community facilities such as the development of the Nunawading Community Hub and redevelopment of the Whitehorse Centre.

The key features of the Proposed Budget 2020/21 are:

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

- \$16.38 million Sustainability, Waste and Recycling
- \$16.10 million Home and Community Services
- \$15.09 million Recreation and Leisure
- \$12.22 million Health and Family Services
- \$12.03 million ParksWide (maintenance of sports fields, parks and gardens)
- \$9.47 million City Works (depot operations, maintenance of footpaths, drains and roads)
- \$8.43 million Compliance (Community Laws, parking, school crossings, risk, insurance and emergency management)
- \$8.26 million Recycling and Waste Centre
- \$7.80 million Planning and Building Services
- \$5.60 million Libraries
- \$5.40 million Arts and Cultural Services
- \$5.15 million Engineering
- \$4.41 million Assets, Buildings and Capital Works
- \$2.23 million Community Development
- \$0.96 million Investment and Economic Development
- \$0.56 million Major Projects

**A \$62 million Capital Works Program comprising:**

- \$28.57 million for land, building and building improvements
- \$7.17 million for plant and equipment
- \$7.07 million for roads, bridges and off street car parks
- \$6.89 million for parks, open space and streetscapes
- \$4.54 million for drainage improvements and waste management
- \$3.69 million for recreational, leisure and community facilities
- \$3.59 million for footpaths and cycle ways

## KEY PRESSURES AND CHALLENGES

This Budget has been prepared prior to the COVID-19 pandemic, and has been updated to incorporate the hardship support and stimulus packages that have been adopted by Council in response to the pandemic. The full impact of this pandemic on Council's budget will be progressively assessed over the coming months resulting in a major reforecast for the year.

### **9.4.1**

(cont)

In preparing the Proposed Budget 2020/21, a number of influences have been taken into consideration because they are likely to impact significantly on the services delivered by Council in the Budget period. These include:

- The average rate increase of 2.0% in 2020/21 to ensure continuity of essential community services and provision of community infrastructure over the long term
- An expected 30.3% increase in the state government landfill levy has been assumed in the Budget 2020/21 from 1 January 2021, based on the recently released advice from the state government. The landfill levy is charged by the state government for every tonne of waste that goes to landfill, including kerbside waste collections, street cleaning, and non-recyclable waste collected at the Whitehorse Recycling and Waste Centre. The state landfill levy is expected to increase by \$20.00 from \$65.90 per tonne in 2019/20 to \$85.90 per tonne from 1 January 2021. This represents an 854% increase in the levy over the past 11 years from a levy of just \$9.00 per tonne in 2009/10.
- Cost shifting by other levels of government. Cost shifting occurs where local government provides a service to the community on behalf of the state or federal governments. Over time, the funds received by Council do not increase in line with real cost increases. Examples of services that are subject to cost shifting include school crossing supervision, library services and Home and Community Services.
- Changing demographic as a result of an ageing and increasingly culturally diverse population resulting in the need for Council to develop facilities which are accessible and adaptable to inter-generational, diverse and multicultural community users.
- Community expectations for Council to be a leader in environmental sustainability by planning for the effects of climate change, education and awareness of the benefits of trees and natural bushland, and supporting the community in protecting and enhancing our natural assets and open spaces.
- Continuing decline in interest rates in the short to medium-term restricting Council's ability to generate earnings on cash and investments.
- The cost of maintaining Council's infrastructure assets. This is to ensure that infrastructure assets are provided to support services that are appropriate, accessible, responsive and sustainable to the community.
- An increased sustainable level of funding allocated to the renewal of major community infrastructure and facilities.
- The current Enterprise Agreement allows for an annual increment in line with the rate cap for 2020/21.

### **CONSULTATION**

The Proposed Budget takes into account community feedback received through various consultations undertaken by Council. Community consultation is an essential component of the budget process and feedback from community members helps inform the key decisions made by Council. Consultations that have informed the development of this Budget include the 2019 Community Satisfaction Survey, 2020 Mayoral Community Budget Consultation event, and consultation on various Council strategies and plans.



## 9.4.1

(cont)

### Public submissions

Council received 25 formal submissions/comments on the Proposed Budget 2020/2021. There were 13 people that spoke in support of their submission at the Special Committee meeting.

Submissions were received from the following:

|    | Name   | Issue(s) Raised   |
|----|--|---|
| 1  | Mr G. Petheriotis,<br>Box Hill United Soccer Club  | Funding for design works for synthetic turf at Sparks Reserve   |
| 2  | Mr K. Kyranakis,<br>Box Hill United Soccer Club  | Funding for design works for synthetic turf at Sparks Reserve   |
| 3  | Mr A. Palmos,<br>Box Hill United Soccer Club   | Funding for design works for synthetic turf at Sparks Reserve   |
| 4  | Mr and Mrs Kontos,<br>Box Hill United Soccer Club  | Funding for design works for synthetic turf at Sparks Reserve   |
| 5  | Mr and Mrs Kapnias,<br>Box Hill United Soccer Club   | Funding for design works for synthetic turf at Sparks Reserve   |
| 6  | Mr A. Athanasopoulos,<br>Box Hill United Soccer Club                                       | Funding for design works for synthetic turf at Sparks Reserve   |
| 7  | Mr and Mrs Brennan   | Improvements at Lundgren Reserve  |
| 8  | Ms J. Melia,<br>Manager, Bennettswood<br>Neighbourhood House                               | Financial support for Bennettswood<br>Neighbourhood House   |
| 9  | Mr G Little,<br>Victoria Grange Retirement Village<br>Residents' Committee                 | Differential rates for retirement villages  |
| 10 | Mr K Oakey,<br>Heatherdale Cricket Club  | Heatherdale Reserve pavilion redevelopment  |
| 11 | Mr C White   | Whitehorse Centre redevelopment and open<br>space   |
| 12 | Mr R. Brown,<br>President, Brentford Square<br>Traders Association                         | Support for Brentford Square streetscape<br>project   |
| 13 | Mr M. Davis,<br>Emmaus St Leos Old Collegians<br>Football Club                             | Improved lighting at Bennettswood South<br>Oval   |
| 14 | Ms T. Tescher,<br>President, Whitehorse Ratepayers<br>and Residents' Association           | Various issues  |
| 15 | Mr B. Pearson  | Investment in climate focused initiatives   |
| 16 | Mrs K. Cummings  | Various issues  |
| 17 | Mr M. Hassett,<br>Metro-East Bicycle User Group Inc  | Funding for cycling related projects  |
| 18 | Mr P. Carter   | Funding to implement sharrow linemarking  |
| 19 | Mr C. Trueman,<br>Correspondence Secretary,<br>Whitehorse Active Transport Action<br>Group | Funding for cycling related projects  |
| 20 | Mr D. Berry,<br>President, Blackburn & District<br>Tree Preservation Society Inc.          | Funding for Whitehorse street tree program,<br>Urban Forest Strategy, ParksWide,<br>implementation of tree controls; and<br>management of public open space funds |
| 21 | Mr P. Abrahams   | Condition of Heritage Lane, Mitcham   |

### 9.4.1

(cont)

|    | <b>Name</b>   | <b>Issue(s) Raised</b>                                 |
|----|---------------|--|
| 22 | Mr B. Hackett | Rate increase and cash reserves                        |
| 23 | Name withheld | Condition of trees at Banksia-Warrath Reserve, Burwood |
| 24 | Mr D Seng     | Various Issues   |
| 25 | Ms B Barclay  | Heatherdale Pavilion Upgrade                           |

The following people spoke to their submissions:

|    | <b>Name</b>  |
|----|--|
| 1  | Mr A. Athanasopoulos,<br>Representative of Box Hill United Soccer Club                     |
| 2  | Mr G. Little,<br>Representative of Victoria Grange Retirement Village Residents' Committee |
| 3  | Mr K. Oakey,<br>Representative of Heatherdale Cricket Club                                 |
| 4  | Ms T. Tescher,<br>President, Whitehorse Ratepayers and Residents' Association              |
| 5  | Mr M. Hassett,<br>Representative of Metro-East Bicycle User Group Inc                      |
| 6  | Mr P. Carter   |
| 7  | Mr C. Trueman,<br>Correspondence Secretary, Whitehorse Active Transport Action Group       |
| 8  | Ms B Barclay   |
| 9  | Mr A. Palmos   |
| 10 | Mr M. Davis<br>Representative of Emmaus St Leos Old Collegians Football Club Committee     |
| 11 | Mr B. Pearson  |
| 12 | Mr D. Berry,<br>President, Blackburn & District Tree Preservation Society Inc.             |
| 13 | Mr B Hackett   |

### CHANGES TO THE PROPOSED BUDGET 2020/2021

Subsequent to approving the Proposed Budget 2020/2021 on Monday 20 April 2020, Council has received advice and approved actions which result in variations to budget estimates for 2020/2021. The Proposed Budget 2020/2021 has been updated to reflect the following changes:

- Council has received half (\$2.50 million) of the estimated 2020/2021 Financial Assistance Grant from the Victoria Grants Commission which has been brought forward and paid to Council in May 2020.
- Reductions have been reflected in garbage disposal costs, fee income, and garbage bin and tipping fees as a result of the state government announcement that the planned \$20.00 per tonne increase in the landfill levy would be deferred by six months until 1 January 2021.
- A \$0.67 million decrease in 2019/2020 and increase in 2020/2021 in monetary contributions due to a delay in the finalisation of the Linum-Laurel Boongarry special charge scheme.
- An error has been corrected to the 2019/20 and 2020/21 cash asset and property, infrastructure, plant and equipment balances in the Budgeted Balance Sheet, which were misstated in the Proposed Budget released for consultation in April 2020.

## 9.4.1

(cont)

### Council response to COVID-19

The following changes have been made to the Proposed Budget 2020/2021 to reflect specific actions to be taken by Council in response to the COVID-19 pandemic:

- Council's support and hardship package – \$2.00 million of support and hardship relief to be provided to the community (split between 2019/2020 and 2020/2021 financial years).
- Pandemic Local Heroes Program - an additional \$5,000 provided for the COVID-19 Pandemic Local Heroes recognition and reward program.
- Council's recovery stimulus package - an additional \$2.50 million of support to the community via a stimulus package in 2020/2021.
- An additional temporary full-time equivalent staff member to deliver financial savings projects over the next three years to help mitigate the impact of the COVID-19 pandemic.

### ATTACHMENT

- 1 Extract of Special Committee of Minutes Inclusive of Submissions 
- 2 Budget submission responses 
- 3 Proposed Budget 2020/2021 

### PROCEDURAL MOTION

Moved by Cr Davenport, Seconded by Cr Munroe

***That this meeting be adjourned for a period of five minutes, until 10.30pm.***

**CARRIED**

*The meeting was adjourned at 10.25pm*

*The meeting resumed at 10.30pm*

### PROCEDURAL MOTION

Moved by Cr Bennett, Seconded by Cr Carr

***That in accordance with clause 13.1 of Council's Meeting Procedures and Common Seal Local Law the meeting be extended until 11.00pm.***

**CARRIED**

*At 10.30pm the meeting was extended for a period of 30 minutes.*

### **9.4.2 Council Plan 2017-2021: Annual Review and Adoption of the Strategic Resource Plan 2020-2024**

FILE NUMBER: 18/67019  
ATTACHMENT

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#### **SUMMARY**

*This report recommends that Council adopt the updated Council Plan 2017-2021, which incorporates the Strategic Resource Plan 2020-2024. The goals contained within the Council Plan continue to be relevant and reflective of the broad direction of Council activity.*

#### **RECOMMENDATION**

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

- 1. Adopt the updated Council Plan 2017-2021 in accordance with Sections 125 and 126 of the Local Government Act.**
- 2. Adopt, in principle, the 2020-2024 Strategic Resource Plan in accordance with Section 126 of the Local Government Act 1989, subject to final approval of the 2020/21 Annual Budget.**
- 3. Acknowledge that the Strategic Resource Plan contained in the Council Plan 2017-2021 - Year Four does not commit Council's resources until the consideration of the Annual Budget each year.**

#### **MOTION**

Moved by Cr Davenport

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

- 1. Adopt the updated Council Plan 2017-2021 in accordance with Sections 125 and 126 of the Local Government Act.**
- 2. Adopt, in principle, the 2020-2024 Strategic Resource Plan in accordance with Section 126 of the Local Government Act 1989, subject to final approval of the 2020/21 Annual Budget and subject to the inclusion of the following:**
  - a) The design for Sparks Reserve Upper in 2021/2022 with allowance of \$35K;**
  - b) Increase 2014-180 Bicycle Facilities and Improvement program by 50K in 2021/2022, 2022/2023, 2023/2024;**
- 3. Acknowledge that the Strategic Resource Plan contained in the Council Plan 2017-2021 - Year Four does not commit Council's resources until the consideration of the Annual Budget each year.**

**The motion LAPSED for want of a seconder**

## 9.4.2

(cont)

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Barker

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

- 1. Adopt the updated Council Plan 2017-2021 in accordance with Sections 125 and 126 of the Local Government Act.***
- 2. Adopt, in principle, the 2020-2024 Strategic Resource Plan in accordance with Section 126 of the Local Government Act 1989, subject to final approval of the 2020/21 Annual Budget.***
- 3. Acknowledge that the Strategic Resource Plan contained in the Council Plan 2017-2021 - Year Four does not commit Council's resources until the consideration of the Annual Budget each year.***

**CARRIED**

**A Division was called.**

#### **Division**

##### **For**

Cr Barker  
Cr Bennett  
Cr Carr  
Cr Cutts  
Cr Ellis  
Cr Liu  
Cr Massoud  
Cr Munroe  
Cr Stennett

##### **Against**

Cr Davenport

---

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

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### BACKGROUND

Section 125 of the *Local Government Act 1989* (the Act) requires Councils to consider at least once each financial year whether the current Council Plan requires any adjustment in respect to the remaining period of the *Council Plan 2017-2021*. If a proposed adjustment relates to the strategic objectives (goals), strategies (our approach), or strategic indicators (measures of success), then the adjustment is subject to a public consultation process under section 223 of the Act.

Section 125 of the Act requires the Council Plan to include the Strategic Resource Plan (SRP), which identifies the resources required to support delivery of Council's strategic objectives over the next four years. The SRP must be updated on an annual basis and must be adopted no later than 30 June each financial year as per Section 126 (3) of the Act.

## 9.4.2

(cont)

### DISCUSSION

The annual review has identified minor adjustments necessary to ensure the Council Plan remains current. Minor amendments for year four of the *Council Plan 2017-2021* are outlined below:

1. Include on the front cover 'Council Plan 2017-2021 – Year Four'
2. Change the 'Message from the Mayor' to reflect year four of the Council Plan 2017-2021.
3. Update the photo within the 'Message from the Mayor' to reflect the new Mayor (Cr. Sharon Ellis).
4. Update 'Message from the Chief Executive Officer' to reflect year four of the Council Plan 2017-2021.
5. Update demographic information to reflect 2019 Estimated Resident Population.
6. Update 'Councillors' to reflect the new Mayor (Cr. Sharon Ellis).
7. Update the Strategic Resource Plan to reflect the new projections (i.e. Budget 2020/21 Strategic Resource Plan Projections 2021/22, 2022/23 and 2023/24) in line with the adoption of the Budget 2020/21.

In line with the community engagement campaign outlined, the Strategic Directions, Goals and Approaches, including the Measures of Success are all current for year four of the *Council Plan 2017-2021*.

### CONCLUSION

The above changes do not require Council to produce a public notice under Section 223 (1) (a) of the *Local Government Act 1989*.



### CONSULTATION

Whitehorse City Council's *Council Plan 2017-2021* was adopted in June 2017 following an extensive community engagement campaign, *Your Say Whitehorse*, which provided Councillors, community and staff an opportunity to inform and guide the new Council Plan. Given the comprehensive community engagement campaign and the recent nature of this engagement no additional consultation is required for year four of the *Council Plan 2017-2021*.

### FINANCIAL IMPLICATIONS

The Council Plan 2017-2021 identifies high-level strategies that guide Council's actions and in doing so, inform the development of future Council budgets. The Strategic Resource Plan, included in the Council Plan, aims to ensure that Council remains financial sustainable now and into the future.

### ATTACHMENT

- 1 Council Plan Year Four Update 
- 2 Strategic Resource Plan 2020-2024 

### 9.4.3 2020/21 Annual Internal Audit Plan

FILE NUMBER: SF15/939  
ATTACHMENT

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#### SUMMARY

*Whitehorse City Council's 2020/21 Annual Internal Audit Plan has been developed by Crowe Australasia. Whitehorse City Council's Audit Advisory Committee Charter requires approval of the Annual Internal Audit Plan by Council.*

#### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Munroe

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

- 1. Note the Audit Advisory Committee's endorsement of the 2020/21 Annual Internal Audit Plan.***
- 2. Approve the 2020/21 Annual Internal Audit Plan.***

**CARRIED**

---

#### BACKGROUND

Whitehorse City Council's internal audit plan is an independent, objective assurance function designed to add value and improve Council operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Whitehorse City Council's Audit Advisory Committee Charter requires that an Annual Internal Audit Plan be approved by Council each year. The role of the Audit Advisory Committee is to review and monitor the annual program including receiving of audit scopes and final reports. The Chair of the Audit Advisory Committee reports to Council on audit activities on a six monthly basis.

#### DISCUSSION

The Annual Internal Audit Plan was developed by Crowe Australasia in consultation with the Chief Executive Officer, General Managers, selected managers and the Audit Advisory Committee.

The reviews proposed have been nominated with consideration of the following key principles:

- To target areas of greatest importance or concern, and/or where the potential for improvement, or risks of failure or loss are greatest.
- To provide a rolling program of internal audit activity that is aligned to Council's risk areas as noted in the risk register.
- To take into account the nature and timing of previous internal audit activity.
- To take into account other review activity such as Victorian Auditor-General's Office financial and performance audits, Independent Broad-Based Anti-Corruption Commission reports, and reports from Ombudsman Victoria relevant to Local Government.
- To ensure an appropriate balance between compliance and process/performance improvement focussed projects.

With these key principles in mind, the following five areas of focus have been included in the Audit Advisory Committee endorsed 2020/21 Annual Internal Audit Plan:

1. Child Safety Standards
2. Project Management
3. Rates Management
4. Volunteer Management
5. Management of Food & Health Services

#### ATTACHMENT

- 1 Crowe Whitehorse SIAP\_July20 to June21 

#### **9.4.4 Instrument of Delegation Council to Chief Executive Officer**

ATTACHMENT

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##### **SUMMARY**

*The purpose of this report is to recommend approval of Instrument of Delegation from Council to the Chief Executive Officer (CEO) under section 11(1)(b) of the Local Government Act 2020. The Instrument of Delegation is attached as Attachment 1.*

##### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Munroe

***That:***

- 1. Council in the exercise of the power conferred by s 11 (1) (b) of the Local Government Act 2020 delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer (Attachment 1), subject to the conditions and limitations specified in the Instrument.***
- 2. The Instrument comes into force immediately the Common Seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument, all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

**CARRIED**

---

##### **BACKGROUND**

Section 11(1) (b) of the Local Government Act 2020 (LGA 2020) provides that a Council may by Delegation, delegate to the Chief Executive Officer any power, duty or function of a Council under the LGA 2020, other than a number of powers, duties or functions specified in subsection (2) of the LGA 2020.

A prime objective of the LGA 2020 is to give councils greater flexibility in exercising their powers and carrying out their functions and duties. The guiding principle in relation to Delegations is that they should be seen as a tool to enable decisions to be made at the most appropriate level of the organisation. A Delegation is a form which sets out who the delegate is and what power is conferred upon that delegate.

The *COVID-19 Omnibus (Emergency Measures) Act 2020* (COVID-19 Omnibus Act) which received Royal Assent on 24 April 2020, amended the LGA 2020, to provide for a Councillor to participate in a meeting by electronic means of communication. Prior to the COVID-19 Omnibus Bill, physical attendance by Councillors at council meetings was essential, meaning that a Councillor could not participate in a council meeting by using electronic or telephonic means.



#### **9.4.4** (cont)

##### **Instrument of Delegation to the Chief Executive Officer**

Whitehorse City Council at its meeting Friday 27 March 2020 resolved to increase the exercise of delegated decisions to Council's CEO, with a number of conditions and prerequisites, to ensure continuation of Council operations in the event that Council was faced with the situation that a quorum was not achieved at a Council or Special Committee of Council meeting.

The Instrument of Delegation Council to CEO dated 27 March 2020 will lapse upon the lifting of the State of Emergency in Victoria, therefore a new Instrument of Delegation Council to CEO is required to be made.


Instruments of Delegation made under the Local Government Act 1989 remain in force until 1 September 2020, however new Instruments of Delegation are required to be made under section 11(1) of the LGA 2020.

Legal advice received confirms that the Instrument of Delegation Council to Chief Executive Officer as shown in Attachment 1 complies with the provisions of the LGA 2020.

##### **CONCLUSION**

It is recommended that the Instrument of Delegation to the Chief Executive Officer as shown in Attachment 1 to this report, be made by Council.

##### **ATTACHMENT**

- 1 Instrument of Delegation Council to Chief Executive Officer 22 June 2020 

## 9.4.5 Proposed Procurement Policy 2020/21

ATTACHMENT

### SUMMARY

*The Procurement Policy is designed to inform the public as to the principles that will apply to all purchases of goods, services and works by the Council. This report presents a reviewed Procurement Policy (June 2020) for consideration and endorsement by Council.*

### COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

***That Council adopts the Procurement Policy dated June 2020, and provided as Attachment 1.***

CARRIED

### BACKGROUND

Section 186A of the Local Government Act 1989 requires Council to prepare, approve and comply with a procurement policy that encompasses the principles, processes and procedures that are applied to the purchase of goods, services and works. The legislation requires the policy to be reviewed once in each financial year.

A review of the Policy has been undertaken and a revised policy is attached (see Attachment 1).

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

### DISCUSSION

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

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

It is important to note that the Local Government Act 1989 is still current and applicable for procurement until 1 July 2021 when the changes to the Local Government Bill will come into effect. Consequently, in order for Council to be compliant in procurement 20/21 Council will be required to maintain the status quo under the 1989 legislation until this time. On 1 July 2021 Councils have a 'grazing' period in which they can get ready and align their processes and policies with the new act – that is until 31 Dec 2021. The new act is very specific around which provisions come into effect and when to allow and enable a staged implementation. Procurement will work with the sector and staff in co-designing and consulting the policy and other requirements in the lead up to 1 July 2021.

Some minor improvements to the Policy for 2020 have been proposed to ensure that it continues to reflect best practice in the Local Government industry and more substantially addresses procurement controls and a more robust review will be undertaken in 2020/21 ready for the introduction of the new Act amendments 1 July 2021.

Furthermore, the changes proposed align with Council's commitment to sustainability and the local economy. The current local spend for 2019/20 financial year is \$27.9M approximately 31.95% of Council's overall budget. This is up from \$21.9M or 20.27% of the overall budget in 2018/19 financial year. Council is committed to seeing this grow over the ensuing financial year.

## 9.4.5

(cont)

### KEY CHANGES FOR 2020/21 INCLUDE

- **Section 3.6 Local Content** greater consideration in light of the COVID-19 situation and supporting business with 'local content' including a weighting of 5% and the inclusion of a definition for this being:
  - Locally based businesses geographically (within Whitehorse or neighbouring)
  - Enterprises that source locally based manufacturers for materials / infrastructure / equipment / vehicles
  - Enterprises that employ local residents
  - Enterprises that provide evidence of broad based local solutions to maximise economic development for Whitehorse
  - Businesses demonstrating cooperative enterprises with social & economical outcomes for local community
- Section 4.3 Delegations Chief Executive Officer delegation is now listed at \$1M to align CEO Instrument of Delegation.
- Section 4.3.2 Other Approvals removal of references to engagement of staffing as this sits within the People & Culture Policies.
- Evaluation of Tenders and Tender Advertisements some very minor changes have been made with regard to these aspects.
- Section 6.3 Weightings Mandatory weightings of 5% each have now been allocated to Local Content and Sustainability to ensure that in the wake of COVID-19 Council can support the local economy and social/environmental sustainability.
- Exemptions clarity has been provided with regard to commissioning of art works.

### CONSULTATION

Following consultation with staff across the organisation involved in procurement, Managers, Coordinators and the Procurement Team, minor amendments have been made to this Policy. All policy additions and amendments recommended were made by Council to further strengthen purchasing activities and system processes.

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

### FINANCIAL IMPLICATIONS

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

### POLICY IMPLICATIONS

The Procurement Policy dated June 2020 once endorsed by Council in June 2020 will replace the current Procurement Policy in Council's Corporate Policy Manual and come into effect immediately.

### ATTACHMENT

- 1 Procurement Policy 2020 Final Draft for Council Meeting 22 June 2020 

#### **9.4.6 Part Road Closures 379-399 Whitehorse Road, Nunawading**

FILE NUMBER: 52/07/000#003

##### **SUMMARY**

- 1. To commence the statutory procedures for the discontinuance of certain roads and pedestrian pathways impacted by the construction of the proposed Whitehorse Centre and associated multi-deck car park.*
- 2. If discontinued, the land is to be retained for municipal purposes.*

##### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Munroe

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

- 1. Acknowledge that the sections of roads and pedestrian pathways shown as cross-hatched on the plan below are no longer reasonably required for their original and current purpose and use, and should be discontinued, with the land comprising the roads (if discontinued) to be incorporated into, and to form a part of, the proposed Whitehorse Centre and associated multi-deck car park.*
- 2. Resolves to commence statutory procedures under section 206, schedule 10, clause 3 of the Local Government Act 1989 to discontinue the roads, and for Council to retain the land in the roads (if discontinued) for municipal purposes.*
- 3. In accordance with sections 207A and 223 of the Local Government Act 1989, gives public notice of the proposed discontinuance in The Age newspaper and on Council's website.*
- 4. Further directs, for the purposes of appropriate community consultation and engagement, that a copy of the public notice (with an appropriate explanatory letter) be sent to the owners, occupiers and users of all nearby properties and land, and being persons who, in the opinion of the Manager of Property & Rates, will, or are likely to be, impacted by the proposed road discontinuance, and advising such persons that they can make a written submission relating to the proposed discontinuance.*
- 5. Authorise the Manager of Property & Rates to undertake the administrative procedures necessary to enable Council to perform its duties and carry out its functions and exercise its powers under section 223 of the Local Government Act 1989 in relation to this matter.*
- 6. Appoints Council's Special Committee to consider and hear any submissions at the meeting to be held at Whitehorse Civic Centre Council Chamber 379-397 Whitehorse Road, Nunawading on Monday 10 August 2020 at 7:00pm.*

**CARRIED**

##### **BACKGROUND**

*Humphreys Avenue:*

During the period from the mid-1950s until the late 1990s, residential dwellings existed in Humphreys Avenue, Nunawading. These dwellings were located north of the existing Nunawading Police Station.

Council progressively purchased/acquired these Humphreys Avenue dwellings and converted them into open space, at-grade car parks, roads and pedestrian pathways that serviced the existing Whitehorse Centre, the Nunawading Library and the Council Civic Centre.

#### **9.4.6**

(cont)

The original Humphreys Avenue, as appropriated, is and has become a public road. This status has imposed statutory road obligations on Council, and has resulted in the road being vested in Council in accordance with the *Local Government Act 1989* and the *Road Management Act 2004*.

The statutory vesting has occurred even though the existing title for Humphreys Avenue, Volume 3921 Folio 148, still records Humphreys Avenue as being owned by the original subdivider of the land, William George Humphreys.

The original subdivision which created Humphreys Avenue was a Lodged Plan (LP) subdivision, created in 1915, and in accordance with LP subdivisions, the road title remains registered in the name of the original subdivider.

As a part of the proposed Whitehorse Centre redevelopment, a multi-deck car park will be constructed over a part of the land currently comprising part of Humphreys Avenue, and being on and over the existing certificate of title for Humphreys Avenue, being Volume 3921 Folio 148.

Whilst the vesting of Humphreys Avenue in Council, as mentioned above, will allow the use of the land for car park purposes, it is recommended that Council exercises its power and authority under the *Local Government Act 1989* to discontinue that section of Humphreys Avenue which is generally north of the Nunawading Police Station. This will vest the freehold title in Council's name for redevelopment purposes.

In this way, Council will not (and potentially unlawfully) be building over land that is considered to be a public highway, and for the purposes of making an application for a building permit, Council will be regarded as being the owner of the land.

Procedurally, Council will be required, now on a preliminary basis, and subsequently when Council finally considers this matter, to be satisfied that the section of Humphreys Avenue generally north of the Nunawading Police Station (which is currently considered not to be registered as a public road on Council's register of public roads), and the other roads and pathways described in this Report and as shown on Plan 1 below, are no longer reasonably required for their original and current purpose, and instead, should be discontinued to enable the land comprising the discontinued roads to be incorporated into, and to form a part of, the proposed redevelopment of the Whitehorse Centre and associated multi-deck car park.

It is also important to note that the section of Humphreys Avenue directly abutting the Nunawading Police Station and coloured pink on "*Plan 1 Roads and Pedestrians Pathways Plan*" below, will remain a road vested in Council and continue to be available for general public use, and be administered by Council in its capacity as the statutory road authority under the *Road Management Act 2004*.

Following Council undertaking the statutory road discontinuance procedures, the land comprising the discontinued roads will, free of road encumbrance, be vested in Council, with Council then being entitled to be the registered proprietor on title, and able to retain the land for municipal purposes, as part of the Whitehorse Centre redevelopment.

#### *Other Existing Roads & Pedestrian Pathways:*

There are a number of other roads, pedestrian pathways and access ways on Council freehold land that currently service the existing Whitehorse Centre, the Nunawading Library and the Council Civic Centre. These are also shown on "*Plan 1 Roads and Pedestrians Pathways Plan*" shown below.

Following the redevelopment of the proposed Whitehorse Centre, many of these roads and pathways will continue to function as roads and pathways; however, some (beyond those which it is proposed are to be discontinued) may still be impacted by the redevelopment of the Whitehorse Centre.

#### **9.4.6**

(cont)

On this basis, and to the extent it is necessary to do so, Council will subsequently be invited to reconfigure the final layout of the roads and pathways to ensure there is proper internal and external connectivity with the surrounding public road network.

Whilst all of the other roads, pathways and access ways presently located on, and within, the existing Council car park (unlike Humphreys Avenue) are already on land which is in Council's freehold ownership, legal advice which Council has received is that the other roads remain 'roads' for the purposes of the *Local Government Act 1989*, and consequently may also be deemed public highways.

It is recommended that Council should recognise, and take into account, the fact that the public may have legal rights over these other roads, based on long-user rights being assigned to the broader community.

The proposed multi-deck car park building footprint will be constructed over a part of Humphreys Avenue and the other sections of roads and pedestrian pathways mentioned above, while other sections of the roads and pathways may become redundant because, while they presently service the existing Whitehorse Centre, they will not be required for use by the proposed Whitehorse Centre.

To ensure the proper and orderly redevelopment of the proposed Whitehorse Centre and multi-deck car park, it is recommended that Council commence the statutory process to discontinue the roads, for the reasons mentioned above.

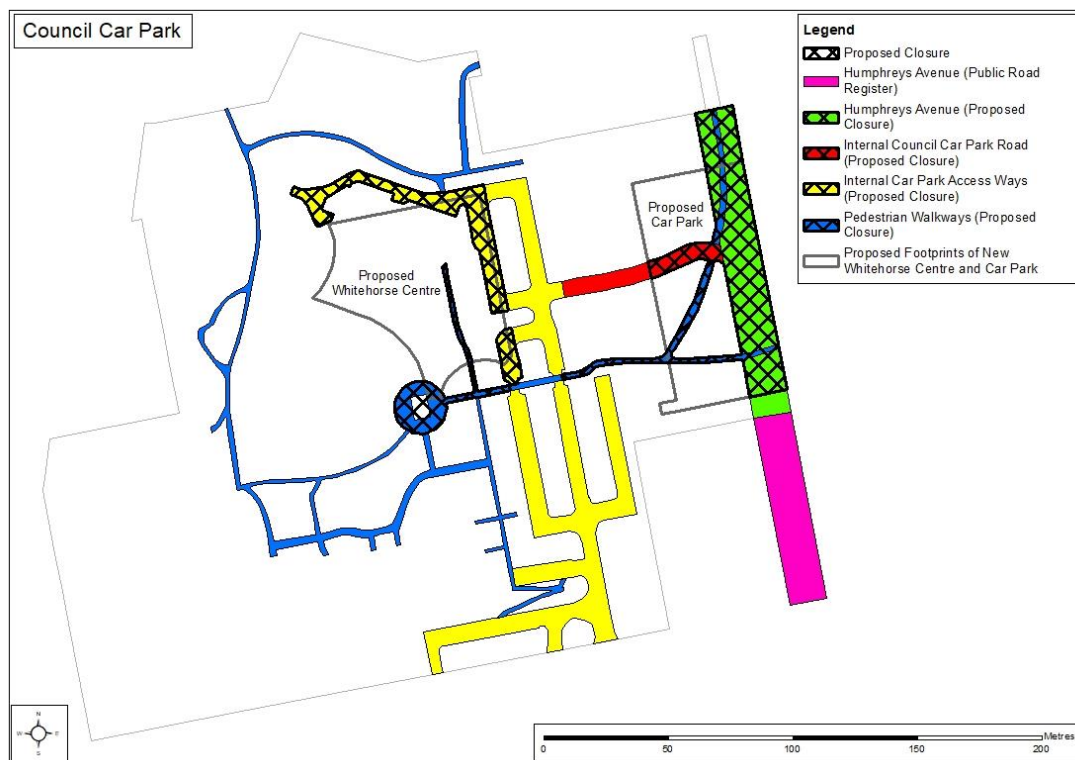
The roads located on Council's freehold land, and proposed for the discontinuance, are coloured red and yellow with cross-hatching, while the pedestrian pathways are coloured blue with cross-hatching.

*Proposed Outcome:*

Following completion of the statutory discontinuance process in accordance with the *Local Government Act 1989*, any express or implied road status rights attached to any of the roads which the proposed Whitehorse Centre and multi-deck car park will have been built over will be extinguished from Council's freehold land, and the building footprint, in so far as it impacts on the roads, will have been lawfully carried out.

### 9.4.6 (cont)

#### *Plan 1: Roads and Pedestrians Pathways Plan*



### DISCUSSION

Given that, from the mid-1950s until the late 1990s, Humphreys Avenue was a sealed road servicing residential dwellings, there are a number of existing service assets such as sewer, storm-water and water located in the whole of Humphreys Avenue.

These assets will require an easement to be 'saved' over the land after and following any discontinuance, thereby granting proprietary interests in the Humphreys Avenue land to the relevant asset owners.

It is recommended that, once the proposed Whitehorse Centre and multi-deck car park has been completed, those roads and pedestrian pathways which are necessary to properly service the completed redevelopment be correctly re-established, reconfigured and/or realigned so that they can provide for a proper and integrated network of internal and external roads under the management and control of Council as the responsible road authority. This final process may require Council to make further decisions under other parts of the *Local Government Act 1989* and the *Road Management Act 2004*.

### CONSULTATION

All necessary service authorities will need to be consulted in respect to the proposal, and as mentioned above, easements will need to be 'saved' over Humphreys Avenue. It is likely that some existing underground assets may need to be relocated and/or realigned.

The statutory procedures under the *Local Government Act 1989* require Council to give public notice of its intention to discontinue the roads and to retain the land, and to invite submissions from affected persons and the general public under section 223 of the *Local Government Act 1989*.

Public notice of the proposed discontinuance will be given in The Age newspaper and published on Council's website.

### **9.4.6**

(cont)

In addition, all nearby property owners and occupiers and land users will be advised of the proposal in writing, and informed of their right to make a submission under section 223 of the *Local Government Act 1989*.

All and any submitters in relation to the proposal may request to be heard by a Committee of Council, prior to a decision being made to proceed or otherwise not to proceed with the proposal.

Key processes and timelines that are proposed, if agreed to by Council, are:

- |                       |  |
|-----------------------|--|
| 1. Wednesday 24 June: | Public Notice advertisement and other notification given |
| 2. Tuesday 22 July:   | Public Notice submissions close                          |
| 3. Monday 10 August:  | Council Committee to hear any submission/s (if required) |
| 4. Monday 25 August:  | Final report to Council for consideration                |

### **FINANCIAL IMPLICATIONS**

All expenses associated with the statutory process will be borne by the Property & Rates 2019/20 recurrent budget and these expenses are estimated to be approximately \$20,000 + GST.

### **POLICY IMPLICATIONS**

The recommendations are, as relevant, made in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" Policy.



## 9.4.7 Delegated Decisions April 2020

### SUMMARY

*The following activity was undertaken by officers under delegated authority during April 2020.*

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

***That the report of decisions made by officers under Instruments of Delegation for the month of April 2020 be noted.***

**CARRIED**

| DELEGATION                         | FUNCTION  | Number for April 2019 | Number for April 2020 |
|------------------------------------|---|-----------------------|-----------------------|
| Planning and Environment Act 1987  | Delegated Decisions   | 111                   | 89                    |
|                                    | Strategic Planning Decisions                                | Nil                   | Nil                   |
| Telecommunications Act 1997        |   | Nil                   | Nil                   |
| Subdivision Act 1988               |   | 14                    | Nil                   |
| Gaming Control Act 1991            |   | Nil                   | Nil                   |
| Building Act 1993                  | Dispensations & Applications to Building Control Commission | 62                    | 37                    |
| Liquor Control Reform Act 1998     | Objections and Prosecutions                                 | 1                     | Nil                   |
| Food Act 1984                      | Food Act Orders   | 2                     | 7                     |
| Public Health & Wellbeing Act 2008 | Improvement / Prohibition Notices                           | Nil                   | 1                     |
| Local Government Act 1989          | Temporary Rd. Closures                                      | 2                     | 5                     |
| Other Delegations                  | CEO Signed Contracts between \$150,000 - \$750,000          | 1                     | 5                     |
|                                    | Property Sales and Leases                                   | 2                     | 1                     |
|                                    | Documents to which Council seal affixed                     | 1                     | Nil                   |
|                                    | Vendor Payments   | 1340                  | 1566                  |
|                                    | Parking Amendments  | 14                    | 2                     |
|                                    | Parking Infringements Withdrawn                             | 191                   | 235                   |

## 9.4.7

(cont)

### DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS APRIL 2020

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

| Appl No.       | Date     | Decision                          | Street Address                                  | Ward        | Proposed Use or Development   | Application Type       |
|----------------|----------|-----------------------------------|---|-------------|---|------------------------|
| WH/2019/1032   | 15.04.20 | Application Lapsed                | 20 John Holland Court Blackburn Vic 3130        | Central     | Buildings and works within 4 metres of trees  | Special Landscape Area |
| WH/2019/1188   | 13.04.20 | Application Lapsed                | 12 Hamel Street Box Hill South Vic 3128         | Riversdale  | Construction of two double storey dwellings   | Multiple Dwellings     |
| WH/2020/28     | 17.04.20 | Application Lapsed                | 19 Aylwin Avenue Burwood Vic 3125               | Riversdale  | Buildings and works within trees under the Significnat Landscape Overlay - Schedule 9   | Special Landscape Area |
| WH/2012/116/B  | 08.04.20 | Delegate Approval - S72 Amendment | 23/312-328 Blackburn Road Burwood East Vic 3151 | Riversdale  | Addition of a second storey extension to an existing dwelling   | Permit Amendment       |
| WH/2012/916/C  | 29.04.20 | Delegate Approval - S72 Amendment | 115 Burwood Highway Burwood East Vic 3151       | Riversdale  | Construction of a three storey building plus basement for 30 dwellings, alteration of access to a road in a Road Zone Category 1 and reduction in car parking | Permit Amendment       |
| WH/2013/499/A  | 29.04.20 | Delegate Approval - S72 Amendment | 24 Winfield Road Balwyn North Vic 3104          | Elgar       | Amendment to the endorsed plans to include window changes and internal reconfiguration of dwellings 1 and 2.  | Permit Amendment       |
| WH/2014/1274/B | 14.04.20 | Delegate Approval - S72 Amendment | 25 Stanley Street Box Hill South Vic 3128       | Riversdale  | Construction of two (2) double storey dwellings   | Permit Amendment       |
| WH/2015/100/B  | 09.04.20 | Delegate Approval - S72 Amendment | 15 Richmond Street Blackburn South Vic 3130     | Riversdale  | Buildings and works for construction of two double storey dwellings and vegetation removal  | Permit Amendment       |
| WH/2016/308/A  | 03.04.20 | Delegate Approval - S72 Amendment | 11a Deep Creek Road Mitcham Vic 3132            | Springfield | Construction of a single storey dwelling to the rear of the existing dwelling   | Permit Amendment       |
| WH/2018/650/A  | 06.04.20 | Delegate Approval - S72 Amendment | 46 Mccomas Grove Burwood VIC 3125               | Riversdale  | Three double storey dwellings on a lot and removal of protected trees (SLO9)  | Permit Amendment       |

**9.4.7**  
(cont)

| <b>Appl No.</b> | <b>Date</b> | <b>Decision</b>                   | <b>Street Address</b>                            | <b>Ward</b> | <b>Proposed Use or Development</b>   | <b>Application Type</b> |
|-----------------|-------------|-----------------------------------|--|-------------|--|-------------------------|
| WH/2018/659/A   | 06.04.20    | Delegate Approval - S72 Amendment | 20 Wreford Road Blackburn South Vic 3130         | Central     | Buildings and works (associated with the construction of a single dwelling) and tree removal within SLO9   | Permit Amendment        |
| WH/2019/135/A   | 20.04.20    | Delegate Approval - S72 Amendment | 43-47 Ashmore Road Forest Hill Vic 3131          | Morack      | Delete reference to Tree 1 in permit conditions for WH/2019/135  | Permit Amendment        |
| WH/2016/724/A   | 08.04.20    | Delegate NOD - S72 Amendment      | 17 Arnold Street Box Hill Vic 3128               | Elgar       | Buildings and works for the construction of a 14 storey building (plus basement) containing two or more dwellings and a medical centre, use of land for medical centre and reduction of statutory car parking requirements | Permit Amendment        |
| WH/2019/1047    | 17.04.20    | Delegate NOD Issued               | 32 Thames Street Box Hill North Vic 3129         | Elgar       | Construction of two (2) double storey dwellings  | Multiple Dwellings      |
| WH/2019/1209    | 02.04.20    | Delegate NOD Issued               | 89 Benwerrin Drive Burwood East Vic 3151         | Riversdale  | The development of the land for two double storey dwellings, buildings and works within 4 metres of protected trees and the removal of protected trees   | Multiple Dwellings      |
| WH/2019/1236    | 30.04.20    | Delegate NOD Issued               | 535 Station Street Box Hill Vic 3128             | Elgar       | The development and display of two electronic major promotion sky signs  | Advertising Sign        |
| WH/2019/1240    | 27.04.20    | Delegate NOD Issued               | 3 Agra Street Mitcham Vic 3132                   | Springfield | Building and works associated with the construction of a new double-storey dwelling, within 4 metres of vegetation protected under Significant Landscape Overlay, Schedule 3 (SLO3).                                       | Special Landscape Area  |
| WH/2019/1303    | 15.04.20    | Delegate NOD Issued               | 294a Middleborough Road Blackburn South Vic 3130 | Central     | Buildings and works for the construction of a cool room to the rear existing restaurant  | Other                   |

**9.4.7**  
(cont)

| <b>Appl No.</b> | <b>Date</b> | <b>Decision</b>        | <b>Street Address</b>                          | <b>Ward</b> | <b>Proposed Use or Development</b>  | <b>Application Type</b> |
|-----------------|-------------|------------------------|--|-------------|---|-------------------------|
| WH/2019/651     | 20.04.20    | Delegate NOD Issued    | 5 Canora Street<br>Blackburn<br>South Vic 3130 | Central     | Buildings and works within 4 metres of a protected tree and tree removal  | Single Dwelling < 300m2 |
| WH/2019/730     | 02.04.20    | Delegate NOD Issued    | 32 Doncaster East Road<br>Mitcham Vic 3132     | Springfield | Construction of one, two storey dwelling, tree removal, and buildings and works within 4 metres of trees protected within the Significant Landscape Overlay, Schedule 9.                        | Single Dwelling < 300m2 |
| WH/2019/856     | 27.04.20    | Delegate NOD Issued    | 5 Paul Avenue<br>Box Hill North<br>Vic 3129    | Elgar       | Construction of two new dwellings, tree removal and buildings and works within 4 metres of protected trees.   | Multiple Dwellings      |
| WH/2019/930     | 02.04.20    | Delegate NOD Issued    | 31 Ballantyne Street<br>Burwood East Vic 3151  | Morack      | Construction of two double-storey dwellings, removal of trees and buildings and works within 4 metres of protected trees.   | Multiple Dwellings      |
| WH/2020/86      | 22.04.20    | Delegate NOD Issued    | 33 Owen Street<br>Mitcham Vic 3132             | Springfield | Removal of vegetation   | Special Landscape Area  |
| WH/2015/1004/A  | 16.04.20    | Delegate Permit Issued | 586 Elgar Road<br>Box Hill North<br>Vic 3129   | Elgar       | Alteration to access to a road in a Road Zone, Category 1, buildings and works within 4 metres of protected vegetation and vegetation removal within Significant Landscape Overlay - Schedule 9 | Permit Amendment        |
| WH/2019/1059    | 30.04.20    | Delegate Permit Issued | 19 Barossa Avenue<br>Vermont South<br>Vic 3133 | Morack      | Construction of two double storey dwellings and removal of protected trees (SLO9)   | Multiple Dwellings      |
| WH/2019/1091    | 06.04.20    | Delegate Permit Issued | 50 View Street<br>Mont Albert Vic 3127         | Elgar       | Buildings and works associated with a ground floor extension to the existing dwelling, including part demolition in a Heritage Overlay.   | Heritage                |

**9.4.7**  
(cont)

| Appl No.     | Date     | Decision               | Street Address                                 | Ward        | Proposed Use or Development   | Application Type               |
|--------------|----------|------------------------|--|-------------|---|--------------------------------|
| WH/2019/1101 | 24.04.20 | Delegate Permit Issued | 467 Station Street Box Hill Vic 3128           | Elgar       | Demolition of outbuildings and demolition and reconstruction of verandah in a Heritage Overlay  | VicSmart - General Application |
| WH/2019/1128 | 16.04.20 | Delegate Permit Issued | 43 Koonung Road Blackburn North Vic 3130       | Central     | Removal of vegetation (two trees) within the Significant Landscape Overlay Schedule 9   | Special Landscape Area         |
| WH/2019/1162 | 27.04.20 | Delegate Permit Issued | 129 Mount Pleasant Road Nunawading Vic 3131    | Springfield | Part demolition, and buildings and works associated with a ground floor extension to the existing dwelling in a Heritage Overlay (HO112), within 4 metres of protected trees. | Heritage                       |
| WH/2019/1256 | 30.04.20 | Delegate Permit Issued | 135 Middleborough Road Box Hill South Vic 3128 | Riversdale  | Removal of three (3) Leyland Cypress trees, protected under Significant Landscape Overlay, Schedule 9 (SLO9).   | Single Dwelling < 300m2        |
| WH/2019/1304 | 27.04.20 | Delegate Permit Issued | 5/10-12 Thornton Crescent Mitcham Vic 3132     | Springfield | Use of land for the purpose of a warehouse (freezing and cold storage)  | Other                          |
| WH/2019/1315 | 07.04.20 | Delegate Permit Issued | 11 Marlborough Street Mont Albert Vic 3127     | Elgar       | The partial demolition and buildings and works for an extension to an existing dwelling   | Heritage                       |
| WH/2019/1319 | 23.04.20 | Delegate Permit Issued | 20 Hedge End Road Nunawading Vic 3131          | Springfield | Construction of an extension to an existing dwelling on a land lot size of less than 500 square metres  | Special Landscape Area         |
| WH/2019/1341 | 03.04.20 | Delegate Permit Issued | 545 Station Street Box Hill Vic 3128           | Elgar       | Internally illuminated business identification signage  | Advertising Sign               |
| WH/2019/1342 | 03.04.20 | Delegate Permit Issued | 545 Station Street Box Hill Vic 3128           | Elgar       | Internally illuminated high wall signage  | Advertising Sign               |
| WH/2019/660  | 08.04.20 | Delegate Permit Issued | 18 Duband Street Burwood East Vic 3151         | Morack      | Construction of two double storey dwellings and tree removal  | Multiple Dwellings             |

**9.4.7**  
(cont)

| Appl No.    | Date     | Decision               | Street Address                             | Ward        | Proposed Use or Development   | Application Type        |
|-------------|----------|------------------------|--|-------------|---|-------------------------|
| WH/2019/727 | 02.04.20 | Delegate Permit Issued | 17 Heathfield Rise Box Hill North Vic 3129 | Elgar       | Construction of two, two storey dwellings and associated removal and works within 4 metres of trees protected under Schedule 9 to the Significant Landscape Overlay | Multiple Dwellings      |
| WH/2019/821 | 01.04.20 | Delegate Permit Issued | 22 Raymond Street Blackburn North Vic 3130 | Central     | Development of One (1) Double Storey Dwelling Behind The Existing   | Multiple Dwellings      |
| WH/2020/120 | 07.04.20 | Delegate Permit Issued | 5 Halsey Street Box Hill South Vic 3128    | Riversdale  | Buildings and works for development of a dwelling in the Special Building Overlay and Tree removal.   | Single Dwelling < 300m2 |
| WH/2020/140 | 27.04.20 | Delegate Permit Issued | 10 Rye Street Mitcham Vic 3132             | Springfield | Removal of two trees protected under the Significant Landscape Overlay Schedule 9   | Special Landscape Area  |
| WH/2020/184 | 03.04.20 | Delegate Permit Issued | 20 Lorikeet Street Nunawading Vic 3131     | Springfield | Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9  | VicSmart - Tree         |
| WH/2020/189 | 20.04.20 | Delegate Permit Issued | 5 Crimson Avenue Blackburn South Vic 3130  | Central     | Buildings and works within 4 metres of protected SLO9 trees   | Single Dwelling < 300m2 |
| WH/2020/224 | 07.04.20 | Delegate Permit Issued | 118 Surrey Road Blackburn North Vic 3130   | Central     | Creation of easement  | Subdivision             |
| WH/2020/238 | 20.04.20 | Delegate Permit Issued | 8-12 Simla Street Mitcham Vic 3132         | Springfield | REMOVE EASEMENT E-6   | Subdivision             |
| WH/2020/250 | 01.04.20 | Delegate Permit Issued | 27 Hunter Drive Blackburn South Vic 3130   | Central     | Removal of one tree (tree 4)  | VicSmart - Tree         |
| WH/2020/253 | 20.04.20 | Delegate Permit Issued | 30 Cumming Street Burwood Vic 3125         | Riversdale  | Three lot subdivision   | Subdivision             |
| WH/2020/254 | 15.04.20 | Delegate Permit Issued | 45 Glenburnie Road Mitcham Vic 3132        | Springfield | Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 7  | VicSmart - Tree         |

**9.4.7**  
(cont)

| Appl No.    | Date     | Decision               | Street Address                               | Ward        | Proposed Use or Development  | Application Type               |
|-------------|----------|------------------------|--|-------------|--|--------------------------------|
| WH/2020/256 | 15.04.20 | Delegate Permit Issued | 45 Glenburnie Road Mitcham Vic 3132          | Springfield | Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 7 | VicSmart - Tree                |
| WH/2020/257 | 17.04.20 | Delegate Permit Issued | 17 Nicholi Walk Vermont South Vic 3133       | Morack      | Construction of a shed within a heritage overlay                                       | VicSmart - General Application |
| WH/2020/267 | 20.04.20 | Delegate Permit Issued | 69 Tyne Street Box Hill North Vic 3129       | Elgar       | Three lot subdivision  | Subdivision                    |
| WH/2020/280 | 17.04.20 | Delegate Permit Issued | 5 Stanley Road Vermont South Vic 3133        | Morack      | The display and development of a sign publicising the sale or letting of property      | Advertising Sign               |
| WH/2020/285 | 08.04.20 | Delegate Permit Issued | 1 Raven Court Blackburn South Vic 3130       | Riversdale  | Removal of one tree within the SLO9  | VicSmart - Tree                |
| WH/2020/286 | 22.04.20 | Delegate Permit Issued | 1/9 Moona Street Burwood East Vic 3151       | Riversdale  | Buildings and Works (Construction of a Front Fence)                                    | VicSmart - General Application |
| WH/2020/289 | 03.04.20 | Delegate Permit Issued | 13 Nymph Street Mitcham Vic 3132             | Springfield | Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9 | VicSmart - Tree                |
| WH/2020/294 | 22.04.20 | Delegate Permit Issued | 39 Slater Avenue Blackburn North Vic 3130    | Central     | Removal of one tree under the significant Landscape Overlay Schedule 9                 | VicSmart - Tree                |
| WH/2020/295 | 07.04.20 | Delegate Permit Issued | 48 Husband Road Forest Hill Vic 3131         | Morack      | Two (2) lot subdivision  | VicSmart - Subdivision         |
| WH/2020/296 | 16.04.20 | Delegate Permit Issued | 1/5-7 Tadedor Court Forest Hill Vic 3131     | Morack      | Removal of one tree within the SLO9  | VicSmart - Tree                |
| WH/2020/299 | 16.04.20 | Delegate Permit Issued | 6 Chessell Street Mont Albert North Vic 3129 | Elgar       | Removal of tree (SLO9)   | VicSmart - Tree                |
| WH/2020/304 | 14.04.20 | Delegate Permit Issued | 8 Erasmus Street Surrey Hills Vic 3127       | Riversdale  | Buildings and works (front fence) within 4 metres of protected SLO9 trees              | VicSmart - General Application |
| WH/2020/305 | 28.04.20 | Delegate Permit Issued | 9 Tulkara Grove Vermont Vic 3133             | Morack      | Removal of one Tree  | VicSmart - Tree                |
| WH/2020/307 | 15.04.20 | Delegate Permit Issued | 18 Elder Street Blackburn Vic 3130           | Central     | Removal of one (1) tree  | VicSmart - Tree                |

**9.4.7**  
(cont)

| <b>Appl No.</b> | <b>Date</b> | <b>Decision</b>         | <b>Street Address</b>                         | <b>Ward</b> | <b>Proposed Use or Development</b>  | <b>Application Type</b>        |
|-----------------|-------------|-------------------------|---|-------------|---|--------------------------------|
| WH/2020/308     | 14.04.20    | Delegate Permit Issued  | 2 Morloc Street Forest Hill Vic 3131          | Springfield | Two lot subdivision   | VicSmart - Subdivision         |
| WH/2020/315     | 24.04.20    | Delegate Permit Issued  | 4 Cole Court Box Hill North Vic 3129          | Elgar       | Subdivision of land into four lots  | Subdivision                    |
| WH/2020/316     | 23.04.20    | Delegate Permit Issued  | 76 Baratta Street Blackburn South Vic 3130    | Central     | Buildings and Works (Construction of a Front Fence)   | VicSmart - General Application |
| WH/2020/321     | 20.04.20    | Delegate Permit Issued  | 33 Hedge End Road Mitcham Vic 3132            | Springfield | Two lot subdivision   | VicSmart - Subdivision         |
| WH/2020/324     | 20.04.20    | Delegate Permit Issued  | 7 Cherryhinton Street Box Hill Vic 3128       | Elgar       | Two lot subdivision   | VicSmart - Subdivision         |
| WH/2020/335     | 24.04.20    | Delegate Permit Issued  | 80 Heatherdale Road Mitcham Vic 3132          | Springfield | Two Lot Subdivision   | Subdivision                    |
| WH/2020/342     | 24.04.20    | Delegate Permit Issued  | 3 Winston Court Blackburn South Vic 3130      | Central     | Two lot subdivision   | VicSmart - Subdivision         |
| WH/2020/344     | 29.04.20    | Delegate Permit Issued  | 2 Walwa Street Mitcham Vic 3132               | Springfield | Two lot subdivision   | VicSmart - Subdivision         |
| WH/2020/8       | 29.04.20    | Delegate Permit Issued  | 2 Clydesdale Street Box Hill Vic 3128         | Elgar       | Partial Demolition and buildings and works for an extension to an existing dwelling in a Heritage Overlay                                       | Heritage                       |
| WH/2020/91      | 24.04.20    | Delegate Permit Issued  | 1/828 Canterbury Road Box Hill South Vic 3128 | Riversdale  | Buildings and Works (Construction of a Fence) within the Significant Landscape Overlay - Schedule 9 and Public Acquisition Overlay - Schedule 4 | VicSmart - Tree                |
| WH/2020/92      | 29.04.20    | Delegate Permit Issued  | 39 Terrara Road Vermont Vic 3133              | Morack      | Buildings and works within 4 metres of protected vegetation and vegetation removal within SLO9  | Special Landscape Area         |
| WH/2018/1244    | 20.04.20    | Delegate Refusal Issued | 7 Bellara Street Vermont Vic 3133             | Morack      | Buildings and works associated with the construction of six double storey dwellings and associated tree removal under SLO9                      | Multiple Dwellings             |



**9.4.7**  
(cont)

| Appl No.       | Date     | Decision                | Street Address                                   | Ward        | Proposed Use or Development  | Application Type               |
|----------------|----------|-------------------------|--|-------------|--|--------------------------------|
| WH/2019/127    | 29.04.20 | Delegate Refusal Issued | 419 Burwood Highway<br>Vermont South<br>Vic 3133 | Morack      | Buildings and works for Construction of a six storey apartment building including basement, removal of vegetation and reduction to the required car parking requirements   | Multiple Dwellings             |
| WH/2020/235    | 01.04.20 | Delegate Refusal Issued | 27 Hunter Drive<br>Blackburn<br>South Vic 3130   | Central     | Removal of one tree (tree 10)  | VicSmart - Tree                |
| WH/2020/261    | 15.04.20 | Delegate Refusal Issued | 30a Pakenham Street<br>Blackburn Vic 3130        | Central     | Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9   | VicSmart - Tree                |
| WH/2020/283    | 03.04.20 | Delegate Refusal Issued | 60 Mersey Street Box Hill<br>North Vic 3129      | Elgar       | Removal of one (1) tree  | VicSmart - Tree                |
| WH/2020/293    | 08.04.20 | Delegate Refusal Issued | 57 Shady Grove Forest Hill<br>Vic 3131           | Springfield | Removal of one (1) tree  | VicSmart - Tree                |
| WH/2020/297    | 16.04.20 | Delegate Refusal Issued | 1/5-7 Tadedor Court Forest Hill<br>Vic 3131      | Morack      | Removal of one tree (T2)   | VicSmart - Tree                |
| WH/2014/1233/A | 09.04.20 | No Permit Required      | 845-851 Whitehorse Road Box Hill<br>Vic 3128     | Elgar       | Construction of mixed use building comprising three towers between 18-37 stories in height, use of the land for accommodation (dwellings and hotel), and reduction of the car parking requirements of Clause 52.06 | Permit Amendment               |
| WH/2020/348    | 27.04.20 | No Permit Required      | 396 Springvale Road Forest Hill<br>Vic 3131      | Morack      | Construction of a front fence within the Significant Landscape Overlay, Schedule 9 (SLO9).   | VicSmart - General Application |
| WH/2020/51     | 14.04.20 | No Permit Required      | 5/12 Harrison Street Mitcham<br>Vic 3132         | Springfield | Removal of six protected trees in the Significant Landscape Overlay Schedule 9   | Special Landscape Area         |

**9.4.7**  
(cont)

| Appl No.        | Date     | Decision  | Street Address                                    | Ward        | Proposed Use or Development  | Application Type               |
|-----------------|----------|-----------|---|-------------|--|--------------------------------|
| WH/2003/14292/B | 17.04.20 | Withdrawn | 980 Whitehorse Road Box Hill Vic 3128             | Elgar       | Building and works (to install a flue duct at the rear of an existing building), car parking dispensation for the use of land for the purpose of a restaurant, and use of land for sale and consumption of liquor (On-premises liquor licence)                             | Permit Amendment               |
| WH/2010/455/G   | 27.04.20 | Withdrawn | 11/249 Middleborough Road Box Hill South Vic 3128 | Riversdale  | Use and development of land for restricted retail, warehouse, restricted recreation facility (gymnasium and children's play centre), convenience shop, and food and drinks premises, reduction in car parking and alteration of access to a road in a road zone category 1 | Permit Amendment               |
| WH/2014/1081/A  | 24.04.20 | Withdrawn | 722 Station Street Box Hill Vic 3128              | Elgar       | Amendment to Planning Permit WH/2014/1081 to allow the deletion of conditions and changes to plans   | Permit Amendment               |
| WH/2019/285/A   | 01.04.20 | Withdrawn | 493-503 Canterbury Road Vermont Vic 3133          | Springfield | Proposed consolidation of lots and two lot subdivision   | Permit Amendment               |
| WH/2020/217     | 24.04.20 | Withdrawn | 88 Whitehorse Road Blackburn Vic 3130             | Central     | Construction of an addition to a dwelling and a garage in a Heritage Overlay   | VicSmart - General Application |
| WH/2020/298     | 08.04.20 | Withdrawn | 50 Kett Street Nunawading Vic 3131                | Springfield | Extension to an existing dwelling within 4 metres of protected trees in the Significant Landscape Overlay Schedule 9   | VicSmart - General Application |
| WH/2020/330     | 17.04.20 | Withdrawn | 26 Sevenoaks Road Burwood East Vic 3151           | Morack      | Replace a front fence  | VicSmart - General Application |

**9.4.7**  
(cont)

**BUILDING DISPENSATIONS/APPLICATIONS APRIL 2020**

| Address                                 | Date     | Ward        | Result                  |
|---|----------|-------------|-------------------------|
| 1 Stirling Road, Blackburn South        | 09.04.20 | Central     | Consent Granted 80      |
| 16 Norway Avenue, Blackburn             | 30.04.20 | Central     | Consent Granted 74, 85  |
| 2 Caroline Crescent, Blackburn North    | 21.04.20 | Central     | Consent Granted 84      |
| 220 Middleborough Road, Blackburn South | 02.04.20 | Central     | Consent Granted 91      |
| 33 O'hara Street, Blackburn             | 17.04.20 | Central     | Consent Granted 74      |
| 55 Edinburgh Road, Blackburn South      | 30.04.20 | Central     | Consent Granted 89      |
| 77 Laburnum Street, Blackburn           | 02.04.20 | Central     | Consent Granted 92      |
| 9 Harold Street, Blackburn              | 30.04.20 | Central     | Consent Granted 75      |
| 16 Gordon Crescent, Blackburn           | 17.04.20 | Central     | Consent Refused 79, 76, |
| 2 Ellison Street, Blackburn             | 07.04.20 | Central     | Consent Refused 90      |
| 12 Sewell Street, Mont Albert North     | 15.04.20 | Elgar       | Consent Granted 79      |
| 28 Arnott Street, Mont Albert North     | 09.04.20 | Elgar       | Consent Granted 89      |
| 43 Saxton Street, Box Hill North        | 17.04.20 | Elgar       | Consent Granted 74      |
| 826-834 Whitehorse Road, Box Hill       | 02.04.20 | Elgar       | Consent Granted 116     |
| 101 Carrington Road, Box Hill           | 27.04.20 | Elgar       | Withdrawn 116           |
| 99 Carrington Road, Box Hill            | 27.04.20 | Elgar       | Withdrawn 116           |
| 3 Great Western Drive, Vermont South    | 09.04.20 | Morack      | Consent Granted 74      |
| 66 Hawthorn Road, Burwood East          | 15.04.20 | Morack      | Consent Granted 74      |
| 14 Robert Street, Burwood East          | 22.04.20 | Morack      | Consent Refused 89      |
| 1/33 Boisdale Street, Surrey Hills      | 29.04.20 | Riversdale  | Consent Granted 76      |
| 13 Highbury Road, Burwood               | 03.04.20 | Riversdale  | Consent Granted 89      |
| 29 Meldan Street, Burwood               | 17.04.20 | Riversdale  | Consent Granted 89      |
| 33 Piedmont Street, Box Hill South      | 02.04.20 | Riversdale  | Consent Granted 80, 74  |
| 4 Edyvean Street, Surrey Hills          | 07.04.20 | Riversdale  | Consent Granted 79      |
| 5 Carver Street, Burwood East           | 07.04.20 | Riversdale  | Consent Granted 76. 86  |
| 83 Roslyn Street, Burwood               | 21.04.20 | Riversdale  | Consent Granted 74      |
| 25 Clifton Street, Box Hill South       | 24.04.20 | Riversdale  | Consent Refused 90      |
| 5 Carver Street, Burwood East           | 07.04.20 | Riversdale  | Consent Refused 74      |
| 107 Orient Avenue, Mitcham              | 29.04.20 | Springfield | Consent Granted 91      |
| 50 McCulloch Street, Nunawading         | 02.04.20 | Springfield | Consent Granted 74      |
| 55 Ormond Avenue, Mitcham               | 02.04.20 | Springfield | Consent Granted 74      |
| 65 Betula Avenue, Vermont               | 07.04.20 | Springfield | Consent Granted 74      |
| 8 Bullen Avenue, Mitcham                | 07.04.20 | Springfield | Consent Granted 85      |

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS APRIL 2020**

Under the Planning and Environment Act 1987

Nil

## 9.4.7

(cont)

### REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION APRIL 2020

| Contract Number | Service   |
|-----------------|---|
| 30208           | Refurbishment of 2nd Blackburn Scout Hall   |
| 30234           | Surrey Park (South East) Oval Lighting Installation   |
| 20046A          | General Tree Services - Tree planting stock only  |
| 30233           | Newhaven Road Reconstruction  |
| 30219           | Supply and Delivery of Playground Impact Attenuating Materials (Soft Fall Mulch) and General Garden Bed |

### REGISTER OF PROPERTY DOCUMENTS EXECUTED APRIL 2020

| Property Address                   | Document Type | Document Detail                 |
|------------------------------------|---------------|---------------------------------|
| 96-106 Springvale Road, Nunawading | Lease         | Proposed electrical sub-station |

### REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL APRIL 2020

Nil

### PARKING RESTRICTIONS APPROVED BY DELEGATION APRIL 2020

**Address:**       **Cameron Road, Box Hill North:** 13m south of the northern boundary of 24 Cameron Road to 17m east of the western boundary of 24 Cameron Road (west side)

**Previously:**     2 'Unrestricted' parking spaces

**Now:**            2 'No Stopping' parking spaces

**Address:**       **Station Street, Burwood:** Farleigh Avenue to 15m north of Farleigh Avenue (east side)

**Previously:**     1 'Unrestricted' parking space

**Now:**            1 'No Stopping parking space

## 9.4.7

(cont)

### VENDOR PAYMENT SUMMARY – SUMS PAID DURING APRIL 2020

| Date                              | Total Issued           | Payments<br>(direct debit,<br>cheques or<br>electronic funds<br>transfer) | Transaction<br>Type<br>EFT/CHQ/DD |
|-----------------------------------|------------------------|---|-----------------------------------|
| 02/04/2020                        | \$1,472,383.60         | 225   | EFT                               |
| 03/04/2020                        | \$78,252.22            | 52  | EFC                               |
| 03/04/2020                        | \$52,721.20            | 7   | EFT                               |
| 09/04/2020                        | \$210.51               | 1   | EFT                               |
| 09/04/2020                        | \$67,093.05            | 33  | EFC                               |
| 09/04/2020                        | \$1,433,524.16         | 199   | EFT                               |
| 09/04/2020                        | \$67,093.05            | 33  | EFC                               |
| 16/04/2020                        | \$28,645.62            | 46  | EFC                               |
| 16/04/2020                        | \$1,664,309.76         | 185   | EFT                               |
| 16/04/2020                        | \$40,747.85            | 1   | EFT                               |
| 16/04/2020                        | \$9,648.60             | 5   | CHQ                               |
| 17/04/2020                        | \$7,143.80             | 2   | EFT                               |
| 22/04/2020                        | \$32,297.38            | 1   | EFT                               |
| 23/04/2020                        | \$88,452.42            | 74  | EFC                               |
| 23/04/2020                        | \$6,245,452.77         | 408   | EFT                               |
| 29/04/2020                        | \$2,392.40             | 2   | EFT                               |
| 30/04/2020                        | \$123,578.22           | 86  | EFC                               |
| 30/04/2020                        | \$3,918,755.79         | 206   | EFT                               |
|                                   |                        |   |                                   |
| <b>GROSS</b>                      | \$15,332,702.40        | 1566  |                                   |
|                                   |                        |   |                                   |
| <b>Monthly Lease<br/>Payments</b> | \$32,828.76            |   |                                   |
| <b>Direct Debit<br/>Payments</b>  | \$188,818.73           |   |                                   |
| <b>CANCELLED<br/>PAYMENTS</b>     | -\$83,962.53           | -41   |                                   |
|                                   |                        |   |                                   |
| <b>NETT</b>                       | <b>\$15,470,387.36</b> | <b>1525</b>   |                                   |

## **10 REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS**

### **10.1 Reports by Delegates**

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

- 10.1.1 Cr Bennett reported on his attendance at the Metropolitan Local Government Waste Forum Zoom meeting held on the 11 June 2020, discussing Value Added Kerbside Resource Recovery.
- 10.1.2 Cr Ellis attended the following virtual meetings:
- Whitehorse Matsudo Sister City History Publication - Councillor Reference Group meeting 11 June 2020
  - Eastern Region Group (ERG) pre-meeting to discuss the next ERG meeting.
  - Municipal Association of Victoria meetings with the board members.
- 10.1.3 Cr Carr attended the following virtual meetings:
- First Zoom meeting of the Visual Arts Advisory Committee on 3 June 2020, where she Chaired the meeting
  - Domestic Animal Management Plan Advisory Committee (DAMPAC) meeting held on 17 June 2020, held via Zoom. Many topics of discussion, including the decision to commence review of the next four year Domestic Animal Management Plan at the next DAMPAC meeting scheduled for September 2020.
- 10.1.4 Cr Liu reported that she attended the following meetings:
- Whitehorse Manningham Library Board meeting on 27 May 2020; Cr Liu advised that Whitehorse branch libraries have been open since 9 June with restricted numbers and social distancing / safety measures in place
  - Whitehorse Business Group meeting held on 9 June 2020, online web seminars and attendances are going well, feedback was provided regarding Council's recovery /stimulus package proposal (SME grants)
  - Whitehorse Matsudo Sister City history publication Councillor Reference Group meeting 11 June 2020, where an update on the anniversary publication progress was provided.
  - Eastern Transport Coalition meeting on 18 June 2020, Cr Liu will circulate the minutes to Councillors once available.

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Liu

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

**CARRIED**

## **10.2 Recommendation from the Special Committee of Council Meeting of 9 June 2020**

### **10.2.1 Laneway rear of Lake Road Blackburn – Commencement of Statutory Naming Process**

#### **SPECIAL COMMITTEE OF COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Munroe

*That Council commence the statutory process under the Geographic Place Names Act 1998 to assign a name to the currently unnamed laneway at the rear of Lake Road Blackburn (running from Wellington Avenue to Alandale Road Blackburn).*

**CARRIED UNANIMOUSLY**

### **10.2.2 Intersection of Whitehorse Road, Dunlavin Road and Rooks Road Nunawading**

#### **SPECIAL COMMITTEE OF COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Cutts

*That Council:*

*Actively lobby Department of Transport, the State Member of Parliament for Ringwood, and the relevant State Government Minister/s to:*

- 1) Investigate community concerns regarding urgently needed safety improvements at the intersections of Whitehorse Road, Dunlavin Road, and Rooks Road Nunawading; and*
- 2) Take action in consultation with Council and local residents to address these concerns and make improvements to make this intersection safer for all pedestrians and vehicles.*

**CARRIED UNANIMOUSLY**

#### **COUNCIL RESOLUTION**

Moved by Cr Liu, Seconded by Cr Cutts

*That the recommendations from the Special Committee of Council Meeting of 9 June 2020 Items 10.2.1 and 10.2.2 (inclusive) be received and adopted.*

**CARRIED**

## 10.3 Record of Assembly of Councillors

| Meeting Date                     | Matter/s Discussed  | Councillors Present  | Officers Present  | Disclosures of Conflict of Interest | Councillor /Officer attendance following disclosure |
|----------------------------------|---|--|---|-------------------------------------|---|
| <b>25.05.20</b><br>6:20-7:00pm   | <b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• Notice of Motion No 131</li> <li>• 9.1.1 201 Canterbury Rd Blackburn (Lot 1 LP87509)</li> <li>• 9.1.2 26-28 Wellington Rd Box Hill (Lot 1 &amp; 2 P 1974-4)</li> <li>• 9.1.3 37-39 Harrow Street, Box Hill (Lot 85 LP 2004 28B &amp; LOT 1-2 TP 678857 28B)</li> <li>• 9.1.5 Building Reflectivity Preliminary Findings</li> <li>• 9.1.6 Tree Assistance Fund Guidelines</li> <li>• 9.1.7 Box Hill Metropolitan Activity Centre: Implementing a revised Structure Plan and Urban Design Framework</li> </ul> | Cr Ellis (Mayor & Chair)<br>Cr Barker<br>Cr Bennett<br>Cr Carr<br>Cr Cutts<br>Cr Davenport<br>Cr Liu<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett | S McMillan<br>J Green<br>S White<br>T Wilkinson<br>P Smith<br>A De Fazio<br>J Russell<br>C Altan<br>M Ackland<br>N Jones                                | Nil                                 | Nil   |
| <b>02.06.2020</b><br>6:00-9:00pm | Strategic Planning Session <ul style="list-style-type: none"> <li>• Whitehorse Business Group Annual Funding Presentation</li> <li>• Draft Floodlighting Policy Outdoor Sports and Recreation</li> <li>• Proposed Procurement Policy 2020/21</li> <li>• Financial Report as at 30 April 2020</li> </ul>   | Cr Ellis (Mayor & Chair)<br>Cr Barker<br>Cr Bennett<br>Cr Carr<br>Cr Cutts<br>Cr Davenport<br>Cr Liu<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett | S McMillan<br>J Green<br>S White<br>T Wilkinson<br>P Smith<br>A De Fazio<br>M Ackland<br>D Shambrook<br>K Sinclair<br>K Chandler<br>S Cann<br>J Cushing | Nil                                 | Nil   |



**10.3**  
(cont)

| Meeting Date            | Matter/s Discussed   | Councillors Present  | Officers Present  | Disclosures of Conflict of Interest  | Councillor /Officer attendance following disclosure   |
|-------------------------|--|--|---|--|---|
| 09.06.20<br>5:12-9:30pm | Council Briefing Session <ul style="list-style-type: none"> <li>Noted listed of submission speakers</li> <li>Alternate Recommendations</li> <li>Noted Other Business Motions</li> <li>Special Committee of Council 9 June 2020</li> <li>Confirmation of Minutes of previous Meetings</li> <li>Notice of Motion 13: Cr Davenport</li> <li>Draft Council Agenda 22 June 2020</li> <li>Budget Submission consideration</li> <li>Community Sports Infrastructure Stimulus Program</li> </ul> | Cr Ellis (Mayor & Chair)<br>Cr Barker<br>Cr Bennett<br>Cr Carr<br>Cr Cutts<br>Cr Davenport<br>Cr Liu<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett | S McMillan<br>J Green<br>S White<br>T Wilkinson<br>P Smith<br>A De Fazio<br>M Ackland<br>C Altan<br>J Russell<br>K Marriott<br>J Hansen<br>K Sinclair<br>D Seddon<br>S Cann<br>J Blythe<br>L Morris | Cr Liu declared a conflict of interest in Item 12.1 Council Business Information as she is an honorary member of the ABAW.<br>Cr Carr declared a conflict of interest in Item 12.1 Council Business Information as she is a board member of Family Access Network. | Cr Liu having declared a conflict of interest in Item 12.1 Council Business information left the meeting prior to discussion on the item and did not return.<br>Cr Carr having declared a conflict of interest in Item 12.1 Council Business Information left the meeting prior to discussion on the item and did not return. |

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Massoud

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

**CARRIED**

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

11.1 Cr Bennett reported on his attendance at the:

- Waste Management & Resource Recovery Webinar held on 10 June 2020
- VGLA Climate Change Action Planning webinar held on 17 June 2020
- Waste 2020 Conference webinar held on 17 June 2020.

11.2 Cr Massoud reported that she attended three different Waste Management and Resource Recovery webinars and a webinar on recycling run by Infrastructure Victoria.

11.3 Cr Davenport advised he attended a number of different webinars run by the Australia Institute of Company Directors and the Whitehorse Business Group.

11.4 Cr Carr reported that she attended a virtual presentation at Deakin University on 5 June 2020. The presentation entitled 'Drawings on the Wall', was hosted by James Lynch; some excellent creative artwork was displayed.

### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Massoud

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

**CARRIED UNANIMOUSLY**

## 12 CONFIDENTIAL REPORTS

### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

***That in accordance with Section 3(1) of the Local Government Act 2020 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.***

The motion was declared CARRIED on the casting vote of the Mayor

A Division was called.

#### Division

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

On the results of the Division the motion was declared CARRIED on the casting vote of the Mayor

The meeting was closed to the public at 10.53pm.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Munroe

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

**CARRIED**

The meeting was reopened to the public at 11.03pm.

## 13 CLOSE MEETING

Meeting closed at 11:05pm

Confirmed this 20<sup>th</sup> day of July 2020

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CHAIRPERSON