



City of Whitehorse

MINUTES

Virtual Council Meeting

Held via Zoom

on

Monday 20 July 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 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:

Cr Liu has sought a leave of absence for tonight's Council meeting held on the 20 July 2020.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Massoud

That the apology from Cr Liu be received and leave of absence be granted for tonight's Council meeting 20 July 2020.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council and Confidential Meeting 22 June 2020 and Council and Confidential Meeting 30 June 2020.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Bennett

That the minutes of the Council and Confidential Meeting 22 June 2020 and Council and Confidential Meeting 30 June 2020 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

None submitted.

6 NOTICES OF MOTION

Nil

7 PETITIONS

Nil

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 127 Whitehorse Road, Blackburn (LOT 1 TP 711862) – Buildings and works associated with Place of Assembly (Sikh temple), use of the land for the purpose of accommodation associated with a place of assembly and alteration of access arrangement in a road zone category 1

FILE NUMBER: WH/2019/612
ATTACHMENT

SUMMARY

This application was advertised and a total of 13 objections were received. The objections raised concerns including lack of information, traffic and parking congestion, the proposal being out of character, overlooking, overshadowing and noise impacts. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objectors' concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- A. Being the Responsible Authority, having caused Application WH/2019/612 for 127 Whitehorse Road, BLACKBURN (LOT 1 TP 711862) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works associated with place of assembly (Sikh temple), use of the land for the purpose of accommodation associated with a place of assembly and alteration of access to a Road Zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 127 Whitehorse Road, BLACKBURN (LOT 1 TP 711862) for buildings and works associated with place of assembly (Sikh temple), use of the land for the purpose of accommodation associated with a place of assembly and alteration of access to a Road Zone Category 1, subject to the following conditions:**
 - 1. Prior to the commencement of any buildings or works on the land, amended plans and documentations must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and be generally in accordance with the plans by Letac Drafting Services P/L, dated August 2018 and the discussion plans received by Council on 3rd April 2020 but modified to show:**
 - a) A full schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints to show the materials and finishes linking them to a physical sample board with clear coding.**
 - b) The use of warm highly tactile materials for the first level and the architectural dome feature, or as otherwise approved, to create visual interest when viewed from the public interface and adjoining residential properties.**

9.1.1

(cont)

- c) *Roof plan illustrating all plant and equipment with screening provided ensuring views from the street frontage and abutting residential properties are obscured.*
- d) *Engineering and Environmental Services requirements as follows:*
 - i. *The provision of bicycle facilities are to be in accordance with clause '52.34 Bicycle Facilities' of the Whitehorse Planning Scheme, and designed in accordance with AS2890.3.*
 - ii. *A Car Parking Management Plan is to be submitted in accordance with Condition 11.*
 - iii. *All disabled parking spaces are to be designed in accordance with AS 2890.6.*
 - iv. *All proposed parking bays abutting an obstruction such as a wall are to be designed in accordance with section 2.4 of AS 2890.1.*
 - v. *The proposed parking bays, circulation roadways, parking aisles are to be dimensioned and designed in accordance with the Whitehorse Planning Scheme and/or Section 2.4 of AS2890.1. A longitudinal section of the proposed circulation roadway from the road to the parking area that shows the proposed grades, length of grades and levels.*
 - vi. *The vertical headroom throughout the car park is to be a minimum of 2.2m throughout the parking area which is to be demonstrated by the provision of a longitudinal section.*
- e) *Landscape Plan in accordance with Condition 5 including the following:*
 - i. *A minimum of four (4) trees to be planted along the eastern boundary of the site, capable of reaching a height of 18 metres.*
 - ii. *All new trees must be planted at a minimum height of 2.0 metres.*
- f) *All Tree Protection Zones described in condition 7, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 7 and 8 to be annotated on the development and landscape plans.*
- g) *All relevant modification plans and requirements of Condition 9, Sustainability Management Plan (SMP).*
- h) *All relevant modification plans and requirements of Condition 10, Waste Management Plan (WMP).*

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

Use of Land

- 3. *The use of the premises must not be changed without the written consent of the Responsible Authority.*
- 4. *Except with the written consent of the Responsible Authority, the maximum number of people to be accommodated on premises, permitted under the accommodation use must not exceed 6 at any one time.*

9.1.1 (cont)

Landscape Plan

5. ***Prior to the commencement of any buildings or works on the land, a landscape plan, prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan must show:***
 - a) ***A survey of all existing vegetation, abutting street trees, natural features and vegetation.***
 - b) ***Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.***
 - c) ***Planting within and around the perimeter of the site comprising trees and shrubs capable of:***
 - i. ***Providing a complete garden scheme,***
 - ii. ***Softening the building bulk,***
 - iii. ***Replacement plantings, as specified under Condition 1(e).***
 - d) ***A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.***
 - e) ***The proposed design features such as paths, paving, lawn and mulch.***

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

All of the above must be to the satisfaction of the Responsible Authority. Once approved, these plans become the endorsed plans of the permit.
6. ***The landscape 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.***
7. ***Prior to the commencement of any building and works on the land, a Tree Protection Zone (TPZ) must be established 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 – 2.0 metre radius from the centre of the tree base.***
 - ii. ***Tree 2 – 4.4 metre radius from the centre of the tree base.***
 - iii. ***Tree 3 – 2.0 metre radius from the centre of the tree base.***
 - iv. ***Tree 4 – 5.9 metre radius from the centre of the tree base.***
 - b) ***Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:***
 - i. ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.***
 - ii. ***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.***
 - iii. ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering as required.***

9.1.1
(cont)

- 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 authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
- 8. During the construction of any buildings or works on the land, 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. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist. The qualifications and experience of the project arborist must be to the satisfaction of the Responsible Authority (RA).*
 - b) The Project Arborist must supervise all approved works (including site demolition and utility services (including stormwater drainage and onsite detention)) within or adjacent to the TPZs of Trees 1, 2, 3 and 4. The project arborist must ensure that there are no soil level changes within greater than 10% of the TPZs, and no roots greater than 40mm in diameter are cut or damaged for these four trees.*
 - c) Any severance of roots less than 40mm in diameter 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 SRZs of Trees 1, 2, 3 and 4.*
 - d) The project Arborist must ensure that any root severance or buildings and works within the TPZs of Trees 1, 2, 3 and 4 shown on the endorsed plan does not adversely impact the health or stability of the trees now or into the future.*
 - e) 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.*
 - f) No trenching is allowed within the TPZs of Trees 1, 2, 3 and 4. The installation of utility services (including stormwater drainage and onsite detention) must be directed around the TPZs of Trees 1, 2, 3 and 4 unless tree sensitive installation methods such as boring have been approved by the Responsible Authority (RA).*

Sustainability Management Plan (SMP)

- 9. Prior to the commencement of any buildings or works on the land, a Sustainability Management Plan (SMP) must be prepared to the satisfaction of the Responsible Authority. Once submitted and approved to the satisfaction of the Responsible Authority, the SMP will form part of the endorsed plans of this permit.**

9.1.1 (cont)

All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority, and the approved dwellings must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the endorsed SMP may occur without the written consent of the Responsible Authority.

Waste Management Plan (WMP)

- 10. Prior to the commencement of any buildings or works on the land, a Waste Management Plan (WMP) must be prepared to the satisfaction of the Responsible Authority. Once submitted and approved the WMP will form part of the endorsed plans of this permit. The approved WMP must be implemented to the satisfaction of the Responsible Authority.**

Car Parking Management Plan (CPMP)

- 11. Prior to the commencement of any buildings or works on the land, a Car Parking Management Plan (CPMP), detailing how car and bicycle parking areas, accessways and waste collection bays will be allocated and managed, must be submitted to and approved by Responsible Authority.**

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, direction signs and/or physical barriers.*
- b) Detail of any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS 2890.1*
- c) Allocation of bicycle spaces to occupants and visitors.*
- d) Directional signs to car and bicycle parking spaces and facilities.*
- e) Location of bicycle parking signs in accordance with Clause 52.34-5.*
- f) Line marking of parking spaces.*
- g) Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
- h) Advise where delivery vehicles serving the site will park. These vehicles must be able to park for a reasonable period of time in convenient locations.*
- i) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*

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

The requirements of the Car Parking Management Plan must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.

Construction Management Plan (CMP)

- 12. 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 .**

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

9.1.1 (cont)

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.

Drainage and assets

- 13. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*
- 14. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.*
- 15. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
- 16. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.*
- 17. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
- 18. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*
- 19. The Applicant must show the location of the Council storm water pipe and pits in the easement on all plans and elevations near front gate. Old plans indicate drain in easement may be a twin pipe - please verify drain size, location and depth on site.*
- 20. The Applicant must show details of the proposed footing for front gate structure that is over the easement. Please show footing is at least 600mm clear of the outside wall of the storm water pipe. This must be demonstrated on the elevations. Applicant must apply for Report and Consent – Building over Easement prior to approval of the Planning Permit.*
- 21. The applicant must apply for Report and Consent – Land Liable to Flooding prior to approval of the Planning Permit. Once levels received, the applicant is to submit plans for approval to the Planning Department that match those submitted with the Report and Consent Land Liable to Flooding. Plans/survey levels must be submitted to AHD.*

9.1.1

(cont)

Amenity

- 22. The amenity of the area shall not be detrimentally affected by the use or development, through:**
- a) Transportation of materials, goods or commodities to or from the land,**
 - b) Appearance of any building, works or materials,**
 - c) Emission of noise,**
 - d) In any other way.**
- 23. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**

Building Services

- 24. Noise emissions from the proposed development must not exceed the limits set out in the Environmental Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No-N1. (Sepp N1).**
- 25. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.**

Environmental Audit

- 26. Prior to the commencement of buildings or works on the land, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:**
- a) A description of previous land uses and activities on the land;**
 - b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;**
 - c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and**
 - d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.**
- 27. If the assessment required by Condition 26 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.**

9.1.1


(cont)

- 28. If the assessment required by Condition 26 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:**
- a) A Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or**
 - b) A Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),**
 - c) And the Certificate or Statement must be provided to the Responsible Authority.**
 - d) If, pursuant to condition 26, a Statement is issued:**
 - i. The development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;**
 - ii. The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);**
 - iii. Before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.**
 - iv. If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:**
 - Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and**
 - Be executed before the sensitive use for which the land is being developed commences; and**
 - The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).**
- 29. 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 two (2) years from the commencement of the development.**
 - c) The accommodation use has not commenced within one year of the completion of the development.**
- 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

9.1.1 (cont)

MELWAYS REFERENCE 47 K8

<p>Applicant: Zoning: Overlays:</p>	<p>Letac Drafting Services Pty Ltd Mixed Use Zone (MUZ) Design and Development Overlay – Schedule 8 (DDO8) Environmental Audit Overlay</p>
<p>Relevant Clauses:</p>	<p>Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 15.01 Built Environment Clause 15.04R Healthy Neighbourhood – Metropolitan Melbourne Clause 18 Transport Clause 21.05 Environment Clause 22.04 Tree Conservation Clause 22.09 Blackburn and Megamile (West) Activity Centres Clause 22.10 Environmental Sustainable Development Clause 32.04 Mixed Use Zone Clause 43.02 Design and Development Overlay – Schedule 8 Clause 45.03 Environmental Audit Overlay Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities Clause 65 Decision Guidelines</p>
<p>Ward:</p>	<p>Central</p>
	
	<p>Subject site</p>
	<p>10 Objector properties and 3 properties outside the map.</p>
<p>↑ North</p>	

9.1.1

(cont)

BACKGROUND

History

Planning Permit NUN/6302 was issued on 25 October 1993 allowing the use and development of the site for the purpose of a religious community centre, place of assembly and ancillary uses. The permit approved the Sikh temple in its present form, including 220 car spaces on site (shown on the endorsed plans). A condition on the permit allows a maximum of 700 people to use the site at any one time, except with the consent of Council.

Since the issue of the original use permit, the site has had numerous planning applications, mainly comprising minor buildings and works approvals.

The Site and Surrounds

The site is located on the north side of Whitehorse Road, approximately 90 metres west of its intersection with Pope Street, Blackburn. The site is irregular in shape (battle-axe shaped) and has a total site area of approximately 14,114 square metres.

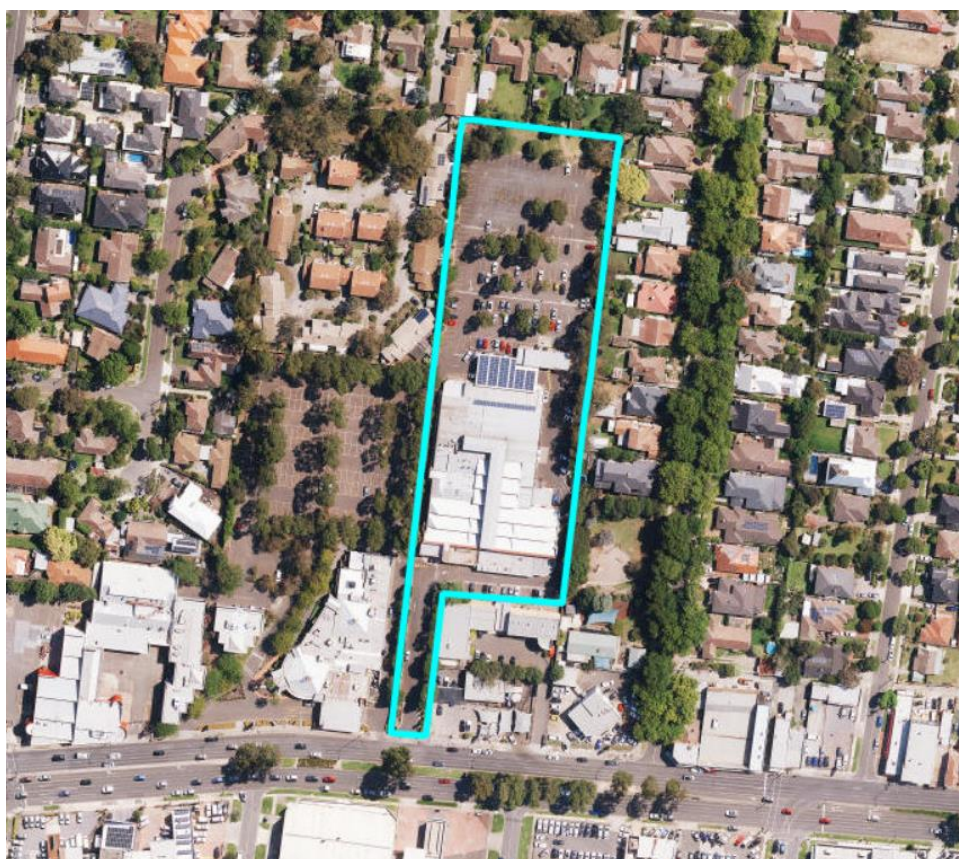


Figure 1 – Aerial photos

The site is currently used for the purpose of a place of assembly (Sikh temple), which operates under the 1993 issued planning permit. The site is currently occupied by one large single storey building with several outbuildings. All existing buildings are generally located towards the front part of the site and are centrally located away from both side boundaries.

The site is relatively flat with existing trees located within the rear parking area (north of the existing building) and along the side and rear boundaries.

9.1.1

(cont)

The site is located within the Megamile West and Blackburn Activity Centre (Activity Centre), which comprises of an eclectic group of land uses bordering to residential land. The site is accessible to major forms of public transport with the Blackburn Railway Station within walking distance (350 metres, south-west) and multiple bus routes running along Whitehorse Road frontage.

The site interfaces with adjoining properties as follows:

- Abutting land to the south of the subject site (with frontage to Whitehorse Road), is zoned Commercial 1, and comprises of properties 129 and 133 Whitehorse Road. The property at 129 is currently occupied by a single storey building with temporary canopy structures used for the purpose of a carwash, whilst land at 133 Whitehorse Road comprises a double storey building used for commercial purposes and warehousing.
- To the immediate east of the subject site are residential properties at 24-42 Pope Road, a recreational park at 44-50 Pope Road and a childcare centre at 52-54 Pope Road. It is noted that the built form of the residential dwellings at 24-42 Pope Road comprises both single and double storey dwellings with the respective secluded private open space of each dwelling located to the rear, shared boundary with the subject site.
- To the immediate north of the subject site are residential properties at 12-18 John Street. This site also abuts the subject land along the western boundary (rear portion).
- To the west of the subject site (front portion) is the Blackburn Hotel.

Planning Controls

The subject site is zoned Mixed Use (MUZ), covered by the Environmental Audit Overlay (EAO) and the Design and Development Overlay – Schedule 8 (DDO8).

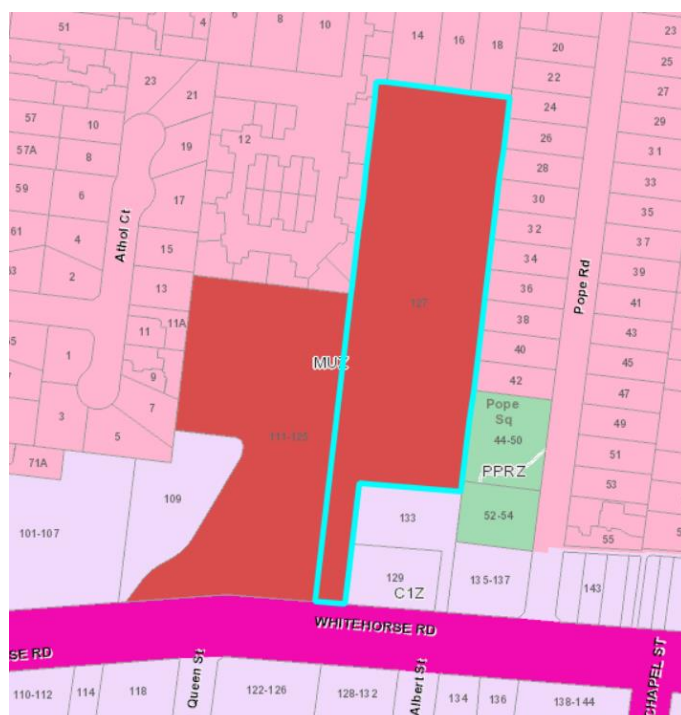


Figure 2 – Zoning Map

9.1.1

(cont)

Mixed Use Zone

The purpose of the Mixed Use Zone (MUZ) encourages a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and also encourages development that responds to the existing or preferred neighbourhood character of the area.

A planning permit is required for the use of land for the purpose of accommodation, pursuant to Clause 32.04-2 and to construct a building or to construct or carry out works in association with a Section 2 Use (place of assembly – Sikh temple).

Design and Development Overlay

Pursuant to Clause 43.02-2, a planning permit is required to construct a building or construct or carry out works.

Pursuant to Section 2.0 and 3.0 of Schedule 8 (Blackburn Neighbourhood Activity Centre and Megamile (West) Major Activity Centre) of the Overlay, a permit may be granted to vary the maximum building height.

Environmental Audit Overlay

Pursuant to Clause 45.03-1, *'before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.'*

Car Parking

Pursuant to Clause 52.06-2, prior to an increase in the floor area or site area of an existing use, or an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority.

Pursuant to the table at Clause 52.06-5, the parking rate for a place of assembly is 0.3 space to each patron permitted on the site at any time.

The proposal does not seek to increase the maximum number of patrons to be present on site at any given time, hence the car parking has been satisfied.

Bicycle Facilities

Pursuant to Clause 52.34-1, the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

PROPOSAL

The plans that form part of the basis of Council's consideration are the advertised plans, which were prepared by Letac Drafting Services P/L, together with the amended elevation plans (discussion plans) dated 30/03/2020, received by Council on 3 April 2020.

Key features of the proposal are:

- Partial demolition of the front part of the existing building, together with first level extension totalling 630 square metres, to be used for the purposes of accommodation and ancillary office use.

9.1.1

(cont)

Use

- The proposed accommodation is to be an extension of an existing place of assembly use (Sikh temple). Based on information provided by the applicant (after the advertising period), the accommodation component is to house monks and their assistants, with maximum number of 6 people onsite at any given time.
- The applicant further submitted that the additional rooms will also be used on occasion to provide shelter homes for people in need, on a temporary basis.
- The Multicultural Halls is to be used for the gathering of worshipers after each 'mass session' and for other additional activities outside of mass sessions.
- The application does not seek to increase the total number of people onsite. Further information submitted by the permit applicant provides the following breakdown of number of patrons attending the site:
 - Wednesday evening 250-300 patrons
 - Sunday morning/afternoon 350-400 patrons

Buildings and works

- Demolition of the existing outbuildings to enable a double storey addition, totalling approximately 1890 square metres (combined ground and first floor area).
- The first floor addition, multicultural halls, will measure a length of 38.4 metres long and will achieve a minimal setback of 18.2 metres from the eastern boundary and 17.4 metres from the western boundary. The proposal will not include any on boundary construction.
- The proposal will have an average height of approximately 9.0 metres, with the maximum building height of 15.99 metres (measured to the top of front dome).
- Material finishes for the proposed extension will comprise of paperbark cream colour render and gold paint (for the proposed dome section).

Car Parking

- Car parking spaces on site are to be re-arranged and increased in number by an additional 4 car spaces, from 265 to 269 car parking spaces.

Tree removal

- The proposal seeks the removal of four trees, being Trees No. 5, 6, 8 - *Corymbia maculata* and Tree 7 - *Acer negundo*.

As an attempt to address the concerns raised by the objectors and Council Officers, the applicant submitted elevation plans on 3 April 2020 and additional information, responding to the objection grounds. The revised plans sought to clarify material finishes and maximum height of the building.

The assessment of this application will be made based on the advertised plans together with the revised elevation plans submitted on 3 April 2020.

9.1.1

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjoining and nearby property owners and occupiers and erecting 1 large notice to the Whitehorse Street frontage. Following the advertising period 13 objections were received.

The issues raised are summarised as follows:

1. Lack of information relating to:
 - a) Material and finishes,
 - b) Detail on the use component, accommodation,
 - c) Intensity of use, whether the number of patrons are to be increased,
 - d) Tree removal and landscaping,
2. Traffic and parking congestion,
3. Proposed design is out of character,
4. Overlooking from the upper level,
5. Overshadowing,
6. Noise impact.
7. Use of abutting properties with street frontage to Pope Road to gain access to the site.

Consultation Forum

No consultation forum was held in relation this application. This is due to the restrictions associated with COVID-19.

Referrals

External

Department of Transport

Pursuant to Section 55 of the *Planning and Environment Act 1987*, the application was referred to the Department of Transport, more specifically, VicRoads who has considered the application and has no objection to the proposal.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The proposal was referred to Council's Transport Engineers who do not object subject to the inclusion of conditions on any approval issued.

- Waste Engineer

The application was not referred to Council's Waste Engineer as no waste management report was submitted as part of the application. With the proposed development, the site still maintains a large open car parking area, north of the building. It is considered that this area is adequate to accommodate the onsite collection of waste. Accordingly, a condition of permit will require a waste management report to be submitted and approved to the satisfaction of the Responsible Authority.

9.1.1

(cont)

- Assets Engineer

The proposal was referred to Council's Asset Engineer who does not object subject to the inclusion of conditions on any approval issued.

ESD Advisor

The application was not formally referred to Council's ESD Advisor as no ESD report was submitted as part of the application. However, a verbal discussion has occurred between Council's ESD advisor and planning officers, whom have agreed that the proposed first floor addition is appropriately located with sufficient setbacks to take advantage of the site's north orientation. Notwithstanding this, a condition will require a Sustainability Management Plan (SMP) to be submitted and approved to the satisfaction of the Responsible Authority.

DISCUSSION

The Sikh temple has operated from this location since 1993. Over the years the temple has grown and evolved. In order to meet the expected growth, the temple proposes to construct a new additional gathering space (multi-cultural rooms) and upgrade its existing facilities. Whilst it is recognised that there is an increasing need for additional community facilities, this proposal has attracted objections from some residents. The objectors submit the proposal is an overdevelopment that will significantly impact on the character and amenity of the area. They are concerned that the expansion of the temple will worsen parking conditions and unreasonably impact on their amenity. In deciding the application, Council has to consider the following key issues:

- Is there policy justification for the proposed development?
- Is the proposed accommodation use an appropriate inclusion to the existing use?
- How would the development impact on the character and amenity of the area?
- Would the development result in unreasonable amenity impacts on neighbours?

Consistency with State and Local Planning Policies

Is there policy justification for the proposed development?

The proposed development seeks to rationalise and improve the facilities at the existing community facility to better respond to the community's needs. The Sikh Temple is located within close proximity to a number of Activity Centres and has excellent access to public transport services.

At the local level, whilst the Municipal Strategic Statement (MSS) places limited emphasis on cultural institutional uses (religious) within Whitehorse, Clause 21.03 – A Vision for the City of Whitehorse recognises the need to *'support a healthy, vibrant, inclusive and diverse community'*. Cultural activities are further recognised as having potential economic benefits as emphasised at Clause 21.03-7, whereby an objective is *'to increase participation in the cultural and recreational tourism of the City and facilitate the provision of entertainment, arts, cultural, recreational and leisure facilities and promoting these locally and regionally'*.

Therefore, it is considered the development is consistent with the State and Local Planning Policy directions.

9.1.1

(cont)

Use

Is the proposed accommodation use an appropriate inclusion to the existing use?

As noted earlier, the Sikh temple was established on the land in 1993, and has operated under the planning approval NUN/6302, continuously since that time. Consequently, the current use of the land for the purpose of place of assembly (Sikh temple) is considered to be benefiting from the existing use rights provision of Clause 63 of the Whitehorse Planning Scheme.

With respect to the additional use of the land for the purpose of accommodation, in association with the existing place of assembly, is considered appropriate for the following reasons:

- The accommodation component of the proposal relates to the housing of the priests/monks onsite together with his/her assistant. It is proposed to accommodate up to six (6) people at any given time within the proposed new sleeping quarters. Given the scale of the use (temple), it is considered that this is acceptable and is a part of how the temple operates and what it offers, being the need to accommodate monks onsite and together with the people who facilitate the daily running of the site. Notwithstanding the above, a permit condition should limit the number of people to be accommodated on site, to ensure it is maintained as a small and discreet function of the temple.
- With respect to the occasional housing of people as part of the emergency shelter, the applicant has submitted written advice that this component of the use will fully adhere to the requirements of Clause 52.22 (Community Care Accommodation) for which no planning permit is required.

Buildings and works

How would the development impact on the character and amenity of the area?

In answering the above question, the proposed buildings and works are assessed under three key assessment criteria, these include:

- Design and Built Form,
- Landscaping & Tree removal, and
- Car parking & Bicycle parking.

Design and Built Form

A key component of the proposed development is the construction of a second floor above the existing building. This is considered to be an appropriate location for the proposed extension as the southern section of the land (closer to Whitehorse Road frontage) displays a more robust built form than the northern end, which fully interfaces with residential properties. Immediately to the south of the site (133 Whitehorse Road), there are existing double storey buildings, in contrast to the predominately single-storey scale along the northern end. The proposed second floor extension is suitably located and responds to the transition in building height stepping further away (north) from Whitehorse Road frontage.

As shown on the revised elevation plans (dated 30/03/2020), the proposed extension has a maximum building height of 15.99 metres, measured to the top of the architectural dome element, with the remaining first storey addition having an average wall height of 8.0 metres and a maximum height of approximately 10.0 metres. It is acknowledged that a maximum building height of 15.99 metres exceeds the preferred maximum building height of 11 metres, outlined in Schedule 8 of the Design and Development Overlay. However this portion of building height exceedance is only confined to the centrally located dome element, closest to Whitehorse Road frontage, and well setback from all residential interface along part of the eastern, western and northern boundary. Given the cultural relevance and importance of this building element, it is reasonable to allow the maximum building height to be exceeded at this point only.

9.1.1

(cont)

As for the remaining portion of the first floor level addition, the maximum height is set well below the preferred height of 11 metres (approximately 10.0 metres, measured to the right central ridgeline). Therefore it is considered that the proposed maximum height is appropriate.

Overall, the majority of the proposed addition (except the proposed architectural dome element) are similar in height to what already exists in this neighbourhood. The design is considered an appropriate design response for the site and particularly presenting appropriately to the residential interface, along the east, north and west. This is due to the proposed first floor extension being well setback from all boundaries (approximately 13 metres from the east and west boundaries and over 80 metres from the northern boundary). These significant setbacks mean the extension will appear as a recessed element and will not appear dominant. Furthermore, the existing trees along the shared boundaries (north, east and west) will further filter views to the proposed extension. In terms of design details, the proposed second floor addition adopts a simple form.

The use of render finishes, of matching colours to the existing building, will assist the first floor addition to blend with the existing ground level. In order to ensure the finishes and materials are of a high quality, a condition that requires a colour schedule of finishes and materials is recommended.

Landscaping & Tree removal

The proposed development seeks to remove four trees (Trees No. 6-8) within the existing car parking area, north of the existing building. An inspection of the site by the planning officer has identified three out of the four trees are of mature size, however, it is noted that these trees are situated centrally within the existing car park and are surrounded by hard asphalt. This renders them impossible to be retained for the proposed development to occur on the site. In addition, the redevelopment of this site is supported by State and Local Policies, and Council's strategic direction also provides for the retention of trees and habitat improvements elsewhere in the municipality to balance the intensive development of Activity Centres.

Notwithstanding the above, to address the loss of these trees, a permit condition should require the replanting of trees onsite. This can be conditioned through the requirement for a comprehensive landscape plan.

Car Parking & Bicycle Parking

Car Parking

Pursuant to Clause 52.06 – Car Parking of the Whitehorse Planning Scheme, the applicable car parking rate for a place of assembly is 0.3 car parking space per patron.

In assessing the car parking requirement, the application was referred to Council's Transport Team who provided the following commentary and assessment relating to the proposed onsite parking provision:

- *The applicant has confirmed that the main services occur on Wednesday and Sunday and that use of the proposed community rooms will not occur concurrently with prayer services. The maximum number of patrons during prayer services has been confirmed as follows:*
 - *Wednesday evening 250-300 patrons*
 - *Sunday morning/afternoon 350-400 patrons*
- *The car parking requirement for the proposed use of the subject site as a place of assembly adopts the statutory car parking rate of 0.3 spaces per patron. As such, based on the expected number of patrons the following car parking demand will be generated by the site:*
 - *Wednesday evening 75 -90 spaces*
 - *Sunday morning/afternoon 105-120 spaces*

9.1.1

(cont)

- *The proposal seeks to provide 269 on-site car spaces, which exceeds the car parking demand for Wednesday and Sunday prayer services. However, it is recommended that a condition be placed on the maximum number of patrons attending the site, in the event that there is concurrent use of the function rooms and prayer services. As such, it would be reasonable to cap the number of patrons to 800, which would generate a car parking demand for 240 car spaces.*
- *With regard to the proposed 5 angled car parking spaces and two 90 degree disabled car spaces in front of the senior's hall, the dimensions must accord with Clause 52.06 Design Standard 2 (for the angle spaces) and the disabled car parking spaces designed in accordance with AS2890.6. Access appears to be satisfactory however a manual check for egress from the eastern disabled car space also appears to be very tight.*
- *It is also suggested that access way in this location operate as one-way traffic flow (movements to the west) to avoid vehicle conflicts.*

Based on the above, it is considered that the site has adequate onsite parking, in excess of the required parking outlined under Clause 52.06 of the Whitehorse planning scheme.

Further to the above, Condition 7 of planning permit NUN/6302, states that a maximum of 700 people may be present on site at any time, except with consent of Council. Given the applicant has not sought changes to the maximum number of people on site, Condition 7 of Planning Permit NUN/6302 remains applicable to the current development and use.

Bicycle Parking

Pursuant to Clause 52.34 of the Planning Scheme the proposal must meet the requirements for the provision of bicycle parking. Accordingly, based on the site analysis summary provided by the applicant (5693.20 square metres) the development would require the provision of 8 bicycle parking spaces to be provided on site.

It is noted that the submitted plans do not provide for any onsite parking provision. Subsequently, a condition of permit must require the provision of 8 bicycle parking spaces to be provided onsite in accordance with the requirement of Clause 52.34.

Amenity

Would the development result in unreasonable amenity impacts on neighbours?

As outlined earlier, the proposal is considered an appropriate design response for the site, by providing adequate setbacks from all boundaries, particularly where the development interfaces with existing residential dwellings. Whilst ResCode does not apply to the proposal as it is not a residential development, the proposed development has been designed to meet several of the relevant standards at Clause 55 of the Whitehorse Planning Scheme, including side and rear setbacks (Standard B17), overshadowing (Standard B21), overlooking (Standard B22) and noise impacts (Standard B24). Compliance with the relevant standards indicates the proposal has sought to respond to the residential context of the site, and in the absence of any specific performance standards for this type of building, provides a reasonable guide.

With regard to the visual bulk impact, the proposed additions will not have an unacceptable impact on the amenity of the surrounding properties through the combination of building setbacks and the benefit of existing canopy trees along the shared boundaries. The proposed additions have a maximum height of 15.99 metres (top of architectural dome) and all setbacks are fully compliant with Standard B17, in that the building is setback with a minimum setback of 17 metres from the eastern and western boundaries. Standard B17 requires a 15.99 metre high wall to be setback 11 metres from a boundary. The proposal complies with the requirement.

The proposed development will not cast additional shadows onto the adjoining secluded private open space as a result of its location, height and setbacks.

9.1.1

(cont)

With regard to overlooking, all windows with outlook to the residential interface have achieved a setback of beyond 9.0 metres, therefore meeting the requirement of Standard B22 of Clause 55 and will not be required to be screened.

Noise emission was also raised as a concern by the objectors. Note, the only new use proposed as part of this development is the accommodation component, which comprises the maximum of six people to be accommodated on site at any given time. It is not anticipated that the proposed accommodation use would result in additional detriment, through noise increase. With respect to the existing place of assembly use (temple), it is noted that there is no proposed increase to the maximum number of people attending the site, furthermore the existing permit NUN/6302 contains numerous conditions to address offsite amenity impacts. These conditions remain applicable and enforceable to the site. Notwithstanding this a condition will require the accommodation use to be operated in an appropriate manner at all times, so as to not result in detrimental offsite impact to the surrounding, existing residential uses.

In light of the above, it is considered that the proposed development will not cause unacceptable amenity impacts on the surrounding residents subject to conditions.

Environmental Audit Overlay (EAO)

As detailed earlier, the subject site is covered by the Environmental Audit Overlay, categorising the land as being potentially contaminated land. The objective of Clause 13.04-1S states:

- *To ensure that potentially contaminated land is suitable for its intended future use and development and that contaminated land is used safely.*

The current use of the land for the purpose of place of assembly (Sikh temple) is not considered a sensitive land use under the EAO. However, the proposed use of the land for accommodation (residential use) is considered a sensitive use. Accordingly, this issue could be addressed by way of permit conditions requiring an Environmental Audit, to be conducted on-site before commencement of any works, to ensure that the site is suitable for the proposed use.

Objectors Concerns not Previously Addressed

Traffic congestion – The proposal has been assessed by Council's Transport Engineers who have not raised any issues relating to traffic generation. It is considered that the additional traffic generation can be absorbed by the surrounding street network.

Use of abutting properties with street frontage towards Pope Road to gain access to the site – In relation to this objection, Council's planning officer has visited the site and has not identified any sites along Pope Road which have direct access to the subject site. Whilst this is not prohibited, subject to the consent of the relevant land owners, this activity/operation must not result in negative impact to the surrounding area. Should this activity negatively impact on the surrounding area the matter becomes an enforcement issue and would be referred to Council's Planning Enforcement Team for appropriate action.

9.1.1

(cont)

CONCLUSION

The proposed buildings and works to construct an extension to the existing place of assembly and for the use of the land for the purpose of accommodation (associated with a place of assembly) is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Mixed Use Zone and Clause 52.06, Car Parking.

Notably, the proposal achieves the State Government's urban consolidation objectives and Council's preference to direct intensification of use and development within Activity Centres. The proposed development seeks to rationalise and improve the facilities at an existing community facility/centre, to better respond to the community's needs. The Sikh temple is located within close proximity to a number of Activity Centres and has excellent access to public transport services.

A total of thirteen (13) objections were received as a result of public notice and all of the issues raised have been considered as part of this assessment.

Having assessed the application against the relevant planning controls, it is recommended that the proposal be supported for the following reasons:

- There is policy justification for the proposed development.
- The development will not unreasonably impact on the character of the area.
- The proposal will not result in unacceptable traffic and parking impacts.
- The development will not impose unreasonable amenity impacts on neighbours.

ATTACHMENT

- 1 Decision Plans
- 2 Discussion Plans Amended Elevations 2

9.1.2 24 Summit Road, BURWOOD (LOT 90 LP 8310 51A) – Use and development of land for the purpose of two rooming houses and buildings and works within 4 metres of protected trees within SLO9.

FILE NUMBER: WH/2019/562
ATTACHMENT

SUMMARY

This application was advertised, and a total of 25 objections (from 22 objector properties) were received. The objections raised issues with the use of the land, amenity impacts, car parking and traffic, site services, and extent of tree removal. A Consultation Forum was not held due to the COVID-19 restrictions imposed on public gatherings. 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/2019/562 for 24 Summit Road, BURWOOD (LOT 90 LP 8310 51A) 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 land for the purpose of two double storey rooming houses and buildings and works within 4m of protected trees within SLO9 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 24 Summit Road, BURWOOD (LOT 90 LP 8310 51A) for the Use and development of land for the purpose of two rooming houses and buildings and works within 4 metres of protected trees within SLO9, subject to the following conditions:***
- 1. Before the development starts, 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 Structural Root Zone and Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
 - b) The bin storage area for Unit 1 to be located outside the SRZ of Tree 14 and at ground level below the retaining wall.***
 - c) The retaining wall and bin storage area for Unit 2 to be setback 0.8m from the west boundary fence where within the 2.0 m TPZ of tree 10.***
 - d) The western side boundary fence and gate of Unit 2 to be setback outside the western boundary retaining wall.***
 - e) Tree group 'A' clearly notated on development plans and landscape plan.***
 - f) Deletion of removed trees 1, 2, 3, 4, 5, 6, 15, 17, 18, 19 and 20 from the development plans and landscape plan.***
 - g) Deletion of the raingardens.***
 - h) Deletion of the overlooking diagram from unit 2 to 22 Summit Road.***

9.1.2

(cont)

- i) Both dwellings 1 and 2 to be further setback from the west boundary, without reduction to other boundary setbacks and amended shadow diagrams must be provided for each hour between 9am and 12 midday to demonstrate compliance with Standard B21. Shadow diagrams must include calculations of the existing and proposed shaded/sunlit areas of open space for each adjacent dwelling at 22 Summit Road.*
- j) Garage 1 internal dimension widened 500mm to the north (toward the living area of Unit 1)*
- k) Unit 1 garage opening widened to 5.6m and Unit 2 garage opening widened to 5.2m and both garages provided with 150mm wide garage nibs*
- l) The ground level storages at the east boundary walls of both garages removed and both garage entrance openings to provide an internal garage length dimension of 6.0 metres (with no increased reduction in the garage setback to the eastern boundary)*
- m) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-9. A notation must be provided on the site plan stating landscaping, letter boxes, fencing and any other obstruction located within the sight line triangle must be no greater than 900mm in height.*
- n) The vehicle crossover to be dimensioned.*
- o) Elevations to demonstrate a minimum of 2.1 metres headroom clearance beneath the garage doors.*
- p) Both garage RL's levels be reduced to a RL of 79.9 and any step/s must not intrude into the clear internal dimensions of the garage.*
- q) An amended cross section diagram showing the driveway grades in accordance with Design Standard 3 of Clause 52.06-9 to reflect condition 1 requirements.*
- r) Planting in the driveway landscaping strip on the western boundary (south of unit 1 bedroom 2) to be no more than 300mm in height*
- s) Notation on elevations and first floor plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- t) Screening of the west facing Bedroom 4 window of Unit 2 at a height of 1.7 metres above finished floor level or otherwise designed to avoid overlooking generally in accordance with Standard B22 of Clause 55 of the Whitehorse Planning Scheme.*
- u) Screening of the west facing kitchen window of Unit 1 to demonstrate no unreasonable overlooking generally in accordance with Standard B22 of Clause 55 of the Whitehorse Planning Scheme.*
- v) The 1.5 metre high western boundary fence replaced with 1.8 metre high, timber paling fence;*
- w) An amended landscape plan to show and / or detail:*
 - i. Updated Landscape plan in accordance with the Ground floor plan (TP5 of 10) Revision C dated 24/01/2020 prepared by WestUrban*
 - ii. Changes as required by condition 1 of this permit.*
 - iii. Deletion of pebble path south of Unit 1 adjacent to western boundary and this area finished with lawn or landscaping areas;*
 - iv. All new trees must be planted at a minimum height of 1.5 metres.*

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

Tree Protection and Landscaping

- 3. 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 and prior to the occupation of the development hereby permitted.**
- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**
- 5. Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site and nature strip 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 16 – street tree (*Lophostemon confertus*) – 2.0 metre radius from the centre of the tree base.**
 - ii. Tree 9 (*Eucalyptus cinerea*) – 8.4 metre radius from the centre of the tree base.**
 - iii. Tree 10 (*Magnolia gradiflora*) – 2.0 metre radius from the centre of the tree base.**
 - iv. Tree 11 (*Pittosporum undulatum*) – 3.8 metre radius from the centre of the tree base.**
 - v. Tree 12 (*Omalanthus populifolius*) – 2.0 metre radius from the centre of the tree base.**
 - vi. Tree 13 (*Prunus cerasifera*) – 3.0 metre radius from the centre of the tree base.**
 - vii. Tree 14 (*Cotoneaster frigidus*) – 2.7 metre radius from the centre of the tree base.**
 - viii. Tree A (mixed species) – 2.0 metre radius from the centre of the tree base.**
 - b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.**
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**

9.1.2
(cont)

- vi. *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
6. *During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:*
- a) *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) *Any root severance must be undertaken by the Project Arborist using clean sharp and sterilised root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.*
 - c) *The Project Arborist must supervise all approved works within the TPZs of Trees 9, 10, 11, 12, 13, 14 and A. 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.*
 - d) *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 9, 10, 11, 12, 13*
 - e) *For Trees 9, 10, 11, 12, 13, 14 and 'A' no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
 - f) *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 development must be provided with external lighting capable of illuminating access to each garage and front porch area. 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.*
8. *All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.*

Use conditions

- 9. *No more than 9 persons may be accommodated in each building at any one time.*
- 10. *Prior to the commencement of use an amended Rooming House Management plan generally in accordance with the Rooming House Management Plan, prepared by WestUrban, dated 11 February 2020 must be submitted to and approved by the Responsible Authority.*

The amended Rooming house management plan is required to provide a detailed list of actions to demonstrate how the premises will avoid noise and amenity impacts and manage the use of the site and must include the following:

9.1.2

(cont)

- a) *Induction of residents to be familiar with the behaviour requirements of the Management Plan;*
 - b) *A log for recording residents and visitor details;*
 - c) *The name and contact details of the site manager;*
 - d) *The site manager must be responsible for residents behaviour in accordance with the requirements of the Rooming House Management Plan ;*
 - e) *All issues or complaints that arise must be recorded and must include details of actions taken to address the issue or complaint;*
 - f) *Details of how noise levels and resident behaviour will be managed for the use to reduce impacts on adjoining residential properties;*
 - g) *The management must, as required by the Responsible Authority, make statements on its behalf to any officer of the Responsible Authority concerning the conduct of the premises.*
11. *Prior to the commencement of the use, the owner / manager of the site must display the management plan/ charter for the site in prominent locations within each building.*
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. *The requirements of the endorsed Rooming House Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Assets

14. *All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s.*
15. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
16. *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.*
17. *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.*

Waste

18. *General waste collection is to be managed in accordance with the approved Waste Management Plan, unless with the prior written consent of the Responsible Authority.*

Expiry

19. *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.*

9.1.2

(cont)

- 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.**

Asset Engineer:

- C. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- 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.**
- E. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- F. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- G. 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.**
- H. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant”.**

Waste Management

- I. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.**
- J. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.**

9.1.2

(cont)

- K. Any MGB placements proposed on Summit 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.

- L. Waste collections for this development are to be completed externally by Private waste collection contractor.**
- M. MGB usage is to be shared by the occupiers of the development.**
- N. 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.**
- O. Council issued bins will not be required for this development.**

Health

- P. No occupants are to reside in the property until the proprietor or managing person has been given approval under the Public Health and Wellbeing Act 2008 and has complied with relevant standards.**
- Q. Health requires full planning and building approvals to be submitted before it can be approved for operation. In this instance, the proprietor or managing person would need to comply with the Rooming House Operators Act 2016, Public Health and Wellbeing Act 2008 and the Consumer Affairs Minimum Standards.**
- 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**

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- A. Being the Responsible Authority, having caused Application WH/2019/562 for 24 Summit Road, Burwood (Lot 90 LP 8310 51A) 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 land for the purpose of two double storey rooming houses and buildings and works within 4m of protected trees within SLO9 is not acceptable and will unreasonably impact the amenity of adjacent properties.**
- B. Issue a Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 24 Summit Road, Burwood (Lot 90 LP 8310 51A) for the Use and development of land for the purpose of two rooming houses and buildings and works within 4 metres of protected trees within SLO9, on the following grounds:**
- 1. The proposal is contrary to the Local Planning Policy Framework contained in the Whitehorse Planning Scheme, particularly in relation to the following Clauses:**
 - a) Clause 21.05 (Environment);**
 - b) Clause 21.06 (Housing);**
 - c) Clause 22.03 (Residential Development);**
 - d) Clause 22.04 (Tree Conservation)**

9.1.2

(cont)

2. *The proposal fails to meet the landscape character objectives and the decision guidelines of Clause 42.03 of the Significant Landscape Overlay, Schedule 9.*
3. *The development fails to meet the following Standards of Clause 55 (including Standards as varied by the Schedule to the General Residential Zone):*
 - a) *B1 (Neighbourhood character)*
 - b) *B13 (Landscaping)*
 - c) *B21 (Overshadowing)*
 - d) *B22 (Overlooking)*
4. *The proposal fails to achieve the design standards of Clause 52.06-9 (Design Standards for car parking).*

CARRIED

A Division was called.

Division

For

Cr Barker
Cr Bennett
Cr Carr
Cr Cutts
Cr Davenport
Cr Ellis
Cr Massoud
Cr Stennett

Against


Cr Munroe

On the results of the Division the motion was declared CARRIED

(cont)

Applicant:	WestUrban Group
Zoning:	General Residential Zone, Schedule 3 (GRZ3)
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 32.01	General Residential Zone, Schedule 3
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		22 Objector Properties (1 outside of map)	 North
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9.1.2

(cont)

BACKGROUND

History

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

During the course of the application, Trees 3, 4, 5, 6, and 15 protected under the Significant Landscape Overlay Schedule 9 were removed from the site without planning approval, no trees remain on site. The matter was referred to Council's planning enforcement team for investigation.

The Site and Surrounds

The subject site is located on the south side of Summit Road, approximately 250 metres east of the intersection with Station Street in Burwood. The site is rectangular, with a frontage of 16.4 metres to Summit Road, a maximum depth of 48.77 metres and an overall site area of 804.5 square metres.

The site is currently vacant with an existing vehicle crossover located adjacent to the west boundary. The site has a rise of approximately 3 metres from the north east (front) to the south west (rear) boundaries. There are no easements on site.

The site is encumbered by a restrictive covenant (1253941). It prevents the excavation or removal of clay, stone, gravel or sand, except for the purpose of excavating for the foundations of any building. The proposal does not breach the covenant.

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

- To the east, at 26 Summit Road, is a single storey, weatherboard dwelling with a front setback of 10.7 metres. The submitted arborist report identifies a number of trees located on the boundary with the subject site. Vehicle access is provided via a single crossover to a rear garage on the western (shared) boundary. The rear secluded open space contains a shed adjacent to the shared boundary.
- To the west, at 22 Summit Road, are three, double storey dwellings arranged one behind the other. The front dwelling has a setback of 8.64 metres from Summit Road. All dwellings secluded private space abuts the shared boundary with the subject site. A canopy tree is located on the common boundary with the subject site within the SPOS of the rear Unit 3.
- To the south, two lots at 21 and 23 Bronte Avenue abut the rear boundary with the subject site and each contain a single storey dwelling which are setback between 15.6 and 13.3 metres from the boundary with the subject site. Both sites contain canopy trees located within their rear SPOS adjoining the subject site.
- To the south east at 25 Bronte Avenue are two double storey dwellings arranged one behind the other. The dwelling is setback 4.84 metres from the common boundary with the area of SPOS located adjacent to the site at 26 Summit Road.

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:*

- In which the total number of people who may occupy those rooms is not less than 4; or*
- 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'.

9.1.2

(cont)

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

General Residential Zone, Schedule 3

Pursuant to the table of uses at clause 32.08-2 'Rooming house' is a Section 1 – permit not required use subject to the condition that the development meets the requirements under Clause 52.23 – *Rooming House*.

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

- More than 9 bedrooms are proposed.
- The total floor area exceeds 300m².
- More than 12 persons will be accommodated.

In accordance with clause 32.08-9 of the General Residential Zone, a permit is required for buildings and works associated with a Section 2 use.

In accordance with clause 32.08-6, a permit is required for 'construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings'.

Clause 55 applies to 'Two or more dwellings on a lot and residential buildings'.

Under Clause 32.08-4, an application to construct a residential building on a lot must provide a minimum garden area of 35% (as the lot is greater than 650m²). The proposal provides a garden area of 307.2m² (or 38.2%) which meets the required garden area.

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 interim overlay is extended to 31 December 2020.

The site does not contain any trees.

In accordance with clause 42.03-2 a permit is required to construct a building or construct or carry out works within 4 metres from the base of any tree protected under the provisions of Schedule 9.

A permit is required to undertake buildings and works (retaining walls on boundary) within 4 metres of protected trees 11, 13, 14 on the adjoining property to the east as follows:

Tree No.	Name	Species	Height (m)	DBH (cm)	Condition
11	Sweet Pittosporum	<i>Pittosporum undulatum</i>	5	32	Healthy and vigorous
13	Cherry Plum	<i>Prunus cerasifera</i>	5	26	Epicormic growth bifurcated trunk
14	Cotoneaster	<i>Cotoneaster frigidus</i>	5	6	Healthy foliage with rotting stump

Clause 52.06- Car parking

The proposal complies with the on-site requirements of Clause 52.06 (Car Parking) for four car parking spaces with two car spaces provided within a double garage for each Unit.

9.1.2

(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:

- A private organisation will operate the rooming houses.
- The accommodation is to provide affordable housing
- The length of stay will be six months or longer
- Details of a contact person have been provided
- The hours of operation will be 24 hours per day 7 days per week.

The application was accompanied by a Management Plan which details the length of stay for occupants, occupancy arrangements, management contact details, allocation of car spaces, rules governing behaviours of residents, rubbish storage and procedure for dealing with complaints.

Development

The development of the two rooming houses comprises two attached buildings arranged one behind the other as follows:

Unit 1

- The unit frontage faces Summit Road
- At ground level, the dwelling is setback 9 metres to Summit Road, with a minimum setback of 1.37 metres to the east boundary.
- At first floor the dwelling is setback 2.0 metres to the east boundary and 9.150 metres to Summit Road with a separation of 6.1 metres to unit 2.
- The layout provides for an entrance, open plan kitchen, dining and living area, and four bedrooms (each with ensuite) at ground level with five bedrooms (each with ensuite) at first floor level (total of nine bedrooms)
- The area of secluded private open space is located within the eastern setback and comprises an area of 40.4 square metres.
- Car parking for the dwelling is provided within a double width garage with a total of two car parking spaces
- Accessible entry to the dwelling entry porch is provided by access ramps located within the front setback.

Unit 2

- The unit frontage is to the common internal vehicle accessway
- At ground level the dwelling is setback between 3 and 7 metres to the rear boundary, 1.5 metres to the east boundary and 1.1 metres to the west boundary.
- At first floor the unit is setback 2.8 metres to the east and 3.8 metres to the west boundary with a rear setback of 3.1 metres

9.1.2

(cont)

- The secluded open space area is located to the south-east and comprises an area of 37 square metres.
- Car parking for the dwelling is provided within a double width garage with a total of two car parking spaces
- Accessible entry to the dwelling is provided to a platform lift from the garage

Other features of the development include:

- The total number of bedrooms within the development is 18 (9 bedrooms per unit).
- External materials comprise a mix of face brickwork at ground level, light weight cladding with render finish at upper finish at level and feature architectural columns to the front porches. The roof forms at ground and upper level are hipped with tile cladding.
- Waste storage is located within designated service yards within the east of west setback areas.
- The maximum height of the development is 8 metres.
- Site coverage is 40.1% and permeable surface coverage is 41.2%

Landscaping

The landscaping plan provides for two *Tristaniopsis laurina* – Luscious Water Gum trees within the front setback, a *Pyrus calleryana* – Fronzam Pear within the area of secluded private open space to dwelling 1 and a *Hymenoporum flavum* – Native Frangipani within the area of secluded private open space to dwelling 2.

For further details of the proposal, refer to the decision plans, prepared by WestUrban, Revision C, dated 24 January 2020. The application was accompanied by:

- Landscape Plan, prepared by Justin Hutchison P/L, Revision B, dated 22 November 2019
- Arboricultural Assessment, prepared by ArborReport Victoria, dated 1 July 2019.
- Traffic Assessment, prepared by EB Traffic Solutions, dated 16 January 2020.
- Sustainable Design Assessment, prepared by Frater dated 19 November 2019.
- Waste Management Plan, prepared by Frater, dated 19 November 2019.
- Access Report, prepared by Frater, dated 19 November 2019.
- Rooming House Management Plan, prepared by WestUrban, dated 11 February 2020.

9.1.2

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the street frontage. Following the advertising period 25 objections (from 22 objector properties) were received.

The issues raised are summarised as follows:

- Use
 - Large-scale commercial use with the potential for up to 72 residents.
 - Potential itinerant and undesirable population causes safety and mental health concerns for the community.
 - Potential increased crime.
 - Management of residents behaviour
- Neighbourhood Character:
 - Over-development.
- Amenity impacts
 - Overlooking.
 - Increased noise and disturbance.
 - Proposed living areas on site are insufficient for residents' needs.
- Car Parking
 - Increased on-street parking.
 - Traffic impacts.
 - The number of car spaces provided on site is insufficient for the likely rate of car ownership of residents.
- Tree Removal and Landscaping:
 - Removal of all existing trees across the site.
- Infrastructure
 - Increased storm water overflow (especially given the development of nearby St Andrews and Royal Institute for the blind)
 - Overload on available infrastructure (sewerage, water pressure, electricity and telecommunications)
 - Increased load on utilities such as sewers which are already failing.
- Waste Management
 - Overflow of waste and recyclables
 - Bin storage not provided
 - Bins are often filled with waste from other residents.
 - The nature strip is too small to accommodate waste storage and collection
- Other matters
 - Building code and accessibility compliance
 - Boundary fencing
 - Reduced property values

9.1.2

(cont)

Consultation Forum

A Consultation Forum was not held due to COVID-19 restrictions.

Referrals

External

The proposed development does not trigger referral to any external authorities under the requirements of the Whitehorse Planning Scheme.

Internal

Transport Engineer

The application has been reviewed by Council's Transport Engineer who supports vehicle access from the (modified) existing crossover the car parking provision for the development.

The comments provided by the Transport team recommend amendments to the plans which can be readily addressed through conditions.

Assets Engineer

The application has been reviewed by Council's Asset Engineer. Standard asset conditions can be included within the permit.

The site is located within Council's flood prone investigation area. Whilst Council Report and Consent for Land Liable to Flooding was granted on 20 January 2020 any alterations to floor or ground levels as a result of condition 1 amendments will require additional report and consent approval and will be required to be addressed under the building permit.

Planning Arborist

The application has been reviewed by Council's arborist. Whilst there are no trees on the subject site, an assessment was undertaken on trees on adjoining sites to ensure they could be appropriately protected as a result of the proposal.

Council's arborist is supportive of the application subject to tree protection conditions for native vegetation. These issues can be addressed through condition.

Tree group 'A' is a group of woody weeds, identified by Council's arborist, located on the eastern adjoining property boundary however are not shown on the plans. These trees will be required to be clearly labelled as Tree A and tree protection conditions included on any permit to be issued.

Waste Management

The application has been reviewed by Council's Waste Management Team. The Waste Management Plan is supported subject to conditions.

Health

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

9.1.2

(cont)

DISCUSSION

The primary considerations for this application are as follows:

- Use of the land;
- Clause 55 assessment;
- Tree impacts; and
- Car parking and access.

Use of the land

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).

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 (i.e. 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 University means that students may be among the future tenants.

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

- Large-scale commercial use with the potential for up to 72 residents.
- Potential increased crime
- Potential itinerant and undesirable population
- Management of residents behaviour
- Increased noise

Pursuant to Clause 52.23 (Rooming House), the proposed development triggers 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 300m².
- More than 12 persons will be accommodated.

Clause 32.09-6 of the planning scheme requires the assessment of residential applications including those for residential buildings, against Clause 55. The decision guidelines under the General Residential Zone do not differ between a dwelling and a residential building as both are residential uses.

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.

Clause 65 in turn refers to the components of the Local Planning Policy Framework. Clause 21.06 sets out Council's 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.

9.1.2

(cont)

- 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 (where applicable to the 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 (where applicable to the 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.

On the matter of the number of residents, the plans indicate a single bed per bedroom, therefore there is the expectation that no more than 18 residents will be accommodated within the development with a total of nine residents within each building.

A maximum number of 18 residents will allow the use to comfortably integrate into the established residential setting without unreasonable amenity impact. A limitation on the number of occupants at any one time to one per bedroom for a total of 9 residents per unit will be required through a condition. Importantly, this type of accommodation will provide diversity in housing opportunity, and addresses some of the housing gap identified in the state and local policy direction contained within the planning scheme.

Noise impacts

Objectors have raised concerns regarding increased noise and disturbance from the rooming house use.

There are no noise sources proposed within the development other than those typically associated with the residential use of the land and therefore the proposal appropriately addresses Standard B24 (Noise impacts). That said, it is acknowledged that a more traditional residential use would be less likely to accommodate 18 residents on site.

In recognition of this, a Management Plan containing expectations for appropriate resident behaviour within the buildings will be required to be enforced through a condition of permit. This will ensure that expectations for the behaviour of residents are clearly established and that contact methods for a managing body be made available to neighbours to assist with resolving any issues that may arise relating to noise or resident behaviour.

9.1.2

(cont)

Rooming house management plan

The applicant has submitted a Rooming House Management Plan, which includes a 24 hour contact number for the site manager which will be displayed on site. This outlines requirements for resident behaviour, car space allocation and waste storage and collection. The Management Plan includes a complaints procedure, indicating that complaints regarding both residents and visitors to the site can be directed to the 24 hour site manager for resolution.

The Management Plan as submitted does not sufficiently outline expectations for resident behaviour, specifically in relation to noise emissions and the maintenance/cleanliness of the rooming houses, and a condition will require these elements to be added to the Management Plan as follows:

- A site manager must be nominated and contact details provided to manage any issues or complaints regarding resident behaviour.
- The site manager must be responsible for residents behaviour in accordance with the requirements of the Rooming House Management Plan
- The site manager must keep a detailed record of complaints and issues which arise from the use including a record providing details of all actions taken to resolve any issues that arise.
- The site manager must also ensure the waste management is in accordance with the approved waste management plan and the site is kept clean and tidy at all times.

Clause 55 Assessment

Neighbourhood character

The character of Summit Street comprises a mix of original housing stock, and a number of new contemporary medium density developments, which are often double-storey in scale and prominent in built form. Objectors have raised concerns regarding the overdevelopment of the site and that the development of two residential buildings is not in accordance with existing neighbourhood character.

There are a number of nearby examples of similar development within the street including at number 6, 11, 20 and 22 Summit Road which consist of two and three dwellings of similar scale and built form to the proposed development. Given this emerging context, it is considered the site is capable of supporting two double storey buildings as they reflect similar scale and proportions of nearby developments.

The proposed front and side setbacks maintain the rhythm of space between and around buildings and the alignment of buildings along the street. An accessibility ramp is located within the front setback to provide access to the front dwelling entry in accordance with building code requirements. The location of the ramps are acceptable given landscape plantings and canopy trees have been provided to each side of the ramp to soften the built structures within the streetscape.

The proposed upper levels are set back from side and rear boundaries and provide an internal separation of 5.1 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 in the streetscape.

The development provides for a single crossover and driveway located adjacent to the west boundary with landscape buffers either side. The garages are centralised within the development and have limited visibility to the street. The siting outcome avoids any visual impact of car accommodation when viewed from the streetscape and provides opportunity for an open front garden setting.

9.1.2

(cont)

The proposed landscape plan demonstrates capacity for new tree planting to compensate for the loss of trees in accordance with the objectives of the Significant Landscape Overlay and policy at clause 22.04 of the scheme. This includes two canopy trees within the front setback and one tree within each area of secluded private open space. The level of tree planting is consistent with the expectations of Standard B13 (Landscaping), which encourages four new trees within the development.

Overall, the proposal balances the need for increased residential housing with the preferred neighbour character and landscape outcomes in the objectives and decision guidelines of the GRZ3, the SLO9, clause 22.03 (Residential Development) and clause 22.04 (Tree Conversation).

Infrastructure objectives

Objectors have raised concerns with the development impacting existing infrastructure within the area particularly with increased impact associated with storm water runoff.

The application has been considered by Council's Assets Team with Report and Consent approved for Land Liable to Flooding. No other infrastructure impacts have been identified by Council's Assets Team and therefore the objective of the relevant Clause 55 standard is considered to have been met.

Building height objective

The proposed maximum building height is 8.0m which complies with the maximum 11 metre height specified under the Zone.

Site coverage and permeability objectives

The development proposes a site coverage of 40.1% and a permeable area of 41.2%. These amounts comply with the maximum site coverage of 50% under Standard B8 minimum 30% permeable areas as required under Standard B9.

Landscape objective

The proposal will provide a total of four canopy trees within the development of which two are proposed within the site frontage to enhance the landscape character of the area whilst providing appropriate replacement planting for the trees that have been removed from the site. Overall the required number of canopy trees is able to be achieved for the proposal and complies with the standard.

The site plan indicates areas for landscaping and canopy tree planting in the SPOS of Units 1 and 2, however these are somewhat limited by the rear decks and retaining walls located on the eastern boundary. The deck of Unit 1 spans the length of the living room and will be required to be reduced in length in line with the sliding door of the living room and the canopy tree relocated from above the retaining wall to natural ground level as indicated on the ground floor plan. This will be addressed through conditions.

The rear deck of Unit 2 will also be reduced in line with the south wall of the building to provide increased area for the planting. This will be addressed as a condition of any permit to be issued.

The landscape plan will be required to be amended to include the proposed retaining walls located on the property boundaries (as shown on the ground floor plan) and amended decks and areas of SPOS for both units as a condition of any permit to be issued.

9.1.2

(cont)

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.

Side and rear setbacks

These proposed setbacks exceed the prescribed setbacks under Standard B17 and provide for appropriate landscaping areas (subject to conditions discussed earlier) to soften the presentation of the proposed development to sensitive interfaces with adjoining lots.

Daylight to existing windows

The proposed dwellings are set back from habitable room windows within the adjoining properties to allow adequate daylight to be maintained consistent with Standard B19.

Overshadowing open space objective

The shadow diagrams are detailed on TP09 and TP10 and fail to comply with Standard B21 (Overshadowing Open Space) of Clause 55. The three adjacent dwellings to the west at No. 22 Summit Road have secluded private open space areas with limited dimensions that are already partially overshadowed by their own dwellings and boundary fences.

As such, Standard B21 requires that the amount of sunlight to adjacent secluded private open space areas should not be further reduced, whereas the proposed development will result in increased shadows to all three of the adjacent dwellings between 9am and 10am.

Therefore a condition will require both dwellings 1 and 2 to be further setback from the west boundary, without reduction to other boundary setbacks and amended shadow diagrams must be provided for each hour between 9am and 12 midday to demonstrate compliance with Standard B21. Shadow diagrams must include calculations of the existing and proposed shaded/sunlit areas of open space for each adjacent dwelling at 22 Summit Road.

The noon shadows are predominantly contained within the subject site, with a minor encroachment into the adjoining areas to the south. These adjoining areas retain significant and unencumbered access to sunlight throughout the day demonstrate compliance with the Standard.

The 3pm shadows are cast over the adjoining driveway and outbuildings within 26 Summit Road and have little impact on the primary area of secluded private open space and demonstrate compliance with the standard.

Overlooking

Unit 1

Replacement of the 1.5 metre high western boundary fence with a 1.8m high fence would be required to screen views to the adjoining property SPOS in accordance with Standard B22

The ground floor, west-facing bedroom window is provided with a minimum sill height of 1.7 above finished floor level (FFL) to avoid unreasonable overlooking in line with the recommendations of the Standard.

The west-facing, kitchen window of Unit 1 shows an external screen to a height of 1.7 metres in accordance with the standard as a condition to prevent overlooking to the adjoining property SPOS. This will also be contained as a condition to ensure this is achieved.

Overlooking from Unit 1 ground floor deck and living area windows on the eastern elevation is prevented by the 1.7 metre high boundary fence given the finished floor levels and decks are set down approximately 400 – 800 mm below natural ground level at the property boundary.

9.1.2

(cont)

All first floor windows of Unit 1 contain obscured glazing to 1.7 metres above finished floor level and therefore comply with the standard.

Unit 2

As outlined above the 1.5 metre high western boundary fence will be required to be replaced with 1.8 metre high fence as a condition.

Overlooking from east-facing ground floor deck and living room windows of Unit 2 is prevented by the 1.7 metre high boundary fence as the finished floor levels are set down 539 mm below natural ground level at the property boundary.

The remaining east facing ground floor windows of Unit 2 are provided with obscure glazing to prevent overlooking and comply with the standard.

Overlooking from Unit 2 south facing ground floor windows and deck is prevented by the 2.0 metre high boundary fence which complies with the standard.

The upper level staircase windows and bedroom 4 windows to dwelling 2 do not contain any treatment. There is no requirement to screen the staircase as a non-habitable room however the outlook from Bedroom 4 has views to SPOS of the adjoining units. This will be addressed through a condition requiring screening of Unit 2 bedroom 4 window.

As the proposal demonstrates compliance with Standard B22 (Overlooking), subject to conditions there is no requirement to provide further cross-section overlooking diagrams. A condition of the permit will however require a notation on the plan that, '*all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted*'. This provides security post construction that the window treatments are fixed.

On site amenity

Accessibility

The entrance of Unit 1 is provided with ramps within the front setback and Unit 2 is provided with an accessible platform from the garage. Each unit is provided with ground floor bedrooms to ensure access to persons with limited mobility.

Private open space and solar access to open space

The principal areas of secluded private open space are a minimum 35 square metres in size with a minimum dimension of 5 metres and meet Standard B28 (Private Open Space). The area of secluded private open space to unit 1 is to the east and unit 2 is to the south east, however this is a result of the orientation of the lot. To ensure appropriate solar access to this space upper floor walls are setback at the required distance to ensure the areas of SPOS for both units comply with Standard B29 (Solar access to open space).

Site services objectives

The development is provided with the required bin storage areas, mailboxes and clotheslines in accordance with the standard. The location of the bin storage area for Units 1 will be required to be relocated for ease of access and to protect adjoining property trees 10 and 14 as a condition of permit.

The objector concerns regarding waste issues will be addressed under 'Other matters'

9.1.2

(cont)

Tree impacts

The proposed boundary retaining walls will be located within 4 metres of adjoining property tree 12 and tree 'A' on the eastern property boundary, and Tree 10 on the western property boundary. These trees are less than 5m in height and trunk circumference less than 1.0 m and do not trigger a planning permit under SLO9, however given they are not located on the subject site, care must be taken to ensure they are not impacted by the proposed development.

The trees located on adjoining properties have been assessed and Council's arborist is satisfied that the proposed works adjacent to these trees will not be to their detriment, subject to appropriate tree protection conditions.

The proposed canopy tree within the SPOS of Unit 1 will be relocated below the retaining wall and both deck areas reduced in size, to enable viability of each tree as a condition. These outcomes are generally in line with the policy under clause 22.04 of the Scheme for replanting performance measures.

The proposal provides for the replacement planting of four canopy trees within the subject site and meets the objectives of SLO9 to contribute to the streetscape and neighbourhood landscape character and soften the built form of the development.

Clause 52.06- Vehicle access

The swept-path diagrams (EB Traffic Solutions, dated 16 January 2020) have been reviewed by Council's Transport team who have commented that the swept path diagrams demonstrate that ingress and egress to and from all garages require unacceptable correctional manoeuvres. The following recommendations from council's Transport Engineering Unit are required to improve vehicle access and would be addressed through conditions:

- a) Garage 1 is to be widened 500mm to the north (to the living area of Unit 1) to improve vehicle ingress and egress access;
- b) Unit 1 garage opening widened to 5.6m and Unit 2 garage opening widened to 5.2m and provided with garage nibs of 150mm;
- c) The storage cages within the garages deleted and garage openings relocated to the east to provide an internal garage length dimension of 6.0 metres (with no further reduction in the setback of garage walls to the eastern boundary)
- d) An amended cross-section showing all ramp grades and ramp grades lengths in accordance with Design standard 3 of Clause 52.06-9 of the Whitehorse Planning Scheme to reflect the above changes.
- e) Removal of vegetation along the west side of the property boundary and south of from bedroom 2 of unit 1 will be addressed as a condition requiring low planting to 300mm in height
- f) Amended ramp grades in accordance with changes required and both garage levels RL's be reduced to a RL of 79.9 and any step/s must not intrude into the clear internal dimensions of the garage

The above will be addressed as conditions.

9.1.2

(cont)

Other matters

Waste

Objectors have raised issues of waste management. The waste management plan sets out the types of waste generated by the proposed use, bin types, appropriate signage, waste storage, waste collection (private collection) and methods for waste reduction. The plan has been considered by Council's Waste Management Team and is supported subject to conditions.

Based on the waste management plan being effectively implemented, the proposal should not cause any unreasonable impacts.

Disability Access

Disability Access has been raised in objector concerns. Whilst the application was accompanied by an Access Report, and provides a number of recommendations relative to entrances to the dwellings via the garages, internal paths of travel, circulation areas for living area, bedrooms and laundry, this does not form part of the assessment under the planning scheme and will be required to be addressed under the building permit process.

Boundary fencing

Objectors have raised concerns regarding damage to parts of the eastern boundary paling fence after site demolition. The plans show the existing 1.7 metre high boundary fence to be retained. The fence as such, will be required to be appropriately maintained through the construction process.

Reduced property values

The reduction of property values, as raised in objector concerns does not form part of the assessment under the planning scheme and is outside the scope of matters that can be addressed under the provisions of the Whitehorse Planning Scheme.

CONCLUSION

The proposal for the use and development of the land for two rooming houses, including buildings and works within four metres of protected trees is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 3 and the objectives and decision guidelines of the Significant Landscape Overlay, Schedule 9.

A total of 25 objections were received (from 22 objector properties) as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

ATTACHMENT

- 1 Advertised Plans and Landscape Plan

9.1.3 359 Warrigal Road and 10 Hastings Street Burwood– Amendment to Planning Permit WH/1998/9807 (issued to develop and use the land for the purpose of a double storey building for accommodation for the aged (for up to 75 residents) including associated communal facilities, landscaping and car parking) to update the site address, preamble, conditions and plans to provide for buildings and works for a two storey (plus basement) extension to the existing aged care facility and tree removal

FILE NUMBER: WH/1998/9807/A
ATTACHMENT

SUMMARY

This application to amend the existing Planning Permit WH/1998/9807 was advertised, and a total of 11 objections were received. The objections raised issues with car parking, traffic, amenity and neighbourhood character. A Consultation Forum was held on 3 March, 2020, chaired by Councillor Davenport, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions. The application has been 'called-in' to Council for a decision by Councillor Davenport.

RECOMMENDATION

That Council:

- A. Being the Responsible Authority, having caused Amendment to Planning Permit WH/1998/9807 for 359 Warrigal Road and 10 Hastings Street BURWOOD to be advertised and having received and noted the objections is of the opinion that the granting of an Amended Planning Permit for the buildings and works for a two storey (plus basement) extension to the existing aged care facility and tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant an Amendment to Permit WH/1998/9807 under the Whitehorse Planning Scheme to the land described as 359 Warrigal Road and 10 Hastings Street BURWOOD, updating the plans, Permit Address, Preamble and Conditions as follows:**

Amendment of the site address to:

- **359 Warrigal Road and 10 Hastings Street Burwood**

Amend Preamble:

- **To develop the land for a double storey aged care facility and associated tree removal.**

Amend Conditions:

- **Condition 1 – Amended**

Before the development starts, or vegetation removed, amended plans and landscape plans (in a 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 plans submitted with the amendment application but modified to show:

- a) The locations of Tree Protection Zones described in Condition 17, with all nominated trees clearly identified and numbered on both ground floor plan and landscape plan, and the requirements of Conditions 17 and 18 to be annotated on the development and landscape plans;**
- b) The air conditioning compressors to be relocated to the south side of the building.**

9.1.3

(cont)

- c) *Provision of a 2 metre high timber acoustic fence to along the north boundary from the roller door to within 2.5 metres of the site frontage. Forward of the acoustic fence, provide fencing to allow for a visibility splay requirements, such as the metal picket fence proposed along the site frontage.*
- d) *Provision of a 1.7 metre high overlooking screen to the landing at the top of the external stairs on the west elevation.*
- e) *Provision of swept path diagrams for typical commercial vehicles accessing the basement car park prepared by a suitably qualified traffic engineer using industry-recognised software in order to demonstrate that vehicles can circulate within the basement and exit to Hastings Street in a forward direction.*
- f) *Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP), together with any requirement outlined in Condition 27. The plans are to be generally in accordance with the plans submitted indicating:*
 - i. *Water-sensitive urban design measures, as reflected in stormwater assessment, which reciprocally addresses the Responsible Authority's integrated water management expectations and requirements, as well as, appropriate access indicated to maintain and service such systems.*
 - ii. *An annotation indicating the capacity of the rainwater tanks and that such capacities are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.*
 - iii. *An annotation indicating the type and/or amount of services connected, including irrigation areas that the rainwater tanks will facilitate.*
 - iv. *Design measures as identified in the BESS Report, as required to exceed an acceptable overall 50% score and exceed the 'pass' marks in the categories of Water, Energy, Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
 - v. *All operable windows, doors, terrace openings and vents in elevation drawings.*
 - vi. *Shadows as per actual sun angles on all elevation drawings, demonstrating exterior shading for all east, north and west windows greater than 1.5 square metres, to provide reasonable shading from 11am to 3pm on 1 February or otherwise incorporate a sufficiently sized solar photovoltaic system to address peak energy demand.*
 - vii. *Preliminary glazing specifications for glazing, including solar heat gain coefficient (SHGC), visual light transmittance (VLT) and U-value. Ensure that such values are consistent with Daylight Calculations and Preliminary Section J or JV3 Energy Efficiency Modelling inputs.*
 - viii. *Any exterior building services equipment, including any heating, cooling, ventilation, hot water systems and renewable energy.*
 - ix. *Include an annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers must not be used.*
 - x. *Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).*
- g) *The waste storage area within the Warrigal Road frontage and any requirements of the amended Waste Management Plan required by Condition 8.*

9.1.3

(cont)

h) The landscape plan amended to:

- i. Replace the *Betula fastigiata* trees to be planted on the north boundary with evergreen *Allocasuarina littoralis* species.*
- ii. Provide additional landscaping along the west boundary to screen the new building.*

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.

- **Condition 2 - Amended**

Prior to the occupation of the extension on No. 10 Hastings Street, the lot at 10 Hastings Street must be consolidated with the lot for the existing aged care facility at 359 Warrigal Road and lodged at the Titles Office, at the owners' cost, to the satisfaction of the Responsible Authority.

- **Condition 3 - Amended**

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

- **Condition 4 – No change**

- **Condition 5 - Amended**

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.

- **Condition 6 - Deleted**

- **Condition 7 – No change (new number 6)**

- **Condition 8 – Amended (new number 7)**

All waste collection must occur via the Warrigal Road entrance, and in accordance with the approved Waste Management Plan.

- **New Condition (new number 8)**

Prior to the commencement of any building or demolition works for any stage, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with this application but amended to include the following:

- a) The plans as submitted and the corresponding WMP to show the existing bin storage area in the front carpark area off Warrigal Road servicing the existing facility.*
- b) Details of the numbers and capacity of the existing and proposed additional bins.*

9.1.3

(cont)

- c) *The waste storage area be redesigned to accommodate the required number of bins for all of the existing and proposed development, required bulk storage area and reasonable circulation space as required by today's standards.*

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

- **New Condition (new number 9)**

The approved WMP will be the model for adoption in this development and the design & as-built aspects must 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.

- **New Condition (new number 10)**

The requirements of the WMP must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with the endorsed WMP, to the satisfaction of the Responsible Authority.

- **Condition 9 - Amended (renumbered accordingly as number 11)**

All external lights must be of a limited intensity to ensure that no nuisance is caused to adjoining or nearby residents and must be provided with baffles, so that no direct light or glare is emitted outside the site, to the satisfaction of the Responsible Authority.

- **Conditions 10 and 11 – No change (renumbered accordingly as numbers 12 and 13)**

- **New Condition (new number 14)**

Prior to the commencement of buildings or works on the land for any stage, a Parking and Access Management Plan, detailing how car and bicycle parking areas and accessways will be allocated and managed, must be submitted to and approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) *Details of how access to visitor car spaces in the basement will be achieved by visitors (i.e. if an intercom is required) and how parking will be secured.*
- b) *Line marking of parking spaces and accessways.*
- c) *Details of the stop/go traffic signal to be provided within the car park to ensure safety with simultaneous entry and exit movements, including further clarification on how vehicle queuing along Hastings Street will be minimised.*

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

When approved the Parking and Access Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

- **Condition 12 - Deleted**

9.1.3

(cont)

- **Condition 13 - Amended (new number 15)**

The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.

- **New Condition (new number 16)**

All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, aerials, satellite dishes, air-conditioners, equipment, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.

- **Condition 14 - Amended (new number 17)**

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

- a) **Tree Protection Zone distances:**

- Tree 15 (Eriobotrya japonica) – 2.4 metre radius from the centre of the tree base.*
- Tree 26 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 27 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 28 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 29 (Lagerstroemia indica) – 2.0 metre radius from the centre of the tree base.*

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

- 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.*
- 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.*
- 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.*
- 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.*
- All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*

9.1.3

(cont)

- 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.*

- **Condition 15 - Amended (new number 18)**

During construction of any buildings, or during other works for any stage, 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 15, 26, 27 and 28. 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 (which includes trenching and site scrapes) within greater than 10% of the TPZs of Trees 15, 26, 27 and 28.*
- d) Any root severance within the TPZs of Trees 15, 26, 27 and 28 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 SRZs of these trees, and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
- e) 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.*
- f) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*

- **Conditions 16 and 17 - No change (new numbers 19 and 20)**

- **Condition 18 - Deleted**

- **Condition 19 - No change (new number 21)**

- **New condition (new number 22)**

No more than 103 residents may be accommodated on the site at any one time.

9.1.3

(cont)

- **Condition 20 - Amended (new number 23)**

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

- **Condition 21 - Amended and renumbered accordingly**

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

- **Condition 22 - Amended (new number 24)**

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

- **Condition 23 - Amended (new number 25)**

Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.

- **New Condition (new number 26)**

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.

- **New Condition (new number 27)**

Prior to the commencement of any building or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with this application but amended to include the following:

- a) An assessment addressing the stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
- b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
- c) Preliminary NatHERS Energy Efficiency Assessments for 5 units demonstrating cooling loads which promote energy efficiency, peak energy demand reduction and address thermal comfort.*
- d) A Preliminary BCA Section J or JV3 Energy Efficiency Assessment indicating a 10% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values).*
- e) Daylight modelling or calculations to the satisfaction of the Responsible Authority.*

9.1.3

(cont)

- f) Double glazing for all external windows.*
- g) Control car park ventilation with CO sensors.*
- h) Control external, service and lift area lighting with sensors or timers.*
- i) Control service and lift area ventilation with sensors or timers.*
- j) Provide energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- k) Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).*
- l) Divert at least 80% of construction and demolition waste from landfill.*

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

- **New Condition (new number 28)**

The requirements of the SMP must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this Permit, to the satisfaction of the Responsible Authority.

- **New Condition (new number 29)**

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

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

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

- **Condition 24 - Amended New Condition (new number 30)**

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 the Amendment to this permit,*
- b) The development is not completed within four (4) years from the date of the Amendment to this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

- **Condition 25 – Deleted**
- **Conditions 26-33 - No change (new numbers 31-38)**

9.1.3 (cont)

- **New Permit Notes:**

Permit Notes:

- A. The following documents are required to be endorsed in association with the Amendment to this Permit:**
- **Amended Waste Management Plan in accordance with Condition 8.**
 - **Parking Management Plan in accordance with Condition 14.**
 - **Amended Sustainability Management Plan in accordance with Condition 27.**
 - **Construction Management Plan in accordance with Condition 29.**

Waste Engineering

- B. Waste collections for this development are to be completed internally by Private waste collection contractor.**
- C. Council issued bins will not be required for this development.**
- D. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.**

Asset Engineering:

- E. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- F. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- G. 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**
- H. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- I. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- J. 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.**

9.1.3

(cont)

- K. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant”.*
- L. Floor levels need to be amended if vehicle access to the garage cannot be achieved.*
- M. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)*
- N. Planning Permit is required for works near significant trees. Please contact Council Planning Department on 9262 6303 for information.*
- 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.*

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- A. Being the Responsible Authority, having caused Amendment to Planning Permit WH/1998/9807 for 359 Warrigal Road and 10 Hastings Street BURWOOD to be advertised and having received and noted the objections is of the opinion that the granting of an Amended Planning Permit for the buildings and works for a two storey (plus basement) extension to the existing aged care facility and tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B. Issue a Notice of Decision to Grant an Amendment to Permit WH/1998/9807 under the Whitehorse Planning Scheme to the land described as 359 Warrigal Road and 10 Hastings Street BURWOOD, updating the plans, Permit Address, Preamble and Conditions as follows:*

Amendment of the site address to:

- 359 Warrigal Road and 10 Hastings Street Burwood*

Amend Preamble:

- To develop the land for a double storey aged care facility and associated tree removal.*

Amend Conditions:

- Condition 1 – Amended*

Before the development starts, or vegetation removed, amended plans and landscape plans (in a 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 plans submitted with the amendment application but modified to show:

- a) The locations of Tree Protection Zones described in Condition 17, with all nominated trees clearly identified and numbered on both ground floor plan and landscape plan, and the requirements of Conditions 17 and 18 to be annotated on the development and landscape plans;*
- b) The height of fixed screening to habitable room windows and balconies on the first floor north elevation to be increased from 1.2 metres to 1.7 metres.*

9.1.3

(cont)

- c) *The air conditioning compressors to be relocated to the south side of the building.*
- d) *Provision of a 2 metre high timber acoustic fence to along the north boundary from the roller door to within 2.5 metres of the site frontage. Forward of the acoustic fence, provide fencing to allow for a visibility splay requirements, such as the metal picket fence proposed along the site frontage.*
- e) *Provision of a 1.7 metre high overlooking screen to the landing at the top of the external stairs on the west elevation.*
- f) *Provision of swept path diagrams for typical commercial vehicles accessing the basement car park prepared by a suitably qualified traffic engineer using industry-recognised software in order to demonstrate that vehicles can circulate within the basement and exit to Hastings Street in a forward direction.*
- g) *Development plans to reflect all sustainability features indicated in the submitted, amended and approved Sustainability Management Plan (SMP), together with any requirement outlined in Condition 27. The plans are to be generally in accordance with the plans submitted indicating:*
 - i. *Water-sensitive urban design measures, as reflected in stormwater assessment, which reciprocally addresses the Responsible Authority's integrated water management expectations and requirements, as well as, appropriate access indicated to maintain and service such systems.*
 - ii. *An annotation indicating the capacity of the rainwater tanks and that such capacities are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.*
 - iii. *An annotation indicating the type and/or amount of services connected, including irrigation areas that the rainwater tanks will facilitate.*
 - iv. *Design measures as identified in the BESS Report, as required to exceed an acceptable overall 50% score and exceed the 'pass' marks in the categories of Water, Energy, Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
 - v. *All operable windows, doors, terrace openings and vents in elevation drawings.*
 - vi. *Shadows as per actual sun angles on all elevation drawings, demonstrating exterior shading for all east, north and west windows greater than 1.5 square metres, to provide reasonable shading from 11am to 3pm on 1 February or otherwise incorporate a sufficiently sized solar photovoltaic system to address peak energy demand.*
 - vii. *Preliminary glazing specifications for glazing, including solar heat gain coefficient (SHGC), visual light transmittance (VLT) and U-value. Ensure that such values are consistent with Daylight Calculations and Preliminary Section J or JV3 Energy Efficiency Modelling inputs.*
 - viii. *Any exterior building services equipment, including any heating, cooling, ventilation, hot water systems and renewable energy.*
 - ix. *Include an annotation of that the timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.*

9.1.3

(cont)

- x. *Where measures cannot be visually shown, include a notes table or 'ESD Schedule' providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).*
- g) *The waste storage area within the Warrigal Road frontage and any requirements of the amended Waste Management Plan required by Condition 8.*
- h) *The landscape plan amended to:*
 - i. *Replace the Betula fastigiata trees to be planted on the north boundary with evergreen Allocasuarina littoralis species.*
 - ii. *Provide additional landscaping along the west boundary to screen the new building.*

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.

- **Condition 2 - Amended**

Prior to the occupation of the extension on No. 10 Hastings Street, the lot at 10 Hastings Street must be consolidated with the lot for the existing aged care facility at 359 Warrigal Road and lodged at the Titles Office, at the owners' cost, to the satisfaction of the Responsible Authority.

- **Condition 3 - Amended**

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

- **Condition 4 – No change**

- **Condition 5 - Amended**

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.

- **Condition 6 - Deleted**

- **Condition 7 – No change (new number 6)**

- **Condition 8 – Amended (new number 7)**

All waste collection must occur via the Warrigal Road entrance, and in accordance with the approved Waste Management Plan.

- **New Condition (new number 8)**

Prior to the commencement of any building or demolition works for any stage, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with this application but amended to include the following:

- a) *The plans as submitted and the corresponding WMP to show the existing bin storage area in the front carpark area off Warrigal Road servicing the existing facility.*

9.1.3

(cont)

- b) Details of the numbers and capacity of the existing and proposed additional bins.*
- c) The waste storage area be redesigned to accommodate the required number of bins for all of the existing and proposed development, required bulk storage area and reasonable circulation space as required by today's standards.*

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

- **New Condition (new number 9)**

The approved WMP will be the model for adoption in this development and the design & as-built aspects must 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.

- **New Condition (new number 10)**

The requirements of the WMP must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with the endorsed WMP, to the satisfaction of the Responsible Authority.

- **Condition 9 - Amended (renumbered accordingly as number 11)**

All external lights must be of a limited intensity to ensure that no nuisance is caused to adjoining or nearby residents and must be provided with baffles, so that no direct light or glare is emitted outside the site, to the satisfaction of the Responsible Authority.

- **Conditions 10 and 11 – No change (renumbered accordingly as numbers 12 and 13)**

- **New Condition (new number 14)**

Prior to the commencement of buildings or works on the land for any stage, a Parking and Access Management Plan, detailing how car and bicycle parking areas and accessways will be allocated and managed, must be submitted to and approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Details of how access to visitor car spaces in the basement will be achieved by visitors (i.e. if an intercom is required) and how parking will be secured.*
- b) Line marking of parking spaces and accessways.*
- c) Details of the stop/go traffic signal to be provided within the car park to ensure safety with simultaneous entry and exit movements, including further clarification on how vehicle queuing along Hastings Street will be minimised.*

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

When approved the Parking and Access Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

- **Condition 12 - Deleted**

9.1.3

(cont)

- **Condition 13 - Amended (new number 15)**

The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.

- **New Condition (new number 16)**

All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, aerials, satellite dishes, air-conditioners, equipment, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.

- **Condition 14 - Amended (new number 17)**

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

- a) **Tree Protection Zone distances:**

- Tree 15 (Eriobotrya japonica) – 2.4 metre radius from the centre of the tree base.*
- Tree 26 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 27 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 28 (Pyrus ussuriensis) – 2.0 metre radius from the centre of the tree base.*
- Tree 29 (Lagerstroemia indica) – 2.0 metre radius from the centre of the tree base.*

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

- 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.*
- 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.*
- 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.*
- 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.*
- All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*

9.1.3

(cont)

- 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.*

- **Condition 15 - Amended (new number 18)**

During construction of any buildings, or during other works for any stage, 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 15, 26, 27 and 28. 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 (which includes trenching and site scrapes) within greater than 10% of the TPZs of Trees 15, 26, 27 and 28.*
- d) Any root severance within the TPZs of Trees 15, 26, 27 and 28 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 SRZs of these trees, and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.*
- e) 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.*
- f) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*

- **Conditions 16 and 17 - No change (new numbers 19 and 20)**

- **Condition 18 - Deleted**

- **Condition 19 - No change (new number 21)**

- **New condition (new number 22)**

No more than 103 residents may be accommodated on the site at any one time.

9.1.3

(cont)

- **Condition 20 - Amended (new number 23)**

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

- **Condition 21 - Amended and renumbered accordingly**

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

- **Condition 22 - Amended (new number 24)**

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

- **Condition 23 - Amended (new number 25)**

Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.

- **New Condition (new number 26)**

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.

- **New Condition (new number 27)**

Prior to the commencement of any building or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with this application but amended to include the following:

- a) An assessment addressing the stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
- b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
- c) Preliminary NatHERS Energy Efficiency Assessments for 5 units demonstrating cooling loads which promote energy efficiency, peak energy demand reduction and address thermal comfort.*
- d) A Preliminary BCA Section J or JV3 Energy Efficiency Assessment indicating a 10% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (utilisation of BCA Glazing Calculator indicating U- and SHGC- values).*
- e) Daylight modelling or calculations to the satisfaction of the Responsible Authority.*

9.1.3

(cont)

- f) Double glazing for all external windows.*
- g) Control car park ventilation with CO sensors.*
- h) Control external, service and lift area lighting with sensors or timers.*
- i) Control service and lift area ventilation with sensors or timers.*
- j) Provide energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- k) Water efficient fixtures and fittings include a minimum 4 star WELS toilets, 5 star WELS taps and 3 star WELS showerheads (≤ 7.5 L/min).*
- l) Divert at least 80% of construction and demolition waste from landfill.*

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

- ***New Condition (new number 28)***

The requirements of the SMP must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this Permit, to the satisfaction of the Responsible Authority.

- ***New Condition (new number 29)***

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

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

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

- ***Condition 24 - Amended New Condition (new number 30)***

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 the Amendment to this permit,*
- b) The development is not completed within four (4) years from the date of the Amendment to this permit.*

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

- ***Condition 25 – Deleted***

- ***Conditions 26-33 - No change (new numbers 31-38)***

9.1.3 (cont)

- **New Permit Notes:**

Permit Notes:

- A. The following documents are required to be endorsed in association with the Amendment to this Permit:**
- **Amended Waste Management Plan in accordance with Condition 8.**
 - **Parking Management Plan in accordance with Condition 14.**
 - **Amended Sustainability Management Plan in accordance with Condition 27.**
 - **Construction Management Plan in accordance with Condition 29.**

Waste Engineering

- B. Waste collections for this development are to be completed internally by Private waste collection contractor.**
- C. Council issued bins will not be required for this development.**
- D. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.**

Asset Engineering:

- E. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- F. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- G. 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**
- H. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- I. The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.**
- J. 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.**

9.1.3

(cont)

- K. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant”.*
- L. Floor levels need to be amended if vehicle access to the garage cannot be achieved.*
- M. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)*
- N. Planning Permit is required for works near significant trees. Please contact Council Planning Department on 9262 6303 for information.*
- 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 Massoud
Cr Munroe
Cr Stennett

Against

Cr Cutts

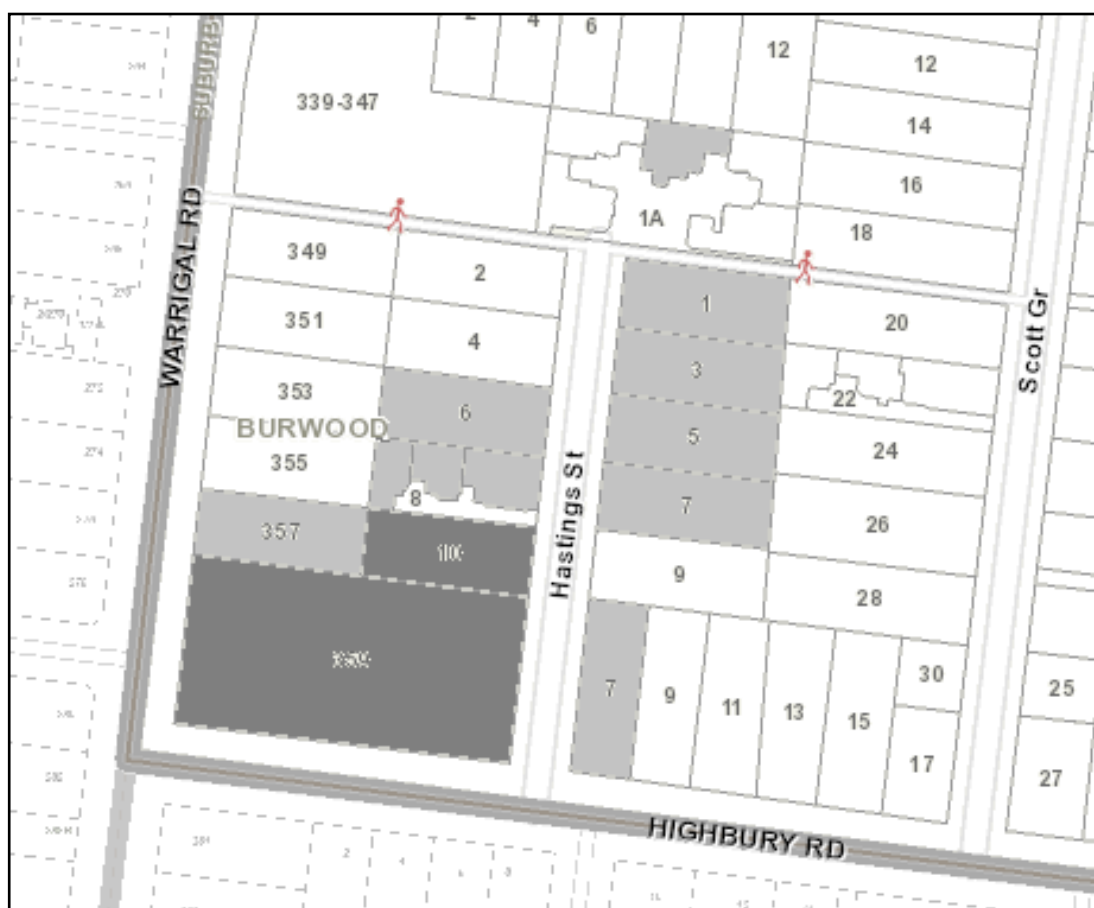
On the results of the Division the motion was declared CARRIED

9.1.3

(cont)

MELWAYS REFERENCE 60 H7

Applicant:	Fastnet Consulting Pty Ltd
Zoning:	General Residential Zone Schedule 1
Overlays:	Significant Landscape Overlay Schedule 9
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.08	General Residential Zone Schedule 1 (GRZ1)
Clause 42.03	Significant Landscape Overlay Schedule 9 (SLO9)
Clause 52.06	Car Parking
Clause 53.17	Residential Aged Care Facility
Clause 65	Decision Guidelines
Ward:	Riversdale



		Subject site		11 Objector Properties		North	
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9.1.3

(cont)

BACKGROUND

History

The following Planning Permits have previously been issued to 359 Warrigal Road, Burwood:

- Planning Permit WH/1998/9807 was issued on 13 January, 1999, allowing the use and development of a double storey building for 41 special accommodation units. This Permit was amended at the direction of VCAT on 24 May, 2002, to allow: to develop and use the land for the purpose of a double storey building for accommodation for the aged (for up to 75 residents) including associated communal facilities, landscaping and car parking.
- Planning Permit WH/2003/14335 was issued on 28 April, 2004, allowing use and development of the land for a new carpark associated with an existing aged care facility – modifications to the existing carpark, and access to a Category 1 Road
- Planning Permit WH/2006/241 was issued on 3 August, 2006, allowing construction and display of two business identification signs.

The Site and Surrounds

The existing Highwood Court Aged Care Facility is a 3690m² lot bounded by Warrigal Road to the west, Highbury Road to the south, Hastings Street to the east and residential dwellings at 10 Hastings Street (east facing) and 357 Warrigal Road (west facing) to the north. This site is developed with a two storey aged care facility within a landscaped setting currently accommodating 79 beds.

The application proposes to incorporate the adjacent residential land at 10 Hastings Street into the existing aged care facility. The lot at 10 Hastings Street is located on the west side of Hastings Street, 50 metres north of the intersection with Highbury Road. This site has a frontage of 17.68 metres to Hastings Street, and a depth of 42.55 metres, producing a total site area of 752m². This site is relatively flat with a slope of approximately 0.5 metres from the south-west corner down to the north-east. There are no easements on the title. This lot currently contains a single storey weatherboard detached dwelling accessed via a single width driveway adjacent to the southern title boundary.

The arboricultural assessment provided identifies 25 trees within the subject site and four trees nearby on surrounding land, and includes 14 trees that are protected in accordance with the Significant Landscape Overlay, Schedule 9. These trees are listed in the table below.

The subject site is the south-westernmost lot in the municipality, with land to the west included within Boroondara Council and land to the south in Monash Council. The surrounding properties within Whitehorse are residential, comprising a mix of single and double storey dwellings. There are number of medium density developments evident in the area. The immediately abutting properties are as follows:

North

- There is a three dwelling development at 8 Hastings Street. The single storey brick dwellings have hipped tile roofs with a common driveway and single width vehicle crossover adjacent to the shared boundary. The garage of the dwelling at the rear is abutting the shared boundary. There are no canopy trees adjacent to this boundary and the closest habitable room windows are setback 4.55 metres from the shared boundary.

South

- Across Highbury Road, there are single and double storey dwellings set within established gardens, mostly with high front fences.

9.1.3

(cont)

East

- Directly opposite 10 Hastings Street, there is a double storey weatherboard dwelling at 9 Hastings Street with two driveways leading to carports on either side of the dwelling. A double storey weatherboard dwelling is located across Hastings Street opposite the existing aged care facility.

West

- There is a single storey dwelling facing Warrigal Road at 357 Warrigal Road to the rear (west) of No. 10 Hastings Street. A brick outbuilding and secluded private open space area abut the shared boundary. The adjacent dwelling is located approximately 7.2 metres from the common boundary with several habitable room windows facing the subject site and a double garage abutting the shared boundary.

Planning Controls

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

General Residential Zone, Schedule 1

Pursuant to clause 32.08-8 a permit is required to construct a building or construct or carry out works for a residential aged care facility. A development must meet the requirements of clause 53.17 Residential Aged Care Facility.

The Garden Area requirement is not applicable to this development as a Residential Aged Care Facility is not nested within the Residential Building definition at clause 73.04-1.

Under GRZ, a permit is not required to use No. 10 Hastings Street for a residential aged care facility.

9.1.3

(cont)

Significant Landscape Overlay, Schedule 9

Pursuant to clause 42.03-2 a planning permit is required for the removal or lopping of trees with either a height of at least 5 metres or a trunk circumference of over 1 metre, or both. Pursuant to clause 42.03-2 SLO9, 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	Reason for Protection- Height or Trunk Circumference	Condition	Permit Trigger
1	<i>Agonis flexuosa</i> Willow Myrtle	Trunk circumference >1m (Height 4m)	Good health and fair structure	Removal
2	<i>Cotoneaster lacteus</i> Cotoneaster	Trunk circumference >1m (Height 4m)	Fair health and structure	Removal
5	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
6	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
9	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
10	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
11	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
12	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
13	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
14	<i>Betula pendula</i> Silver Birch	Height 5-10m	Good health and structure	Removal
16	<i>Eriobotrya japonica</i> Loquat	Trunk circumference >1m (Height 3m)	Good health and fair structure	Removal
17	<i>Ficus carica</i> Common Fig	Trunk circumference >1m (Height 3m)	Fair health and poor structure	Removal
18	<i>Agonis flexuosa</i> Willow Myrtle	Trunk circumference >1m (Height 3m)	Fair health and structure	Removal
25	<i>Agonis flexuosa</i> Willow Myrtle	Trunk circumference >1m (Height 3.5m)	Poor health and structure	Removal

PROPOSAL

The application proposes to amend Planning Permit WH/1998/9807 to allow for buildings and works for a two storey (plus basement) extension to the existing aged care facility and tree removal.

It is proposed to demolish the existing dwelling at 10 Hastings Street and develop a new wing on that site, connected at the ground and first floor levels to the existing aged care facility at 359 Warrigal Road. The proposal will increase the number of beds to allow for a maximum of 103 residents, comprising 24 new beds within the proposed extension and formalising the current 79 beds provided within the existing facility (which currently has approval to provide 75 beds).

9.1.3

(cont)

Amendments to the Planning Permit include:

- Updating the site address (to include No. 10 Hastings Street).
- Altering the permit preamble to remove redundant elements and reflect the current permit triggers. In particular, the use of the land for an aged care facility no longer requires a permit, and specific elements of the development, such as landscaping and provision of car parking are not required to be specifically referenced. The maximum number of residents will more appropriately be included as a condition of permit, and be removed from the preamble.
- Updating the conditions to reflect the current and proposed site operation.

The proposed building includes two storeys above ground, similar to the existing facility, plus a basement level providing vehicular access from Hastings Street, and is summarised as follows:

- Basement Level:
 - 11 car spaces. The submitted traffic report indicates that these are to be restricted to staff and a select number of long-term visitors to the site, who will be issued a car park access pass.
 - Single lane vehicle access ramp which is proposed to be controlled through the utilisation of a stop-go traffic light system to ensure vehicles travelling in opposing directions do not meet on the ramp. A security door is proposed at the base of the ramp which is expected to remain open during core operating hours, with the gate to be closed outside of these times.
 - Laundry Room.
 - Three Storage Rooms.
 - Two bicycle spaces.
 - Lift core and stairwells.
- Ground Level:
 - 13 lodging rooms with all but three (B106, B107 and B110) provided with sliding doors to paved terraces. Each lodging room comprises a bedroom and bathroom.
 - Pedestrian access door from Hastings Street.
 - Reception.
 - Medical room.
 - Waste storage room.
 - Communal lounge.
 - Connection to existing facility to the south.
 - Lift core and stairwells (one internal and one external stairwell on the west elevation).
- First Floor
 - 11 lodging rooms with all but three (B206, B207 and B208) provided with sliding doors to balconies. Two rooms (B201 and B202) are provided with an internal connecting door.
 - Communal dining area, lounge and balcony on the north elevation.
 - Connection to existing facility to the south.
 - Lift core and stairwells.
- Demolish the northernmost external wall of the existing building in order to connect the new wing to the central building.

9.1.3

(cont)

- Predominantly white and grey face brick external façade, with black feature panels and window surrounds and timber screens and balustrades.
- Flat metal deck roof form
- A metal picket fence on brick plinths is proposed along the Hastings Street frontage, to match the fence of the existing building.
- The maximum building height is 7.8 metres at the north-east corner of the proposed extension.
- The additional floor area is 621m² and proposed overall floor area for the extended aged care facility is 2,231m².
- Overall building coverage proposed across the entire 4,452m² site 50.1%.
- Removal of 24 trees, including 14 protected trees described in the table above. The existing street tree (Tree 29) is to be retained.

CONSULTATION

Public Notice

The amendment application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting four notices on the subject site; one facing Warrigal Road, one facing Highbury Road and two facing Hastings Street (one on the existing aged care facility lot and one on No. 10 Hastings Street). Following the advertising period 11 objections were received.

The issues raised in the objections are summarised as follows:

- Amenity impacts:
 - Overlooking- the proposed overlooking screening is insufficient.
 - Overshadowing.
 - Increased noise from traffic, car park roller door and visitors.
 - Car park entrance is located adjacent to residential lots which will experience excessive traffic noise.
 - An acoustic fence should be provided on the boundaries with residential lots, at the developer's cost.
 - Noise from plant equipment. All plant should be well setback from residential lots.
 - Loss of safety.
 - Light spill to adjoining dwellings.
- Neighbourhood Character:
 - Building bulk and form.
- Car parking and traffic:
 - Increased on-street parking, which is already a problem that limits driver sight lines, waste collection and the operation of the intersection of Hastings Street and Highbury Road.
 - A number of staff and contractors from the existing aged care facility already park on Hastings Street. Visitors to the nearby funeral parlour and tram commuters also park on street for long periods.
 - The number of additional car spaces is not sufficient to cater for the proposed extension.
 - Traffic safety impacts on the street.
 - Increased pedestrian traffic.
 - The basement car park should not be accessed off Hastings Street.
 - There is no turning bay at the end of Hastings Street.
 - Increased vehicle queuing at the intersection of Hastings Street and the basement car park.

9.1.3

(cont)

- Landscaping:
 - Tree removal will exacerbate the heat island effect.
 - New trees planted should be evergreen and not drop any flowers/fruit into neighbouring lots or have invasive roots.
- Site services:
 - Stormwater runoff.
- Non-planning matters:
 - Construction noise, dust, pollution and tradesperson parking.
 - High level of illegal parking currently occurs in the street- including parking over driveways and in no-standing zones.
 - Impact of excavation on the adjoining lots. A dilapidation report on adjoining lots must be undertaken prior to the construction.

Consultation Forum

A Consultation Forum was held on 3 March, 2020. Twelve objectors from nine affected properties, two representatives for the applicant and the Planning Officer attended the meeting, which was chaired by Councillor Davenport. The Forum included discussion of the objectors' concerns, expanding on the objections received. Additional concerns raised by objectors included:

- The intersection of Warrigal and Highbury Roads floods regularly. In response, the applicant advised that the proposed building will be connected to a legal point of discharge. It is also noted that the subject site and surrounds are not identified as flood-prone by Council's Engineering Department.
- Waste storage and collection is occurring on Hastings Street, in contravention of the Planning Permit WH/1998/9807, which states at Condition 8 that all waste collection must occur via the Warrigal Rd entrance. Residents also raised concerns that the waste storage on Hastings Street was unsightly and causing litter. This matter is under investigation by Council's Planning Enforcement team.
- Overlooking concerns were reiterated by the objectors. The applicant advised that the overlooking requirements of Clause 53.17 were designed to allow outward views for residents from a chair or bed. The objectors raised concerns that staff are not typically sitting or lying down and would have views of neighbouring lots.
- The issue of noise from plant equipment on the roof was raised and the applicant advised that the noise emissions will comply with EPA Guidelines. Noise from the roller door and vehicles entering the site was also raised as an issue.
- The objectors queried the style of the proposed extension, and the applicant advised that it will have a contemporary look, but maintain the scale and materiality of the existing building.
- Adjacent residents sought an increase in height for the proposed 2 metre high fence on the north boundary, in order to improve privacy and noise impacts. A timber acoustic fence is preferred.
- The objectors raised concern that the carking for the existing aged care facility is inadequate, and staff from the existing facility are parking on Hastings Street.

In response to the issues raised at the Forum, the applicant provided a further written submission. This included a suggestion that conditions are included to achieve the following alterations to plans:

- Relocate the air conditioning compressors to the south side of the building in order to increase their setback from the adjacent dwellings at No. 8 Hastings Street.
- New trees to be planted along the north boundary to be evergreen and not deciduous.
- Provide a 3 metre section of acoustic timber fencing commencing at the basement garage roller door and extending east along the northern boundary towards Hastings Street.

9.1.3

(cont)

The applicant further notes that the roller door to the basement car park is located 3 metres below natural ground level, and roller doors are a common and accepted element in residential areas and are designed so as not to be excessively noisy.

The applicant's additional submission also included the following advice:

- *Allity does not support an increase in the height of screening from 1.2 metres to 1.7 metres to the northern boundary given that the proposed balcony and proposed habitable room windows of the development are not within 9 metres of the secluded private open space of the dwellings at 8 Hastings Street. The actual separation is approximately 14 metres with the intervening built form preventing any possible views from the proposed building. The proposed north facing habitable room windows and balconies of the development are within 9 metres of habitable room windows of dwellings at 8 Hastings Street and 1.2 metre screens have been provided in direct compliance with Clause 53.17 of the Whitehorse Planning Scheme.*

There were no subsequent changes made to the advertised plans.

Referrals

External

The application is not required to be referred externally.

Internal

Transport Engineer

Council's Transport Engineer has advised:

- Clause 52.06 of the Whitehorse Planning Scheme requires parking for a residential aged care facility to be provided at the rate of 0.3 car spaces per bed, so the proposed 24 bed extension generates a requirement for seven car spaces.
- The proposal indicates that 11 car spaces are proposed to be provided within the basement car park, which is accessed via Hastings Street. The proposed parking provision therefore exceeds the requirements of Clause 52.06.
- The Aged Care Facility would not be eligible to receive parking permits for Hastings Street if parking restrictions were to be implemented in the future.
- The assessment prepared by the applicant's traffic engineer anticipates that the proposed development would generate an additional 11 vehicle movements along Hastings Street during the AM and PM peak hours and 66 additional vehicle movements daily.
- There are no statutory requirements for bicycle facilities for the proposed use, however it is noted that provision of a bike hoop accommodating 2 bicycles is proposed to be located within the basement car park.
- The proposed ramp grades are considered satisfactory.
- The car park layout is compliant, including headroom.
- Appropriate pedestrian sight splays have been provided on both sides of the access way entry.
- A passing area at the entrance of the basement car park is not required under Design Standard 1 for Accessways. It is noted that the applicant's Traffic Engineers have undertaken a probability assessment on the likelihood of simultaneous traffic movements along the ramp, which they deem to be low.

9.1.3

(cont)

- A Car Parking Management Plan is required to detail:
 - Staff and visitor access to the site.
 - Details of the stop/go traffic signal to be provided within the car park to ensure safety with simultaneous entry and exit movements, including further clarification on how vehicle queuing along Hastings Street will be minimised.

Waste Engineer

Council's Waste Engineer has assessed the application and does not support the proposal. The existing bin storage area in the front carpark area off Warrigal Road servicing the current establishment (79 beds) appears to be over-capacity. The report provided does not establish the extent to which the facility as a whole will rely on this new space for waste storage associated given the existing bin storage appears over-capacity.

Changes to waste bin sizes and their usage may assist with achieving compliance, and the frequency of waste collections can be increased, if required, to ensure the capacity of the bin storage area is not exceeded. As a result, an updated Waste Management Plan is required for the entire 103 room facility, and permit conditions will be included to ensure the waste storage and management is functional across the whole facility.

Assets Engineer

Council's Assets Engineer supports the proposal, subject to standard conditions and notes being included in the permit.

Planning Arborist

Council's Planning Arborist has advised that there are no trees on the site of 10 Hastings Street that are worthy of retention or shown to be retained.

The plans also show the removal of Trees 5, 6, 9-14 located on the main site of 359 Warrigal Road. Council's Planning Arborist has advised there is no objection to the removal of Trees 5, 6, 9-14, which are all Silver Birch and are generally good in health and structure. It is noted that the heights of these trees as provided in the applicant's arborist report are incorrect, as these trees are all over 5 metres high, and up to 10 metres in height. Whilst this is an error in the information provided, it is inconsequential to the assessment of the proposal.

The proposed buildings and works encroachments into the TPZs of retained Trees 15, 26, 27 and 28 on adjoining lots can be supported, subject to tree protection and management condition requirements.

Parkswide Arborist

Council's Parkswide Arborist has inspected the street tree (Tree 29), advising it is a young *Lagerstroemia indica* (Crepe myrtle). This tree exhibits good health and structure. The proposed crossover is outside of the tree's TPZ and is not expected to impact on tree health and longevity. Standard tree protection measures are required.

ESD Advisor

The submitted Sustainability Management Plan does not meet Council's Environmentally Sustainable Design standards for a development of this scale, and conditions will require the submission of an amended and compliant Sustainability Management Plan.

9.1.3

(cont)

DISCUSSION

Amendments to the Existing Planning Permit

Although the majority of the proposed buildings and works will occur on No. 10 Hastings Street, the proposal also includes demolition of part of the existing aged care facility and provision of connections between the existing and the new buildings. The proposed extension will also share services such as waste collection with the existing building. As such, the amendment of the existing planning permit is a more appropriate mechanism than a new planning application for the proposed extension.

The existing aged care facility is operating under Planning Permit WH/1998/9807, issued on 13 January, 1999, allowing *to develop and use the land for the purpose of a double storey building for accommodation for the aged (for up to 75 residents) including associated communal facilities, landscaping and car parking.*

To allow for the proposed extension and associated increase in residents, this preamble requires updating to concisely describe the permit triggers as follows: *To develop the land for a double storey aged care facility and associated tree removal.*

The applicant has requested that a number of redundant conditions to the existing permit are deleted, in particular, the condition 1 requirements relating to the existing building, and conditions that refer to street trees. The number of residents will be removed from the preamble and added as a new permit condition.

Whilst the deletion of the previous Condition 1 requirements is appropriate as these conditions were met by the endorsed plans, many of the remaining conditions should be retained as they continue to apply to the existing and proposed buildings, although conditions will be updated to reflect current standards where required.

Consistency with State and Local Planning Policies

Clause 21.06 Housing

Council's Housing Policy requires provision for a wide range of household types, ages and cultural groups. Whitehorse's population is slightly older than the metropolitan average, indicative of an ageing population.

Planning Policy for Residential Aged Care Facilities

The planning policy objective at Clause 16.01-7S for residential aged care facilities is 'to facilitate the development of well-designed and appropriately located residential aged care facilities'.

It is policy that aged care facilities are most appropriately located when integrated within existing residential areas. The proposed extension of the existing facility has a two storey (maximum 7.8 metre) height that is similar to the surrounding single and double storey housing and a built form that is consistent with that of the existing aged care facility. The proposed flat roof form is similar to the existing building and also limits the overall building height. The extension is located to the south and east of the surrounding dwellings, which minimises the potential for overshadowing impacts to adjacent residential properties.

The General Residential Zone provisions allow for a range of residential uses, and the proposed new building does not seek to replicate the existing building, but provides a contemporary interpretation of the existing rendered building design. The proposed extension has a more finely grained residential character than the existing facility, utilising areas of white and grey face brick cladding, accented with black feature panels and window surrounds and timber screens and balustrades, which will provide a suitable transition to the neighbourhood character of the dwellings to the north.

9.1.3

(cont)

The extension of the existing facility from 79 lodging rooms to 103 lodging room results in an increase of beds while enabling the existing parking and drop-off and pick-up infrastructure to be utilised and facilities such as laundry rooms and waste storage will be upgraded within the new building.

The proposed development includes buildings and works over the title boundary, which are supported on the basis that the additional lodging rooms are incorporated into the function of the facility and the parking and communal spaces are shared across both lots. As a result, permit conditions will require 10 Hastings Street to be consolidated with the existing facility title at 359 Warrigal Road. This will ensure that the existing and proposed buildings and shared facilities are interdependent and cannot be separated at a later time.

The subject site is included in the Principal Public Transport Network and located in close proximity to the Burwood Village Activity Centre and within walking distance of buses that travel along Warrigal Road. This is consistent with the locational requirements of Clause 16.01-7S for aged car facilities to be located with convenient access to activity centres, services and public transport.

As such, the proposal is considered to comply with the requirements of Clause 16.01-7S Residential Aged Care Facilities Policy.

Design and Built Form

Clause 53.17 Residential Aged Care Facility

Clause 53.17 Residential Aged Care Facility provisions apply to applications for buildings and works for a residential aged care facility within the General Residential Zone, and this clause prevails over any other provisions in the planning scheme which may be inconsistent. The 'Development Requirements' include a broad range of design criteria which are responded to in the table below:

Design Criteria	Requirement (summary of provisions)	Proposal
Building Height	Maximum building height must not exceed 16 metres	Maximum height is 7.8 metres above natural ground level, at the north-east corner of the building. Complies
Street Setback	The same as the setback of the front wall on the adjacent lot or 9 metres, whichever is the lesser.	Proposed front setback is stepped between 4.38 and 4.9 metres, which provides appropriate transitions to the adjoining building to the south setback 4.01 metres and the dwelling to the north that is setback a minimum of 5.5 metres. Complies

9.1.3 (cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Side and Rear Setbacks	Buildings not on the boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Some building elements may encroach into these setbacks.	<p>The proposal is generally compliant with the side and rear setback requirements, with the exception of the canopy over the communal balcony on the north elevation which is set back 1.2 metres from north boundary.</p> <p>The required setback for this canopy is 2 metres.</p> <p>The communal balcony is 6.3 metres long and located towards the front of the site, and is separated from the adjacent dwelling by the communal accessway on the adjoining lot to the north. The balcony is open below the canopy, limiting the building bulk of this element.</p> <p>As such, this is considered a minor incursion, and a condition to address this issue is not required.</p> <p>Does not comply</p>
Walls on Boundaries	A new wall constructed on a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot. This can be extended where there are existing or simultaneously constructed walls or carports on an abutting lot.	<p>There are no walls proposed on boundaries.</p> <p>Not applicable</p>
Daylight to Existing Windows	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>The closest habitable room windows facing the subject site are on the adjoining lot to the north and setback 4.5 metres from the common boundary. Therefore this standard is not applicable.</p> <p>Not applicable</p>

9.1.3 (cont)

Design Criteria	Requirement (summary of provisions)	Proposal
North-facing Windows	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.	There are no north-facing habitable windows of adjacent dwellings. Not applicable
Over-shadowing Open Space	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m ² with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	The applicant has submitted hourly shadow diagrams and has included a table indicating that at least 58m ² of the secluded private open space over 3 metres wide, serving the adjacent dwelling to the west (No. 357 Warrigal Road) will receive sunlight between 10am and 3pm at the Equinox. There will be no overshadowing of adjacent lots to the north. Complies
Over-shadowing solar energy systems	Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.	There are no nearby solar panels that could be affected by the proposal. Not applicable

9.1.3
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Overlooking	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.2 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level. • Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>New 2 metre high timber paling fences are proposed along the north and west boundaries of No. 10 Hastings Street which will screen potential overlooking from ground level windows to the adjacent residential lots.</p> <p>At the upper level, the habitable room windows and balconies of Rooms B201-B205 and the communal balcony are located within 9 metres of facing habitable room windows. These balconies are all screened with 1.2 metre high 'timber look' aluminium slat balustrades that are a maximum 25% transparent, in accordance with the requirements for screening views into adjacent habitable room windows.</p> <p>There are no habitable room windows on the western façade.</p> <p>Complies</p>
Noise Impacts	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p>Subsequent to the Consultation Forum, the applicant has agreed to the relocation of air conditioning compressors to the south side of the roof in order to increase their setback from the adjacent dwellings at No. 8 Hastings Street.</p> <p>Complies</p>

9.1.3 (cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Daylight to New Windows	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>All lodging rooms have an external interface with a minimum area of 3.0 square metres and minimum dimension of 1.0 metre clear to the sky.</p> <p>Complies</p>
Site Coverage	The site area covered by buildings should not exceed 80 percent.	<p>The site coverage proposed is 50.1%.</p> <p>Complies</p>
Access	<p>Access ways should be designed to:</p> <ul style="list-style-type: none"> Provide direct access to on-site designated areas for car and bicycle parking. Provide direct access to the building for emergency vehicles. Provide access for service and delivery vehicles to on-site loading bays and storage areas. Ensure vehicles can enter and exit a development in a forward direction. Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction. The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority. Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way. 	<p>The proposed basement car park will be a secondary car park to the at-grade parking provided at the site frontage on the corner of Warrigal Road, which is currently utilised by service and delivery vehicles. Council's Transport Engineer is satisfied that the access to the car park is suitable for the anticipated staff, visitor and delivery vehicles, and swept path diagrams will be required to demonstrate that larger vehicles can turn on site exit in a forwards direction.</p> <p>The proposed accessway is 3.4 metres wide, allowing only one way access/egress, which Council's Transport Engineers have accepted owing to the limited number of car spaces that are served in the basement, and the provision of a stop/go signal to ensure cars travelling in opposing directions do not meet on the ramp.</p> <p>The basement access ramp is located within 1 metre (horizontally) of the habitable room windows of lodging rooms B106, B107, and B207. However these windows are elevated between 3 and 5 metres above the basement ramp, which is sufficient separation to limit the acoustic impacts of the vehicular access and egress.</p> <p>This is considered an acceptable outcome</p> <p>Complies</p>

9.1.3 (cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Building Entry	<p>The main pedestrian entry to a building should:</p> <ul style="list-style-type: none"> • Have convenient access from a street. • Be sheltered from the weather. • Have convenient access from on-site car parking. • Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents. 	<p>Pedestrian access to the new wing is provided at Hastings Street, although the applicant has advised that the building's main pedestrian entrance, drop-off point and parking area will continue to be the existing entrance on the Warrigal Road frontage.</p> <p>The applicant has advised that the entry provided to Hastings Street is for emergency purposes only with all access to occur at the Warrigal Road main entrance. As the entry door is not a formal entry point, weather protection is not required.</p> <p>The proposed entrance is located directly opposite the nurses' station. In addition, visitors accessing the centre via the basement car park can enter via the stairwell or lift core, both of which also debouch close to the nurses' station.</p> <p>An eight seat community bus is utilised by the existing aged care facility, which will continue to be parked within the Warrigal Road frontage setback.</p> <p>Complies</p>
Communal Open Space	<p>Accessible and useable communal open space should be provided for residents and staff.</p>	<p>The proposed extension provides for a large north-facing communal balcony at the first floor level. In addition, the new wing will have the benefit of the established courtyards within the existing facility.</p> <p>Complies</p>
Front Fence	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • 2 metres in height in streets in a Road Category 1; and • 1.5 metres in height on all other streets. 	<p>The Hastings Street frontage is proposed to be fenced with a metal picket fence on brick plinths, to match the fence of the existing building. The existing fence is approximately 1.5 metres high and visually permeable, and an extension of this fence will be an acceptable outcome.</p> <p>Complies</p>

The above table demonstrates that the development achieves a high level of compliance with Clause 53.17 Residential Aged Care Facilities.

Clause 22.03 Residential Development

Despite the primary guidance for aged care facilities provided by Clause 53.17, at a more localised level, Clause 22.03 Residential Development aims to ensure that any development is consistent with the envisaged built form, ensure that development contributes to the preferred neighbourhood character, protects vegetation, does not detract from the natural environment and ecological systems, and ensures that development meets the trend of increased population in the municipality. As such, new buildings should recognise the context of the surrounding residential neighbourhood character. The subject site is located within the Garden Suburban Precinct 1.

9.1.3

(cont)

Within this precinct, the preferred neighbourhood character is that a sense of spaciousness be achieved with consistent front and side setbacks, and low or open style front fences. The formal character of the area will be enhanced by garden settings with tall trees, lawns, garden beds and shrubs. Areas with good access to trams will accommodate more dwellings with slightly more compact siting, but with space for large trees and gardens.

As noted above, Clause 53.17 overrides other provisions of the Planning Scheme in relation to the built form elements in the table above and recognises that aged care facilities will have a different scale and building form to surrounding residential areas. The modern design proposes brick at the ground floor and first floor with a flat roof and black cladding and timber detailing which is visually interesting and the variation in the materials assist to reduce the bulk where an upper level setback is less suitable for this type of built form.

Consideration of the preferred and prevailing neighbourhood character can also be achieved through landscaping of the surrounds of the proposed extension. The visually permeable metal picket fence is consistent with the existing aged care facility but will allow views of the landscape setting of the site.

The landscape plan provides for two 6 metre high trees and dense understorey plantings within the front setback. Within the north boundary setback (which will be visible from the streetscape), a hedge of 2.5 metre high shrubs is provided beside the basement access ramp, and towards the rear (west) of the site, ten x 10 metre high columnar trees are proposed within the 3 metre boundary setback. These are currently proposed as a deciduous species (*Betula fastigiata*), and this species will be replaced with an evergreen species via condition in response to the Consultation Forum outcomes.

The west boundary setback appears to be primarily a service area, accommodating the external fire stairs. The neighbour to the west lodged an objection raising concern regarding overlooking from the staff congregating on the landing at the top of the stairs and from the glazed stairway door and sidelight connecting to the internal corridor. Whilst these are not habitable rooms, the lack of landscape screening leaves the stair landing exposed to the primary secluded private open space of the adjacent residential lot, and the provision of overlooking screening to the landing will be required as a condition of approval.

In addition, the west elevation of the proposed building presents a greater level of visual bulk than a typical dwelling as a result of the sheer two storey wall at that facade. The policy acknowledges the different scale of an aged care facility to a dwelling and given the overlooking and overshadowing standards are able to be complied with, the visual bulk impacts to a greater extent than a typical residential dwelling is acceptable. However the Landscape Plan provided shows there is limited landscaping provided to the west of the proposed building to soften the visual impact to the adjacent lot to the west, and Permit conditions will require additional landscaping along this interface to better respond to the context and preferred neighbourhood character.

Hastings Street is not heavily vegetated and there are few canopy trees established within the front setbacks and verges of the existing dwellings in the street. The landscaping proposed around the proposed extension will assist to screen and soften the building in line with the policy and the desire for increased landscaping within the area to establish buildings within a landscaped setting.

The Garden Suburban Precinct 1 requires retention of architecturally intact pre-1940s era buildings wherever possible. Based on aerial imagery the current dwelling was constructed prior to 1945, however is not heritage listed or scheduled for review as a potential heritage site. It is not possible to retain this dwelling, and achieve an appropriate and functional extension to the existing aged care facility. In this instance there is a greater benefit to the community for the new facility as the dwelling is not identified as having heritage significance.

9.1.3

(cont)

Amenity

As detailed in the table above, the proposed development complies with the overlooking requirements of Clause 53.17, and in addition no unreasonable overshadowing will result from the proposed building.

Potential noise emissions from roof mounted plant equipment will be reduced by relocating this to the south side of the roof, further from nearby residential lots. Noise from the basement access ramp was cited by neighbouring residents as a key concern, and in response the applicant has suggested a condition to provide a 3 metre section of acoustic timber fencing along the north boundary, forward of the garage roller door.

Whilst this will provide additional acoustic screening for the noise of the roller door, the proposed car park has the potential to generate a greater level of traffic than typically experienced within a residential area, especially as a result of night shift staff movements. Although it is acknowledged that the adjacent lot to the north includes a communal driveway along the common boundary, Dwelling 1 of No. 8 Hastings Street includes two habitable room windows facing the basement access, and one nearby window facing the street. It is noted that a high boundary fence between these lots currently extends to the street frontage, however the current requirements of Clause 52.06 Car Parking would require a low fence within 2.5 metres of the frontage to provide a driver visibility splay.

Therefore, in order to balance the need for acoustic privacy for the adjacent property with the visibility splay requirements, a condition will require the proposed 2 metre high acoustic fence to be extended to run along the north boundary from the roller door to within 2.5 metres of the site frontage. Forward of the acoustic fence, the visibility splay requirements must be met, and it is recommended that the visually permeable metal picket fence proposed along the site frontage returns along the north boundary in this location.

In addition, standard noise conditions will be included to ensure that plant and equipment such as roller doors comply with the relevant standards and do not unreasonably impact the amenity of the surrounding residents.

Car Parking

The proposal has been reviewed by Council's Transport Engineers who advised that the provision of 11 car spaces exceeds the minimum amount required by clause 52.06 of the planning scheme by four places.

It is noted that the existing high demand for on-street car parking on Hastings Street was a major concern raised by objectors. These concerns were passed on to Council's Transport Engineering Department for investigation of the existing conditions. As the proposed extension provides four more car spaces than the planning scheme requirement for the number of beds, additional on-site parking is not required to be provided. Council's Transport Engineers will continue to monitor complaints and traffic issues for Hastings Street, and will alter the parking restrictions or infrastructure in the future if this is considered to be warranted.

The applicant has advised that waste collection and loading for the aged care facility currently occurs in the Warrigal Road car park and on-street for larger deliveries and these arrangements will continue, with any loading within the proposed basement car park limited to small vans/utes. As such, provision of a loading bay within the new car park is not required.

Council's Transport Engineers have also advised that anticipated traffic generation, car park and access layout, and provision of bicycle facilities are satisfactory. Conditions for a Parking Management Plan are recommended.

9.1.3

(cont)

Objectors Concerns not Previously Addressed

- Light spill to adjoining dwellings.

A condition is already included on the existing permit to require all external lighting to be baffled so prevent glare to surrounding residential lots, and this can be monitored in the long term by Council's Planning Enforcement Team.

- Stormwater runoff.

Standard engineering practice requires that there is to be no runoff from the subject site onto adjoining lots.

- Construction noise, dust, pollution and tradesperson parking, and
- Impact of excavation on the adjoining lots. A dilapidation report on adjoining lots must be undertaken prior to the construction.

Given the scale of the proposed building and the objector concerns regarding the availability of on-street parking, a Construction Management Plan will be required, which will include details of tradesperson parking and site access for larger construction vehicles (if required). Although some noise and other off-site impacts are inevitable when any construction occurs, the developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated. The Building Regulations require that excavation must not impact on surrounding buildings.

CONCLUSION

The proposed extension of the existing residential aged care facility is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone Schedule 1, Significant Landscape Overlay Schedule 9 and Clause 53.17 Aged Care Facilities.

A total of 11 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

ATTACHMENT

- 1 Original Planning Permit
- 2 Advertising Plans and landscape plan

Engineering and Environmental

9.1.4 Tender Evaluation (Contract 30241) Civil and Drainage Services

SUMMARY

To consider tenders received for the Provision of Civil and Drainage Services and to recommend the appointment of twenty-six (26) qualified contractors (listed below) to a preferred supplier panel to undertake specified civil and drainage works for Council under a Schedule of Rates contract.

The contract is for a fixed term of three years with an option to extend the contract for one further two year period.

The estimated contract expenditure over the three years of the fixed contract term is \$100,000,000 GST inclusive.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

That Council:

1. Accept the tender and sign the formal contract document for Contract 30241 for the Provision of Civil and Drainage Services received from:

- ***Blue Peak Constructions Family Trust t/a Blue Peak Constructions Pty Ltd (ABN 88 660 064 079)***
 - ***MACA Infrastructure Pty Ltd (ABN 60 604 456 055)***
 - ***GP Bluestone Pty Ltd (ABN 21 664 700 435)***
 - ***FD Civil Constructions Pty Ltd (ABN 65 620 284 282)***
 - ***CDN Constructors Unit Trust t/a CDN Constructors Pty Ltd (ABN 62 884 294 341)***
 - ***TDM Earthworks Pty Ltd (ABN 80 606 123 924)***
 - ***Landcare Property Maintenance Pty Ltd (ABN 35 606 414 091)***
 - ***Evergreen Civil Pty Ltd (ABN 67 667 088 791)***
 - ***Fercon Pty Ltd (ABN 43 116 527 363)***
 - ***Allgood Contracting Pty Ltd (ABN 60 810 759 192)***
 - ***Jamie-Lee Richter t/a Barley's Traffic Management Pty Ltd (ABN 88 624 920 458)***
 - ***Etheridge Minter (ABN 36 006 521 151)***
 - ***JTX Civil Contracting Pty Ltd t/a Jotomex Civil Contracting (ABN 72 161 928 436)***
 - ***Kalow Holdings Pty Ltd (ABN 51 006 811 641)***
 - ***Lazzaro Concrete Works Pty Ltd (ABN 11 798 654 054)***
 - ***M. Tucker and Sons Pty Ltd (ABN 14 007 193 811)***
 - ***The Trustee for the Centofanti Unit Trust Pty Ltd t/a Metro Asphalt (ABN 27 593 149 786)***
 - ***Parente Family Trust t/a Parente Paving (ABN 94 297 335 323)***
 - ***Prestige Paving Pty Ltd (ABN 84 140 970 912)***
 - ***Statewide Asphalt Services t/a Statewide Civil and Maintenance (ABN 61 868 782 480)***
 - ***Victorian Infrastructure Services Pty Ltd (ABN 34 618 155 927)***
 - ***Plumbtrax Pty Ltd t/a Plumbtrax Infrastructure Services (ABN 11 142 872 491)***
 - ***Novacon Group Pty Ltd (ABN 54 729 963 368)***
 - ***KPC Plumbing and Drainage Pty Ltd (ABN 57 218 818 238)***
 - ***Land Engineering Pty Ltd (ABN 78 285 829 163)***
 - ***Accomplished Plumbing Services Pty Ltd (ABN 33 151 075 875)***
-

9.1.4

(cont)

2. ***Authorise the Chief Executive Officer to award an 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.***
3. ***Note the estimated contract expenditure of \$100,000,000 GST inclusive, over the three year fixed term of the contract, with an additional \$60,000,000 should the contract be extended. Allowing a total contract value of \$160,000,000***

CARRIED UNANIMOUSLY

BACKGROUND

The City of Whitehorse covers an area of approximately 64 square kilometres, which includes the suburbs of Blackburn, Box Hill, Forest Hill, Mitcham, Mont Albert, Nunawading, Surrey Hills and Vermont. Whitehorse City Council maintains approximately 1,176 kilometres of footpaths, 1,182 kilometres of kerb and channel, 605 kilometres of roads, 32 kilometres of laneways, 849km of drains (pipelines and culverts) and over 35,000 pits.

Council maintains an extensive roads management program including drainage, kerb and channel, streetscapes and road works. To enable Council to offer quality and safe assets to the community, we require an efficient and cost effective all-hours service to provide programmed and reactive maintenance as well as major works to these assets.

This expanded Schedule of Rates contract will ensure Council can continue to provide the existing service and grow its capacity to undertake minor and major capital works.

DISCUSSION

Following discussions with internal stakeholders, it was determined that the tender and contract would specify the provision of Civil and Drainage Services to include the following service requirements:

- Plant, Labour and Materials
- Drainage
- Surfaces
- Kerbs and Channelling
- Urban elements
- Profiling
- Asphalt
- Seals
- Traffic Management
- Line Marking for reinstatement after works or for new works
- Utilities

Tenders were advertised in The Age newspaper on Saturday 8 February 2020 and were closed at 3pm, Wednesday 4 March 2020. 27 tenders were received and one was assessed as non-conforming.

The 26 conforming tenders were evaluated against the following criteria:

- | | |
|--|-------------|
| • The Tender Offer (Schedule of Rates) | 50% |
| • Capability (Ability to meet the requirements of the specification) | 30% |
| • Credibility (Reputation, experience and qualifications) | 20% |
| • Occupational Health & Safety, Equal Opportunity | (Pass/Fail) |

A comprehensive analysis of the 26 conforming submissions was evaluated by the Tender Evaluation Panel using a 'Weighted Attribute Method'. Scores were based on the quality of the tender response and the level of compliance with the contract requirements to determine the overall capability of contractors and best value outcome for Council.

9.1.4

(cont)

As a Schedule of Rates contract, estimates of annual contract expenditure were developed using recent workloads for reactive, programmed and capital works multiplied by the tendered rates for labour and materials. This allowed the Tender Offer to be equitably scored.

Contractors could apply for all or some of the above services and/or works.

At the conclusion of the evaluation period it was determined that in order for Council to meet the high need for these types of contractors to meet Council's programmed and reactive works a panel of 26 contractors would be appointed to meet the demands for the range of services to be provided by the panel. All of the submissions considered were competitive in all elements of the weighted criteria so it was agreed to appoint all of the contractors with conforming submissions. The above listed contractors were all deemed to have experience, credibility in Local Government service provision and value for money.

CONSULTATION

Consultation on the structure and specifications for this contract occurred with representatives from several council units including, Finance, City Works, and Engineering Services and Procurement ensuring that this contract will meet the current needs of all areas within Council.

The tender evaluation panel was made up of representatives from, Procurement, Engineering Services and City Works, with independent subject matter expertise from an external consultant.

The preferred tenderers' business viability has been considered.

FINANCIAL IMPLICATIONS

The contract for the provision of Civil and Drainage Services is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The services delivered under this contract will be primarily funded from the Engineering and City Works annual Operational and Capital Works budgets. Other department's operational and capital works budget were also considered based on past expenditure.

The estimated total Council wide expenditure over the initial three year term of the contract estimated to be \$100,000,000 GST inclusive with \$160,000,000 GST inclusive over the five year period should the contract be extended.

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation (Contract 30250) Street Sweeping Services

SUMMARY

This report is to consider tenders received for the provision of street sweeping services and to recommend the acceptance of the tender received from Citywide Service Solutions Pty Ltd, trading as Citywide, for the tendered amount of \$1,096,700, including GST per year increasing with CPI adjustments plus rates for additional sweeping, for five years commencing on 9 January 2021, with the option to extend for up to two years at Council's discretion, and to consider the overall expenditure. The recommended tendered amount is based on maintaining the current level of service which is sweeping local streets every three weeks, changing during the heavy leaf period to every two weeks for heavy leaf streets and four weeks for the other streets.

There is an allocation in Council's operational budget each financial year for street sweeping services for roads and car parks. The street sweeping program assists in providing safe access along road pavements and is important to ensure that the municipality is clean and well presented. The debris that is collected is predominately leaf litter, sediment and rubbish. The debris that is removed may otherwise wash into the drainage system and cause blockages leading to flooding and have detrimental environmental impacts on local creeks and rivers.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- 1. Accepts the tender and sign the formal contract document for Contract 30250 for Street Sweeping Services received from Citywide Service Solutions Pty Ltd (ABN 94 066 960 085), of 294 Arden Street North Melbourne, trading as Citywide, for the tendered amount of \$1,096,700, including GST per year increasing with CPI adjustments plus rates for additional sweeping, for five years commencing on 9 January 2021, with the option to extend for up to two years at Council's discretion. The total expected contract expenditure including possible variations and including the contract extension period is \$9,105,000, including GST. The tendered amount is based on maintaining the current level of service which is sweeping local streets every three weeks, changing during the heavy leaf period to every two weeks for heavy leaf streets and four weeks for the other streets.***
- 2. Authorises the Chief Executive Officer to award an extension of this contract, subject to a review of the contractor's performance and Council's business needs, at the conclusion of the initial five year contract term.***

CARRIED

BACKGROUND

The street sweeping program assists in providing safe access along road pavements and is important to ensure that the municipality is clean and well presented. The debris that is collected is predominately leaf litter, sediment and rubbish. The debris that is removed may otherwise wash into the drainage system and cause blockages leading to flooding and have detrimental environmental impacts on local creeks and rivers.

This contract is for street sweeping services for roads and car parks. Tenderers were requested to submit a price based on maintaining the current level of service and an alternative price for a modified level of service.

9.2.1

(cont)

The current level of service is that local streets are swept every three weeks. High profile commercial centres are swept more frequently. Car parks are swept based on a hierarchy of use. The arterial roads are swept four times per year under the terms of Council's Operational Works Maintenance Agreement with Department of Transport (VicRoads).

The heavy leaf program is an important component of the street sweeping service. The program runs through the autumn period for around 17 weeks, typically from mid-March to mid-July. The current level of service is that the identified streets that experience heavy leaf fall are swept every two weeks, and this is increased to every week for four weeks during the highest leaf fall time, which is typically in the month of May. All other streets during the heavy leaf period are swept every four weeks.

As an option, tenderers were requested to provide a price for a modified level of service. The alternative is to change the frequency of sweeping local streets to every four weeks (from three weeks), which changes during the heavy leaf period to every two weeks (no change) for heavy leaf streets and six weeks (from four weeks) for the other streets.

The street sweeping service levels of neighbouring municipalities are:

- Boroondara – Standard every 4 weeks – Heavy leaf every 12 days
- Monash – Standard every 5 weeks – No heavy leaf program
- Knox – Standard every 7 weeks (usually complete between 4-5 weeks) – No heavy leaf program
- Maroondah – Standard every 5 weeks - No heavy leaf program
- Manningham – Standard every 6 weeks – No heavy leaf program

The current contract is due to expire on 8 January 2021, at the end of a nine year contract term, which included contract extensions. The new contract is to be for five years commencing on 9 January 2021, with the option to extend for up to two years at Council's discretion. A period of up to seven years allows the contractor to amortise its investment in plant and equipment.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 18 April 2020 and were closed on Wednesday 20 May 2020. A total of eight tenders were received.

The tenders were evaluated against the following criteria:

- The Tender offer
- Capability
- Credibility
- Occupational Health & Safety and Equal Opportunity (Pass/Fail)

The preferred tenderer is Citywide Service Solutions Pty Ltd, trading as Citywide. It is the recommended tenderer for either option (maintaining the current level of service or for the option of the modified level of service).

Citywide is the current contractor and has delivered the service over the term of the contract with its satisfactory performance having been closely monitored and measured through regular communication and monthly meetings. It has developed significant local knowledge and understanding over the term of the current contract. The company is appropriately resourced, skilled and has demonstrated a capacity to deliver a reliable and high quality service.

Citywide is a leading physical services organisation with over 1,000 staff across 20 offices. It currently has similar street sweeping contracts with Councils including Bayside and Glen Eira. Citywide has a Safety Management System accredited to AS/NZS 4801:2001, a Quality Management System certified to ISO 9001:2015 and an Environmental Management System certified to ISO 14001:2015. It has maintained a safe standard of service during the COVID-

9.2.1

(cont)

19 environment and has demonstrated well managed services to protect staff, clients and the public from unnecessary risk.

For the next contract term, Citywide is committed to increasing its pool of experienced staffing resources, will purchase over \$1 million in new plant and equipment and deliver the minor increases to the scope of services for approximately the same cost.

The tender received from Citywide is considered to provide the best value for money for this Contract.

CONSULTATION

The relevant officers within Council have been consulted regarding this contract. The preferred tenderer's business viability has been considered.

The street sweeping service levels of neighbouring municipalities have been reviewed and are listed in the discussion section of this report as a comparison to the level of service provided by Whitehorse.

Satisfaction levels with the street sweeping service would be considered as part of the category 'public areas appearance' in the Local Government Community Satisfaction Survey. The score for Whitehorse in 2020 was 73, which is the same level as the Metropolitan Group average and ahead of the Statewide average of 72.

During the recent heavy leaf period of March 2020 to June 2020, Council received nine written compliments for the quality of the street sweeping service, this is in addition to general compliments received from phone calls.

There has been no community consultation on the street sweeping service levels as part of the specification review.

FINANCIAL IMPLICATIONS

The new contract is for an annual lump sum increasing with CPI adjustments plus rates for additional sweeping, for five years commencing on 9 January 2021, with the option to extend for up to two years at Council's discretion.

The preferred tenderer's price for the first 12 months is \$1,096,700, including GST. This is based on maintaining the current level of service which is sweeping local streets every three weeks, changing during the heavy leaf period to every two weeks for heavy leaf streets and four weeks for the other streets plus some minor improvements. It is recommended that the current level of service that has been developed to a high standard over the term of the current contract be maintained.

The preferred tenderer's price for the option of a modified level of service would result in a saving of \$73,700, including GST for the first 12 months. If CPI is estimated at 2.5%, the total saving for seven years would be \$556,246, including GST. For this saving to be realised, it would need to be nominated at the start of the contract. The modified level of service is sweeping local streets every four weeks, changing during the heavy leaf period to every two weeks for heavy leaf streets and six weeks for the other streets.

The total estimated contract expenditure including the contract extension period allowing for the annual fee, allowances for variations and estimated CPI increases for maintaining the current level of service is \$9,105,000, including GST.

All debris that is collected from the sweeping services is taken to the Whitehorse Recycling and Waste Centre for processing. The cost for this is approximately \$450,000 per year paid directly by Council.

All costs incurred under this contract will be charged to the relevant recurrent budgets.

9.3 HUMAN SERVICES

9.3.1 Whitehorse Local Heroes

SUMMARY

This report presents to Council, the proposed criteria and process for delivering the Councillor initiated Whitehorse Local Heroes program.

The Whitehorse Local Heroes program (the program) aims to recognise, reward and celebrate outstanding, local volunteering efforts undertaken by individuals and groups that are making a positive contribution to the well-being of the Whitehorse community, during the COVID-19 pandemic period and up until the end of 2020.

The program will have a tiered approach to recognising the extraordinary leadership shown by individuals and groups who are volunteering their time. Depending on the tier of recognition, awards will include cash rewards to individuals (\$200) and groups (\$500), certificates of appreciation, listing on an honour board and public "shout outs" on Council's website, social media and bulletins.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council approves the Whitehorse Local Heroes Program and notes the allocation of \$5000 to implement the initiative.

CARRIED UNANIMOUSLY

BACKGROUND

At the April Ordinary Council meeting, Council endorsed the development of a Covid-19 Pandemic Whitehorse Local Heroes recognition and reward program to acknowledge the extraordinary leadership shown by local volunteers (groups and individuals) at this time.

The Covid-19 pandemic has impacted on the normal operations of our community and in doing so, has created opportunities for individuals and groups through their volunteering efforts, to creatively respond to the needs of people in the community. The Whitehorse Local Heroes program provides the opportunity to recognise these volunteering efforts and achievements.

Recognition of effort is an important aspect of any volunteering program. When volunteers feel appreciated and acknowledged they are more likely to feel connected to the program and continue their involvement. Whilst Council's existing volunteer program recognises the important work undertaken by Council volunteers in the delivery of a wide range of areas, this initiative focusses on volunteering efforts in the broader community.

DISCUSSION

The proposed 'Whitehorse Local Heroes' program which will be coordinated by the Community Development department and promoted by the Strategic Marketing & Communications department, aims to acknowledge those volunteers undertaking a broad range of activity that supports the Whitehorse community. This program will highlight the outstanding efforts of volunteers in the Whitehorse Community to the broader community as well as building Council's understanding of the achievements of individuals and groups during this time.

9.3.1

(cont)

Criteria:

Nominations for the Whitehorse Local Heroes will be open to the community with the following eligibility criteria:

- a) Nominated individuals, groups and organisations must reside or operate within the City of Whitehorse.
- b) The individual nominated does not have to be registered as a volunteer with Whitehorse City Council or another organisation.
- c) The individual or group must not have been paid for the activity or financially benefited from the activity undertaken

The Whitehorse Local Heroes Program will comprise the following three levels of recognition and reward:

Tier 1 - Outstanding volunteer service, leadership or initiative

Criteria: The individual or group nominated must have demonstrated outstanding services, leadership and/or the implementation of innovative solutions that address community needs.

a) Recognition of individuals

Reward: Certificate of recognition, a \$200 cash amount for individuals and listing on a virtual Community Volunteers Honour Board on Council's website

b) Recognition for volunteer groups or organisations

Reward: Certificate of recognition, \$500 cash amount for organisations & listing on a virtual Community Volunteers Honour Board on Council's web site

Tier 2 – Individual/ Groups that demonstrate Community Spirit

Criteria: The nominated individual or group demonstrate a commitment to community health and wellbeing through their volunteering actions and initiatives.

Reward:

- Certificate of Recognition and feature in media articles showcasing good news stories (Whitehorse News) and social media channels (Facebook and LinkedIn)
- Organisations may also attract additional volunteers into their programs and awareness of services and supports through media acknowledgement.

Tier 3 – Public “Shout Outs”

Criteria: The person making the nomination wants to show their appreciation for the efforts and actions of a volunteer or volunteer group. The actions undertaken by the volunteer or organisation are consistent with the everyday operations of the volunteer program or organisation, but the nominee valued the contribution it made to their circumstance.

Reward: Public acknowledgement (Shout Out) on Council's website, in social media, bulletins etc.

The Shout Out's are to be posted monthly, using the following text:

“Please join Council in thanking the following individuals or groups who have been nominated by the community for making a positive impact through their volunteering efforts at this time.”

9.3.1

(cont)

Applications

Your Say Whitehorse will be utilised to administer nominations for the Whitehorse Local Heroes Program.

Nomination forms will seek the following details:

- Name and contact details of the person completing the form/making the nomination
- Name and contact info (email/phone) of the individual or group being nominated
- A brief description of why the nomination is being made, including the action taken and the benefit to the person making the nomination and or others in the community (150 words or less).

Supporting information, such as videos, CDs or posters are not required as part of the nomination but may be requested for purpose of promoting the initiative and or achievement.

Evaluation of Nominations

An evaluation panel which will include the Mayor, will be established to assess all nominations. The evaluation Panel will meet monthly (except during the caretaker period) to deliberate on all nominations received during the preceding month.

Deliberations will include decisions as to the level of recognition applicable to each nomination. Decisions and recommendations will be recorded to monitor program outcomes.

Each nomination will be evaluated in relation to:

- Meeting the program criteria
- Benefit to the community and or individuals in the community
- Extension beyond normal operations – for groups

Volunteers are likely to be nominated by others and may be unaware of their nomination. Council will undertake a secondary process to gain consent from successful nominees prior to public recognition.

- The successful nominees/organisations/groups (and the person(s) who nominated them) will be sent an email to advise of the nomination outcome, along with Councils consent form allowing for public recognition of person and the nominated activity.

Timeframe

The program will open for nominations at the end of July 2020 and nominations will close in November 2020.

Business Awards:

The Whitehorse Business Group is implementing a program of “Business Awards” over the next 6 months.

The Business Awards program invites businesses to share a 60-second video and/or story of how their business positively contributed to the Whitehorse Community during COVID-19. This program acknowledges the many businesses that have gone out of their way to make a difference in the lives of those facing difficulties during these unprecedented times.

The Whitehorse Business Group wants to recognise and acknowledge those businesses who are surviving COVID-19 and supporting the community during these difficult times. They will be recognised with an e-certificate, and if provided their 60-second video will also be shared on their social networks. Videos and/or stories can be emailed to wbg@whitehorsebusinessgroup.com.au.

9.3.1

(cont)

If Council receives nominations from the community for the Local Heroes program which relate to businesses, these will be redirected to the Whitehorse Business Group for their consideration for a Business Award.

CONSULTATION

The Whitehorse Local Heroes program will be promoted to the Whitehorse community through Council's social media and online platforms as well as on hold messages and through the Mayors radio show. The program will also link to Council's newly created Chat Bot, Ed.

Community Development will also promote the Whitehorse Local Heroes program to not for profit organisations and community groups and will send information to other departments in Council to promote the program.

FINANCIAL IMPLICATIONS

The total funding sought for the Whitehorse Local Heroes program is \$5000.

Category	Reward	Cost
Tier 1 – Individual	Financial	\$200
Tier 1 – Group	Financial	\$500

POLICY IMPLICATIONS

The Whitehorse Local Heroes program links to the Whitehorse Council Plan, the Whitehorse Municipal Public Health & Wellbeing Plan

9.3.2 Community Grants 2020-2021

SUMMARY

This report presents to Council, information and recommendations for the Whitehorse Community Grant program for the 2020/2021 financial year.

It is proposed that Council approves a small number of (already applied for) grants which are considered “important” at this time, due to their predominant focus on encouraging community participation and on older people who have been socially isolated for some time and who are returning to participating in the life of the community (titled Stage 1 Cash Grant recommendations) these are presented in Appendix A to this Report.

As a result, there is an opportunity to refocus the community grants program towards recovery and use the remaining amount of funding (\$160,105) for a Stage 2 process. This means that those community organisations and groups, who have already applied for a community grant but have not been recommended for funded can: move their application over to Stage 2; modify their application to assist them to recommence their operations; or abandon their application if they are unable to implement their original initiative or another.

It is anticipated that there will be some community organisations and groups who might not continue operations post COVID-19, due to a range of factors. If there is any additional funding available once this process has concluded, the grants program may then be opened up to the broader community.

In addition, presented for noting are:

- *Partnership Grants (Appendix B), which were extended for 2 years (to end June 2021) by Council at the July 2019 Ordinary Council meeting, to bring them into alignment with the strategic directions of the new Council Vision and Plan*
- *Discount Support Hall Hire (Appendix C), which will be subject to State Government mass gathering regulations and guidelines*
- *Discount Support Free Tipping (Appendix D)*

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council:

- A. Allocates the 2020-2021 Stage 1 Whitehorse Community Grants in accordance with Appendix A- Annual Cash Grants**
- B. Notes the allocations presented in:**
 - **Appendix B-(Partnership Grants)**
 - **Appendix C-(Discount Support Hall Hire)**
 - **Appendix D-(Discount Support Free Tipping)**
- C. Endorse a Stage 2 Community Grants process which will be re-focussed towards “recovery” and which entails contacting the community organisations and groups who have already applied for a community grant to determine if they would like to:**
 - **Move their original application across to Stage 2**
 - **Modify their application to assist them to recommence their operations, as well as respond to the needs of the Whitehorse community at this time.**
 - **Abandon their application if they are not able to implement their original initiative or another, for a variety of reasons.**

CARRIED UNANIMOUSLY

9.3.2

(cont)

BACKGROUND

Annually, Whitehorse City Council supports not-for-profit community groups, clubs and organisations to provide a wide range of services, programs and initiatives to benefit the Whitehorse community, through its Community Grants Program.

Due to the unrepresented COVID-19 impacts, it is proposed that for the 2020-2021 financial year a small number of already applied for “important” community grants are approved due to their predominant focus on increasing community participation and on older people who have been socially isolated for some time, returning to participating in the life of the community (titled Stage 1 Cash Grant recommendations) these are presented in Appendix A to this Report.

It is also proposed that the remaining funds (\$160,105) are refocused towards recovery and are again opened to up to those that have already applied for a Community grant in the 2020/2021 financial year. These organisations will be asked if they wish to: move their original application across to Stage 2; modify their application to assist them in their recovery; or if they want to abandon their application if they are not able to deliver their original initiative, or another initiative, due to a range of factors.

In addition, if there is unallocated funding available and any additional cash grant applications are received outside of the grants process, these will be subject to the required application and review process, which requires final approval by the Mayor.

It is anticipated that there will be some community organisations and groups who might not continue operations post COVID-19 due to a range of factors. Subsequently, the grants may be opened up to the broader Whitehorse community if there is sufficient funds remaining.

Considerations in regard to proposing a Stage 2 Community Grants program, include:

- COVID-19 and its enormous impacts on community organisations and groups
- A new and changing environment for community organisations and groups recommencing operations and responding to community need
- Recognising that the landscape and the needs of organisations and groups may have changed over the past few months
- The substantive Whitehorse Community Grants 2020-2021 round closing prior to COVID-19

Partnership Grants which are generally funded over a four year period, have previously been approved by Council. At the Ordinary Council meeting in July 2019, Council extended Partnership Grants for 2 years (to end June 2021) to bring them into alignment with the strategic directions of the new Council Plan. These are presented in Appendix B.

Discount Support Hall hire (which are subject to State and Federal Government mass gathering guidelines and regulations) are presented in Appendix C and Discount Support Free Tipping is presented in Appendix D.

Council's usual annual Community Grants program for the 2021-2022 financial year, will open in February 2021.

Once again, the online application program *SmartyGrants*, was utilised to accept and manage grant applications for the Community Grants program (cash grants and discount support). The new system, which has now been used over two grant rounds has ensured a smooth process and will be further streamlined in ensuing years.

9.3.2

(cont)

The program allows those applying to submit applications and acquittals online and allows Council to communicate with grant applicants instantly. The system also provides an excellent audit trail for the Grants Program. In the proposed Stage 2 grant round, *Smarty Grants* will be utilised.

DISCUSSION

The Community Grants Program is divided into four separate components:

- 1. Cash Grants - Annual (stage 1 and stage 2)**
- 2. Partnership Funding**
- 3. Discount Support - Hall Hire**
- 4. Discount Support- Free Tipping**

1. Cash Grants - Annual Grants

Stage 1:

Annual Cash Grants includes Minor Grants up to \$3,000 & Major Grants \$3001 to \$10,000. The recommendations for Stage 1 annual cash grants, which are those considered “important” at this time, due to their predominant focus on community participation and on older people recommencing their participation in the life of the community, are detailed in Appendix A.

Proposed Stage 2:

It is proposed that a refocused 2nd stage Community Grants round is opened to the groups and organisations that have already applied, but have not been funded in Stage 1, utilising the saving of \$160,105.

This stage, which has a focus on recovery, allows those that have already applied to: roll over their original grant application; modify their application if the landscape has changed for them; or abandon their application if they are unable to deliver their original initiative or a new initiative, based on a range of factors. If there are funds remaining, the program may be opened up more broadly.

Proposed Decision Making Process:

As is common every year, the applications received will be assessed by the relevant officer(s) across Council. These assessments will then be presented to the Councillor panel, comprising of the Mayor and one Councillor from each Ward for their approval or non-approval. Panel recommendations will then go to Council for adoption in September 2020.

The Councillor panel will be supported by the Manager Community Development and the Community Development officer (Grants and Volunteers).

In addition, if there is unallocated funding available and any additional cash grant applications are received outside of the grants process, these will be subject to the required application and review process, which requires final approval by the Mayor.

2. Partnership Grants

At the Ordinary Council meeting in July 2019, Council agreed to extend the Partnership Grants to bring them into alignment with the strategic directions of the new Council Vision and Council Plan. The Partnership Grants described below, conclude on 30th June 2021. An annual CPI increase is applied to all partnership grant recipients (both tendered and non-tendered).

9.3.2

(cont)

Partnership Grants include:

- **10 Neighbourhood & Community Houses.**
- **Asian Business Association of Whitehorse Inc**
- **Whitehorse Pre School Association Inc**
- **Mitcham Community House - Family Violence Program for Women**
- **Family Access Network-Life Skills Program for Young Men & Women**
- **Uniting Care - East Burwood Centre - Emergency Relief Provision**

Partnerships grants have been budgeted for in the 2020/2021 financial year and are detailed in Appendix B.

3. Discount Support Hall Hire

Discount Support hall hire relates to discounted hall hire charges at Council owned and operated venues. If community organisations meet the criteria, Discount Support Hall Hire is automatically granted. Those applying for a discount on hall hire charges are notified in writing of their success or otherwise. This information is included in Appendix C.

All events that are eligible for Discount Support hall hire will be subject to State and Federal Government mass gathering guidelines and regulations. The funding for Discount Support Hall Hire goes directly to the venue where the booking has been made, not to the community organisation or group therefore, if the booking does not go ahead the funding remains with Council.

Further applications for Discount Support Hall Hire will be received by Council as the year progresses and will be approved if organisations/groups meet the criteria, up to the budgeted allocation. There are three levels of discount support based on group type: 90% for seniors groups, 75% for service clubs and 50% for all other organisations.

Discount Support Hall Hire also includes an option of one free hall hire fundraising event annually, per organisation. The Discount Support Hall Hire budget for the 2020/2021 financial year is \$307,023.

4. Discount Support Free Tipping

Council offers discounted support to not for profit community groups for free tipping at Council's Recycling and Waste Centre. A nominal amount of \$230 has been allocated to each free tipping pass. Each trailer load of waste is weighed and the actual cost based on the tonnage rate applied, is recorded against the Community Grants Program. If community organisations meet the criteria, Discount Support Free Tipping is automatically granted. A total of 138 tipping passes (to date) have been allocated for the 2020/21 financial year and the groups are listed in Appendix D. Further applications will be received as the year progresses. The budget for Discount Support Free Tipping is \$33,813.

CONSULTATION

The 2020-2021 Stage 1 Whitehorse Community Grants program was advertised extensively within the municipality:

- **In the Whitehorse News,**
- **On Council's web site, Facebook page and on-hold messages**
- **In the Whitehorse Leader and Asian Multimedia newspapers**
- **Through advertisements and press releases**
- **Through videos of previous successful applicants telling their stories**

Officers from various service areas across Council were engaged in regard to their initial assessment of each grant application.

9.3.2

(cont)

Council Officers held two Information/Training Sessions in February/March 2020 with over 70 organisations attending, to explain the SmartyGrants system. In addition, over the phone and face to face support was also provided.

In regard to Stage 2 Grants, all of the groups and organisations who have previously applied will be contacted to determine the way forward and will receive officer support throughout the process.

FINANCIAL IMPLICATIONS

The Overall Community Grant Budget for the 2020/21 financial year is shown below:

2020/2021 Financial Year – Cash and Discount Support	TOTAL GRANTS BUDGET (CASH AND DISCOUNT SUPPORT)
Cash Grants (Annual & Partnership Grants)	\$657,817
Discount Support Hall Hire	\$307,023
Discount Support Free Tipping	\$33,813
TOTAL OVERALL GRANTS BUDGET	\$998,653

The Cash Grant Budget for the 2020/2021 financial year is shown below:

2020/21 Financial Year – Cash Grants breakdown	CASH GRANT BUDGET
Partnership Grants	\$471,612
Annual Grants- Stage 1	\$26,100
Annual Cash Grants- available for Stage 2	\$160,105
TOTAL CASH GRANTS for 2020-2021	\$657,817

The Stage 1 Cash Grant recommendations total \$26,100 which leaves \$160,105 available for the Stage 2 grants for the 2020-2021 financial year. The community grant financial amounts in this report do not include GST.

In addition, if there is unallocated funding available and additional cash grant applications are received outside of the grants process, these will be subject to the required application and review process, which requires final approval by the Mayor.

As a result of COVID-19 and subsequent lockdowns and social isolation requirements, there will be a number of community organisations and groups that will not be able to implement the initiatives they applied for funding to run in this current financial year. Acquittals and reporting requirements are due by the end June- early July 2020 which means Council will have more information about whether some grant money will come back to Council. We already know that the Whitehorse Business Association was unable to run the Chinese New Year event, which will be a saving back to Council.

POLICY IMPLICATIONS

The Community Grants have been advertised, assessed and recommended in line with the Whitehorse Council Plan and Council's long term vision and goals.

9.3.2

(cont)

APPENDIX A: ANNUAL CASH GRANTS

Applicant	Recommended Funding
Buckanbee Park Advisory Committee (Blues at Buckanbee)	\$2,700
Lions Club of Vermont South Australia Day Breakfast)	\$1000
Blackburn South Ladies Probus (Social Activities)	\$1000
Whitehorse Historical Society (Schwerkolt Cottage Heritage Family Day)	\$2000
Greek Orthodox Community of Box Hill Inc. (Social Activities)	\$1000
Moon Wha Gyo Sil Inc. Korean Seniors (Social & Wellbeing Activities)	\$1000
Peranakan Ass Aust Inc. (Social Activities etc.)	\$1000
U3A Nunawading (communication re: events etc.)	\$1000
Nieuw Holland Dutch Social Club (Social Activities)	\$500
Senior Citizens Club of Nunawading (Social Activities)	\$750
Forest Hill Uniting Church Community Companions (Social Activities)	\$500
U3A Box Hill (program to attract older men into the programs)	\$500
Probus Club Blackburn Central (Social Activities)	\$1000
Circolo Pensionati Italian group- Box Hill & Nunawading (Social Activities)	\$1000
Melbourne Korean Senior Citizens (Social Activities)	\$500
Probus Club Mont Albert (Social Activities)	\$400
Fanghua Seniors Arts Performance Clun Inc. (Social Activities)	\$750
Russian Ethnic Representative Council (Social Activities)	\$250
Ladies Probus Club of Blackburn Lake Inc (Social Activities)	\$250
Jing Song Senior Chinese Mens Inc. (Social Activities etc.)	\$1000
Ladies Probus Club Box Hill South Inc. (Social Activities)	\$500
Nunawading Greek Elderly Citizens Club (Social Activities etc.)	\$500
Eastern Emergency Relief Network (Emergency Relief items and operations)	\$9000
Total	\$26,100

9.3.2 (cont)

APPENDIX B: PARTNERSHIP GRANTS

ORGANISATION	Partnership Grants 2020/2021
PARTNERSHIP	
Asian Business Association of Whitehorse Inc	\$24,854
Avenue @ Eley Neighbourhood House	\$38,646
Bennettswood Neighbourhood House	\$31,190
Box Hill South Neighbourhood House	\$31,190
Burwood Neighbourhood House	\$31,190
Clota Cottage Neighbourhood House Inc	\$31,190
Kerrimuir Neighbourhood House	\$31,190
Koonung Cottage Community House	\$31,190
Louise Multicultural Centre	\$28,085
Mitcham Community House	\$38,646
Vermont South Community House	\$37,888
Whitehorse Pre School Association	\$32,185
Mitcham Community House Family Violence Program	\$18,018
Family Access Network - Life Skills Program	\$38,913
Uniting Care East Burwood Centre Emergency Relief	\$27,237
TOTAL PARTNERSHIP GRANTS	\$471,612

9.3.2

(cont)

APPENDIX C: DISCOUNT SUPPORT HALL HIRE

Organisation Name	Funding \$
Australian Red Cross - Blackburn Branch	\$1,050.00
Box Hill Art Group	\$3,859.76
Box Hill Ballet Ass.	\$4,126.73
Box Hill Chorale	\$1,835.51
Box Hill Clayworkers	\$2,354.50
Box Hill Community Gardens Inc	\$66.07
Circolo Pensionati Italiani Nunawading and Box Hill	\$3,150.00
Combined Probus Club of Blackburn South Inc	\$788.00
Community Of Cypriots Of The Eastern Suburbs Elderly Citizens Club Incorporated	\$360.00
Designer art shop association	\$309.13
Eastern District Budgerigar Society	\$688.00
Eastern Health	\$1,291.00
Eastern Suburbs Scale Modelling Club Inc.	\$252.61
Florence Road Preschool	\$1,175.00
Greek & Cypriot Elderly Citizens Club of Whitehorse & Districts Inc	\$6,930.00
Happy Living Senior Association	\$8,847.00
Jing Song Senior Chinese Men's Incorporation	\$2,338.00
Kerrimuir Primary School	\$2,820.00
Ladies Probus Club of Vermont South	\$630.00
Melbourne Audio Club	\$1,050.00
Melbourne Warbles Choir Incorporated	\$836.18
Nunawading Community Gardens	\$250.00
Nunawading Hungarian Senior Citizens Club Inc	\$1,823.00
Papermakers of Victoria Inc.	\$247.62
Perwira Perhimpunan Warga Indonesia di Victoria Incorporated (Indonesian Society of Victoria)	\$1,520.00
Playhouse Players Inc.	\$2,138.00
Polish Senior Citizens Club of Doncaster	\$4,140.00
Pope Road Blackburn Preschool Ass. Inc.	\$1,370.00
R & S Chrysler Valiant Car Club of Victoria Incorporated	\$400.00
Senior Citizens Club - Nunawading Inc	\$2,632.00
The Melbourne Chinese Choir	\$638.16
The Needlework Tapestry Guild of Victoria Inc	\$2,978.55
Vermont Garden club	\$619.00
Victorian bulb society	\$412.00
Wattle Hill Kindergarten	\$86.00
Whitehorse Boroondara Community Radio	\$3,888.00
Whitehorse Cyclists Inc.	\$266.90
Whitehorse Orchestra	\$1,835.51
Total approved to March 2020	\$70,002.23

9.3.2

(cont)

APPENDIX D: DISCOUNT SUPPORT FREE TIPPING

Organisation	Funding \$
Rotary Mitcham	\$1,380
Box Hill Community Gardens	\$920
Vermont Lions Club	\$920
Alkira (op shops only)	\$1,380
Florence Road Preschool	\$460
Rangeview Preschool	\$690
Scouts Performing Arts Activity Centre	\$460
Rotary Recycle (op shop)	\$460
Vermont Uniting (Men's Shed)	\$920
LINC	\$2,300
Nunawading Community Gardens	\$920
RSPCA	\$5,060
Eastmont Preschool	\$690
Burwood Community Garden	\$920
Lions Club of Blackburn North	\$920
Doncare	\$1,840
Scouts Whitehorse District	\$460
Pope Road Kindergarten	\$460
Nunawading Toy Library	\$460
1 st /8 th Blackburn Scouts	\$460
Eastern Emergency Relief Network	\$5980
6 th Box Hill Scouts	\$460
1 st Tally Ho Scouts	\$460
1 st Bennettswood Scouts	\$460
1 st Mitcham Scouts	\$460
1st Mont Albert Scouts	\$460
Nunawading District Motocross Club	\$460
Whitehorse Rotary Farmers Market	\$2,300
Total approved to date	\$33,120

9.4 CORPORATE

9.4.1 Extension of (Contract 13035) Banking and Bill Payment Services

SUMMARY

To consider an extension of Contract 13035, Banking and Bill Payment Services currently served by the Commonwealth Bank of Australia, on a schedule of rates basis for three months plus three months extensions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

That Council extend Contract 13035 for the provision of Banking and Bill Payment Services with the Commonwealth Bank of Australia ABN 48 123 123 124, of Ground Floor, Tower 1, 201 Sussex Street, Sydney NSW 2000, on a schedule of rates basis for extra three months plus further three months if needed.

CARRIED UNANIMOUSLY

BACKGROUND

The banking and bill payment services provided under this Contract include all aspects of institutional banking including but not limited to:

- Provision of electronic funds payment facilities (for payroll and accounts payable).
- Individual funds management services.
- Overdraft facilities.
- Processing of EFTPOS transactions including supply and maintenance of terminals.
- Direct debit services.
- Corporate credit cards management.
- Provision of cheque payment facilities.
- On-line banking services.
- Over-the-counter transactions.
- Locked-bag facilities
- BPAY facilities
- Direct debit facilities.
- Telephone and internet credit card facilities.

DISCUSSION

On 18 August 2014, following a public tender process, Council awarded the Contract 13035 for Banking and Bill Payment Services to the Commonwealth Bank of Australia. The period of the Contract was for three years, with an option to extend the Contract for a further three years. The optional extension of the Contract will expire on 31 August 2020 with no further option to extend.

Council Officers prepared a tender for the new Contract, the tender was opened on 25 April 2020 and closed on 03 June 2020. Officers decided to keep the Tender open for a longer period due to Covid19 restrictions. Furthermore evaluation team working from various locations, due to Covid19 impacts, might take longer time to complete the evaluation, award the Contract and the time is needed for the transition of the services, if the contract is awarded to a new Services Provider. Hence this report is to seek approval for an extra time extension, enabling the Council to obtain the crucial services without interruption until the new contract is awarded.

FINANCIAL IMPLICATIONS

The contract for the provision of Banking and Bill Payment Services is based on an agreed schedule of rates with the overall expenditure being dependent on the amount of usage.

9.4.2 Audit Advisory Committee: Reappointment of Independent Member

FILE NUMBER: SF08/319

SUMMARY

In September 2017 Council appointed Ms Lisa Woolmer as an independent person on the Audit Advisory Committee for the term from 1 September 2017 to 31 August 2020, with performance based options for extension of three plus three years. It is recommended that Council re-appoint Ms Woolmer to the position.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Massoud

That Council:

- 1. Reappoint Ms Lisa Woolmer as an independent person on the Audit Advisory Committee for the term from 1 September 2020 to 31 August 2023.**
- 2. Approve remuneration of \$1,400 per meeting (no change) for a maximum of five meetings per annum for an independent member effective 1 September 2020.**

CARRIED

BACKGROUND

Under the terms of the *Audit Advisory Committee Charter* 2013, independent members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, for a further two, three year terms after a review of their performance.

Ms Lisa Woolmer, a current independent member of the Audit Advisory Committee, completes this current three-year term on 31 August 2020 and has expressed interest in serving another three-year term.

DISCUSSION

Feedback was sought from each of the Audit Advisory Committee's Councillor representatives, the second independent member, and current chair, of the Audit Advisory Committee, and the CEO in relation to Ms Woolmer's performance, using the Institute of Internal Auditors Public Sector Guide 2014 below, considered an authoritative and independent forum for guidance.

Assessment of Independent Members

Did the audit committee member:

1. Regularly attend meetings?
2. Demonstrated a thorough understanding of the organisation's statutory objectives and activities?
3. Demonstrated a high level of understanding of the audit committee's role, obligations and responsibilities?
4. Conduct themselves in a professional manner?
5. Contribute to the overall credibility of the committee through the manner in which they operated and interacted?
6. Consistently demonstrated an independence of mind and objectivity?
7. Challenged the status quo by being prepared to take difficult but constructive positions at meetings where required?
8. Demonstrated a well-rounded understanding of the organisation's risk management and compliance arrangements and the associated internal control framework?
9. Demonstrated a well-considered and well-informed analytical approach?
10. Consistently prepare for audit committee meetings with this demonstrated in the quality of their participation?

9.4.2

(cont)

All responded very positively to each of the 10 questions and supported Ms Woolmer's re-appointment believing that she satisfied the criteria to a high degree. Ms Woolmer is considered to have a sound knowledge of all the responsibilities under the Audit Committee Charter. She is a strong contributor to discussions, and her professionalism and style of communication contributes to the success of the workings of the Audit Advisory Committee.

CONSULTATION

The review process was coordinated by Management, in consultation with members of the Audit Advisory Committee and CEO.

FINANCIAL IMPLICATIONS

Remuneration for an independent member of the Audit Advisory Committee is within current approved budgets.

9.4.3 Whitehorse Governance Framework

ATTACHMENT

SUMMARY

The new Local Government Act 2020 has been proclaimed and a number of provisions in the Local Government Act 1989 have been repealed and others come into operation at various times. By 1 September 2020 Council is required to have adopted the Governance Rules, Public Transparency Policy, Councillor Expenses Policy, Delegated Committees (if any) and the Audit and Risk Committee Charter (which will be subject to a separate report.) The Rules and policies are attached for Council to consider for the purpose of community consultation.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Munroe

That Council note the Governance Framework comprising the Governance Rules, Public Transparency Policy and Councillor Expenses Policy for the purpose of community consultation and feedback and to be further considered by Council at the next Council meeting on 24 August 2020.

CARRIED

A Division was called.

Division

For

Cr Bennett
Cr Carr
Cr Cutts
Cr Davenport
Cr Ellis
Cr Massoud
Cr Munroe
Cr Stennett

Against

Cr Barker

On the results of the Division the motion was declared CARRIED

DISCUSSION

Governance Rules

1. Key Principles

Driving the governance changes by the State Government, is a concerted effort to reinforce and promote the following four guiding principles:

1. The promotion of natural justice with Council decisions;
2. The promotion of transparency of Council decisions, actions and information;
3. The importance of achieving best outcomes for community, now and in future; and
4. The importance of community engagement.

It has been a longstanding legislative requirement for government to ensure that its decisions are made fairly and on their merits. Further, that persons affected by a Council decision have the opportunity as part of the decision-making process, to make their views/interests known. The reconfirmation of this principle seeks to build and enhance community confidence and respect for Council's processes and its decision-making responsibilities.

9.4.3 (cont)

The second principle relates to engendering community confidence and respect in Council processes, in the level of transparency associated with Council decisions, actions taken and ready to access information.

The third identified principle is for Councils to continue to provide good governance and strive to achieve the best outcomes, in terms of the benefits and wellbeing of its current and future communities.

Finally, there is a renewed effort to reinforce the importance of community engagement. There is a close relationship between community engagement and participation in Council processes and activities, in engendering community satisfaction and confidence with Council.

2. Matters Covered

Whitehorse City Council has placed enhanced importance in ensuring that the information contained in its Governance Rules is presented in a clear, concise and complete manner. It is hoped that this approach may produce tangible results in building and strengthening community interest and participation in Council sponsored initiatives and prescribed legislative processes.

Accordingly, the Governance Rules captures the following information:

- a) The conduct of meetings for Council and delegated Committees;
- b) The nature and availability of meeting records;
- c) Procedure for election of the Mayor and Deputy Mayor;
- d) Council's Election Period Policy; and
- e) The Disclosure of a Conflict of Interest

Public Transparency Policy

Councils Public Transparency Policy defines Council's commitment to the Public Transparency Principles of the *Local Government Act 2020* (2020 Act), describes the ways in which Council information will be made publicly available and specifies the types of Council information which will be publicly available.

The Public Transparency Principles of the 2020 Act are:

- a) Council *decision-making* processes must be transparent except when the Council is dealing with information that is confidential by virtue of the 2020 Act or any other Act.
- b) Council *information* must be publicly available unless:
 - i) The information is confidential by virtue of the 2020 Act or any other Act; or
 - ii) Public availability of the information would be contrary to the public interest;
- c) Council information must be understandable and accessible to members of the municipal community;
- d) Public awareness of the availability of Council information must be facilitated.

9.4.3 (cont)

Councillor Expenses Policy

The Council Expenses Policy defines Council's commitment to the requirements of the 2020 Act in relation to the reimbursement of out-of-pocket expenses for Councillors and members of a delegated committee (if any). The Council Expenses Policy outlines the procedure to be followed in:

- a) Applying for reimbursements; and
- b) In the reimbursing of expenses

Incurring by Councillors and appointed members of a delegated committee (if any).

The Expenses Policy also identifies facilities and support that will be provided to the Mayor, Councillors and members appointed to a delegated committee (if any).

Delegated Committees of Council

Section 86 of the 1989 Act provided for a Council to establish Special Committees of Council, Whitehorse City Council has one Special Committee of Council established under section 86. With the implementation of the 2020 Act, section 86 of the 1989 Act has been repealed, which will result in the cessation of the Special Committee of Council from 1 September 2020.

The 2020 Act provides for delegated committees to be established by a Council, delegated committees must include at least two Councillors, and may include any other persons appointed to the delegated committee by the Council. Council has yet to adopt a meeting structure under the 2020 Act and therefore yet to decide whether it will establish a delegated committee. Should Council resolve to establish a delegated committee under section 63 of the 2020 Act, an instrument of delegation and delegated committee guidelines will be prepared.

Consultation

Council is required to seek community feedback through community consultation. After council has resolved accordingly public notice will be given from the 21 July until 4 August 2020. All community contributions will be considered and included in a report to Council for final consideration and adoption on 24 August 2020.

ATTACHMENT

- 1 Draft Council Expenses Policy
- 2 Draft Public Transparency Policy
- 3 Draft Governance Rules

9.4.4 Delegated Decisions May 2020

SUMMARY

The following activity was undertaken by officers under delegated authority during May 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 May 2020 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for May 2019	Number for May 2020
Planning and Environment Act 1987	Delegated Decisions	170	116
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		76	14
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	59	42
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	Nil
Food Act 1984	Food Act Orders	Nil	Nil
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	1	4
Local Government Act 1989	Temporary Rd. Closures	8	2
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	4	1
	Property Sales and Leases	3	Nil
	Documents to which Council seal affixed	1	Nil
	Vendor Payments	1362	898
	Parking Amendments	14	6
	Parking Infringements Withdrawn	314	109

9.4.4

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS MAY 2020

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

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/102	19.05.20	Application Lapsed	12 Woodleigh Crescent Vermont South Vic 3133	Morack	Removal of three (3) trees in the Significant Landscape Overlay, Schedule 9 (SLO9).	Special Landscape Area
WH/1993/806080/B	18.05.20	Delegate Approval - S72 Amendment	195-197 Whitehorse Road Blackburn Vic 3130	Central	To use and develop the land known and described as No. 195 - 197 Whitehorse Road, Blackburn for the purpose of a Child Care Centre for no more than 54 children to allow for variation of hours as per condition 9 of permit	Permit Amendment
WH/2012/398/B	13.05.20	Delegate Approval - S72 Amendment	9 Hopetoun Street Mitcham Vic 3132	Springfield	Amendment of Planning Permit WH/2012/398 (issued for construction of two dwellings, comprising a new double storey dwelling to the rear of the existing dwelling) to construct buildings and works within 4 metres of protected trees.	Permit Amendment
WH/2014/546/B	08.05.20	Delegate Approval - S72 Amendment	7 Prince Edward Avenue Mitcham Vic 3132	Springfield	Construction of three, two storey dwellings in a neighbourhood residential zone	Permit Amendment
WH/2014/556/A	12.05.20	Delegate Approval - S72 Amendment	21 Loddon Street Box Hill North Vic 3129	Elgar	Construction of two double storey dwellings	Permit Amendment
WH/2014/647/A	13.05.20	Delegate Approval - S72 Amendment	51 Elgar Road Burwood Vic 3125	Riversdale	Relocation of fence gate for Dwelling 2, reconfiguration of concrete pavers for Dwelling 2's frontage (private open space), and permit preamble updated to include "buildings and works within 4 metres of protected vegetation".	Permit Amendment
WH/2015/3/A	19.05.20	Delegate Approval - S72 Amendment	110 Brunswick Road Mitcham Vic 3132	Springfield	Construction two double storey dwellings	Permit Amendment

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2015/715/G	20.05.20	Delegate Approval - S72 Amendment	1002/12 Nelson Road Box Hill Vic 3128	Elgar	Construction of a Part 19, Part 20 storey building, comprising dwellings, retail space and offices, with basement car park, use of the building for accommodation (dwellings), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme to alter configuration of apartments and parking layout.	Permit Amendment
WH/2015/765/C	13.05.20	Delegate Approval - S72 Amendment	886 Station Street Box Hill North Vic 3129	Elgar	Buildings and works (for medical centre use), alteration of access to a Road Zone, Category 1 (Station Street), tree removal and works within 4 metres of the base of a protected tree (tree 4)	Permit Amendment
WH/2015/972/A	20.05.20	Delegate Approval - S72 Amendment	41 Quarry Road Mitcham Vic 3132	Springfield	Buildings and works to construct two (2) double storey dwellings and tree removal	Permit Amendment
WH/2016/1145/A	25.05.20	Delegate Approval - S72 Amendment	16 Vernal Avenue Mitcham Vic 3132	Springfield	Buildings and works for the construction of two dwellings and vegetation removal (trees)	Permit Amendment
WH/2016/456/P	18.05.20	Delegate Approval - S72 Amendment	22/31-37 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works for a warehouse development, use of the land for a food and drink premises and offices, internally illuminated signage, reduction in the standard car parking requirement, sale and consumption of liquor in association with use of land for a food and drink premises and native vegetation removal	Permit Amendment
WH/2016/456/R	22.05.20	Delegate Approval - S72 Amendment	31-39 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works for a warehouse development, use of the land for a food and drink premises and offices, internally illuminated signage, reduction in the standard car parking requirement, sale and consumption of liquor in association with use of land for a food and drink premises and native vegetation removal	Permit Amendment

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/562/B	18.05.20	Delegate Approval - S72 Amendment	22 Stanley Street Box Hill South Vic 3128	Riversdale	The construction of two (2) double storey dwellings including associated buildings and works within 4 metres of protected SLO9 trees and vegetation removal	Permit Amendment
WH/2017/774/A	08.05.20	Delegate Approval - S72 Amendment	16 Peter Street Box Hill North Vic 3129	Elgar	Construction of 2 double storey dwellings with garage	Permit Amendment
WH/2018/1009/A	29.05.20	Delegate Approval - S72 Amendment	18 Spring Street Box Hill Vic 3128	Elgar	Construction of a 29 storey mixed use building with five basement levels, comprising of 299 dwellings together with the use of the land for the purposes of Education Centre (Nurse training facility), Offices, Shops, Food and Drink premises, Accommodation, reduction to the car parking requirement and removal of protected trees (SLO9)	Permit Amendment
WH/2018/15/B	06.05.20	Delegate Approval - S72 Amendment	20 Oak Street Surrey Hills Vic 3127	Riversdale	Construction of 2 double storey dwellings and tree removal with SLO9	Permit Amendment
WH/2018/574/A	21.05.20	Delegate Approval - S72 Amendment	429-433 Springvale Road Forest Hill Vic 3131	Morack	Removal of gazebo off page 2 of plans to Lot 4, 433 Springvale Rd. Landscaping plan shows decking to this area. Plans updated to match landscaping.	Permit Amendment
WH/2019/274/A	07.05.20	Delegate Approval - S72 Amendment	29 McComas Grove Burwood Vic 3125	Riversdale	Construction of Three (3) Double Storey Dwellings	Permit Amendment
WH/2011/546/D	06.05.20	Delegate NOD - S72 Amendment	109/21 Queen Street Blackburn Vic 3130	Central	Amendment to Permit to change Restaurant (ground floor) use to Office use.	Permit Amendment
WH/2017/536/A	12.05.20	Delegate NOD - S72 Amendment	50 Belgravia Avenue Mont Albert North Vic 3129	Elgar	Amendment of plans for Planning Permit WH/2017/536 issued for the Construction of three double storey dwellings and tree removal under the Vegetation Protection Overlay, to include alteration of layout, configuration and built form of the dwellings and tree removal	Permit Amendment

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/498	20.05.20	Delegate NOD Issued	18 Heather Grove Nunawading Vic 3131	Springfield	Construction of a second double storey dwelling, use (rooming house) and removal of protected trees (SLO9)	Residential (Other)
WH/2018/1402/A	29.05.20	Delegate NOD Issued	85 Watts Street Box Hill North Vic 3129	Elgar	Development of the land for two (2) double storey dwellings including associated buildings and works within 4 metres of protected trees	Permit Amendment
WH/2018/920	11.05.20	Delegate NOD Issued	121 Surrey Road Blackburn Vic 3130	Central	Construction of two double storey dwellings on a lot including associated SLO9 tree removal, building and works within 4 metres of protected trees (SLO9) and alteration of access to a road in a Road Zone, Category 1 (RDZ1)	Residential (Other)
WH/2019/1004	12.05.20	Delegate NOD Issued	2 Benbrook Avenue Mont Albert North Vic 3129	Elgar	Construction of three double storey dwellings and removal of protected trees	Multiple Dwellings
WH/2019/1025	06.05.20	Delegate NOD Issued	8 Campaspe Street Box Hill North Vic 3129	Elgar	Buildings and works for construction of 3 dwellings, vegetation removal and front fence	Multiple Dwellings
WH/2019/1100	14.05.20	Delegate NOD Issued	5 Elm Street Surrey Hills Vic 3127	Riversdale	Construction of a second dwelling on a lot (behind existing dwelling) and removal of vegetation	Multiple Dwellings
WH/2019/1329	27.05.20	Delegate NOD Issued	13 Forest Glen Avenue Blackburn South Vic 3130	Central	Construction of two (2) double storey dwellings on a lot and buildings and works within SLO9	Multiple Dwellings
WH/2019/1335	19.05.20	Delegate NOD Issued	4 Box Avenue Forest Hill Vic 3131	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2019/321	19.05.20	Delegate NOD Issued	7 Nan Street Box Hill North Vic 3129	Elgar	Construction of two double storey dwellings, tree removal, buildings and works within 4m of protected trees (SLO9)	Multiple Dwellings
WH/2019/333	04.05.20	Delegate NOD Issued	46 Peacock Street Burwood Vic 3125	Riversdale	Construction of two, two storey dwellings and associated removal trees protected under SLO9	Multiple Dwellings

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/445	08.05.20	Delegate NOD Issued	45 Ormond Avenue Mitcham Vic 3132	Springfield	Construction an additional two storey dwelling and alterations to the existing dwelling	Multiple Dwellings
WH/2019/528	28.05.20	Delegate NOD Issued	15 Gelea Crescent Vermont South Vic 3133	Morack	Construction of three, two storey dwellings and associated vegetation removal within the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2019/685	18.05.20	Delegate NOD Issued	40 Strabane Avenue Mont Albert North Vic 3129	Elgar	The development of 3 double storey dwellings and the construction of a front fence and buildings and works within 4m of trees protected by SLO9	Multiple Dwellings
WH/2019/763	19.05.20	Delegate NOD Issued	14 Bennett Street Burwood Vic 3125	Riversdale	Use and Development of Two Double Storey Rooming Houses and Removal of Vegetation	Multiple Dwellings
WH/2020/349	29.05.20	Delegate NOD Issued	260 Mitcham Road Mitcham Vic 3132	Springfield	The removal of protected trees, buildings and works within 4 metres of protected trees, development and display of business identification signage and alteration to a road in a road zone, category 1.	Residential (Other)
WH/2020/45	25.05.20	Delegate NOD Issued	3 Oxford Grove Vermont South Vic 3133	Morack	Removal of Vegetation within the Significant Landscape Overlay - Schedule 9	Special Landscape Area
WH/2020/60	27.05.20	Delegate NOD Issued	7 Hunter Valley Road Vermont South Vic 3133	Morack	Construction of a two storey dwelling on a lot less than 300sqm	Single Dwelling < 300m2
WH/2020/79	20.05.20	Delegate NOD Issued	61 Scott Street Vermont Vic 3133	Springfield	Buildings and works within SLO7	Special Landscape Area
WH/2019/1137	14.05.20	Delegate Permit Issued	17 Fithie Street Blackburn North Vic 3130	Central	Development of the land for two (2) double storey dwellings including associated buildings and works within 4 metres of protected trees and vegetation removal	Multiple Dwellings
WH/2019/1156	05.05.20	Delegate Permit Issued	78 Middleborough Road Burwood East Vic 3151	Riversdale	The staged subdivision and development of land for the purpose of 52 dwellings	Subdivision

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1200	22.05.20	Delegate Permit Issued	17/21 Cook Road Mitcham Vic 3132	Springfield	Use the land for a restricted recreation facility (gymnasium)	Change of Use
WH/2019/1201	19.05.20	Delegate Permit Issued	19/277-289 Middleborough Road Box Hill South Vic 3128	Riversdale	The proposal seeks permission to convert the current property into a warehouse space with some ancillary office space on the first floor. This will also trigger a car park waiver as only 4 spaces will be provided.	Change of Use
WH/2019/1274	02.05.20	Delegate Permit Issued	1 Cottage Street Blackburn Vic 3130	Central	Use of the land for an indoor recreation facility (gymnasium).	Industrial
WH/2019/1289	15.05.20	Delegate Permit Issued	44 Davis Street Burwood East Vic 3151	Riversdale	Removal of a tree and buildings and works within four metres of trees, generally in accordance with the endorsed plans and subject to the following conditions	Special Landscape Area
WH/2019/1331	13.05.20	Delegate Permit Issued	76 Shady Grove Forest Hill Vic 3131	Springfield	Removal of protected trees and buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2019/1338	12.05.20	Delegate Permit Issued	13 Quarry Road Mitcham Vic 3132	Springfield	Construction of a second dwelling on a lot (behind the existing dwelling) and removal of vegetation within SLO9	Multiple Dwellings
WH/2019/463	27.05.20	Delegate Permit Issued	157 Springvale Road Nunawading Vic 3131	Springfield	Development of three storey mixed use building (containing ground floor retail, three apartment dwellings at first and second floor) and reduction in carparking	Business
WH/2019/949	06.05.20	Delegate Permit Issued	2/8 Access Roadmont Albert North Vic 3129	Elgar	Construct a new dwelling, tree removal and buildings and works within 4 metres of protected trees.	Single Dwelling < 300m2
WH/2020/101	15.05.20	Delegate Permit Issued	18 O'brien Crescent Blackburn South Vic 3130	Riversdale	Buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2020/122	26.05.20	Delegate Permit Issued	11 Hughes Street Burwood Vic 3125	Riversdale	Removal of six (6) trees under the Significant Landscape Overlay Schedule 9	Single Dwelling < 300m2

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/126	28.05.20	Delegate Permit Issued	14 Ritz Street Vermont South Vic 3133	Morack	Removal of two (2) trees protected under Significant Landscape Overlay, Schedule 9 (SLO9).	Special Landscape Area
WH/2020/138	22.05.20	Delegate Permit Issued	12 Delatite Court Vermont Vic 3133	Morack	Buildings and works within 4 metres of protected SLO9 trees and removal of vegetation within SLO9	Special Landscape Area
WH/2020/139	12.05.20	Delegate Permit Issued	155-221 Warrigal Road Burwood Vic 3125	Riversdale	Buildings and works associated with a Retirement Village (Units 1 to 40) allowing for demolition and construction of sunshades, fencing, verandahs and gazebos including associated works within 4 metres of protected SLO9 trees	Residential (Other)
WH/2020/144	18.05.20	Delegate Permit Issued	2/12 Baldwin Road Blackburn Vic 3130	Central	Removal of vegetation	Special Landscape Area
WH/2020/164	12.05.20	Delegate Permit Issued	1/1 Lakeside Drive Burwood East Vic 3151	Morack	Construct and display internally illuminated business identification signage	Advertising Sign
WH/2020/182	01.05.20	Delegate Permit Issued	1 Winton Street Burwood Vic 3125	Riversdale	11 lot subdivision and remove the drainage and sewerage easement E-1 on LP41712	Subdivision
WH/2020/191	26.05.20	Delegate Permit Issued	5 Overland Drive Vermont South Vic 3133	Morack	Buildings and works and vegetation removal	Single Dwelling < 300m2
WH/2020/227	04.05.20	Delegate Permit Issued	931 Canterbury Road Box Hill Vic 3128	Elgar	Use of the land for a double storey dwelling within the Public Acquisition Overlay	Single Dwelling < 300m2

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/245	22.05.20	Delegate Permit Issued	520 Whitehorse Road Mitcham Vic 3132	Springfield	The use of the land for a restricted recreation facility (gymnasium) and the development and display of illuminated and non-illuminated business identification signage	Change of Use
WH/2020/249	20.05.20	Delegate Permit Issued	5 Stanley Road Vermont South Vic 3133	Morack	102 lot subdivision	Subdivision
WH/2020/276	20.05.20	Delegate Permit Issued	6c Milne Road Mont Albert North Vic 3129	Elgar	Buildings and Works for the Purpose of a Shop (Bakery)	Business
WH/2020/279	08.05.20	Delegate Permit Issued	241 Warrigal Road Burwood Vic 3125	Riversdale	4 lot subdivision	Subdivision
WH/2020/300	21.05.20	Delegate Permit Issued	30 Station Street Burwood Vic 3125	Riversdale	Subdivision of Land into Three (3) Lots	Subdivision
WH/2020/306	05.05.20	Delegate Permit Issued	4 Tarrangower Avenue Mitcham Vic 3132	Springfield	construct and carry out works for a carport within 4 metres of a tree under the Significant Landscape Overlay - Schedule 9	VicSmart - General Application
WH/2020/323	04.05.20	Delegate Permit Issued	14 Stanley Grove Blackburn Vic 3130	Central	Three lot subdivision	Subdivision
WH/2020/328	29.05.20	Delegate Permit Issued	29 Albany Crescent Surrey Hills Vic 3127	Elgar	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2020/338	15.05.20	Delegate Permit Issued	30 Vogue Avenue Vermont South Vic 3133	Morack	Construction of a front fence and buildings and works within 4 metres of a tree under the Significant Landscape Overlay Schedule 9	Special Landscape Area

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/343	16.05.20	Delegate Permit Issued	20 Garden Street Box Hill North Vic 3129	Elgar	Construction of a 1.2m front fence	VicSmart - General Application
WH/2020/346	05.05.20	Delegate Permit Issued	37 Shawlands Avenue Blackburn South Vic 3130	Central	Removal of one tree protected under the significant landscape overlay 9	VicSmart - Tree
WH/2020/360	20.05.20	Delegate Permit Issued	46 Kenmare Street Mont Albert Vic 3127	Elgar	Seven (7) lot subdivision	Subdivision
WH/2020/362	04.05.20	Delegate Permit Issued	71 Shafer Road Blackburn North Vic 3130	Central	Two (2) lot subdivision	Subdivision
WH/2020/365	19.05.20	Delegate Permit Issued	1/21 Creek Road Mitcham Vic 3132	Springfield	Construct a Front Fence	VicSmart - General Application
WH/2020/368	07.05.20	Delegate Permit Issued	22 Winifred Street Nunawading Vic 3131	Springfield	Buildings and works within 4 metres of protected SLO9 trees	VicSmart - General Application
WH/2020/372	25.05.20	Delegate Permit Issued	29 Mccubbin Street BURWOOD VIC 3125	Riversdale	Three lot subdivision	Subdivision
WH/2020/377	07.05.20	Delegate Permit Issued	11 Colonial Drive Vermont South Vic 3133	Morack	Removal of one tree	VicSmart - Tree
WH/2020/382	08.05.20	Delegate Permit Issued	33 High Street Mont Albert Vic 3127	Elgar	Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/388	06.05.20	Delegate Permit Issued	134 Springfield Road Blackburn Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/389	20.05.20	Delegate Permit Issued	5 Alan Street Blackburn South Vic 3130	Central	Removal of a Cedrus deodara (Himalayan Cedar) tree pursuant to Schedule 2 to the Significant Landscape Overlay	VicSmart - Tree
WH/2020/393	14.05.20	Delegate Permit Issued	300 Station Street Box Hill South Vic 3128	Riversdale	Removal of a protected tree (SLO9)	VicSmart - Tree
WH/2020/395	08.05.20	Delegate Permit Issued	7 Puerta Street Burwood Vic 3125	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2020/396	14.05.20	Delegate Permit Issued	300 Station Street Box Hill South Vic 3128	Riversdale	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2020/397	08.05.20	Delegate Permit Issued	151 Highbury Road Burwood Vic 3125	Riversdale	Two lot Subdivision	VicSmart - Subdivision
WH/2020/4	11.05.20	Delegate Permit Issued	23 Berry Street Box Hill North Vic 3129	Elgar	Tree removal and buildings and works associated with a new dwelling within 4 metres of protected trees.	Special Landscape Area
WH/2020/403	11.05.20	Delegate Permit Issued	23 Stanley Road Vermont South Vic 3133	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2020/405	20.05.20	Delegate Permit Issued	1065 Whitehorse Road Box Hill Vic 3128	Elgar	Buildings and works associated with a Section 2 Use (construct a roof over barbeque area)	VicSmart - General Application
WH/2020/410	20.05.20	Delegate Permit Issued	1/79 Churinga Avenue Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2020/413	21.05.20	Delegate Permit Issued	138 Elgar Road Box Hill South Vic 3128	Riversdale	Construction of a front fence within 4 metres of a tree under the Significant Landscape Overlay Schedule 9	VicSmart - General Application

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/414	20.05.20	Delegate Permit Issued	2 Tarrangower Avenue Mitcham Vic 3132	Springfield	Removal of one tree within the SLO9 & VPO3 (Tree 1)	VicSmart - Tree
WH/2020/417	29.05.20	Delegate Permit Issued	843 Whitehorse Road Box Hill Vic 3128	Elgar	Removal of easement E-2 (drainage and sewerage) over lot 2 on PS434842D in favour of lots in LP80231	Subdivision
WH/2020/418	20.05.20	Delegate Permit Issued	16 Cadorna Street Box Hill South Vic 3128	Riversdale	Two lot subdivision	VicSmart - Subdivision
WH/2020/420	26.05.20	Delegate Permit Issued	4 Walsham Road Blackburn Vic 3130	Central	Removal of an Eucalyptus cinerea (Argyle Apple) tree pursuant to Significant Landscape Overlay 2	VicSmart - Tree
WH/2020/426	22.05.20	Delegate Permit Issued	850 Whitehorse Road Box Hill Vic 3128	Elgar	Two lot subdivision	Subdivision
WH/2020/432	27.05.20	Delegate Permit Issued	5 Kildare Street Burwood Vic 3125	Riversdale	Removal of a protected tree in the Significant Landscape Overlay, Schedule 9 (SLO9).	VicSmart - Tree
WH/2020/439	26.05.20	Delegate Permit Issued	23 Eley Road Blackburn South Vic 3130	Riversdale	Removal of one (1) tree	VicSmart - Tree
WH/2020/447	21.05.20	Delegate Permit Issued	21 Belgravia Avenue Mont Albert North Vic 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2020/451	29.05.20	Delegate Permit Issued	7 Patricia Road Blackburn Vic 3130	Central	Two lot subdivision	Subdivision
WH/2020/469	29.05.20	Delegate Permit Issued	28 Wimmera Street Box Hill North Vic 3129	Elgar	Two lot subdivision	VicSmart - Subdivision
WH/2019/586/A	08.05.20	Delegate Refusal - S72 Amendment	45 Burwood Highway Burwood East Vic 3151	Riversdale	Display of business identification and promotion signs	Permit Amendment

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/297	12.05.20	Delegate Refusal Issued	709-713 Station Street Box Hill Vic 3128	Elgar	Buildings and works associated with a sixteen storey building containing apartments, including associated tree removal, reduction in car parking requirements and alteration to access to a Road Zone Category 1	Residential (Other)
WH/2019/728	19.05.20	Delegate Refusal Issued	18 Will Street Forest Hill Vic 3131	Springfield	Construction of two dwellings on one lot and tree removal and works within 4 metres of trees under the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2020/219	14.05.20	Delegate Refusal Issued	7 Meringer Court Nunawading Vic 3131	Springfield	Buildings and works to extend an existing dwelling within the SLO9 & SBO	Special Landscape Area
WH/2020/240	08.05.20	Delegate Refusal Issued	73 Vicki Street Forest Hill Vic 3131	Central	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/345	07.05.20	Delegate Refusal Issued	37 Shawlands Avenue Blackburn South Vic 3130	Central	Removal of one tree protected under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/374	06.05.20	Delegate Refusal Issued	2 Pope Road Blackburn Vic 3130	Central	removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/380	20.05.20	Delegate Refusal Issued	2 Charles Street Nunawading Vic 3131	Springfield	Removal of one tree within Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/394	20.05.20	Delegate Refusal Issued	1 Eliza Court Nunawading Vic 3131	Springfield	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/399	20.05.20	Delegate Refusal Issued	1 Eliza Court Nunawading Vic 3131	Springfield	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/301	04.05.20	No Permit Required	10 Edinburgh Road Blackburn South Vic 3130	Central	Applying for planning permission to use the premises of 10 Edinburgh Road, BLACKBURN SOUTH, VIC, 3130 as a principal office for a family day care service provider.	Other

9.4.4
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/367	19.05.20	No Permit Required	31 Laburnum Street Blackburn Vic 3130	Central	Buildings and works associated with construction of a deck for an existing dwelling.	Single Dwelling < 300m2
WH/2006/159/A	14.05.20	Withdrawn	261 Mitcham Road Mitcham Vic 3132	Springfield	Use and Development of a Medical Centre, Dispensation for Car Parking and Erection of Business Identification Signage	Permit Amendment
WH/2014/568/B	21.05.20	Withdrawn	3 Whitehorse Road Blackburn Vic 3130	Central	Buildings and works to construct 115 dwellings comprising 12 double storey dwellings, and two five storey buildings (plus two levels of basement car parking), associated alteration of access to two roads in a Road Zone Category 1, and tree removal and buildings and works within 4 metres of trees within the Significant Landscape Overlay Schedule 9 (SLO9)	Permit Amendment
WH/2015/307/A	06.05.20	Withdrawn	23 Douglas Street Blackburn North Vic 3130	Central	Development of the land for two dwellings comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling and two-lot subdivision	Permit Amendment
WH/2020/334	21.05.20	Withdrawn	1 Devon Drive Blackburn North Vic 3130	Central	Removal of two trees	Special Landscape Area
WH/2020/357	13.05.20	Withdrawn	3 Panel Street Mitcham Vic 3132	Springfield	Buildings and works within four metres of protected trees protected under the Significant Landscape Overlay Schedule 9	VicSmart - General Application
WH/2020/438	18.05.20	Withdrawn	105a Leeds Street Blackburn North Vic 3130	Central	Variation of easement	Subdivision

9.4.4 (cont)

BUILDING DISPENSATIONS/APPLICATIONS MAY 2020

Address	Date	Ward	Result
2 Monash Grove, Blackburn South	27.05.20	Central	Consent Granted 74
3 Beatrice Court, Blackburn	20.05.20	Central	Consent Granted 74
42 Goodwin Street, Blackburn	11.05.20	Central	Consent Granted 89
6 Lake Road, Blackburn	01.05.20	Central	Consent Granted 85
9 Harold Street, Blackburn	01.05.20	Central	Consent Granted 80
96 Railway Road, Blackburn	15.05.20	Central	Consent Granted 116
41 Amery Avenue, Blackburn	08.05.20	Central	Consent Refused 76,79
6 Lake Road, Blackburn	08.05.20	Central	Consent Refused 74
6 Rosen Street, Blackburn South	28.05.20	Central	Consent Refused 79
2 Cameron Road, Box Hill North	07.05.20	Elgar	Consent Granted 82
25 Nelson Road, Box Hill	11.05.20	Elgar	Consent Granted 116
360 Elgar Road, Box Hill	08.05.20	Elgar	Consent Granted 76,79
551 Middleborough Road, Box Hill North	20.05.20	Elgar	Consent Granted 92
6 Woodhouse Grove, Box Hill North	22.05.20	Elgar	Consent Granted 86,92,89
843 Whitehorse Road, Box Hill	22.05.20	Elgar	Consent Granted 90,89,92
28 Standard Avenue, Box Hill	13.05.20	Elgar	Consent Refused 89
60 Strabane Avenue, Mont Albert North	26.05.20	Elgar	Consent Refused 80, 79
113 Jolimont Road, Vermont	15.05.20	Morack	Consent Refused 74
4 Raheen Court, Vermont South	19.05.20	Morack	Consent Refused 74, 80
1 Sparks Avenue, Burwood	06.05.20	Riversdale	Consent Granted 92, 116
1160 Riversdale Road, Box Hill South	05.05.20	Riversdale	Consent Granted 79
31 Donald Road, Burwood	06.05.20	Riversdale	Consent Granted 92,89
83 Roslyn Street, Burwood	11.05.20	Riversdale	Consent Granted 82
175 Burwood Highway, Burwood	22.05.20	Riversdale	Consent Refused 116
36 Erasmus Street, Surrey Hills	26.05.20	Riversdale	Consent Refused 80
133 Junction Road, Nunawading	08.05.20	Springfield	Consent Granted 79, 85
20 Lorikeet Street, Nunawading	07.05.20	Springfield	Consent Granted 74
6 Meringer Court, Nunawading	28.05.20	Springfield	Consent Granted 74
1/21 Creek Road, Mitcham	26.05.20	Springfield	Consent Refused 89
20 Hedge End Road, Nunawading	04.05.20	Springfield	Consent Refused 76
6 Meringer Court, Nunawading	28.05.20	Springfield	Consent Refused 78

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS MAY 2020

Under the Planning and Environment Act 1987: Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION MAY 2020

Contract Number	Service
30229	Pavement and Linemarking

9.4.4

(cont)

REGISTER OF PROPERTY DOCUMENTS EXECUTED MAY 2020

Nil

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL MAY 2020

Nil

PARKING RESTRICTIONS APPROVED BY DELEGATION MAY 2020

Address: **Belmore Road, Mont Albert:** western boundary of 450 Belmore Road to eastern boundary of 450 Belmore Road (south side)

Previously: 1 'Bus Zone' parking space

Now: 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

Address: **Sim Street, Mitcham:** Creek Road to Clive Street (south side)

Previously: 11 'Unrestricted' parking spaces

Now: 11 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Whitehorse Road, Box Hill:** Marlborough Street to Victoria Crescent (south side)

Previously: 5 '1-Hour, 12 noon to 6pm & No Stopping all other times' parking spaces

Now: 5 '1-Hour, 9am to 6pm & No Stopping all other times' parking spaces

Address: **Jolimont Road, Forest Hill:** Eastern property boundary of 38 Jolimont Road to 38m west of eastern property boundary of 38 Jolimont Road (south side)

Previously: 5 'Unrestricted' parking spaces

Now: 5 'No Parking, 8 to 9.15am & 3-4pm, School Days' parking spaces

Address: **Molbray Street, Box Hill North:** 89m east of Dorking Road to 112m east of Dorking Road (north side)

Previously: 3 'P 2 minute, 8 to 9.15am & 3 to 4pm, School Days' parking spaces

Now: 3 'No Parking, 8 to 9.15am & 3-4pm, School Days' parking spaces

Address: **Molbray Street, Box Hill North:** Eastern property boundary of 178 Molbray Street to 52m west of property boundary of 178 Molbray Street (north side)

Previously: 8 'P 2 minute, 8 to 9.15am & 3 to 4pm, School Days' parking spaces

Now: 8 'No Parking, 8 to 9.15am & 3 to 4pm, School Days' parking spaces

9.4.4

(cont)

VENDOR PAYMENT SUMMARY: SUMS PAID DURING MAY 2020

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
05/05/2020	\$362,661.69	1	EFT
07/05/2020	\$143,902.75	65	EFC
07/05/2020	\$20,157.85	1	EFT
07/05/2020	\$1,673,304.01	220	EFT
14/05/2020	\$69,751.26	41	EFC
14/05/2020	\$2,782,630.15	82	EFT
14/05/2020	\$8,421.40	1	EFT
18/05/2020	\$1,950.00	1	EFT
19/05/2020	\$31,673.95	7	CHQ
21/05/2020	\$104,857.35	53	EFC
21/05/2020	\$1,738,214.08	139	EFT
25/05/2020	\$446.65	1	EFC
26/05/2020	\$199.00	1	EFT
26/05/2020	\$4,000.00	1	EFT
28/05/2020	\$41,963.61	43	EFC
28/05/2020	\$2,118,010.87	239	EFT
28/05/2020	\$39,200.00	1	EFC
29/05/2020	\$48,972.00	1	EFT
GROSS	\$9,190,316.62	898	
Monthly Lease Payments	31,896.96		
Direct Debit Payments	108,7683.86		
CANCELLED PAYMENTS	11,565.40	-13	
NETT	9,319,417.04	885	

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

10.1 Reports by Delegates

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

- 10.1.1 Cr Bennett report on his attendance at the Sport and Recreation Network meeting held virtually via zoom on the 16 July 2020.
- 10.1.2 Cr Massoud reported on her attendance at the following:
 - 16 July 2020, Sport and Recreation Network meeting held virtually via zoom.
 - 9 July 2020, Whitehorse Reconciliation Policy and Action Plan Advisory meeting.
 - 26 June 2020, Eastern Region Group meeting.
- 10.1.3 Cr Davenport reported on his attendance at the Whitehorse Business Group Board meeting held on the 14 July 2020.
- 10.1.4 Cr Ellis reported on her attendance at the following:
 - 26 June 2020, Eastern Region Group meeting.
 - 26 June 2020, Municipal Association of Victoria meeting.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 13 July 2020

Nil

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
22.06.20 5:30-6:15pm	Virtual Councillor Informal Briefing Session <ul style="list-style-type: none"> • Confirmation of Minutes of Previous Meetings • Notice of Motion 133 • 9.1.2: 27-29 The Avenue, Blackburn (Lot 50 LP 3212 B, Lot 51 LP 3212 B) • 9.3.2: Draft Floodlighting Policy: Outdoor Sports and Recreation • Adoption of the Proposed Budget 2020/21 • Council Plan 2017-2021: Annual review and Adoption of the Strategic Resource Plan 2020-2024 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson P Smith A De Fazio J Russell C Altan M Ackland R Johnston K Sinclair S Cann	Nil	Nil
30.06.20 5:30-6:30pm	Virtual Council Briefing Session <ul style="list-style-type: none"> • North East link: Legal Information 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green A De Fazio J Russell I Kostopoulos L McGuinness R Johnson A McCarthy	Nil	Nil
06.07.2020 5:30-9:00pm	Virtual Strategic Planning Session <ul style="list-style-type: none"> • Whitehorse 2040 Community Vision • Financial Report as at 30 May 2020 • Capital Works Update • Whitehorse Centre Redevelopment Project Update • Whitehorse Governance Framework: Draft Policies and Guidelines • Crime Prevention Grants 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud (joined meeting at 6:00pm) Cr Munroe Cr Stennett (joined meeting at 6:00pm)	S McMillan J Green S White P Smith A De Fazio S Cann S Smith D Seddon R Andresson N Brown S Belmore A Butterfield J Russell R Johnston J Samy	Nil	Nil

10.3
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
10.07.20 2:00-2:45pm	Virtual Cr Briefing Session <ul style="list-style-type: none"> • Council Response Update to the State Government Restrictions associated with the Covid-19 Pandemic • North East Link Update (Confidential Update) • Update on State and Federal Government Grants 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan	Nil	Nil
13.07.20 5:30-7:45pm	Virtual Cr Briefing Session <ul style="list-style-type: none"> • Special Committee Agenda 13 July 2020 • Draft Regional Strategy: Homelessness and Social Housing • Council Business Information • Draft Council Agenda 20 July 2020 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White P Smith A De Fazio J Russell C Altan D Seddon R Hood K Marriott J Hansen I Kostopoulos J Cushing S Cann S Kinsey T Johnson S Adamson R Johnson N Jones	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Carr reported on her attendance at the following:
- 29 June 2020, Victorian Local Governance Association (VLGA) How Council's Prepare for the Mandatory Participatory Community Engagement Process.
 - 10 July 2020, Whitehorse Business Group, Run Zoom Meeting with Confidence.
 - 15 July 2020, Whitehorse Business Group Question and Answer Session
- 11.2 Cr Davenport reported on his attendance at the following:
- 15 July 2020, Whitehorse Business Group - Presentation
 - 20 July 2020, Australian Institute of Company Directors Fundraising Consideration for Not for Profits
- 11.3 Cr Cutts report on her attendance at the following:
- 29 June 2020, VLGA - Mandatory Participatory Engagement Processes for Local Government
 - 10 July 2020, Whitehorse Business Group – Using Zoom
 - 20 July 2020, Whitehorse Business Group – How to Set Up a Zoom Account
- 11.3 Cr Massoud reported on her attendance at the following:
- 24 June 2020, MRR- COVID Panel discussion.
 - 26 June 2020, Local Government Victoria LGV Connects webinar.
 - 29 June 2020, VLGA Connect - Mandatory Participatory Engagement Processes.
 - 1 July 2020, Waste Management Resource & Recovery (WMRR) - Product Stewardship.
 - 8 July 2020, WMRR - Waste Collections.
 - 13 July 2020, VLGA Connect - Infrastructure Victoria - Recycling & Resource Recovery.
 - 15 July 2020, WMRR - Litter and Illegal Dumping.
 - 15 July 2020, WBG Councillor Session.
- 11.4 Cr Bennett reported on his attendance at the following:
- 29 June 2020 VLGA Connect Webinar: Deliberative Engagement.
 - 1 July 2020 Waste 2020 Conference Webinar: Product Stewardship.
 - 2 July 2020 VicHealth webinar, Life and Health Re-imagined Series: Streets for people - Lessons from a return to local living.
 - 9 July 2020 Victory Events, Leading the Recovery.
 - 10 July 2020 Whitehorse Business Group, Run Zoom meetings with Confidence.
 - 13 July 2020 VLGA Connect Webinar, Infrastructure Victoria, Recycling & Resource Recovery.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

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 Massoud

That in accordance with Section 61 (1) and 66 (2) (a) of the Local Government Act 2020 the Council should resolve to go into camera and close the meeting for the consideration of this item as the matter to be discussed is Council business information for the purposes of section 3 (1) of the Local Government Act 2020:

- ***Because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3 (1) (a)).***
- ***This ground applies because it concerns a matter affecting the operations of the council business involving personnel and clients and releasing information would affect the consideration of the issue.***

CARRIED

The meeting was closed to the public at 8:29pm.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

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

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 8:36pm.

13 CLOSE MEETING

Meeting closed at 8:37pm

Confirmed this 24th day of August 2020

CHAIRPERSON