



City of Whitehorse

MINUTES

Virtual Council Meeting

Held via Zoom

on

Monday 24 August 2020

at 7:00pm

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

Mr Simon McMillan
Chief Executive Officer

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Meeting opened at 7:00pm

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

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the virtual Council Meeting 20 July 2020, Confidential Council Meeting 20 July 2020, and the virtual Special Committee of Council Meeting 10 August 2020.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

That the minutes of the virtual Council and Confidential Meeting 20 July 2020 and the virtual Special Committee of Council Meeting 10 August 2020 having been circulated now be confirmed.

CARRIED

5 RESPONSES TO QUESTIONS

None submitted

6 NOTICES OF MOTION

6.1 Notice of Motion No 134 Cr Munroe

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council seeks an officer report which analyses recent VicSmart planning applications for tree removal, and outlines the process for assessing this type of VicSmart application, particularly investigating:

- ***Examples where multiple VicSmart applications have occurred for the same property.***
- ***Any issues and concerns arising from this analysis.***
- ***Recommendations for Council to address any issues which are identified.***

CARRIED UNANIMOUSLY

7 PETITIONS

7.1 Off Leash Dog Park, Vermont

Council administration has received an online Petition from Mr S Alcorde on behalf of 375 members of the general public requesting Council allocate land for an off leash park in Vermont.

7.2 Bike Jump Track Space, Box Hill

Council administration has received an online Petition from Mr A Pawsey on behalf of 90 members of the general public requesting Council allocate land for an Bike Jump Track in Box Hill.

7.3 Free Car Parking for Health Care Workers in Box Hill Hospital

Cr Barker tabled an online submission from Mr on behalf of Mr S Alcorde on behalf of 127 members of the general public requesting Council provide free car parking for Health care workers in Box Hill Hospital.

Council administration received three online petitions from members of the general public. Council has not previously considered electronic petitions in accordance with the Meeting Procedure Local Law and are yet to develop guidelines or procedures for receiving such petitions. Therefore until our Governance Rules are adopted, the Mayor Cr Ellis ruled that the online petitions would not be considered tonight, and referred them to the Chief Executive Officer for consideration and response to the petitioners as normal correspondence.

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 10 Halley Street, BLACKBURN (LOT 1 TP 596509T) Construction of a second (double storey) dwelling on a lot and buildings and works within 4m of protected trees (SLO2)

FILE NUMBER: WH/2019/792
ATTACHMENT

SUMMARY

This application was advertised, and a total of 27 objections were received from 26 objector properties. The objections raised issues of over-development, neighbourhood character, visual bulk, site coverage, lack of permeable area, tree loss and impacts, lack of landscaping opportunity, and stormwater impacts. A Consultation Forum was held on 4 August 2020. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- A Being the Responsible Authority, having caused Application WH/2019/792 for 10 Halley Street, BLACKBURN (LOT 1 TP 596509T) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of a second (double storey) dwelling on a lot and buildings and works within 4m of protected trees (SLO2) 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 10 Halley Street, BLACKBURN (LOT 1 TP 596509T) for the Construction of a second (double storey) dwelling on a lot and buildings and works within 4m of protected trees (SLO2), 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 location of all service trenches to serve the dwellings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.**
 - c) Details of all external services (i.e service metres, heating, cooling and hot water services, etc).**

9.1.1

(cont)

- d) Location of externally accessible six cubic metre storage shed for Dwelling 2.*
- e) Location of bin storage area for Dwelling 2.*
- f) Replacement of the four (4) Lightwood Wattles (*Acacia implexa*) with four (4) Silver-leafed Stringybark (*Eucalyptus cephalocarpa*) on the landscape plan.*
- g) Replacement of the one (1) Blackwood Wattle (*Acacia melanoxylon*) with one (1) Messmate (*Eucalyptus obliqua*) on the landscape plan.*
- h) Replacement canopy trees must be located a minimum one (1 metre) from the rear (eastern) boundary fence.*
- i) Replacement of the Bidgee-Widgee, (*Acaena novae-zealandae*) for Austral-Stork's Bill (*Pelargonium austral*) on the landscape plan.*
- j) Landscape plan updated to include all Condition 1 requirements.*
- k) External colours and materials updated to include natural 'muted' colours/ tones.*

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
- 3. Unless with the prior written consent of the Responsible Authority, all tree planting and landscaping as shown on the endorsed landscaping plan must be completed prior to the occupation of the development, to the satisfaction of the Responsible Authority.*
- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. Prior to commencement of any building or demolition works on the land, the Tree Protection Zones (TPZs) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) Tree Protection Zone distances:*
 - i. Tree 1 – 6.8 metre radius from the centre of the tree base.*
 - ii. Tree 2 – 4.8 metre radius from the centre of the tree base.*
 - iii. Tree 3 – 4.0 metre radius from the centre of the tree base.*
 - iv. Tree N1 – 2.0 metre radius from the centre of the tree base.*
 - v. Tree N2 – 2.0 metre radius from the centre of the tree base.*
 - vi. Tree N6 – 2.0 metre radius from the centre of the tree base.*
 - vii. Tree N7 – 2.0 metre radius from the centre of the tree base.*
 - viii. Tree N8 – 2.0 metre radius from the centre of the tree base.*
 - ix. Tree N9 – 2.0 metre radius from the centre of the tree base.*
 - x. Tree N10 – 2.0 metre radius from the centre of the tree base.*
 - xi. Tree N11 – 3.1 metre radius from the centre of the tree base.*

9.1.1
(cont)

- 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 100 millimetres and undertake/ provide supplementary watering/ irrigation within the TPZ, prior and during any works performed.**
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**
- 6. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**

 - a) 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 Project Arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'.**
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 1, 2, 3, N1, N2, N6, N7, N8, N9, N10 and N11. The Project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.**
 - c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10 percent of the TPZs of Trees 1, 2, 3, N1, N2, N6, N7, N8, N9, N10 and N11.**
 - d) For Trees 1, 2, 3, N1, N2, N6, N7, N8, N9, N10 and N11 no roots greater than 40 millimetres in diameter are to be cut or damaged during any part of the construction process.**
 - e) Any root severance within the TPZs of Trees 1, 2, 3, N1, N2, N6, N7, N8, N9, N10 and N11 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 structural root zone (SRZ) of any tree shown on the endorsed plans, and no roots greater than 40 millimetres in diameter are to be cut or damaged during any part of the construction process.**

9.1.1

(cont)

- 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 car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
- 8. 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.*
- 9. 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.*
- 10. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
- 11. 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.*
- 12. The Applicant/ Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/ Owner is responsible to obtain all relevant permits and consents from Council at least seven (7) days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.*
- 13. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.*
- 14. This permit will expire if one of the following circumstances applies:*
 - a) The development is not commenced within two (2) years from the date of issue of this permit;*
 - b) The development is not completed within four (4) years from the date of this permit.*

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

9.1.1

(cont)

Permit Notes:

- A. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.**

Asset Engineer:

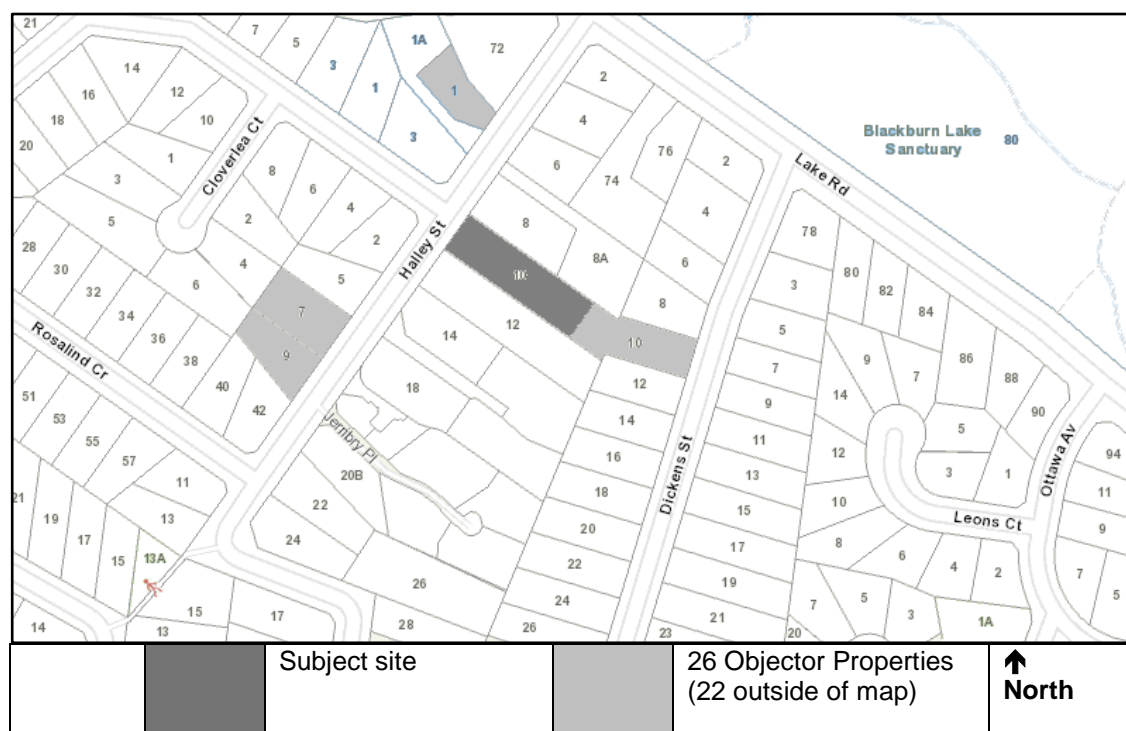
- B. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/ Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- C. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- D. All proposed changes to the vehicle crossing 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 Section 173 Agreement with Council that requires the property owner to maintain the fire hydrant.**
- I. Floor levels need to be amended if vehicle access to the garage cannot be achieved.**
- J. 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).**
- K. No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans. Council's arborist must approve the landscaping plans.**
- C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

CARRIED UNANIMOUSLY

9.1.1 (cont)

MELWAYS REFERENCE 62 B1

Applicant:	Rycon Building Group
Zoning:	Neighbourhood Residential Zone, Schedule 1 (NRZ1)
Overlays:	Significant Landscape Overlay, Schedule 2 (SLO2)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 18	Transport
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone, Schedule 1
Clause 42.03	Significant Landscape Overlay, Schedule 2
Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Central



9.1.1

(cont)

BACKGROUND

History

The following planning permits apply to the subject site:

- Planning permit WH/2010/932 was issued 21 February 2011, and permitted the removal of two trees.
- Planning permit WH/2012/461 was issued 6 March 2013 and permitted buildings and works for the construction of sheds.
- Planning permit WH/2013/109 was issued April 2013 and permitted the removal of one (1) tree.
- Planning Permit WH/2019/237 was issued for the removal of one tree on 31 July 2019. The application sought approval for the removal of two trees, however the removal of the *Grevillea robusta* (Tree 3 in this proposal) was not supported.

The Site and Surrounds

The subject site is located on the south-east side of Halley Street, approximately 90 metres south of the intersection with Lake Road and opposite Rosalind Crescent. The site is generally rectangular in shape with a frontage of 18.29 metres to Halley Street, a depth of 65 metres, and a total site area of 1,184.8 square metres.

The site contains a single storey three-bedroom dwelling located towards the rear of the lot (setback approximately 38 metres from the front boundary). The dwelling is contemporary by design, utilising skillion and pitched roof forms and is constructed of brick with elements of rendered finishes. Access to the dwelling and its double-width garage is via a bitumen driveway adjacent to the north-west boundary.

The side and rear boundaries are fenced with two metre timber paling fences, while along the front boundary there is a 1.5 metre high timber picket fence. The site rises from the front to the rear with a fall of 3.9 metres. No easements are located on site.

The arborist report, prepared by Land Concepts, revised 3 February 2020, provides an assessment of 20 trees within the subject site. This includes:

Tree No.	Name	Height x Width (m)	DBH (cm)	Retention Value	Recommendation
1	<i>Corymbia citriodora</i> – Lemon Scented Gum	12 x 12	69	High	Shown retained within development
2	<i>Fraxinus angustolia</i> subsp. – Desert Ash	16 x 7	62	Environmental weed	Shown retained within development
3	<i>Grevillea robusta</i> – Silky Oak	16 x 9	47	Low	Shown retained within development
4	<i>Eucalyptus obliqua</i> - Messmate	4 x 2	12	Low	Shown removed. Does not trigger a planning permit
5	<i>Eucalyptus</i> sp. – Gum	4 x 0.5	8	Low	Shown removed. Does not trigger a planning permit as circumference at 1m is less than 500mm

9.1.1

(cont)

Tree No.	Name	Height x Width (m)	DBH (cm)	Retention Value	Recommendation
6 - 20	<i>Pyrus calleryana</i> - Cleveland	2 x 0.8	2	Low	Shown removed. Does not trigger a planning permit

The subject site is located in a residential area and is within proximity to the Blackburn Lake Sanctuary. Within the immediate context, the following is noted:

- To the north-east are two lots at 8 and 8A Halley Street. Number 8 contains a double storey rendered dwelling (with a front setback of 9.94 metres) on a lot approximately 915 square metres in size. Number 8A is a battle-axe shaped lot and contains a single storey dwelling on a lot of approximately 1,108 square metres in size.
- To the south-west, at 12 Halley Street, is a double storey weatherboard dwelling (with a front setback of 12.43 metres) on a lot 1,572 square metres in size.
- To the east, at 10 Dickens Street, is a single storey dwelling on an irregular shaped lot of 872 square metres.

Within Halley Street, there is a mix of different style dwellings, both two-storey and single-storey with a mix of tile and metal clad roofing. Most roof styles are pitched, with some evidence of flat roof forms. Most dwellings are of brick construction (some with rendered finishes) with some examples of weatherboard cladding. The appearance of vegetated garden areas around buildings is an important feature of the area.

Planning Controls

Neighbourhood Residential Zone, Schedule 1

Pursuant to Clause 32.09-6 a permit is required to construct a dwelling if there is at least one dwelling on a lot. A development must meet the requirements of Clause 55.

An application to construct a dwelling must provide a minimum garden area of 35 percent (based on overall size). The development plans indicate an area of 555.34 square metres, equating to 46.87 percent of the site (which complies).

Under Clause 32.09-10, a building must not exceed nine metres in height, (10 metres if the slope of the natural ground level, is greater than 2.5 degrees), whereby the height can extend a further metre.

Significant Landscape Overlay, Schedule 2

Pursuant to Clause 42.03-2 a permit is required for:

- The removal of a tree having a single trunk circumference of 0.5 metre or less at a height of one metre above ground level.

The amended proposal has retained Tree 3 therefore, no permit is triggered for tree removal.

9.1.1

(cont)

PROPOSAL

The application proposes the construction of a double storey dwelling within the front setback area, with the existing dwelling towards the rear to be retained. The key features of the proposal include:

- The new dwelling is proposed to be setback between nine and 9.75 metres to Halley Street and a minimum of two metres from the south-west boundary. At upper level, the setback to Halley Street is between 9.9 and 10.7 metres and between 4.1 and 7.5 metres to the south-west boundary.
- The dwelling contains an open-plan kitchen, meals and family area, bedroom (with ensuite), small study, laundry and powder room at ground level. Two bedrooms, rumpus room and bathroom are located at first floor level.
- The existing crossover and driveway will provide access to a new double garage (located adjacent to the rear of the new dwelling).
- The dwelling proposes a contemporary residential design with a pitched roof to the forward upper level element, and otherwise provides flat roof forms. External materials include brickwork (with elements of bagged finishes), vertical board cladding, cement sheet cladding and Colorbond cladding to the roof.
- The overall height of the proposed dwelling is 8.8 metres.
- The area of secluded private open space is located to the south-west and is 87 square metres in size. The existing dwelling will have an area of secluded private open space to its rear and comprises an area of 298 square metres.
- The total site coverage for the dwellings is 34.65 percent and including hard paved surfaces is 53 percent, which is over the trigger for a planning permit of 50 percent
- Tree 1 *Corymbia citriodora* - Lemon Scented Gum and Tree 2 *Fraxinus angustiolia* subsp. – Desert Ash within the front setback would be retained, Tree 3 (*Grevillea robusta* – Silky Oak), within the area of secluded private open space to Dwelling 1 will be retained however Trees 4 (*Eucalyptus oblique* – Messmate), 5 (*Eucalyptus* sp – Gum) and the *Pyrus calleryana* trees are proposed to be removed.
- The existing 1.5 metres high front fence is to be retained.

For further details of the proposal, refer to the decision plans, prepared by **Rycon Building Group, dated issue C 30 January 2020**. The application was accompanied by

- Landscape Plan, prepared by Land Concepts, dated 3 February 2020.
- Arborist Report, prepared by Land Concepts, dated 3 February 2020.

9.1.1

(cont)

CONSULTATION

Public Notice

Revision B Plans dated 30 September 2019 were advertised by mail to the adjacent property owners and occupiers and by erecting one public notice sign. Following the advertising period twenty six (26) objections were received. The issues are summarised as:

- The development is not sympathetic to the purpose and objectives of the applicable planning controls.
- Neighbourhood character
- Over-development of the site
- Excessive visual bulk and scale
- Excessive hard-paved surfaces
- Lack of permeable area
- Site coverage
- Tree removal
- Inadequate indigenous canopy tree replacement planting or space provided for canopy trees in line with SLO2 objectives.
- Impact to habitat links to the Blackburn Lake Sanctuary
- Set a precedence for further over-development

Section 57A Amendment

A Section 57A amendment was lodged 4 March 2020 to address issues raised by referrals and objections raised where possible. The plans were amended as follows:

- The laundry, powder room and meals area modified to allow for the retention of Tree 3 within the secluded private open space of Dwelling 1.
- The area of secluded private open space to Dwelling 1 increased from 72 to 87 square metres.
- The inclusion of five new 15 metre high canopy trees throughout the site as per an updated landscape plan. This includes an additional tree within the front setback, one located on the south side boundary (between dwellings) and three within the rear yard of Dwelling 2.
- The study and guest bedroom reduced in size to allow a three metre setback to the south boundary (in lieu of 1.85 metre setback).
- Bed 3 on the upper floor has been brought forward (10.7metres) as a result of ground floor changes.
- The garden bed opposite Dwelling 1 garage reduced to improve vehicle turning manoeuvres.
- Inclusion of a 45 degree angled wall to the family room to Dwelling 1 to improve onsite vehicle turning.
- Modifications to the driveway to account for the SRZ of Tree 2.
- The site coverage reduced from 35.86 percent to 34.6 percent.

These plans were re-advertised, no further objections or comments were received. No objections were withdrawn.

9.1.1

(cont)

Consultation Forum

A Consultation Forum was held 4 August 2020, chaired by Councillor Munroe online (via Zoom). Approximately 13 objectors, the applicant (and representatives) and Council officers attended the meeting (17 attendees in total).

Discussions included the following outcomes:

Replacement Canopy Trees

Concerns were raised with the chosen replacement canopy trees not meeting the (over) 15 metre height in accordance with the Significant Landscape Overlay, Schedule 2. In particular the four Lightwoods (*Acacia implexa*) and one Blackwood (*Acacia melanoxylon*). The attendees were advised that Council's Tree Education Officer had also raised concerns with the Acacia species. It was recommended that all Acacia species be placed with Silver-leafed Stringybark (*Eucalyptus cephalocarpa*).

The applicant agreed to swapping the two Acacia species with the species recommended by the Tree Education Officer, which will be included as a Condition 1 requirement.

Concerns were also raised with regard to the trees nominated as meeting the one canopy tree (capable of reaching over 15 metres in height) for every 150 square metres of site area, actually reaching over 15 metres.

The amended landscape plan nominates the following trees as meeting the above requirement:

- One Lemon-scented Gum - *Corymbia citriodora* (existing canopy tree).
- One Silky Oak – *Grevillea robusta* (existing canopy tree).
- Four Lightwood - *Acacia implexa* (replacement canopy trees)
- One Blackwood - *Acacia melanoxylon* (replacement canopy trees).

Council's Tree Education Officer was consulted after the Forum with regard to Tree 3 and its ability to reach over 15 metres in height. It was confirmed that Silky Oak (*Grevillea robusta*), is capable of reaching over 15 metres in height. Therefore the site meets the required seven canopy trees capable of reaching over 15 metres in height.

Re-location of the replacement canopy trees along the rear of the lot (behind the existing dwelling) was discussed. No agreement was reached, however replacement canopy trees to be a minimum of one metre from the rear boundary fence, will be included as a Condition 1 requirement.

External Colours

The choice of external colours to the upper floor were raised with regard to interrupting views. The applicant agreed to revise the external colour pallet, which will be included as a Condition 1 requirement.

Referrals

External

The application was not required to be referred under Section 55 of the Act.

Internal

Assets Engineer

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

9.1.1

(cont)

Planning Arborist

The Section 57A amendment has been reviewed by Council's arborist. The level of impact to the tree's TPZ within the development include:

- Tree 1 – 7%
- Tree 2 – 14.2%
- Tree 3 – 10%

Based on the level of encroachment and the existing site conditions, the proposal can be supported in relation to these trees.

There is no concern with the loss of Trees 4, 5, 6, 7, and 8 as they are small trees and can be easily replaced.

The level of encroachment into the following protected trees identified as trees within adjoining properties:

- Tree N1 – 0%
- Tree N2 - N6 – 0%
- Tree N11 – 0%

There is no concern with any level of impact to these trees, subject to the implementation of tree protection measures via conditions of the permit.

Tree Education Officer (TEO)

The Section 57A plans have been reviewed by the TEO, a summary of the comments are provided.

There is a significant concern regarding the inclusion of the four Lightwood Wattles, *Acacia implexa*, as canopy trees that will reliably reach 15 metres in height. While *Acacia implexa* is listed in The Flora of Melbourne as reaching 15 metres, they are not often observed at greater than 10 metres in height in Whitehorse and certainly not consistently. In this area of Blackburn the dominant canopy species would have been Silver-leafed Stringybark (*Eucalyptus cephalocarpa*) and it is suggested this species is included in the landscape plans given the sites proximity to Blackburn Lake Sanctuary.

A Blackwood Wattle, *Acacia melanoxylon*, has also been included in the landscape plan, which does have potential to reach 15 metres in good growing conditions. This species choice is supported along with its chosen location.

With regard to the middle and understory plantings, the landscape plan contains a good mix of native and indigenous species. The *Helichrysum* has had a name change to *Coronidium* which should be noted when ordering. The Bidgee-Widgee, *Acaena novae-zealandae*, may be worthwhile replacing with Austral-Stork's Bill, *Pelargonium austral*, which is far more attractive.

A condition requiring the three of the Lightwood Wattles be replaced with Silver-leafed Stringybark (*Eucalyptus cephalocarpa*) in the same location, will be included as a permit condition. The replacement of the Bidgee-Widgee, *Acaena novae-zealandae* for Austral-Stork's Bill, *Pelargonium austral*, will also be included as a permit condition.

9.1.1

(cont)

ASSESSMENT

Policy Context

The central issue surrounding this application focuses on whether the proposal successfully resolves the tension between State planning policy, which seeks consolidation within existing urban boundaries, particularly within proximity to the Principal Public Transport Network (PPTN) and activity centres, with that of local policy which seeks minimal change in a landscape setting. It does not result in no development, but development that has minimal impacts on the existing preferred neighbourhood character. The subject site is immediately adjacent to the PPTN boundary and is approximately 1.5 kilometres to the Blackburn Activity Centre.

The following provides an outline of the relevant local planning provisions.

Clause 21.06 (Housing) is informed by *Council's Housing Strategy, 2014*. It outlines how the municipality will contribute to the State's housing objectives for Metropolitan Melbourne. It identifies three categories of housing change. The subject site placed within a 'limited change' area. Limited change areas enable specific characteristics of the neighbourhood, environment or landscape to be protected through greater control over new housing development. These areas represent the lowest degree of intended residential growth in Whitehorse. The policy identifies that some limited medium density development will occur.

Clause 22.03 (Residential Development) seeks to ensure new development reflects the minimal change designation of housing policy and contributes to the preferred character for this neighbourhood.

Clause 22.04 (Tree Conservation) encourages new development to minimise the loss of significant trees and promotes regeneration of tall trees by ensuring sufficient spaces exists in new development for re-planting of tall trees. The policy sets 'performance standards' for the retention and regeneration of trees.

These policies, amongst other State planning policies, justify the zoning of the site and surrounds in the Neighbourhood Residential Zone, Schedule 1. The purpose of this zone places great weight on neighbourhood character and its associated policies. Schedule 1 of the Zone encourages further curtailment of the ResCode standards for new dwellings by specifying lesser site coverage and greater permeability, discouraging the construction of any walls on boundaries, and specifying greater landscaping, side setbacks and private open space than generally apply. Its decision guidelines require more diligent consideration of the provision or retention of vegetation than generally apply.

The proposed development, subject to minor variations, is consistent with the objectives and intent of Council's local policies for developments within Limited Change areas and the Bush Environment Precinct.

Consistency with Planning and Local Planning Policies

The proposal is consistent with Planning and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed housing that respects the neighbourhood character and appropriately responds to the surrounding prevailing landscape character and valued built form and cultural context.

Under Clause 21.06 (Housing), the subject site is located within a 'Limited Change Area' and under Clause 22.03 (Residential Development), the site is included within a Bush Environment precinct. Clause 22.04 (Tree Conservation) aims to assist in the management of the City's tree canopy by ensuring that new development minimises the loss of significant trees. These local policies enable specific characteristics of the neighbourhood, environment and landscape to be protected through greater control over new development. Moreover, architectural, urban design and landscape outcomes must positively contribute to the local urban character whilst minimising impacts on the neighbouring properties.

9.1.1

(cont)

Consideration must also be given to the design response in relation to the site's location within the Significant Landscape Overlay, Schedule 2 (SLO2). The SLO2 is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines. The presence of the SLO2 does not negate the ability of a site to be developed for residential purposes, however the hierarchy of the SLO2 control does require a more sensitive approach and places higher levels of expectation on how a site is to respond to built-form, landscape and environmental values.

It is not expected that all existing dwellings will continue to provide suitable housing stock into the future, nor that the SLO areas and SLO controls seek to prohibit development. The performance measures of the SLO2 however, are designed to guide and shape new development to ensure the environmental and landscape elements valued by the community continue to be protected, and any new development respects and responds to these performance objectives.

This second dwelling has sought to respond to these measures through its siting generally within the frontage of the site, setbacks that generally respond to surrounding built form, articulated façade features, flat roof to maintain a less conspicuous profile, upper floor setbacks, setbacks sufficient to protect significant trees, and space for a landscaping and replanting response that highlights the SLO2 objectives.

Neighbourhood Character

The subject site forms part of the Blackburn Lake Area which is an atypical suburban area given its bush environment character.

The *City of Whitehorse Neighbourhood Character Study, 2014* summarises the existing architectural style in the area, as *'mixed, and includes pre-WWII (including heritage significant bungalow dwellings), post-war, 1940s, 1950s and contemporary infill styles*. In terms of the landscape setting, *'Gardens are bushy and informal with predominantly native/indigenous species and large canopy trees. The appearance of vegetated garden areas around buildings is an important feature of this precinct'*.

Achieving a preferred character for the area is guided by the 'Preferred Character Statement' outlined within Clause 22.03-5. The preferred character setting for the Bush Environment Setting is:

'The streetscapes will be dominated by vegetation with subservient buildings frequently hidden from view behind vegetation and tall trees. The buildings will nestle into the topography of the landscape and be surrounded by bush-like native and indigenous gardens, including large indigenous trees in the private and public domains.

Buildings and hard surfaces will occupy a very low proportion of the site. They will be sited to reflect the prevailing front, rear and side setbacks. The larger rear setbacks will accommodate substantial vegetation including large canopy trees. The bushy environs are complemented by street trees and a lack of front fencing. Properties abutting and close to creeks and lake environs will contain more indigenous trees and shrubs that act in part as wildlife corridors.

This precinct is identified for the lowest scale of intended residential growth in Whitehorse (Limited Change area) and the preservation of its significant landscape character and environmental integrity is the highest priority'.

9.1.1

(cont)

The subject site is also included within the Significant Landscape Overlay, Schedule 2 (Blackburn Area 2). The area is recognised as having special significance attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees. This in turn contributes to the significance of the area as a valuable bird and wildlife habitat. The Schedule provides a number of landscape objectives to be achieved, which can be summarised as retaining the dominance of vegetation cover, in keeping with the bush character environment and encouraging development that retains an inconspicuous profile. The Schedule also includes a number of 'decision guidelines' which also test a development's responsiveness to a preferred neighbourhood and landscape character.

The provision of an additional double storey dwelling within the front setback will provide an appropriate character outcome. The new dwelling will 'fill in the gap' within the front setback area which maintains the established siting pattern along the streetscape. The new dwelling would provide consistent front setbacks with that of adjoining dwellings. The double storey dwelling to the north is setback of minimum of 9.94 metres to Halley Street and the adjoining double storey dwelling to the south is setback 11 metres. The minimum setback of nine metres at ground level (from the front façade) and 9.9 metres at upper level proposed for the new dwelling on the subject site, will not 'overwhelm' the established streetscape.

The development allows for tree retention, with sufficient area for new tree planting and landscaping to ensure a vegetated character is retained and enhanced. Within the front setback area, Tree 1 (*Corymbia citriodora* – Lemon-scented gum) and Tree 2 (*Fraxinus angustifolia* – Desert Ash) are retained and complimented by the provision of a new *Acacia implexa* – Lightwood tree and approximately 333 indigenous and native shrubs, ground covers and grasses. This ensures the streetscape will be dominated by vegetation as encouraged by the preferred character statement, and as is reflected in the wider area.

The amended plans reduce the footprint to Dwelling 1, allowing for the retention of Tree 3 (*Grevillea robusta* – Silky Oak) within the area of secluded private open space. This will soften the appearance of the new dwelling, particularly when viewed from the adjoining lot. Overall, the revised landscape plan provides for 14 trees within the development and approximately 333 shrubs and groundcovers.

Tree A (*Melaleuca styphelioides* – Prickly Paperbark) is located adjacent to the existing dwelling within the side (northern) setback, which is un-impacted by the second dwelling and is to be retained.

Applying the average tree density decision guideline to the site (area of 1,184 square metres) equates to seven, 15 metre high canopy trees. The proposal retains four existing canopy trees and proposes five locally indigenous canopy trees which, as previously discussed, will be conditioned to comply with achieving a mature height of 15 metres. On balance, the total of eight large canopy trees which can achieve a mature height of 15 metres provides a strong response to the SLO2 objectives.

The site coverage is 34.65 percent which is comfortably less than the 40 percent specified in the Zone's schedule and marginally (1.65 percent) above the permit trigger of 33 percent under the Overlay. The site's permeability at 37.7 percent is marginally less (2.3 percent) than the preferred 40 percent, however the 'garden area' equates to 46.87 percent of the site, which is above the 35 percent required under the zone. The permeable area across the site, provides the opportunity for tree retention and new landscaping, demonstrating the ability to achieve a preferred character outcome.

The immediate locality supports a variety of built form outcomes, including two-storey dwellings with a variety of roof forms. The proposed development provides a modest upper level footprint (equating to a site coverage of 6.5 percent) with generous side setbacks and articulated forms. This leads to an outcome that presents an inconspicuous profile, particularly in a setting of large canopy trees with understorey planting.

9.1.1

(cont)

Other attributes of the development that reflect the preferred character outcome include:

- The provision of a single-width crossover and driveway, maximising garden space across the site's frontage.
- Recessing the car accommodation into the site to avoid the dominance of car parking structures to the street.
- Avoiding any boundary development and providing a ground level internal separation of approximately 3.9 metres to reinforce the level of spacing between and around buildings. Similar in terms of the sub division patterns of 2, 4, 6, 8, 14 and 18 Halley Street.
- When looking at the subject site in a broader context, due to its length even with a second dwelling, the site maintains a pattern of lot size and development that reflects what surrounds it.

The above assessment identifies how the proposal for a second dwelling can appropriately meet the neighbourhood character objectives of the planning scheme and specifically the SLO2. It is argued that the proposal for a second dwelling, in itself, does not automatically assume that the important character elements of Halley Street and its surrounds are not met. The assessment is one of size, scale, bulk, setback, building materials, and height to name some of the variables. This is relevant as construction of a single dwelling on a lot of this size could achieve a sizeable built form, and still be 'under' the SLO2 permit triggers, thereby resulting in a more dominating built form than is proposed under this application.

On balance the proposed development is able meet the decision guidelines under the overlay and therefore integrates with the preferred neighbourhood character (Bush Environment).

Amenity

Clause 55.04 (Amenity Impacts) sets out a number of objectives and standards that seek to ensure the amenity of adjoining residential lots are not unreasonably impacted. When tested against the standards, the development does not cause any loss of daylight to adjoining windows, does not cause any overlooking and does not cause unreasonable over shadowing to adjoining areas of secluded private open space.

Standard B17 (Side and Rear Setbacks) seeks to ensure that the height and setback of a building respects the existing character and limits the impact on the amenity of existing dwellings. The ground level and upper level setbacks meet the required setbacks and prevent excessive bulk or amenity impacts.

On site amenity

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

Standard B25 (Accessibility) encourages the consideration of the needs of people with limited mobility. The dwelling entries of the ground floor of both dwellings are accessible for people with limited mobility.

The areas of secluded private open space include an 87 square metre area with a minimum dimension of five metres for Dwelling 1 and a 298 square metre area with a minimum dimension of five metres for Dwelling 2. These areas are directly accessible from the living area and the sizes exceed the minimum prescribed under Standard B28 (Private Open Space).

The dwellings enjoy daylight to new windows in accordance with Standard B27 (Daylight to New Windows) and Dwelling 1 is provided with six cubic metres of accessible and secure storage (located within the garage). The location of an external storage shed for Dwelling 2 will be included as a permit condition.

9.1.1

(cont)

Standard B34 (Site services) encourages bin and recycling enclosures to be adequate in size, durable and to blend in with the development. The storage of bins for Dwelling 1 are on the south elevation adjacent to the garage. The location of bin storage for Dwelling 2 will be addressed via a permit condition.

It has been demonstrated that the proposal provides for sufficient on site amenity.

Response to objections

Concerns raised by objectors are outlined and addressed below:

The development is not sympathetic to the purpose and objectives of the applicable planning controls.

As previously discussed, in response to the concerns raised by objectors, the plans were amended and included a number of changes including:

- Reducing the building footprint
- Increasing permeable area
- Retaining three existing trees.
- Providing five native re-placement canopy trees capable of reaching a height of 15 metres.

These plans were re-advertised with no further objections or concerns raised.

Neighbourhood character

As above, in response to the concerns raised by objectors, the plans were amended as listed. As previously discussed, the location of Dwelling 1 is in keeping with the existing pattern of development along the eastern side of Halley Street and demonstrates a high level of compliance with the varied schedule to the zone, the Significant Landscape Overlay, Schedule 2 and preferred neighbourhood character (Bush Environment).

Over-development of the site

As previously discussed, the subject site is 1187.38 square metres. The preferred lot size under the Bush Environment neighbourhood character is 650 square meters, which the new site is under by 12.62 square metres. However as demonstrated, the subject site is able to comfortably accommodate a second dwelling, as well as meet the varied schedule under the Neighbourhood Residential Zone, the Significant Landscape Overlay, Schedule 2 decision guidelines and preferred neighbourhood character (Bush Environment).

Excessive visual bulk and scale

As above, in response to the concerns raised by objectors, the plans were amended as listed. The proposed second dwelling is in keeping with existing dwellings on the adjoining lots to the north and south of the site, does not exceed the maximum allowable height of nine metres (permitted under the Neighbourhood Residential Zone) and provides generous setbacks at both ground and upper level to all elevations.

9.1.1

(cont)

Site coverage, excessive hard-paved surfaces and lack of permeable area

As above, in response to the concerns raised by objectors, the plans were amended as listed. The proposed development requests minor variations as follows:

- Site coverage is 34.65, which is 1.65 percent above the 33 percent permit trigger under the Overlay, and below the varied schedule to the zone of 40 percent.
- The amended plans indicate hard surfacing at 23.5 percent (this includes all permeable paving), which is above the 17 percent permit trigger under the Overlay by 6.5 percent. This is assessed as acceptable, due to the retention of the existing asphalt driveway, resulting in less disturbance to existing trees on site and the inclusion of permeable paving in the secluded private open space of Dwelling 1.
- The permeability of the site is 37.7 percent, which is 2.3 percent less than the preferred 40 percent under the schedule to the zone, however permits the planting of the required number of large canopy trees in accordance with the Overlay.
- The site provides 'garden area' of 46.87 percent which exceeds the minimum 35 percent requirement under the Neighbourhood Residential Zone.

Tree removal

In response to the concern around tree removal, the application was amended to provide for the protection of Tree 3 (*Grevillea robusta* – Silky Oak). This tree is in fair health and fair-good structure and is clearly visible from various vantage points throughout the street and the surrounding area. All other protected trees on site are to be retained and incorporated within the development.

Landscape response

The modified landscape plan shows a comprehensive response to the site with five new canopy trees to complement the retained trees. As previously discussed, a permit condition will be included to ensure replacement canopy trees are capable of reaching the required 15 metres in height under the SLO2. This equates to eight large canopy trees overall along with the ten retained *Pyrus calleryana* along the northern boundary.

Impact to habitat links to the Blackburn Lake Sanctuary

The statement of nature and key elements under the overlay identifies the significance of the area is attributed to the high proportion of Australian native trees which in turn, contributes to the wildlife habitat within the area. The proposal retains significant trees across the site and introduces over 300 new native shrubs and ground covers. This provides a clear net benefit to the wildlife habitat within the area.

Set a precedence for further over-development

As discussed above, the proposal is not an over-development of the site, rather one which balances urban consolidation objectives with maintaining a preferred landscape character. In addition, each planning application is considered on its merits, the approval of this development does not set precedence for approval of other developments.

9.1.1

(cont)

CONCLUSION

The proposed development is consistent with the relevant planning controls and policies, including the Planning and Local Planning Policies and provisions of the Neighbourhood Residential Zone, Schedule 1 and the Significant Landscape Overlay, Schedule 2. The proposed development form, siting and overall design is acceptable and will integrate into the existing built form and character.

The application has been advertised and 27 objections have been received. The issues have been discussed above.

It is considered that the application should be approved.

ATTACHMENT

- 1 Decision Plans 

Attendance

Cr Davenport the virtual meeting at 7:20pm, returning at 7:21pm.

9.1.2 12 Tennyson Street, BURWOOD (LOT 167 LP 8828 52B) Use and Development of two double storey rooming houses and associated tree removal (SL09)

FILE NUMBER: WH/2019/632
ATTACHMENT

SUMMARY

This application was advertised, and a total of 15 objections were received from 14 objector properties. The objections raised issues with neighbourhood character, amenity impacts, car parking and traffic, site services and landscaping. 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/2019/632 for 12 Tennyson Street, Burwood to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use and development of two double-storey rooming houses and associated tree removal is acceptable and should not unreasonably impact the amenity of adjacent properties.*
- B** *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 12 Tennyson Street, Burwood (Lot 167 LP 8828 52B) for the use and development of two double storey rooming houses and associated tree removal, subject to the following conditions:*
 - 1.** *Before the development starts, or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn scale, and be generally in accordance with the plans submitted with the application but modified to show:*
 - a)** *The locations of the Tree Protection Zones described in Condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 5 and 6 to be annotated on the development and landscape plans.*
 - b)** *The location of all service trenches to serve the buildings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within four (4) metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.*
 - c)** *An accurate calculation of the garden area provision (as defined by Clause 73.01 of the Planning Scheme) for the proposed development as required by Clause 32.08-4 of the General Residential Zone. The denoted Garden Area must be clearly hatched and demonstrated on a separate scaled site plan, and be no less than 35 percent of the site area.*
 - d)** *The vehicle crossover to be dimensioned.*
 - e)** *Dimensioned longitudinal cross section of driveway ramp grades with finished surface levels.*
 - f)** *The provision of two bicycle spaces per dwelling.*
 - g)** *Fixed obscure glazing 1.7 metres from finished floor level to Bed 2 of Dwelling 1.*
 - h)** *The cladding colours and materials schedule updated to indicate that all obscured glazing be manufactured obscured glass.*

9.1.2

(cont)

- i) **Site plans to reflect the following:**
- **Rainwater tanks of a minimum 4,000 litre capacity for retention purposes for each dwelling.**
 - **An annotation that the rainwater tank size of 4,000 litres is allocated for reuse/ retention purposes and excludes any volume allocated for detention.**
 - **An annotation that rainwater tanks are connected to all toilet flushing, laundry systems and irrigation areas.**
 - **Permeable paving identified and annotated to driveway entry areas.**

- j) **A Landscape Plan in accordance with Condition 3.**

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

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

Landscaping and Tree Protection

3. **No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. The plan shall be generally in accordance with the plan submitted. This plan when endorsed shall form part of this permit. This plan shall show:**

- a) **The layout to reflect all changes required by Condition 1.**
- b) **Replacement canopy trees are to be located a minimum of three (3) metres from buildings, one (1) metre from any boundary fencing and within dedicated garden beds.**

Landscaping in accordance with this approved plan and schedule shall be completed prior to the occupation of the development.

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, 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 5 – 2.8 metre radius from the centre of the tree base.**
 - ii. **Tree 6 – 2.0 metre radius from the centre of the tree base.**
 - iii. **Tree 7 – 2.0 metre radius from the centre of the tree base.**
 - iv. **Tree 8 – 2.7 metre radius from the centre of the tree base.**
 - v. **Tree 9 – 2.1 metre radius from the centre of the tree base.**
 - vi. **Tree 10 – 4.2 metre radius from the centre of the tree base.**
 - vii. **Tree 13 – 3.91 metre radius from the centre of the tree base.**

(cont)

- Use**

- 7. No more than 9 persons may be accommodated in each building at any one time.**

9.1.2

(cont)

8. *Prior to the commencement of use a Rooming House Management Plan must be submitted to and approved by the Responsible Authority. The 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:*
 - 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.*
9. *Prior to the commencement of the use, the owner/managers of each rooming house must set up a management plan/ charter for the site and this must be clearly displayed in prominent locations within the buildings for residents to clearly read.*
10. *For so long as these premises operate as rooming houses, they must be managed by an experienced operator, to the satisfaction of the Responsible Authority.*

Contact details of the operator must be provide by and updated (when required) by the owner/ manager to the Responsible Authority.
11. *Prior to the occupation of the rooming houses, a site manager must be appointed.*
12. *The development must be provided with external lighting capable of illuminating access to each garage. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*

Asset Engineering

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.*
14. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
15. *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 seven (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.*

9.1.2

(cont)

- 16. 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 Management Plan (WMP)

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

Any bin placements proposed on Tennyson Street 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 one (1) metre of any infrastructure and are to have a height clearance of four (4) metres for collection.

Expiry

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

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

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

Permit Notes:

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

Asset Engineering:

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

9.1.2

(cont)

- G. No trees are permitted within the easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans. Council's arborist must approve the landscaping plans.**
- H. 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:

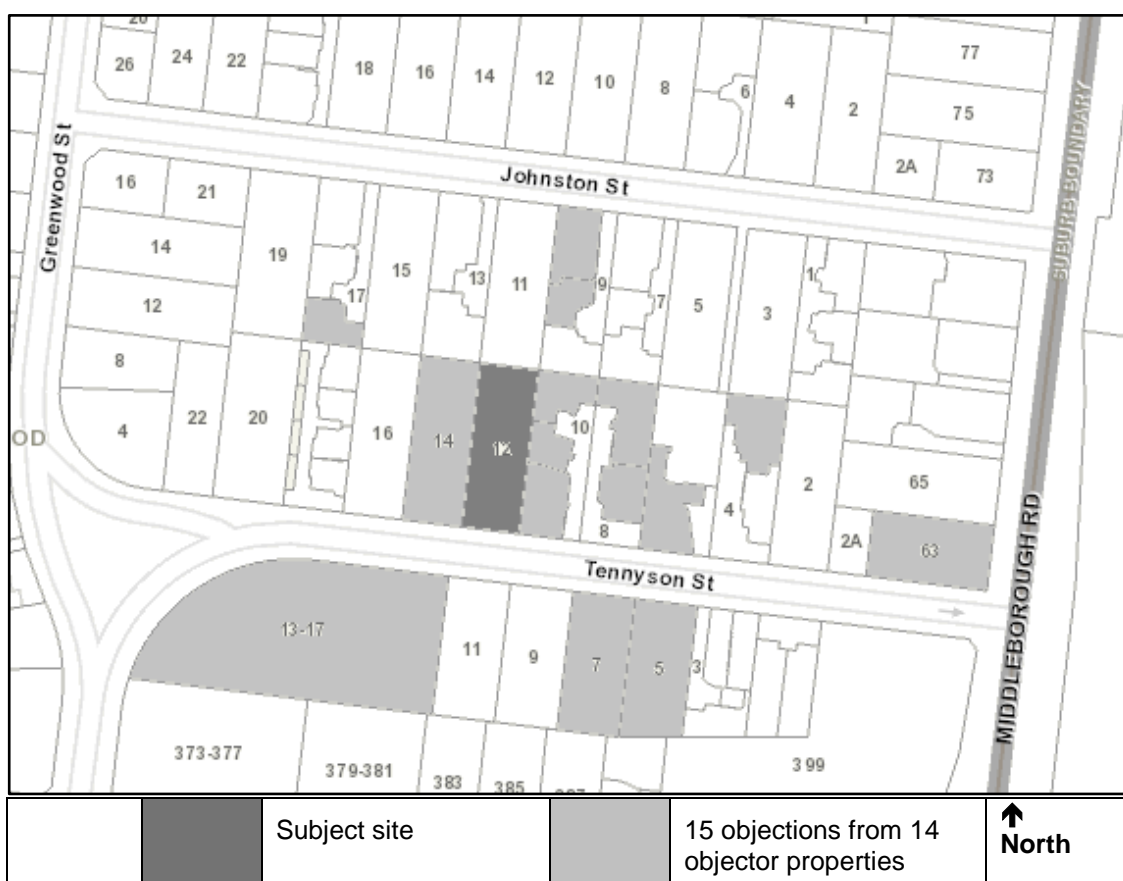
- A. Being the Responsible Authority, having caused Application WH/2019/632 for 12 Tennyson Street, Burwood (Lot 16 LP 8828) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use and development of land for the purpose of two double storey rooming houses and associated tree removal (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 12 Tennyson Street, Burwood (Lot 16 LP 8828) for the Use and development of land for the purpose of two double storey rooming houses and associated tree removal (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)**
 - 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

9.1.2 (cont)

MELWAYS REFERENCE 61 A3

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 22.11	Burwood Heights Activity Centre
Clause 32.09	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



9.1.2

(cont)

BACKGROUND

History

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

The Site and Surrounds

The subject site is located on the north side of Tennyson Street, approximately 120 metres west of the intersection with Middleborough Road. The site is rectangular in shape, with a frontage of 18.24 metres to Tennyson Street, a maximum depth of 50.29 metres with an overall site area of 920 square metres.

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

The arborist report, prepared by ArborReport Victoria, provides an assessment of 13 trees. This includes Trees 1, 2, 3, 11 and 12 within the subject site and Trees 4, 5, 6, 7, 8, 9, 10 and 13 within adjoining lots. All trees, except for Trees 1 and 7 are protected under the Significant Landscape Overlay, Schedule 9. A table summarising the affected trees on the subject site and adjacent lots is included under the 'Planning Controls' heading below.

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

- To the east, at 10 Tennyson Street, is a medium density development comprising three double storey rendered dwellings.
- To the west, at 14 Tennyson Street, is a single storey brick dwelling.
- To the south, at 11 Johnston Street, is a single storey weatherboard dwelling.

The subject site is included within the Burwood Heights Activity Centre (a major activity centre). The subject site is also located within the Principal Public Transport Network (PPTN) and served by a tram and bus services.

Planning Controls

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

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

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

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

Rooming House

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

- More than nine bedrooms are proposed;
- The total floor area exceeds 300 square metres; and
- More than 12 persons will be accommodated.

9.1.2

(cont)

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 percent (as the lot is greater than 650 square metres). This has not adequately addressed and will be discussed later in the report.

Significant Landscape Overlay, Schedule 9

Amendment C191 introduced Schedule 9 to the Significant Landscape Overlay, to the Whitehorse Planning Scheme on an interim basis. Amendment C219 applies an amended SLO9 from 30 July December 2020 for a period of 12 months.

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

Tree removal

Tree No.	Name	Height x width (m)	DBH (cm)	Retention Value	Comments
3	<i>Grevillea robusta</i> - Silky Oak	10 x 5	22	Medium	Mid-sized native tree with structural fault.
12	<i>Photinia serrulata</i> - Chinese Hawthorn	6 x 8	16	Low	A number of stems arise from a common base at ground level.

Trees on adjoining lots

Tree No.	Name	Height x width (m)	DBH (cm)	Retention Value
4	<i>Grevillea robusta</i> – Silky Oak	14 x 9	45	High
5	<i>Ligustrum lucidum</i> - Broad Leaf Privet	6 x 5	12, 14 and 15	High
6	<i>Coprosma repens</i> - New Zealand Mirror Bush	5 x 3	16	High
7	<i>Coprosma repens</i> - New Zealand Mirror Bush	4 x 5	2 x 12	High
8	<i>Coprosma repens</i> - New Zealand Mirror Bush	6 x 6	2 x 16	High
9	<i>Coprosma repens</i> - New Zealand Mirror Bush	5 x 6	18	High
10	<i>Ligustrum lucidum</i> - Broad Leaf Privet	8 x 8	17 and 2 x 22	High

9.1.2 (cont)

Tree No.	Name	Height x width (m)	DBH (cm)	Retention Value
13	<i>Eucalyptus tricarpa</i> - Red Ironbark	10 x 9	22	High

PROPOSAL

The application proposes the development of two double storey residential buildings for the purpose of rooming houses. The key features of the proposal include:

Use:

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

Development:

- The two units are detached by one metre and arranged one behind the other.
- At ground level, Unit 1 is setback 9.5 metres to Tennyson Street, with a minimum setback of 1.36 metres to the east boundary. Unit 2 is setback between two and 3.3 metres from the rear boundary, a minimum of 1.73 metres from the east boundary and a minimum of 1.5 metres from the west boundary.
- The upper levels are setback between 2.28 and 2.9 metres to the east boundary, between 2.29 and 6.16 metres to the west boundary and 2.83 metres to the north boundary. An 11 metre separation is provided between the upper levels of the two units.
- Shared vehicle access is via modifications to the existing crossover and a driveway located adjacent to the west boundary. The development provides for two, double-width garages located centrally within the site.
- The layout to each unit provides for an entrance, open plan kitchen, dining and living area, and bedrooms (each with ensuite) at ground level with bedrooms (each with ensuite) at first floor level.
- The total number of bedrooms proposed within the development is 18 (nine per dwelling).
- The areas of secluded private open space are within the eastern setback for both units. The area for Unit 1 is 59.47 square metres and the area for Unit 2 is 35.5 square metres both with a minimum dimension of five metres.
- External materials comprise a mix of face brickwork at ground level, render finish at upper level and feature architectural columns to the front elevation. The roof forms at ground and upper level are hipped with tile cladding.
- The maximum height of the development is 8.78 metres.

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 one large notice to the Tennyson Street frontage. Following the advertising period 15 objections (from 14 objector properties) were received.

The issues raised are summarised as follows:

- Neighbourhood Character:
 - Use is inconsistent with the established residential character
 - The use is better suited to Burwood Highway or Middleborough Road
 - High-density living and overdevelopment
 - Lack of landscaping opportunity
- Amenity impacts
 - Increased noise
 - Safety impacts and potential increase in crime
 - Transient residents that have little affiliation with the community and surrounds
- On site amenity
 - Creates sub-standard living spaces with proportional lack of private open space, landscaping and minimal communal area.
- Car Parking
 - Insufficient on site car parking
 - Increased on-street parking demand
 - Traffic safety impacts on the street
- Landscaping
 - Minimal landscaping within the site to accommodate large number of residents.
- Site Services
 - Lack of waste storage
 - The nature strip is too small to accommodate waste storage and collection.
 - Unwanted furniture is likely to be dumped on nature strip due to transient nature of residents
- Non-planning matters
 - Loss of property values

9.1.2

(cont)

Consultation Forum

A Consultation Forum was held 23 July 2020, chaired by Councillor Davenport online (via Zoom) with seven attendees, the issues addressed are as follows:

Neighbourhood character.

- Developments in the area (including Brickworks) have already begun eroding the neighbourhood, this proposal will further entrench it.
- High level density development unsuited to Tennyson Street, should be contained to major roads.
- Student accommodation well catered for in the area.

Amenity

- Increased noise from 18-20 residents and 18 air conditioners.
- Dumped rubbish from frequent tenancy turn over.
- Transient population with no attachment to the area.
- Decrease in safety with increase of transient population.

Overlooking

- Bed 2 of Dwelling 2 (ground floor) has views into 14 Tennyson.

Traffic and Car parking

- International student car ownership higher than assessed.
- Traffic has increased due to development at 399 Burwood Highway, the development will further increase traffic flow.
- Increased on-street car parking congestion, Council issued parking permits should be limited or restricted for the site.

Non Planning Matters

- Decrease in property values.

Referrals

External

The application was not required to be externally referred under Section 55 of the Act.

Internal

Environmentally Sustainable Development

The application has been reviewed by Council's Environmental Sustainable Development Officer. Having assessed the development against Clause 55.04-3 (Permeability and Stormwater Management Objectives) the proposal will meet Council's Integrated Water Management expectations and requirements subject to conditions.

9.1.2

(cont)

Transport Engineer

The application has been reviewed by Council's Transport Engineering Officers. Having assessed the development, the proposal is supported subject to cross section diagrams demonstrating ramp grades.

Assets Engineer

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

Planning Arborist

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

In relation to Trees 5, 6, 7, 8, 9, 10 and 13 on adjoining lots, the proposed buildings and works encroachments into the TPZs of retained trees can be supported, subject to tree protection condition requirements.

DISCUSSION

The primary considerations for this application are as follows:

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

Use for Rooming Houses

A rooming house is a specifically defined use that is distinct from a dwelling (which may be rented as a whole to one or several people), and also from student accommodation, (which is restricted to occupancy by students only). The permit trigger for a rooming house is accommodating more than 12 people or providing more than nine bedrooms and this proposal triggers both.

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

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

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

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

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

9.1.2 (cont)

Clause 32.09-6 of the Scheme requires the assessment of various residential applications including those for residential buildings, against Clause 55. The Clause is principally directed towards privately owned medium density dwellings. Assessment against the Standards and Objectives can be tempered by consideration of the communal nature of the housing, but still can provide a usual assessment tool for this type of development.

General guidance to the exercise of discretion 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.*
- *A higher proportion of lone person households may require smaller housing types including town houses, units and apartments. However in some instances, these housing types are more costly to buy or rent than older housing stock, and can contribute to housing affordability problems'.*

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

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

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

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

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

The subject site is included within the Burwood Heights Activity Centre with the core of the centre, a short distance to the east (opposite Middleborough Road to the east). The role of the activity centre is to accommodate a mix of uses that responds to the needs of the local community.

9.1.2

(cont)

Conditions of any permit issued can include requirements that relate to the management of the use to minimise off-site amenity impacts. This can include ways in which to manage waste via an implementation of the waste management plan, a limitation on the number of occupants at any one time to one per bedroom (total of 18 residents), and for the use of the two rooming houses to be managed by a site manager.

On the matter of crime, the planning scheme cannot be used as a mechanism to control behaviour of individuals.

Residential Character

The subject site is located within the Garden Suburban, Precinct 4 area under Clause 22.03 (Residential Development). The preferred character statement includes (as relevant):

'The area will retain its classic garden suburban characteristics of modest, pitched roof dwellings in formal garden settings. The defined pattern of regular front setbacks and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.'

Properties abutting or situated close to Gardiner's Creek will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the creek corridor.

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

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

The proposal balances the urban consolidation outcomes and housing objectives of the Planning Policy Framework, with the preferred landscape outcomes in the objectives and decision guidelines of the General Residential Zone, Schedule 3, the Significant Landscape Overlay, Schedule 9, Clause 22.03 (Residential Development) and Clause 22.04 (Tree Conversation), as outlined below.

The character of Tennyson Street comprises a mix of original housing stock, older style infill development and a number of new contemporary medium density developments, many of which are double-storey in scale and prominent in their built form. Nearby examples include the adjoining development to the east (three, double storey dwellings at 10 Tennyson), the adjoining developments to the north-east, at 7 and 9 Johnston Street (each containing three, double storey dwellings) and three double storey dwellings at 3 Tennyson Street. Given the established neighbourhood context, the site is capable of supporting two double storey dwelling forms, as the proposed built form reflects similar scale and proportions of nearby developments.

The Precinct Guidelines identify front setbacks within the Precinct *'as generally 3 to 7 metres, with 1-2 metre side setbacks from at least one side boundary with new developments generally having smaller front and side setbacks usually displaying reduced front setbacks'*. The proposed setback to Tennyson Street is 9.5 metres with minimum setbacks to the east and west boundaries varying between 1.36 and 1.73 metres. These front and side setbacks maintain and reinforce the rhythm of space between and around buildings elsewhere in Tennyson Street and surrounds, and the alignment of buildings along the street.

9.1.2

(cont)

The upper levels also enjoy generous setbacks to front, side and rear boundaries and provide a generous internal separation of 11 metres. For the most part, the upper levels are recessed from the ground floor below and with varying materials and hipped roof forms, to assist with reducing the perception of visual bulk.

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

The development proposes a site coverage of 40.5 percent and a permeable area of 41.8 percent, in compliance with Standards B8 and B9, as varied by the Schedule to the Zone. This demonstrates the ability to meet a preferred character and respond to the features of the site.

The 8.7 metre maximum height of the proposed development is below the mandatory height limit identified within the General Residential Zone, Schedule 3 and Standard B7 (Building height). This contributes to the rooming houses maintaining an inconspicuous profile within the setting.

Amenity

Clause 55.04 sets out a number of objectives and standards that seek to ensure the amenity of adjoining residential lots is not unreasonably impacted. When tested against the standards, the development does not cause any loss of daylight to adjoining windows, does not cause any overlooking and does not cause overly unreasonable shadowing to adjoining areas of secluded private open space. That said, following concerns raised by objectors at the consultation forum, the applicant has agreed to obscure glazing 1.7 metres from finished floor level to Bed 2 Dwelling 1 at ground floor. This will be included as a Condition 1 requirement.

Standard B17 (Side and Rear Setbacks) seeks to ensure that the height and setback of a building respects the existing character and limits the impact on the amenity of existing dwellings. The ground level and upper level setbacks meet the required setbacks and prevent excessive bulk or amenity impacts.

On site amenity

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

Standard B25 (Accessibility) encourages the consideration of the needs of people with limited mobility. Accessibility is addressed via an accessible landing adjacent to each garage with a platform lift or ramp accessing each deck within the secluded private open space and accessible ramp to each front entrance.

The areas of secluded private open space include a 59.47 square metre area with a minimum dimension of five metres for Unit 1 and a 35.52 square metre area with a minimum dimension of five metres for Unit 2. These areas are directly accessible from the living area and meet Standard B28 (Private Open Space).

The proposed rooming houses enjoy daylight to new windows in accordance with Standard B27 (Daylight to New Windows) and each unit is provided with six cubic metres of accessible and secure external storage. This includes a storage area within the garage to Unit 1 and an externally accessible storage shed within a service yard to Unit 2.

9.1.2

(cont)

Standard B34 (Site services) encourages bin and recycling enclosures to be adequate in size, durable and to blend in with the development. The management of waste was an issue raised by objectors. The Waste Management Plan, prepared by Frater, dated 20 November 2019, provides an assessment of the types of waste generated, bin types and location of waste storage. This includes two 240 litre and two 360 litre bins for general rubbish and two 240 litre and two 360 litre bins for recycling within each unit's backyard. There is an accessible path for the bins and a private contractor will collect the bins. Hard waste can be collected twice a year by appointment with Council.

It has been demonstrated that the proposal provides for sufficient on site amenity and management of waste.

Vegetation removal and replacement landscaping

Amendment C219 to the SLO9 came into effect on 30 July 2020 for an interim period of 12 months. The amendment includes a number of permit exemptions into the schedule, including a list of environmental weeds.

As a result of this, Tree 2 - Broad Leaf Privet (*Ligustrum lucidum*) and Tree 11 – Cotoneaster (*Cotoneaster frigidus*) are listed as environmental weeds and therefore do not a permit trigger for removal.

The proposal therefore requires the removal of two protected trees (Tree 3 and Tree 12), which have 'medium' and 'low' retention values; their removal is supported by Council's Consulting Arborist.

The landscape plan demonstrates capacity for new tree planting including two *Tristaniopsis laurina* (Luscious Water Gum) within the front setback and one *Ulmus parvifolia* (Chinese Elm) trees within each area of secluded private open space. In addition, a further 10 large shrubs, 63 medium shrubs and 167 low shrubs, ground covers and grasses are proposed to provide a complete landscape scheme. The strong level of replanting will enhance the landscape character and meet the objectives of the Significant Landscape Overlay, Schedule 9.

Car parking

Table 1 to Clause 52.06-5 requires one car space to each four bedrooms for a rooming house. The proposal provides for 18 bedrooms and therefore requires a statutory parking requirement of four (4) spaces. The proposal provides for a double-width garage for each unit, and is therefore compliant with the statutory parking requirement. The car spaces to each rooming house are independently accessible and will not be allocated, so that they can be utilised on a 'first come, first served' basis, which will minimise the reliance on on-street car parking for residents.

As previously discussed, Council's Transport Engineers have requested a cross section of the drive way to verify compliance of the ramp grades with Australian Standards.

The proposal will provide compliant car parking on site and will not result in excessive traffic impacts within the street or wider street network.

9.1.2

(cont)

Objectors Concerns

The objectors have raised the following concerns, many which are addressed in more detail in the above 'assessment' section of the report:

- Neighbourhood character

Objectors have raised concerns with regard to the proposed use being out of character with the existing neighbourhood character and setting a precedent for future development. As previously discussed, the proposed use is an accepted use for the zone, whilst the built form and siting demonstrates high level ResCode compliance. It is noted that all planning applications are assessed on a site by site basis therefore the issue of precedent is not able to be considered as part of the assessment.

- Amenity

Objectors have raised concerns with regard to the onsite amenity and streetscape amenity of the proposed use. As previously discussed, the proposed development demonstrates has a high level of compliance for amenity under ResCode.

With regard to the internal amenity, there is no mechanism under the planning scheme for assessment for smaller scale development.

- Landscaping

Objectors have raised concerns with regard to the lack of landscaping throughout the proposed development. As previously discussed, the site plans include two canopy trees per dwelling within the site. These canopy trees will be required to be located within landscaped garden beds via a permit condition. A landscape plan undertaken by a qualified landscape architect has also been submitted, which indicates formal landscaping throughout the site. This will be required to be installed prior to occupation of the buildings and maintained to the satisfaction of the Responsible Authority, for the life of the development, as per permit condition requirements.

- Traffic and car parking

Objectors have raised concern with the lack of on-site car parking, increased on street parking demand and subsequent traffic impacts. As previously discussed, the proposed use and development provides the number of onsite car parking spaces required by the planning scheme, whilst use of the existing crossover results in no loss of on street car parking.

The applicant has advised that the main market for the development/ use will be students who more often than not do not own a vehicle and rely on public transport.

- Loss of property values

Property devaluation is not a consideration in the planning scheme. The subjective claim that a proposal will reduce property values is difficult, if not impossible to gauge and is not able to be considered in the assessment of the application.

9.1.2

(cont)

CONCLUSION

The proposal for the use and development of the land for two rooming houses, including tree removal is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the Planning 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 15 objections were received as a result of public notice and all of the issues raised have been discussed as required.

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

ATTACHMENT

- 1 Decision Plans 

Attendance

Cr Stennett left the virtual meeting at 7:33pm.

Engineering and Environmental

9.1.3 Procurement of Advanced Waste Processing Options for Residual Municipal Waste August 2020

FILE NUMBER: 20/190744

SUMMARY

The purpose of this report is to update Councillors and the community about the South Eastern Advanced Waste Processing procurement project, facilitated by Metropolitan Waste and Resource Recovery Group (MWRRG), for the processing of municipal waste for up to 16 South East suburban Councils using advanced waste and resource recovery technology.

Detailed planning for the complex 2-year 4-stage procurement project commenced in early 2019. Council resolved on 27 May 2019 to participate on a non-committal basis in the first two stages of the project, an Expression of Interest phase followed by an outline solution tender stage.

The project timing and tender stages have changed as a result of significant delays, initially because the State Government put the project on hold awaiting the release of its new Recycling Victoria Policy - circular economy plan, and most recently due to COVID 19 impacts on waste industry tenders. The revised tender arrangements are outlined in this report, including discussion on the impacts for Council.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud

That Council:

- 1. Notes the changed timing and tender stages for the South Eastern Advanced Waste Processing procurement project to treat residual municipal waste for up to 16 South East suburban Councils;***
- 2. Confirms its participation in the revised tender Stage 2: Solution Development, where short-listed tenderers will be required to outline more detail on their proposed waste processing solution before submitting their final detailed tenders;***
- 3. Further considers the tender outcome on completion of Stage 2, tentatively in August/September 2021, to decide whether or not to participate in the long-term South Eastern Advanced Waste Processing contract for treating residual municipal waste.***

CARRIED

BACKGROUND

Council's adopted 'Rubbish to Resource' Waste Management Strategy 2018-2028 includes a priority action for Council to consider using new technology and innovation to improve the processing of waste and reduce our reliance on sending waste to landfill. Key drivers for this action include the rising cost of landfill, the pending closure of the only remaining landfill in the South East in around 2025 (SUEZ at Hallam), and the need to recover more resources from municipal residual waste for recycling. Council currently disposes of its kerbside garbage and the non-recyclable waste from the Whitehorse Recycling and Waste Centre in landfill.

9.1.3

(cont)

While there will continue to be landfills available to the west and north of Melbourne for a longer period, these sites also have a limited lifespan and face operational pressures due to encroaching residential development. To continue using landfill once the SUEZ landfill in Hallam closes, Council will need to bulk-haul all of its waste across Melbourne, adding transport costs, traffic delays and greenhouse emissions as factors to be considered in using these more distant landfills.

To ensure that household garbage and non-recyclable waste can continue to be disposed in a sustainable manner, on 27 May 2019 Council resolved to participate in the South Eastern Advanced Waste Processing procurement project, facilitated by Metropolitan Waste and Resource Recovery Group (MWRRG), involving 16 South-Eastern Councils for the processing of municipal waste using advanced waste and resource recovery technology.

The South Eastern Advanced Waste Processing procurement process was originally envisaged to run over a two-year period from mid-2019 to mid-2021, involving 4 stages as follows:

1. Expression of Interest (EOI) with an open public invitation seeking interested bidders
2. Short-listed tenderers are invited to submit an outline of their proposed solution
3. Further short-listing and an invitation to submit a detailed solution, based on a formal specification
4. Final tender for a fully detailed solution to satisfy all criteria and a final specification

Council resolved to participate in the first two stages on a non-committal basis, with further participation dependent on consideration of the outcome of the outline solutions tender (Stage 2).

The South Eastern Advanced Waste Processing procurement project was delayed considerably. Initially because the project was awaiting ACCC authorisation for 16 Councils to tender collectively at such scale, but more significant delays occurred due to the process being put on hold in the second half of 2019 by the Victorian Government, pending the release of its new Recycling Victoria Policy – a circular economy policy and 10-year action plan. This Policy was originally due to be completed in November 2019 but was ultimately released on 28 February 2020. The Victorian Government considered that the Recycling Victoria Policy with its strong focus on diverting waste from landfill, resource recovery and recycling was needed to set the framework under which the South Eastern Advanced Waste Processing procurement project could proceed. The Policy contains a new target to divert 80% of household waste away from landfill by 2030, in which advanced waste processing will play a big role.

Further delays have since occurred due to the coronavirus pandemic affecting the waste industry's ability to respond to significant tenders such as this.

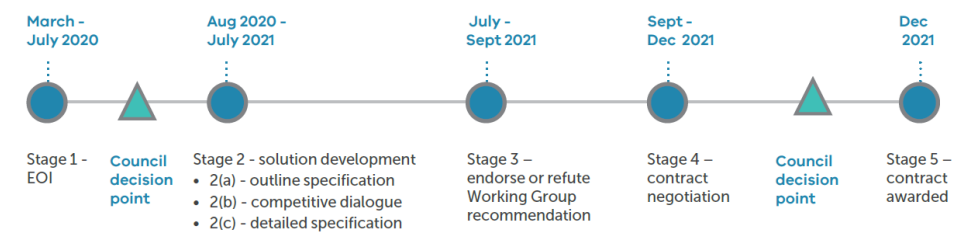
As a result of the various project delays, the timelines and stages for the South Eastern Advanced Waste Processing project were revised by a Working Group with representatives from each of the 16 participating Councils, the MWRRG and specialist project advisors. This involved streamlining the procurement project while still ensuring it followed Local Government Act procurement principles to achieve a best practice, competitive tender process and outcome.

9.1.3

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The new tender stages and revised project timing are as follows:

Multi-stage procurement timeline



In June 2020, the Expression of Interest (EOI) closed and has since been evaluated by a Tender Evaluation Panel consisting of representatives from 6 of the 16 Councils and the MWRRG. The Tender Evaluation Panel was supported by technical, financial and legal advisors, attended throughout by an independent probity advisor.

There were 30 submissions to the EOI offering a variety of technologies such as mass burn combustion with energy recovery, advanced thermal treatment/gasification/pyrolysis (biochar production), integrated sorting and energy recovery, and autoclaving/energy recovery. More details on the various technologies will be available in the next phase of the tender process.

DISCUSSION

Although the project tender staging has changed and timelines are delayed, the revised staging is still consistent with the previous Council resolution to bring a report to Council before making a final commitment to the South Eastern Advanced Waste Processing contract. The new decision point for Council will tentatively occur in August/September 2021 after the Stage 2 tenders are evaluated. The revised Stage 2 will provide Council with a greater level of detail for consideration, as it will now include the tender response based on a detailed specification (Stage 2c) rather than an outline solution under the previous staging.

Expression of Interest (EOI)

A short-list of 3 tenderers from the EOI phase have been invited to submit tenders in Stage 2. These tenderers are:

- Veolia Environmental Services (Australia) Pty Ltd
An integrated mechanical and potential biological treatment solution which recovers recyclables, with a combustion process to treat non-recoverable residues and recover energy.
- Sacyr Environment Australia
An integrated mechanical and biological treatment solution which recovers recyclables, with either a combustion or gasification process to treat non-recoverable residues and recover energy.
- Pacific Partnerships and REMONDIS (together with CIMIC Group Companies CPB Contractors and UGL)
A mass burn combustion solution that recovers energy from residual waste with recycling of metals (and potentially bottom ash) post the combustion phase.

These 3 organisations and/or consortia involve capable and experienced waste companies with a good track record in delivering and operating advanced waste processing facilities using proven technologies, including conversion of waste to energy.

9.1.3 (cont)

Impact of the change to the tender timing

The overall project timing is now forecast to be as follows:



The streamlining of the tender process has meant that the overall project is not hugely delayed, as it was originally anticipated that a new facility or facilities would be operating by 2025/26. However the adjusted project timelines are relatively tight, and with the scale and complexities of this project, including the need get the required EPA and Planning approvals, it may lead to slippage of timing beyond the estimated 2026 operational date.

However this date is likely to be after the closure of the nearest landfill, SUEZ in Hallam. Council will therefore need to have an alternative disposal contract arrangement for landfill services until an advanced waste facility is available. Whitehorse will need to send its residual municipal waste to a landfill in the northern or western suburbs for a time, until an advanced waste processing facility is available within a closer distance.

A new metropolitan landfill services contract facilitated by the MWRRG is due to commence in April 2021. This will include an option to extend a landfill contract for municipal residual waste until March 2029 if needed. Council is a participant in this contract. Tenders for this new contract are currently being evaluated and further tender negotiations are anticipated. A separate report will be brought to Council for consideration once the tender outcomes are known, indicatively in December 2020.

Suitability of short-listed technologies

The technologies offered by the short-listed tenderers are proven, reliable and safe. Facilities that use these technologies have been operating safely and effectively overseas for many decades. The success of the proposed processes in treating residual waste and their compliance with strict environmental and regulatory standards are well established.

The EPA will be well informed about the proposed processes and technologies, and EPA approval will be a key requirement for this project.

9.1.3

(cont)

There are additional requirements that all tenderers must satisfy regarding Council and community expectations for any facility to treat municipal waste. Over and above any best practice general project specifications, there will be Council-specific criteria such as achieving a very high level of resource recovery of waste materials from the residual waste stream, or possibly an educational facility for any interested community members to visit and understand how the waste is being processed.

Any Council-specific requirements will be made clear in the detailed tender specifications.

Community understanding

The South Eastern Advanced Waste Processing project involves the development of comprehensive community and stakeholder project materials to help people understand why this project is needed, what's involved, the benefits for the community, and how Council services will be affected.

Raising awareness about concepts such as converting waste to energy and how advanced waste processing technologies work is relatively recent in the Victorian community. There will be ongoing community communication to explain how different contemporary waste processing technologies are compared with those of decades ago.

Regular and informative community engagement will therefore play a critical role in this project, to help the Whitehorse and broader community appreciate what is being proposed, and why. The communication materials will be tailored to the relevant stages of the project, and will be shared with the community through a range of Council's community communication channels.

Waste & recycling service implications

Council's waste and recycling services currently rely heavily on the ability to dispose of residual non-recyclable municipal waste to landfill. The transition to using advanced waste processing technology to eventually replace the use of landfill disposal was adopted as a key action in December 2018 by Council in its Waste Management Strategy 2018-2028. It is imperative that Council's kerbside bin collections and the Whitehorse Recycling and Waste Centre services have reliable and continuous access to a waste processing facility or facilities.

Council's proposed new kerbside Food Organics Garden Organics (FOGO) recycling service is another key step in capturing and recycling more organics waste from the residual waste stream, and therefore reducing the amount of residual waste.

Similarly the recent upgrade to Council's Whitehorse Recycling and Waste Centre to capture and recycle more electronic waste will further reduce residual waste to landfill.

A new Advanced Waste Processing facility ideally located in the South Eastern suburbs will enable waste from the kerbside bin collections and the Whitehorse Recycling and Waste Centre to be delivered efficiently and would reduce the need for cross-town transport.

More specific details on the impact of a new advanced waste processing facility on Council's waste and recycling services will be apparent once the outcome of Stage 2 tenders is known.

CONSULTATION

The South Eastern Advanced Waste Processing Project has relied to date on a high level of consultation with officers from each participating Council, the MWRRG, and representatives from the Victorian Government.

9.1.3

(cont)

Consultation with the Whitehorse community commenced in 2018 as part of the development of Council's 2018-2028 Waste Management Strategy. This included sharing information and receiving community input about the limited capacity and lifespan of existing landfills, the rising cost of using landfills, and the availability of reliable and safe forms of advanced waste processing technologies as a future means to process waste.

Further community consultation about the transition away from using landfill to dispose of residual waste will be a regular feature of this project.

FINANCIAL IMPLICATIONS

The Expression of Interest (EOI) stage of the South Eastern Advanced Waste Processing tender process did not include costings for the proposals. The intention of the EOI stage was to get an idea of the credentials of prospective tenderers, their experience in delivering advanced waste processing facilities, the type of technology or mix of technologies proposed, and their track record in successfully operating such a facility over a long-term contract.

The indicative costs involved with constructing and operating an advanced waste processing facility are generally known in the waste industry. Specific costs will vary subject to factors such as the requirements outlined in detailed tender specification, site costs (own versus lease), location, the scalability of the facility, and the rate of growth of the tonnage to be processed over time. The final form of contract and how the risks are shared between the contractor(s) and Councils will also affect the final tendered gate fee charged to Councils.

What is known at this stage is that the cost of landfill is escalating considerably over the next few years, in large part because of the recent increases in the landfill levy legislated by the Victorian Government earlier in 2020. The landfill levy is increasing annually by \$20 per tonne over the next 3 years, from \$65.90 per tonne in 2019/20 to \$125.90 per tonne in 2022/23. This represents a 91% increase in the landfill levy component alone over 3 years.

The operating costs for the landfill contractors are also increasing each year to satisfy tighter EPA landfill licence requirements and to minimise negative impacts on nearby communities. More information on the next phase of landfill operating costs will be available once the outcome of the new MWRRG-facilitated metropolitan landfill services tender is known in September 2020. The waste industry has previously flagged operating costs may increase by well in excess of CPI, closer to 15%, in the near future.

The South Eastern Advanced Waste Processing tender evaluation at Stage 2 will include detailed cost modelling over the life of the contract, and comparisons with expected landfill costs over the same period.

POLICY IMPLICATIONS

As indicated earlier in the report, the transition to using advanced waste processing technology to replace landfill disposal has previously been considered and endorsed by Council in the adoption of the 'Rubbish to Resource' Waste Management Strategy 2018-2028 in December 2018.

The aggregating of waste through multi-Council contracts and reducing reliance on landfill disposal also aligns with various Victorian Government policies and strategies. These include the State Waste and Resource Recovery Infrastructure Plan, the Metropolitan Waste and Resource Recovery Implementation Plan, and the recent Recycling Victoria Policy – circular economy plan that contains a new target to divert 80% of household waste away from landfill by 2030.

Business and Economic Development

9.1.4 Investment and Economic Development Strategy Extension 2020-2022

ATTACHMENT

SUMMARY

The Whitehorse Investment and Economic Development Strategy Extension 2020-2022 has been prepared to provide continued certainty around the role council provides in supporting and directing business and employment activity, to support a strong economic future for the City of Whitehorse.

The Economic Development Strategy Extension 2020-2022 seeks to affiliate with the timing of the next Whitehorse Council vision and plan. The draft strategy was placed on public display during 1 June 2020 until 17 July 2020.

The purpose of the report is to seek council's endorsement of the Economic Development Strategy Extension 2020-2022.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Massoud

That Council adopts the Investment and Economic Development Strategy Extension 2020-2022.

CARRIED

BACKGROUND

Legislative Framework

The Investment and Economic Development Strategy Extension (I&EDSE) 2020-2022 considers the primary economic objectives under the *Local Government Act 1989 Part 1A, Section 3C, items 2 (a), (c) and (d)*. In seeking to achieve the primary objective of a council and in accordance with the *Local Government Act 1989*, a council must have regard to the following objectives:

- To promote the social, economic and environmental viability and sustainability of the municipal district;
- To promote appropriate business and employment opportunities;
- To improve the overall quality of life of people in the local community.

In seeking to achieve these objectives, the role of council is further specified within the Act as providing leadership by establishing strategic objectives and monitoring their achievement.

The Whitehorse Investment and Economic Development Strategy Extension 2020-2022 has been prepared to outline the role wherein council supports and directs business and employment activity to foster a strong economic future for the City of Whitehorse.

The draft Strategy was informed by preliminary consultation with selected key officers and business leaders to ensure an appropriate direction was set for the new Strategy.

9.1.4

(cont)

DISCUSSION

At the close of public consultation (17 July 2020), comments were received from two sources. Their comments are summarised as follows:

Box Hill Institute

Ensuring the correct name was used in the document 'Box Hill Institute' replacing the previous name Box Hill TAFE.

Community member – Jo Heath

Overall, this was a good summary of the City of Whitehorse and gives the basic information. However, it remains a little unclear the strategies that will be undertaken and focused on in 2020-2022 and beyond. Also it may be worth including a short statement about how COVID-19 will impact or has changed the strategy going forward.

Each of the submissions were acknowledged and where required, the draft strategy preamble was amended to reflect the current COVID-19 pandemic and Box Hill Institute name was adjusted throughout the draft strategy document.

The purpose of the I&ED Strategy Extension 2020-2022 is provide a high level overarching strategic document for the I&ED Unit that remains consistent under all economic conditions. The I&ED Unit's annual operational action plan (aligned to the operational budget) links to the strategic project areas of the I&ED Strategy Extension and provides flexibility to deliver programs and services that can respond to the current local economic climate. A recent example is the I&ED Unit's ongoing rapid response to the COVID-19 pandemic, developing and implementing a range of initiatives to assist in the recovery of the local economy.

These initiatives include but are not limited to the development and implementation of the following programs:

- Whitehorse Recovery Grants Package – Business
- Shop Local Campaign
- Open for Business Map
- Advisory and Mentoring services
- Business Reach Out

CONSULTATION

The draft strategy was ready for public comment in March 2020, however at that time the community was facing significant social and economic impacts from COVID-19. Initially the decision was made to hold all consultation, enabling the community to focus on their immediate needs, as well as actions required by Government. This allowed for some time to grasp an understanding of the impacts COVID-19 would have, particularly on the business community.

The draft strategy was made available to the community for feedback from 1 June 2020 – 17 July 2020. The document was available for viewing at:

- www.wbiz.com.au
- www.whitehorse.vic.gov.au

9.1.4

(cont)

Notification was sent directly to key business stakeholders including:

- Whitehorse Business Group
- Deakin University and Box Hill Institute
- ABAW
- Epworth Eastern, Box Hill Hospital and Carrington Health
- Retail precincts and Vicinity
- Alkira, Salvation Army Box Hill
- Victory Offices

Announcements regarding how to provide feedback to the draft strategy appeared in the following:

- Whitehorse News
- Down to business
- Business Facebook Page: 2 paid posts – 17/6/2020 and 06/07/2020 (Reach 10354, link clicks 183)
- Business Facebook Page: 2 non paid posts – 29/06/07/2020
- Corporate Facebook Page: 2 non paid posts – 26/06/2020 and 06/07/2020
- Whitehorse Leader – no advertisement – masthead ceased and no printed copy as a result of COVID-19

FINANCIAL IMPLICATIONS

The development of the Investment and Economic Development Strategy Extension 2020-2022 has been funded through the Investment and Economic Development 2019/2020 operational budget.

	Budget	Expenditure
SGS Economics and Planning Economic Analysis	5000	4455
Social Media paid advertisement Facebook	300	200
Whitehorse Leader advertisement	1000	0
Total	6300	4655

POLICY IMPLICATIONS

The draft Investment and Economic Development Strategy Extension 2020-2022 is positioned under the Whitehorse Council Plan 2017-2021 Strategic Direction 5: Support a healthy local economy, and will continue to guide Council in the following areas:

- Retain and expand local businesses
- Attract new businesses that contribute positively to the overall enhancement of the local economy
- Support and promote quality of life for the Whitehorse community

ATTACHMENT

- 1 Investment and Economic Development Strategy Extension 2020-2022 

9.1.5 Brentford Square Shopping Centre: Notice of Intention to Declare Special Charges for Marketing and Promotion Purposes and Infrastructure Purposes

FILE NUMBER: SF20/25
ATTACHMENT

SUMMARY

On 31 January 2020, Council received a request from Brentford Square Traders Association (the Association), to renew the current Special Charge Schemes (Schemes) for the Brentford Square Shopping Centre (which expire on the 31 December, 2020) for a further five years. Following consultation the threshold of 70% 'in principle' support was reached indicating that there is a sufficient level of support shown for Council to commence the statutory process to renew the existing Schemes.

This report seeks Council's authorisation for it to note the adopted Brentford Square Shopping Centre Business Plan, for it to give public notice of its intention to declare Special Charges for the Brentford Square Shopping Centre (the Centre) and for it to commence the necessary statutory process.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

That:

- 1. Council notes the Brentford Square Shopping Centre Business Plan 2021-2025 as adopted by the Brentford Square Traders Association (the Association) in the form of Attachment 1.**
 - 2. Council notes and approves the combined budget of \$55,328 per annum (adjusted annually in line with CPI) contained within Attachment 2 for the proposed Brentford Square Shopping Centre Special Charge Scheme.**
 - 3. Council commences the statutory process for the renewal of the Special Charge Schemes (Schemes) to and for the properties in the Brentford Square Shopping Centre (the Centre), raising an amount of \$43,305 per annum for the purposes of marketing and promotion of the Centre, and an amount of \$12,023 for the purpose of providing and maintaining physical infrastructure for the Centre, for a period of five years from 1 January 2021 to 31 December 2025, otherwise in accordance with the proposed declarations of special charges attached to and forming a part of this resolution (Attachment 3 and Attachment 4). (Note: Funds raised by the special charge are also to be used in contracting a Centre Coordinator as agreed between Council and the Association for the encouragement of retail activity and business development in the Centre).**
 - 4. Council directs that separate public notices of Council's intention to declare the special charges is to be published in 'The Age' newspaper, as soon as practicable in accordance with sections 163(1A) and (1B), 163A, 163B(3) and 223 of the Local Government Act 1989 (Act), advising of the intention of Council to declare at its ordinary meeting to be held on 23 November 2020, the Special Charges. In addition, and in accordance with section 82(A) of the Act, the public notices must be published on Council's Internet website.**
 - 5. Council directs that a combined written notification is to be sent to the rated owners and the occupiers of the properties referred to in the Declaration of Special Charges, advising of Council's intention to declare and levy the special charges, the amount for which an owner or an occupier will be liable or required to pay, the basis of the calculation of the special charges, that written submissions and/or objections in relation to the proposal will be accepted and considered/taken into account in accordance with sections 163A, 163B and 223 of the Act. The written notification must include a copy of both the public notices and comply with the requirements of section 163 (1C) of the Act.**
-

9.1.5

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- 6. Council's Delegated Committee hear any person who has made a written submission under section 223 of the Act, and who in their written submission requested that they appear in person, or be represented by a person specified in their submission and to be heard in support of their submission; the hearings to be at a date, time and place to be determined.**
- 7. Council advises the Association of the matters specified in paragraphs 1, 2 and 3 of this recommendation and otherwise directs that there be further communication with the traders to explain the purpose and operation of the special charges and that the results of this communication be provided to Council, for consideration along with any objections and/or submissions received.**
- 8. Council authorises the General Manager, City Development (or a nominee) to carry out all and any other administrative procedures necessary to enable the Council Committee to meet, and for the Council to carry out its functions under section 163A and sections 163 (1A), (1B) and (1C) and sections 163B and 223 of the Act.**
- 9. Council authorises the General Manager, City Development (or a nominee) to prepare Council's standard Special Charge Agreement between Council and the Association to formalise the administrative operations of the special charge, such funding agreement being a precondition to the payment of any funds from the Special Charge Declarations by Council to the Association. The agreement between Council and the Association will commence subject to Council having declared the Special Charge at the Council meeting on 23 November 2020.**
- 10. Council directs that the agreement specified in paragraph 9 of this recommendation be submitted to Council for subsequent approval and sealing.**

CARRIED

BACKGROUND

The Centre is located on the south side of Canterbury Road, between Springvale Road and Boronia Road and is approximately 21 kilometres south-east of the Melbourne CBD. Currently comprising 43 rateable properties the Centre has enjoyed the benefits of a special charge scheme for over 25 years.

DISCUSSION

A Business Plan for the Centre (Attachment 1) has been developed and prepared by strategic planning and economic development consultants, Peter McNabb and Associates. Jointly funded by Council and the Association, this document was prepared in consultation with key stakeholders, including business and property owners, the Centre Coordinator and members of Council's Investment and Economic Development staff.

The Business Plan includes a one year action plan and provides the vision and framework for the Centre's strategic, financial and marketing direction for the life of the renewal. The Association formally adopted the revised Business Plan on 29 July 2020.

The Special Charges

An increase is not being sought, with the proposed budget aligning with the current 2020/21 charges. The charges for the 2020/21 financial year are \$43,305.45 for marketing and promotion and \$12,023.40 for infrastructure purposes. These charges were applied on a pro rata basis from 1 July 2020 to 31 December 2020 (184 days) with the balance of the charges being applied if renewal is adopted. These amounts are to be adjusted annually in line with movements in the Consumer Price Index (CPI). Reference is made to the proposed budget

9.1.5

(cont)

for the scheme (Attachment 2). The total amount of the special charges to be raised each year are set out in Annexure 3-4(1).

The proposed Scheme can be summarised as follows –

- It will effectively operate as a ‘renewal’ of the existing schemes, for a five year period, from 1 January 2021 to 31 December 2025;
- It is expected to raise a combined amount of approximately \$55,328 per annum (adjusted annually in line with CPI);
- All properties to be included in the Scheme are considered to receive the same ‘primary’ level of special benefit and the special benefits are considered to accrue only to the properties in the Centre; and
- The special charge is to be calculated as follows –
 - In the first year, the Special Charge will be calculated by applying the charges raised in the 2020/21 financial year on a pro rata basis of 181 days payable by each property included in the 2016-2020 Brentford Square Special Charge Scheme;
 - For each subsequent year, the Special Charge will be calculated by reference to an amount that reflects the amount payable by each property in the immediate previous year, adjusted in accordance with movements in the CPI (although the amount payable by each property shall not be less than the amount payable in the immediate preceding year)

More specifically, the amount applicable to each rateable property to be included in the Schemes is set out in the proposed declaration of the Special Charges forming a part of this report (Annexure 3-4(1)).

In calculating a Special Charge Scheme, the *Local Government Act* 1989 requires a Council to ensure that it takes into account any wider special benefits or community benefits. These are defined as tangible and direct benefits to properties outside the Scheme area, or to people in the broader community, and are not confined to the Scheme contributors.

It is considered that no such wider special benefits or community benefits exist in these Schemes because, in the relevant sense, the proceeds of the Special Charges will be used exclusively for the benefit of the owners and occupiers of the properties included in the Schemes, by way of appointing a part-time Centre Coordinator, authorising expenditure for promotional, marketing and business development related activities and for the purpose of providing and maintaining physical infrastructure for the Centre. The proposed declaration of the Special Charges will reflect this position.

CONSULTATION

On the 3 February 2020, business and property owners were advised in writing of the Associations request for scheme renewal and were invited to attend one of two information sessions facilitated by Peter McNabb of Peter McNabb and Associates. These sessions were aimed to provide an opportunity for stakeholders to understand the benefits of the schemes, the statutory process for renewal, and rights and obligations moving forward. It should be noted that these sessions were not well attended.

9.1.5

(cont)

Council surveyed all affected property and business owners to determine the level of 'in principle' support to renew the special charges. A total number of 44 responses were received, 22 from the property owners and 22 from the business owners. Their responses are displayed in the table below. The minimum threshold of 70% 'in principle' support was reached (70% for marketing and promotion and 75% for infrastructure), indicating that there is a sufficient level of support shown, for Council to consider renewal of the existing Scheme. A Visioning Workshop was held on the 24 June 2020 to develop a vision and framework for the Centre's strategic plan and marketing direction.

'In Principle' Survey Responses'

	Marketing & Promotion		Infrastructure	
	Yes	No	Yes	No
Property Owners	21	1	22	0
Business Owners	19	3	20	2
Total	40	4	42	2

It should be noted at the time of consultation that there were 41 rateable properties within the centre (a supplementary valuation of 12 Brentford Square, effective 1 July 2020, resulted in the creation of 2 additional rateable properties, being Level 1/12 Brentford Square and Level 2/12 Brentford Square).

FINANCIAL IMPLICATIONS

The preparation, raising and ongoing administration of a Special Charge is covered within Council's annual budget.

	Budget	Expenditure
Expenditure		
Facilitation - Information Sessions	\$2,000	\$1,900
Preparation of Business Plan	\$5,000	\$4,560
Postage	\$150	\$60
'The Age' Advertising – Intent to Declare Notice	\$10,000	
Total Estimated Budget	\$17,150	
Sub Total Expenditure		\$6,520
Total Expenditure		\$6,520

POLICY IMPLICATIONS

COUNCIL PLAN 2017 – 2021

Strategic Direction 5: Support a healthy local economy.

'A healthy, vibrant local economy is important in terms of employment, investment and contributing to the City's prosperity. Council will work closely with key stakeholders in the business sector to ensure that Whitehorse is well positioned to support and strengthen the local economy'.

9.1.5
(cont)

Investment & Economic Strategy Extension 2020-2022

This document is expected to be endorsed at the 24 August 2020 Council meeting, and will supersede the Whitehorse Economic Development Strategy 2014-2019.

Section 3: People Jobs and Industry Development

- a. Provide relevant and effective support to local businesses and business associations.
- b. Promote and support ongoing prosperity of retail activity centres, industrial precincts, and business parks.

9.1.5

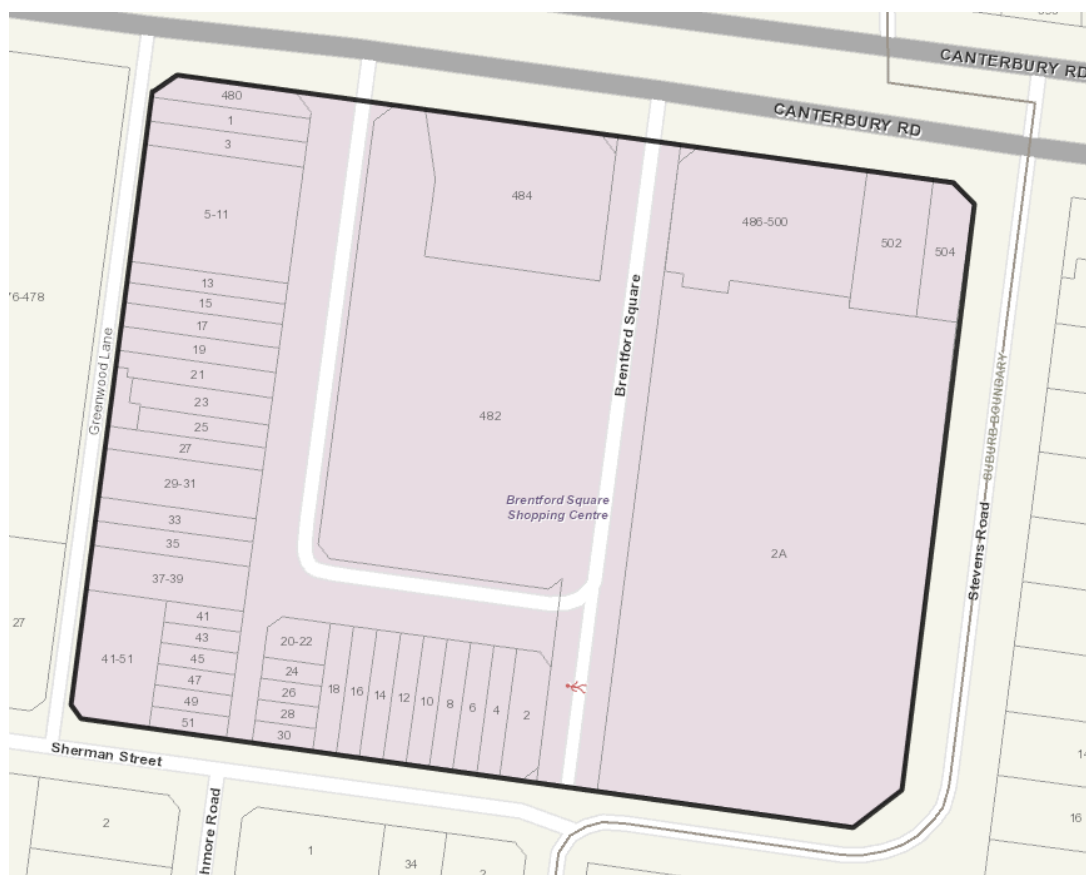
(cont)

ANNEXURE 3-4 (1)





COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Property address	Marketing and Promotion	Infrastructure	Property Total
1 BRENTFORD SQ	\$ 952.45	\$ 264.40	\$ 1,216.85
REAR 1 BRENTFORD SQ	\$ 738.85	\$ 205.65	\$ 944.50
2 BRENTFORD SQ	\$ 1,241.35	\$ 344.70	\$ 1,586.05
3 BRENTFORD SQ	\$ 806.75	\$ 224.05	\$ 1,030.80
4 BRENTFORD SQ	\$ 928.75	\$ 257.80	\$ 1,186.55
5-11 BRENTFORD SQ	\$ 3,264.60	\$ 906.80	\$ 4,171.40
6 BRENTFORD SQ	\$ 937.65	\$ 260.30	\$ 1,197.95
8 BRENTFORD SQ	\$ 902.15	\$ 250.40	\$ 1,152.55
10 BRENTFORD SQ	\$ 801.85	\$ 222.50	\$ 1,024.35
12 BRENTFORD SQ	\$ 331.35	\$ 91.50	\$ 423.25
LEVEL 1/12 BRENTFORD SQ	\$ 235.25	\$ 65.30	\$ 300.55
LEVEL 2/12 BRENTFORD SQ	\$ 235.25	\$ 65.30	\$ 300.55
13 BRENTFORD SQ	\$ 804.80	\$ 223.40	\$ 1,028.20
14 BRENTFORD SQ	\$ 801.85	\$ 222.50	\$ 1,024.35
15 BRENTFORD SQ	\$ 791.95	\$ 219.80	\$ 1,011.75
16 BRENTFORD SQ	\$ 801.85	\$ 222.50	\$ 1,024.35
17 BRENTFORD SQ	\$ 868.65	\$ 241.15	\$ 1,109.80
18 BRENTFORD SQ	\$ 801.85	\$ 222.50	\$ 1,024.35
19 BRENTFORD SQ	\$ 868.75	\$ 241.15	\$ 1,109.90
20-22 BRENTFORD SQ	\$ 845.05	\$ 234.60	\$ 1,079.65
21 BRENTFORD SQ	\$ 963.20	\$ 267.45	\$ 1,230.65
23 BRENTFORD SQ	\$ 966.25	\$ 268.30	\$ 1,234.55
24 BRENTFORD SQ	\$ 708.30	\$ 196.65	\$ 904.95
25 BRENTFORD SQ	\$ 951.50	\$ 264.10	\$ 1,215.60
26 BRENTFORD SQ	\$ 708.30	\$ 196.65	\$ 904.95
27 BRENTFORD SQ	\$ 866.85	\$ 240.60	\$ 1,107.45
28 BRENTFORD SQ	\$ 708.30	\$ 196.65	\$ 904.95
29-31 BRENTFORD SQ	\$ 1,179.20	\$ 327.45	\$ 1,506.65
30 BRENTFORD SQ	\$ 708.30	\$ 196.65	\$ 904.95
33 BRENTFORD SQ	\$ 926.80	\$ 257.30	\$ 1,184.10
35 BRENTFORD SQ	\$ 863.75	\$ 239.75	\$ 1,103.50
37-39 BRENTFORD SQ	\$ 917.00	\$ 254.50	\$ 1,171.50
41 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
43 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
45 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
47 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
49 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
51 BRENTFORD SQ	\$ 716.15	\$ 198.75	\$ 914.90
484 CANTERBURY RD	\$ 1,200.75	\$ 333.40	\$ 1,534.15
486-500 CANTERBURY RD	\$ 1,474.05	\$ 409.30	\$ 1,883.35
502 CANTERBURY RD	\$ 1,026.20	\$ 284.95	\$ 1,311.15
504 CANTERBURY RD	\$ 1,872.85	\$ 520.10	\$ 2,392.95
2A STEVENS RD	\$ 5,005.95	\$ 1,390.40	\$ 6,396.35
TOTAL	\$ 43,305.45	\$ 12,023.00	\$ 55,328.45

9.1.5 (cont)

ANNEXURE 3-4 (2)



ATTACHMENT

- 1 Placeholder - Business Plan 
- 2 Proposed Budget Year 1 
- 3 Proposed Declaration of Special Rate Charge Marketing 
- 4 Proposed Declaration of Special Rate Charge Infrastructure 

9.2 INFRASTRUCTURE

9.2.1 Eastern Region Pest Management Strategy 2020-2030

ATTACHMENT

SUMMARY

The purpose of this report is to seek Council's endorsement of the Eastern Region Pest Animal Management Strategy 2020-2030 (the Strategy) developed by the Eastern Region Pest Animal Network (the Network). As a member of the Network, Whitehorse staff have contributed to the development of the Strategy.

The purpose of the Strategy is to provide a clear direction so that government agencies can coordinate the management of five priority pest species across eastern Melbourne:

- European Fox;
- Feral Cat;
- European Rabbit;
- Feral Deer; and
- Common Myna.

Endorsement means committing to collaborate with other organisations in the Network in working towards a common long-term vision with four main pest animal management goals. Actions to achieve these goals would then be tailored to suit each individual organisations in the Network. Organisations are not bound to undertake all actions, but continue to work collaboratively with The Network.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Munroe

That Council endorses the Eastern Region Pest Management Strategy and continues to collaborate with neighbouring councils and other government agencies in pest animal management in the region.

CARRIED

BACKGROUND

Despite pest management being regarded as a priority for many government bodies, community groups and landowners, pest animals continue to increase in range and density. Invasive species pose one of the most significant threats to Australia's ecosystems and agricultural enterprises. In Victoria, animal pest invasions have resulted in sustained declines in biodiversity and reduction in land productivity.

In 2016, an Eastern Region Pest Animal Network was established across eastern Melbourne, consisting of a mix of local government, statutory agencies and Victorian government bodies. This voluntary Network came together with the understanding that animal pest management is best implemented with well-coordinated action across land tenures with shared knowledge, capacity and resources.

The Network worked together to develop The Eastern Regional Pest Animal Management Strategy 2020-2030, with the main purpose to provide a clear direction that coordinates these agencies for the management of five priority pest species across eastern Melbourne:

- European Fox;
- Feral Cat;
- European Rabbit;
- Feral Deer; and
- Common Myna.

9.2.1

(cont)

The Network engaged Ecological Australia (EA) to facilitate the development of this Strategy. EA carried out the desktop research and facilitated a consultation process which included a mix of online surveys, interviews and workshops to draft the strategy with 18 government agencies.

DISCUSSION

The Strategy sets a vision, four main goals and a set of actions including Standards Operational Procedures for each priority pest species.

The vision: Working together to minimise the impacts of pest animals across the Region.

Goal 1: Provide leadership and coordination for the management of priority pest animal species.

Goal 2: Increase awareness, understanding and capacity building regarding priority pest animal management.

Goal 3: Mitigate the impact of established priority pest animals on biodiversity, agriculture and people.

Goal 4: Monitor, evaluate and report to inform and continuously improve priority pest animal

The strategy addresses current and potential animal pest problems that impact on primary industries, ecosystems and social well-being across both urban and peri urban environments in the eastern Melbourne region.

The Strategy establishes a region-wide planning framework to provide clear direction to government, community, industry and individuals for the management of five priority pest species across eastern Melbourne:

Out of the five species, European Fox, Cats and the Common Myna are identified as the priority species most relevant to Whitehorse.

The Strategy outlines the roles and responsibilities for organisations in the Network and commits to long-term coordinated pest animal management. It is envisaged that each organisation will tailor their own action plan to meet the long-term goals.

The Strategy itself has a lifespan of ten years. Strategy effectiveness will be monitored and assessed according to predefined Key Performance Indicators.

CONSULTATION

The consultation process included a mix of online surveys, interviews and workshops with 18 government agencies including staff from Whitehorse City Council:

- 13 eastern metropolitan Melbourne Local Governments;
- Parks Victoria;
- DELWP;
- Department of Transport (Vic Roads);
- Melbourne Water; and
- Port Phillip and Westernport Catchment Management Authority.

9.2.1

(cont)

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with the endorsement of this Strategy. The activities for Whitehorse are part of routine land management activities.

POLICY IMPLICATIONS



The Strategy is aligned with the Council Vision. It will support Council to achieve Strategic Direction 3: To protect and enhance our open spaces and natural environments.

The Strategy is aligned with the Whitehorse Urban Biodiversity Strategy and the Whitehorse Local Laws.

Council's ability to deliver on the above mentioned strategies will be strengthened by facilitating better sharing of information and collaborative efforts across sectors and organisations.

It will enable Council to take on a more strategic response to the management of animal pests in Whitehorse in collaboration with neighboring Councils.

ATTACHMENT

- 1 Volume 1 Web Version 
- 2 Volume 2 Supplementary Information 

Attendance

Cr Stennett returned to the virtual meeting at 8:04pm

9.2.2 Tender Evaluation (Contract 30237) Terrara Park Pavilion Redevelopment

SUMMARY

This report is to consider tenders received for the redevelopment of Terrara Park Pavilion and to recommend the acceptance of the tender received from Building Engineering Pty Ltd, for the amount of \$5,685,460, including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Bennett

That Council accept the tender and sign the formal contract document for Contract 30237, for the Terrara Park Pavilion Redevelopment received from Building Engineering Pty Ltd (ABN 41 103 839 514), of 125 Hawke Street, West Melbourne 3003, for the lump sum tendered amount of \$5,685,460, including GST; as part of the total expected project expenditure of \$7,165,233, including GST.

CARRIED UNANIMOUSLY

BACKGROUND

Terrara Park is an 8 hectare municipal sporting open space located in Vermont South. The park currently contains four small change room pavilions constructed in the mid 1980's. The existing buildings service seven soccer pitches (winter), three cricket ovals (summer), cricket nets and playground facilities, supported by car parking, pedestrian paths and established native vegetation landscapes. The four pavilions are identified as ageing facilities that no longer meet the growing needs of the community. The park is home to the Whitehorse United Soccer Club and the Blackburn North United Cricket Club under seasonal licence agreements. Three other local cricket clubs use these facilities as a satellite venue during summer, with multiple casual users year round including other soccer clubs and local schools.

It is proposed to demolish the existing four pavilions (1,000m²) in order to make way for a new single pavilion (972m²) in the approximate location of the existing pavilions. The new pavilion will be elevated to meet Melbourne Water flood level requirements and support views to the unique field layouts, whilst providing covered spectator viewing areas, multi-purpose space, kitchen and canteen, player and referee amenities, store rooms, public accessible toilets and embedded ESD design. The design and scope has been developed to future proof the pavilion to cater for a wider range of sporting codes and more flexible and efficient use of the pavilion amenities.

The playing fields will remain fully utilised by tenant sporting clubs during the construction period for both winter and summer sports. Temporary amenities will be provided for use.

Council has applied for \$250,000 State Government Grant under the 2020/21 Sports and Recreation Victoria World Game Facilities Fund. The funding announcements were due to be made in June 2020 but due to the Covid-19 pandemic, the announcement is now anticipated to be early-mid August 2020. Due to the delayed funding announcements, demolition of the facilities and subsequent pavilion construction cannot commence prior to the announcement being made. Should Council be successful in obtaining the funding it will reduce Council's contribution to the overall project cost by \$250,000.

9.2.2

(cont)

DISCUSSION

Six pre-qualified Contractors were selected from the State Government's Construction Supplier Register to tender for the project based on project experience and accreditation in ISO4801 (safety), ISO9001 (quality) and ISO14001 (environment).

Tenders were invited on 14 April 2020 and closed on the 12 May 2020. All six shortlisted Contractors submitted conforming tenders.

The tenders were evaluated against the following criteria aligned with Council's Procurement Policy:

- The Tender Offer – 40%;
- Project Methodology (Capability) – 30%;
- Resources and Previous Relevant experience (Credibility) – 30%; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

Following the detailed evaluation, the Tender Evaluation Panel concluded that the tender received from Building Engineering Pty Ltd provides the best value for Council. Building Engineering Pty Ltd. is a well-established building contractor that has undertaken many similar projects in other local government areas.

It is anticipated that pavilion construction works will commence in October 2020 with completion of the new pavilion expected in September 2021.

CONSULTATION

Representatives from the sporting tenant clubs as well as internal Council stakeholders have been consulted extensively during the design process. Councils' Procurement team have overseen that the procurement plan is compliant with the Procurement Policy 2019 and the preferred tenderer's business viability has been checked and approved by the Finance Department.

9.2.2

(cont)

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding 2018/19 (V575)	\$400,000	
Capital Works Funding 2019/20 (W575)	\$3,900,000	
Capital Works Funding 2020/21 (X575)	\$3,561,000	
Total Adopted Budget	\$7,861,000	
Preferred tenderer's lump sum offer (including GST)		\$5,685,460
Less GST		-\$ 516,860
Net cost to Council		\$5,168,600
Capital Works Expenditure 2018/19 including Project Management Fees		\$192,681
Capital Works Expenditure 2019/20 including Project Management Fees and consultants		\$ 354,092
Construction Contingency 10%		\$516,860
Provisional Sums – soft spot removal / greater depth bored piers / screw piles if required		\$120,000
Consultant Costs during Contract Administration		\$188,000
Authority Fees and Charges (approximately 5% of construction cost)		\$260,000
Landscaping – planting		\$25,000
Loose Furniture (Multipurpose Room)		\$15,000
Permits and Levy		\$40,000
Project Management Fees		\$150,000
Temporary Container Storage, Site Signage for Construction Purposes		\$60,000
Substation Works Cost (estimate)		\$75,000
Total Expenditure (excl. GST)		\$7,165,233
<i>2020-21 World Game Facilities Fund (grant pending to be confirmed early August 2020)</i>	<i>\$ 250,000</i>	
Project Budget Surplus/ (Deficit) excl. GST	\$ 695,767	

9.2.3 Tender Evaluation (Contract 30242) Plumbing Installation and Maintenance services

SUMMARY

To consider tenders received for the provision of Plumbing Installation and Maintenance Services and to recommend the acceptance of the tenders received from DBS Construction Group Pty Ltd and New Plumbing Solutions.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 30242 for the Plumbing Installation and Maintenance Services received from DBS Plumbing Services Pty Ltd (ABN 96 095 440 056), of 4 Newman Street Ringwood, Victoria. 3134 and, International Plumbing Solutions Pty Ltd trading as New Plumbing Solutions (ABN 76 261 981 649), of 3 - 4, 177 Beavers Road Northcote, Victoria. 3070;***
- 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 3 year contract term.***

CARRIED

BACKGROUND

The current contract for the Plumbing Maintenance, Installation and Associated Services was due to expire on 30 June 2020. Due to the Covid-19 situation this contract term was extended to 31 August 2020 with the option of a further extension to 31 October 2020 if required.

To enable better management of the service it was decided to separate the associated services of Roof and Gutter Cleaning and Roof Access Safety Maintenance and Installation from this contract and tender those activities separately. This will allow Council to provide efficient and effective Plumbing Maintenance and Installation services to all building related assets, parks and open spaces, car parks and public spaces.

It specifically aims to:

- Maintain defined and expected levels of building serviceability;
- Ensure occupant and user safety as required by the OHS Act;
- Minimise service disruption to asset users; and
- Satisfy Council's legislative and regulatory requirements as well as maintaining and complying with relevant Australian Standards and regulations.

The range of services associated with the contract will include all reactive and programmed plumbing works and maintenance as well as new or upgraded installations on Council facilities, buildings and open spaces.

DISCUSSION

Tenders calling for submissions for a three year initial term plus a two year option were advertised in The Age newspaper on Saturday 21 March 2020 and closed on Wednesday 22 April 2020. Twelve tenders were received.

9.2.3

(cont)

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Technical expertise, demonstrated knowledge;
- Available resources;
- Availability of tenderer; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

A comprehensive evaluation of the 12 tenders was undertaken by the Tender Evaluation Panel using a "Weighted Attribute Method." Scores were based on the quality of tender responses and the level of compliance with the contract requirements to determine the overall capability of contractors and best value for Council.

As the contract is a Schedule of Rates contract for a panel of contractors, estimates of annual contract expenditure were determined using recently experienced workloads for reactive maintenance, programmed maintenance and new works multiplied by the tendered rates for labour and materials.

The highest scoring tenderers were shortlisted and reference checks were conducted with all nominated referees, in particular Local Councils that have utilised the tenderers for similar services. The capabilities of the tenderers were confirmed.

Based on the expected volume of work under this contract and an assessment of required quality, service and price the two top scored tenders being the tenders received from DBS Construction Group Pty Ltd and New Plumbing Solutions are considered to provide the best value for money for this Contract.

CONSULTATION

Consultation on the structure and specifications for this contract occurred with representatives of Facilities Maintenance and other Departments who require Plumbing Services. This was to ensure that this contract will meet the needs of all areas within Council.

The tender evaluation panel was made up of representatives from Facilities Maintenance and Asset Management with Procurement providing oversight.

The recommended tenderers' business viability has been considered.

FINANCIAL IMPLICATIONS

The provision of Plumbing Installation and Maintenance Services is based on an agreed Schedule of Rates. The rates are subject to CPI adjustments on each anniversary of the contract.

The estimated expenditure for the potential full five years of this contract is \$6,000,000 including GST.

Funding for works under this contract will be from the relevant adopted Capital and Operational budget programs. Estimates of expenditure under this contract are consistent with the current costs for the expected services.

9.2.4 Tender Evaluation (Contract 30254) Construction of an Open Double Storey Car Park at the Whitehorse Civic Centre Precinct

ATTACHMENT

SUMMARY

To consider tenders received for the construction of an Open Double Storey Car Park (ODSCP) at the Whitehorse Civic Centre Precinct and to recommend the acceptance of the tender received from Building Engineering Pty Ltd, for the amount of \$3,983,406.90 including GST as part of the overall project budget of \$78,000,000 excluding GST.

RECOMMENDATION

That:

- 1. Council accepts the tender and signs the formal contract document for Contract 30254 for the construction of an Open Double Storey Car Park (ODSCP) at the Whitehorse Civic Centre Precinct received from Building Engineering Pty Ltd (ABN 41 103 839 514), of 125 Hawke Street, West Melbourne, 3003, for the tendered amount of \$3,983,406.90 including GST; as part of the overall project budget of \$78,000,000 excluding GST.**
- 2. Council authorises expenditure for potential variations in accordance with amounts detailed in the confidential attachment to this report.**
- 3. The attachment be retained as a confidential item under Section 3 (1) (a) of the Local Government Act 2020 and be placed in a separate Minute Book for Confidential Items.**

MOTION

Moved by Cr Davenport, Seconded by Cr Cutts

That Council:

- 1. Not accept a tender for Contract 30254 for the construction of an Open Double Storey Car Park (ODSCP) at the Whitehorse Civic Centre Precinct;**
- 2. Limits patron numbers based on the available car parking provision in accordance with the Whitehorse Planning Scheme; and any planning permits granted for the site; and**
- 3. Reconsiders the need for additional car parking at the Whitehorse Centre after the redeveloped facility is operational when it can be demonstrated that:**
 - The existing parking provisions are inadequate in terms of utilisation;**
 - Funds are available in the long term financial plan; and**
 - Strategies to improve existing parking arrangements, pedestrian and cycle access to the Whitehorse Centre have been developed and implemented.**

The motion was LOST on the Casting Vote of the Mayor

Division was called.

Division

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

On the results of the Division the motion was declared LOST on the Casting Vote of the Mayor

9.2.4

(cont)

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That:

- 1. Council accepts the tender and signs the formal contract document for Contract 30254 for the construction of an Open Double Storey Car Park (ODSCP) at the Whitehorse Civic Centre Precinct received from Building Engineering Pty Ltd (ABN 41 103 839 514), of 125 Hawke Street, West Melbourne, 3003, for the tendered amount of \$3,983,406.90 including GST; as part of the overall project budget of \$78,000,000 excluding GST.**
- 2. Council authorises expenditure for potential variations in accordance with amounts detailed in the confidential attachment to this report.**
- 3. The attachment be retained as a confidential item under Section 3 (1) (a) of the Local Government Act 2020 and be placed in a separate Minute Book for Confidential Items.**

The motion was CARRIED on the Casting Vote of the Mayor

A Division was called.

Division

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

On the results of the Division the motion was declared CARRIED on the Casting Vote of the Mayor

BACKGROUND

The Whitehorse Centre, Council's Performing Arts Centre (PAC), is located in the Whitehorse Civic Centre Precinct. Council has resolved to proceed with a complete redevelopment of the Whitehorse Centre and has allocated funding for the demolition of the existing Centre, design and construction of a new Performing Arts Centre, new Open Double Storey Car Park (ODSCP) and other associated works and has a total project budget of \$78,000,000 excluding GST.

The project is being delivered as three separate packages:

1. Demolition of the existing Whitehorse Centre;
2. Construction of a new ODSCP with associated civil works;
3. Construction of new PAC with associated civil and landscape works.

This tender is for the second package of works only, construction of new ODSCP with associated civil works.

DISCUSSION

The procurement of a contractor for the construction of the ODSCP was a two stage process; an Expression of Interest (EOI) followed by a Request for Tender (RFT) to selected shortlisted Contractors.

The EOI was issued to twenty contractors selected from the State Government's Construction Supply Register (CSR). The tenderers were selected using the following criteria:

9.2.4

(cont)

- Contractors that had tendered for Harrow Street Car Park;
- Contractors nominated by members of the Major Projects Department and the Project Team architect, quantity surveyor and building consultant;
- Contractors with known industry reputation;
- Contractors with multi-storey car park construction experience.

EOI documentation was issued to the twenty selected contractors on Thursday 9 April 2020 and closed on Thursday 23 April 2020. Seven submissions were received and evaluated by the Tender Evaluation Panel (TEP).

The tenders were evaluated against the following criteria:

- Capability – 70%;
- Credibility – 30%;
- Occupational Health & Safety, Equal Opportunity and Business viability – Pass/Fail.

The TEP met on 29 May 2020 to review and score the submissions and shortlisted five tenderers. The five shortlisted tenderers were further evaluated by checking references and business viabilities. Reference checks proved to confirm the TEP evaluation and the business viabilities were reviewed and approved by the Head of Finance and Corporate Performance.

The shortlisted tenderers were:

- APM Group (Aust) Pty Ltd;
- Building Engineering Pty Ltd;
- Harris HMC Constructions Pty Ltd;
- Johns Lyng Commercial Builders Pty Ltd; and
- Kane Constructions Pty Ltd.

Following the EOI process, request for tender documentation was issued to the shortlisted tenderers on Friday 22 May 2020 and closed on Monday 22 June 2020. Four tenders were received and evaluated by the TEP.

The tenders were evaluated against the following criteria:

- The Tender Offer – 40%;
- Capability – 40%;
- Credibility – 20%.

The TEP reviewed and scored the submissions. Following this the tenderers were issued with post tender clarifications and responses to the tenderers proposed contract departures. The TEP met again to further evaluate based on the post tender clarifications and contract departures.

An interview was conducted with the preferred tenderer. A final evaluation by the TEP was undertaken whereby it was determined that the tender received from Building Engineering Pty Ltd is recommended as it provides the best value for money for this Contract.

CONSULTATION

The design of the ODSCP has been informed by input from internal departments including Arts and Cultural Services, Planning, Engineering and Environmental Services, ParksWide and Property and Rates and external authorities including the Department of Transport, Yarra Valley Water and United Energy to ensure a compliant and functional design.

With regards to the procurement of the ODSCP, the Procurement and Contracts Department and Maddocks lawyers have been involved to ensure a compliant and conforming tender and contract process.

9.2.4

(cont)

FINANCIAL IMPLICATIONS

The preferred tenderer's tender sum is within the pre-tender budget estimate (Cost Plan D) of \$4,500,000, as prepared by the project Quantity Surveyor and is within the total project budget of \$78,000,000.

	Budget	Expenditure
Capital Works Funding Account No.(W597 6708)	\$78,000,000	
Total Budget	\$78,000,000	
Preferred tenderer's lump sum offer (including GST)		\$3,983,406.90
Less GST		-\$362,127.90
Net cost to Council		\$3,621,279.00
Total Expenditure		\$3,621,279.00

Please refer to the confidential attachment for the full construction budget/expenditure breakdown.

Councillor/s please note that in accordance with Section 77 (2) of the Local Government Act 1989, I Simon McMillan, as the Chief Executive Officer of the Whitehorse City Council designate this attachment and the information contained in it as **CONFIDENTIAL INFORMATION** on the grounds (Section 3 (1) (a) of the Local Government Act 2020) that it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

A contingency amount for soil remediation works has been allocated, these confidential grounds have been applied so the contingency amount is not disclosed to the successful contractor, in the best interests of the project to ensure best value is maintained.

ATTACHMENT

- 1 Contract 30254 Construction of ODSCP Contingency - **Confidential**

Attendance

Cr Barker left the .virtual meeting at 9:04pm, returning at 9:06pm.

Cr Davenport left the virtual meeting at 9:04pm, returning at 9:05pm.

9.3 HUMAN SERVICES

9.3.1 Regional Assessment Service

SUMMARY

Council made a decision in January 2020 to cease provision of Regional Assessment Services (RAS) after expiration of the contract extension in March 2021 due to the Commonwealth commitment to establish a new streamlined national assessment service and workforce by 1 April 2021. The Commonwealth have now indicated it is not in a position to introduce a competitive tendering process and is seeking to extend the Regional Assessment Services (RAS) contract until 30 June 2022

The proposed extension of the current contract for a further 15 months will provide service continuity for Whitehorse residents until the establishment of the new assessment services. In addition, it will also provide additional time to support the transition of Whitehorse Home and Community Service (WHACS) assessment staff. Importantly, it will also reduce the potential risk of service gaps for service users.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council:

- 1. Agree to the extension of the contract for the provision of the Regional Assessment Services (RAS) with the Department of Health and Human Services (DHHS) until 30 June 2022.**
- 2. Formerly advise Department of Health and Human Services (DHHS) of decision to accept the extension of contract.**

CARRIED

BACKGROUND

Following Council briefing on the 20/01/2020 Council made a decision on the 28/01/2020 to accept the extension of the contract for the provision of the Regional Assessment Services with the Department of Health and Human Services (DHHS) until 31 March 2021 and to cease the provision of the Regional Assessment Service (RAS) after that date.

The decision Council has made was based on the information available at the time; specifically that Commonwealth Government announced in the 2018-19 budget of a new framework for streamlining consumer assessments for all aged care services. Commonwealth strongly indicated a commitment to the implementation of the new streamlined assessment framework to be delivered by a new national assessment workforce from April 2021.

In practice, this translated into current arrangements for RAS and Aged Care Assessment Services (ACAS) ceasing and a new assessment system established. Commonwealth had also advised that a tender process will be open in April 2020 with contracts signed by December 2020 to allow establishment for the new National Aged Care Assessment Framework by April 2021.

9.3.1

(cont)

In Victoria, RAS operates under a unique Victorian assessment model and is currently contracted to run until 31 March 2021. The DHHS holds a single contract with the Commonwealth which is block funded to administer assessment services and subcontracts Victorian Councils' to deliver the services. Whitehorse City Council holds one of the contracts for the delivery of Regional Assessment services in the municipality. There are a total of 89 RASs and 18 ACASs across Victoria. DHHS has advised Victorian public health services that it will not tender to provide services under the new model.

DHHS has advised Whitehorse City Council that it's currently in negotiations with the Commonwealth regarding details of the extension to the existing RAS Agreement to 30 June 2022. DHHS has also advised that while current arrangements continue, during the contract extension, work will be undertaken with the sector to prepare for, and support the transition to, a future streamlined model.

DISCUSSION

At present there is no market maturity and lack of alternative assessment services with strong local connections and local knowledge to provide assessment services to the Whitehorse community without compromising outcomes to vulnerable elderly people. The proposed extension of the current contract will provide service continuity for Whitehorse residents until the establishment of the new assessment services. Importantly, it will also reduce the potential risk of service gaps for service users and in consideration of the implications of the COVID-19 crisis.

Recent COVID-19 pandemic crisis response and management demonstrated the benefits for the Whitehorse City Council of hosting RAS services in Council due to the skills and knowledge of the RAS assessment staff supporting vulnerable residents through the crisis, utilising their industry knowledge navigating the system for support options. Whitehorse Home and Community Services (WHACS) attributes its effective systems of supports to Whitehorse residents to the high quality of service provided by the delivery staff and the expertise, staff commitment and dedication to the best possible community outcomes by the RAS staff.

The proposed extension increases the timeline of the current contract for an additional 15 months. It is anticipated that the conditions, funding and business model will be similar to the current contract. In the interests of the Whitehorse vulnerable residents, to ensure that there are no gaps on the market and/or significant implications on the assessment outcome extension the current contract until June 2022 is recommended. This recommendation is on the proviso that terms and conditions, funding level and business model is alike to the current RAS contract with DHHS.

The proposed contract extension will be in line with the current contract for the Whitehorse Commonwealth Home Support Programme (CHSP) delivered by Whitehorse Home & Community Services.

CONSULTATION

WHACS has been actively involved in the consultations facilitated by the MAV and Commonwealth Department of Health to explore options, and opportunities to ensure service continuity, address potential industrial issues as well as strategic implications for Councils. WHACS will continue to work closely with the MAV and other levels of governments and explore all opportunities to ensure Whitehorse residents continue to access appropriate services and reduce their vulnerability of falling through the gaps of the service system.

Whitehorse People and Culture and Payroll departments were consulted regarding the Whitehorse RAS potential extension of business and the subsequent industrial implications.

9.3.1

(cont)

FINANCIAL IMPLICATIONS

With the extension of RAS operation in Whitehorse City Council the following financial impacts need to be considered:

Additional income (April-June 2021)	-\$236,927
Additional operational expenditure (April – June 2021)	\$273,238
Deficit (not budgeted April-June 2021)Deficit will be absorbed within WHACS operational expenditure	\$ 36,311

POLICY IMPLICATIONS

No anticipated Policy implications

9.3.2 Indoor Sports Facility Feasibility Study

ATTACHMENT

SUMMARY

The draft Indoor Sports Facility Feasibility Study (ISFFS) was made available to key sporting stakeholders and the community for comment. Feedback has been received and the recommendations are supported. This report is seeking Council's endorsement of the final ISFFS, completion of the detailed design process for the Sportlink redevelopment in 2020/21 and referral of the construction requirement to Council's budget process for consideration, referral of the development of the East Burwood Reserve Master Plan to the budget process, the development of an advocacy campaign seeking funding from Federal and State Governments, referral of business case development work arising from the ISFFS recommendations to Council's future financial planning and budget processes, the development of a strategic partnerships plan with schools on indoor court projects and advising submitters, key stakeholders and State and Federal Members of Parliament of Council's decision.

RECOMMENDATION

That Council:

- 1. Endorse the Indoor Sports Facility Feasibility Study (Attachment Two);***
- 2. Complete the detailed design process for the Sportlink redevelopment in 2020/21 and refer the construction requirement to Council's budget process for consideration.***
- 3. Refer the development of the East Burwood Reserve Master Plan to the budget process.***
- 4. Develop an advocacy campaign to seek funding from Federal and State Governments.***
- 5. Refer business case development work arising from the ISFFS recommendations to Council's future financial planning and budget processes.***
- 6. Develop a strategic partnerships plan with schools where indoor court projects improve user requirements and allow broader community use.***
- 7. Advise submitters, key stakeholders, State and Federal Members of Parliament of Council's decision.***

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Endorse the Indoor Sports Facility Feasibility Study (Attachment Two).***
- 2. Complete the detailed design process for the Sportlink redevelopment in 2020/21 and refer the construction requirement to Council's budget process for consideration.***
- 3. Develop a strategic partnerships framework including principles to encourage and guide the ongoing assessment of:***
 - a) Partnership opportunities presented by other local stakeholders (such as schools or universities) where indoor court projects allow broad community use.***
 - b) Reviewing options as part of the Council asset renewal program when opportunities arise for indoor sport facilities in priority locations.***

9.3.2

(cont)

4. ***Considers regional partnership opportunities in the development of the East Burwood Reserve Master Plan and refer this to the budget process.***
5. ***Develop an advocacy campaign to seek funding from Federal and State Governments.***
6. ***Refer business case development work arising from the ISFFS, recommendations to Council's future financial planning and budget processes.***
7. ***Advise submitters, key stakeholders, State and Federal Members of Parliament of Council's decision.***

CARRIED

BACKGROUND

The Indoor Sports Facility Feasibility Study (ISFFS) is a project identified in Council's Recreation Strategy (2015-2024). Council sought an updated analysis of the demand for indoor sports to identify an appropriate strategic approach for the future provision of indoor facilities.

Council appointed sport and recreation consultants @leisure Planners to prepare the draft ISFFS which was developed after consultation with sports clubs, peak bodies, schools, adjacent Councils, community and key stakeholders. These groups provided over 600 inputs through surveys, interviews and meetings.

Community consultation has been undertaken on the draft ISFFS which was positive with all recommendations being supported. As such no amendments to the draft ISFFS have been made and it is recommended that this is now finalised.

DISCUSSION

Council at its Ordinary Meeting on 28 January 2020 endorsed the release of the draft ISFFS to key sporting stakeholders and for the community to comment.

The draft ISFFS was released for comment over a five week period, commencing Friday 31 January 2020 and concluded on Tuesday 10 March, 2020.

The community consultation process included an online survey, email to submitters throughout the consultation process inviting them to provide feedback, social media and two Leader advertisements promoting the survey and process. A total of 282 submissions were received during the community consultation process.

The draft ISFFS identified six recommendations:

Recommendations

1. Adopt the three investment priorities proposed below and implement when funding becomes available and appropriate partnerships are identified:
 - a) Redevelop the preferred Council owned or managed facilities.
 - Due to the ageing nature of some of Council's key assets, the identified indoor facilities require renewal, upgrade or redevelopment to meet current sporting requirements and cater better for existing and future users.
 - b) Explore opportunities for a multi-use community facility to include table tennis, in central Box Hill.
 - The City of Whitehorse has a diverse and changing population and the demographics of Box Hill suggest it is likely there will be an increase in demand for some sports such as Table Tennis in these locations. Currently the Table Tennis Association located in the City of Whitehorse utilise small facilities that split teams across the municipality limiting the growth and development of the sport.

9.3.2 (cont)

- c) Advocate to encourage community use, when partnerships with schools propose upgrades to indoor sports courts.
 - Council is interested in identifying opportunities to work with schools where indoor court projects improve user requirements and allow broader community use. The draft ISFFS highlights Whitehorse demographic characteristics, recommended level of provision for indoor court development and suburbs indicating population growth. Council will look to develop a strategic partnerships plan with schools to prioritise these elements.
2. Undertake further exploration and feasibility work on each of the identified preferred development sites.

Each of the identified preferred development sites has their own complexities and opportunities. Further exploration of the sites are required to confirm information needed as part of business case development work and subsequent consideration and approval by Council on capital works programs and financial plans.
3. Commence concept design of Sportlink in consultation with Whitehorse Netball Association and Sportlink stakeholders.

The draft ISFFS highlights netball as one of the sports with the greatest needs in the short term. Following the development of concept designs in 2019/20, Council's 2020/21 budget includes \$540,000 to undertake detailed design and documentation to redevelop Sportlink. This will allow officers to scope the project and determine the total project cost. The construction requirement will be referred to Council's budget process for consideration. The Federal Government has provided \$1.5M towards the project as a commitment from the 2019 election. The design and planning for additional courts for netball at Sportlink will enable other sports to utilise these facilities and continue to grow.
4. Undertake a Master Plan for East Burwood Reserve.

The draft ISFFS also recommends the need to undertake a Master Plan for East Burwood Reserve. The reserve includes significant sporting leased facilities and clubs, two ovals, an athletics track, indoor basketball stadium, tennis courts, a number of club buildings and pavilions, heritage hall, significant car parking areas, two small playgrounds and areas of public open space. The Nunawading Basketball Centre sits within East Burwood Reserve that attracts both local and regional use. Given the size, scale and significant investment needed for a proposed redevelopment, it needs to be considered in the context of a Master Plan for the entire reserve.
5. Actively seek Federal, State and other funding opportunities.

It is anticipated that costs associated with future proposed projects and the draft ISFFS recommendations will require funding from partners to enable the projects to happen. The draft ISFFS identifies and prioritises opportunities to invest in existing Council facilities, as well as to seek partnership opportunities for new facilities. The study identifies the importance of partnerships with other levels of government. To strategically seek funding opportunities Council will develop an advocacy campaign targeting these facilities to State and Federal Governments.
6. Include the preferred development sites in Council's long-term financial planning and relevant Council Capital Works Plans.

Major Projects are proposed arising from the draft ISFFS recommendations. Business case development work, including funding models, is required for Council consideration and endorsement, prior to addition to Council's capital works programs and long term financial plan.

Community Consultation – Feedback

The majority of the feedback received centred on Recommendation One and the investment priorities supporting additional basketball courts, indoor space incorporating table tennis in Box Hill and partnerships with schools. A summary of the responses is provided in Attachment One – *Summary of Community Consultation Responses*.

9.3.2

(cont)

Key feedback included the following:

- Theme that the community enjoyed being active, that indoor sports stadiums and clubs contribute to community engagement.
- Additional courts will require additional parking, public transport or traffic management options to suit.
- Additional courts allow for more competition and training but also bring the opportunity for new programs including increasing activities for people with disabilities such as Wheelchair Basketball.
- There were 31 comments provided where residents indicated they live within 400m of an indoor sports facility, of the 31 comments only one submitter was concerned that additional courts is not sustainable and will worsen the traffic conditions (Slater Reserve). The remaining submitters were supportive of redeveloping these facilities.
- Facilities are becoming outdated and not meeting current needs of the sports.
- The comments showed continued interest in working with schools or asset owners. Discussion on utilising school venues in the areas of Blackburn, Mont Albert and Box Hill North as the focus is on facilities that benefit Vermont and Nunawading Residents.
- Feedback received was supportive of a facility to include table tennis. The study recognises the diverse and changing population and popularity of the sport is greatly influenced by different cultures from Europe and Asia and such a facility will suit their needs.
- Commentary provided on the timeframe to implement the strategy – in particular new basketball courts at Nunawading and a new table tennis facility. A suggestion for a more detailed implementation plan for the feasibility study giving more information and direction on the projects.

Overall feedback regarding the draft ISFFS supported the study with comments encouraging Council to provide additional or better quality indoor sport facilities. As a result of the feedback received, no changes to the draft ISFFS have been made and it is recommended that this is now finalised.

A summary of the responses is listed in Attachment One – Summary of Community Consultation Responses.

A copy of the final ISFFS is provided as Attachment Two.

CONSULTATION

A community consultation process was undertaken over a five week period commencing Friday 31 January 2020 and concluding 5pm Tuesday 10 March, 2020. The process encouraged clubs, sporting associations, local residents, community groups and schools to provide feedback on the draft ISFFS via an online survey or emailed submissions. Correspondence on the draft ISFFS and a link to the online survey were distributed to 24 Indoor Sporting Clubs, 7 Sporting Associations, 48 Schools, 3 Disability Groups, 4 Private Operators, 18 State Sporting Associations, 19 CALD Groups, 3 Older Adult Groups and 9 individual submitters.

Additional promotion was undertaken to capture the wider community through social media via Facebook posts and two Whitehorse Leader advertisements.

The online survey had 1637 views, with a total of 277 comments received via the online survey and five emailed submissions with a total of 282 public submissions on the draft ISFFS. The five emailed submissions were from two Sporting Associations, a sporting Club, and a member of a sporting club and the Principal of a School.

Many respondents represented multiple user groups rather than a single user group. A summary of the respondent's represented user groups can be found in Attachment One.

9.3.2

(cont)

The Whitehorse Sport and Recreation Network were involved in the consultation process and were provided with the opportunity to give feedback either through email or via the online survey.

A copy of the draft ISFFS seeking Federal and State Government support was also emailed to State and Federal Members of Parliament.

Officers met with Whitehorse Netball Association as part of finalising concept design feasibility for the redevelopment of Sportlink.

FINANCIAL IMPLICATIONS

The 2019/20 budget included \$250,000 for the concept feasibility design for the Sportlink redevelopment and Council's 2020/21 budget includes \$540,000 to undertake detailed design and documentation. The Federal Government has provided \$1.5M towards the project as a commitment from the 2019 election. The construction requirement will be referred to Council's budget process for consideration.

The costs associated with the preparation of a Master Plan for East Burwood Reserve is approximately \$150,000.

The recommendations of the ISFFS include undertaking further exploration and feasibility work on each of the identified preferred development sites.

Any such proposed redevelopments arising from this work will require significant investment. Council will need to develop an advocacy campaign to strongly pursue Federal and State Government Funding assistance, understand user contribution opportunities as part of leased facility discussions and seek alternate partnership opportunities.

Financial investment is likely to be significant (greater than \$100M) and requires careful staging and funding to ensure Council remains financially sustainable.

If Council chooses to endorse the ISFFS and its recommendations further work is needed to:

- Develop an advocacy campaign to seek funding from Federal and State Governments.
- Undertake Business Case development for approval and inclusion in future capital works programs and financial plans.
- Further explore opportunities for a multi-use community facility to include table tennis in Box Hill. Once identified this will be referred to Council's future financial planning and budget processes.
- Develop a strategic partnerships plan with schools where indoor court projects improve user requirements and allow broader community use.

POLICY IMPLICATIONS

The Indoor Sports Facility Feasibility Study was a project identified in Council's Recreation Strategy (2015-2024) and includes review of the Indoor Sports Facility Feasibility Study (2005).

ATTACHMENT

- 1 Summary of Community Consultation Responses 
- 2 Indoor Sports Facility Feasibility Study Final 

9.3.3 Regional Local Government Charter: Homelessness and Social Housing

ATTACHMENT

SUMMARY

From late 2019 to July 2020 a coalition of 13 Eastern and South-Eastern Councils united to develop a regional Local Government Charter to collectively respond to homelessness into the future and to advocate for an increased supply of social housing. Please find attached, the draft Charter.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure that is needed in local communities. The 13 metropolitan Councils from the East and the South East represent more than two million residents who are united in seeking to influence the need for increased social housing and a more effective, integrated and supported homelessness service system.

The focus of the Charter's agenda is to prioritise the most impactful strategic levers available to the Local Government sector to achieve large-scale change.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Liu

That Council endorses the Regional Local Government Charter Homelessness and Social Housing.

CARRIED UNANIMOUSLY

BACKGROUND

On 26 November 2019, CEOs and other officers representing 13 Eastern and South-Eastern Councils came together in a forum focused on homelessness and social housing which was hosted by Monash City Council.

At that meeting, there was strong consensus from the CEOs and others present, that the Local Government sector needed to come together as a collective, to champion the issue of homelessness and work together to find a solution.

The CEO Forum: Local Government Regional Response to Homelessness reached consensus that developing and adopting a Regional Charter with three clear leverage points for local government action would create the power and pressure for systemic change.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure that is needed in local communities. The 13 metropolitan Councils representing more than two million residents are united in seeking to influence the need for increased social housing and a more effective, integrated and supported homelessness service system.

The focus of the Charter's agenda is to prioritise the most impactful strategic levers available to the Local Government sector to achieve large-scale change.

DISCUSSION

The purpose of the Charter is for the 13 Councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure for local communities.

9.3.3

(cont)

The Charter represents a powerful example of Local Government's ability to come together with a fundamental commitment to work towards solving homelessness through an increase in social housing.

SOCIAL IMPLICATIONS

The Charter seeks systemic change to increase the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to embed 'Housing First' as a key foundational principle, fundamental to people's health and wellbeing.

HUMAN RIGHTS CONSIDERATIONS

The Charter recognises that housing is a human right for every person and that housing solves homelessness. It adopts a 'Housing First' approach which is a strategic response that prioritises permanent and stable housing for people experiencing homelessness.

The Charter represents the commitment of 13 East & South-East Councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

SOCIAL HOUSING

The Council to Homeless Persons recommends that the most powerful action that Local Government can undertake to reduce homelessness is to advocate for the delivery of homes that people can afford. For the lowest income households most vulnerable to homelessness, this means social housing.

Social housing refers to housing owned either by the state government or by not-for-profit community housing providers that is rented to low income households at either 25% (public housing) or 30% (community housing) of household income. Social housing does not generally include crisis accommodation or rooming houses.

WHITEHORSE STATISTICS

It is estimated that on Census night 2016 there were 742 homeless persons in Whitehorse, second highest in the eastern metropolitan region, behind Monash at 842. This figure is expected to increase at the next Census (2021) given Australia is currently in a recession and the national unemployment rate rose to 7.4% in June 2020.

Data from the Department of Health and Human Services [DHHS] for the March quarter of 2020 shows the percentage of new lettings considered affordable to households on Centrelink incomes (i.e. not spending more than 30% of their gross income on rent) was only 1.4% in Whitehorse. The percentage of affordable lettings in Whitehorse has been consistently low over the past ten years with a high of just 4.3%. By comparison 5.6% of Metropolitan Melbourne and 11.3% of Victorian lettings were considered affordable in March 2020.

DHHS data for the March quarter 2020 also indicates that in Metropolitan Melbourne the median weekly rent increased by \$10 to \$430. In Whitehorse the median rental cost was \$435 and has fluctuated only slightly over the past two years staying between \$430 and \$450 per week.

9.3.3

(cont)

For low income earners that cannot afford private rentals, the next option is looking at social housing. In 2017, the Eastern Affordable Housing Alliance calculated the minimum supply of “need” for social housing for those on low-incomes in the region. Based on the supply of social housing dwellings and availability of affordable private lettings, it is estimated that in Whitehorse there was a shortfall of 2,350 social housing dwellings in 2016 and that without intervention this would increase to 3,290 dwellings by 2036. These estimates are currently being reviewed in light of the State Government gazetted income ranges for very low and low income households for the purposes of affordable housing, and consequently this shortfall is expected to increase.

Homelessness does not only affect renters, mortgage holders can also be susceptible to homelessness. According to the 2016 Census, 11.8% of Whitehorse households (including mortgagees and renters) were in housing stress in 2016. Housing stress is defined as households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs. Housing stress is highest in Box Hill (26.4%) and Burwood (20.5%), considerably higher compared to the Victorian average of 11.4%.

REGIONAL CHARTER WORKING GROUP

Following the forum in November 2019, the CEOs of all 13 Councils nominated ‘Charter Champions’ to represent the 13 Eastern & Southern Councils in a Working Group.

Since February 2020 the Working Group has met monthly to produce the draft Charter. The Working Group has received significant partnership support by the Eastern Region Group of Councils, the Eastern Affordable Housing Alliance, the Municipal Association of Victoria [MAV] and the Department of Health & Human Services.

COVID-19

During the process of drafting the Charter, the COVID-19 pandemic emerged. The Working Group has re-pivoted the Charter to ensure it captures the COVID-19 pandemic and the 2019-20 bushfires impacts on homelessness and social housing.

The economic and health and wellbeing implications of COVID-19 means that now more than ever, the Local Government sector needs to be a powerful champion in advocating for permanent, safe and timely housing for people experiencing homelessness and those at-risk of homelessness.

CONSULTATION

Into the future, the Charter will be used as a Local Government sector platform and partnership tool to engage and consult with other levels of Government, as well as public and private sector partners.

All 13 Councils across the East and South East were briefed about the Charter and feedback was invited. The Eastern Affordable Housing Alliance was also informed and feedback sought.

FINANCIAL IMPLICATIONS

The work of the Charter working group will be accommodated within existing budgetary resources and will entail Council’s Manager Community Development and Council’s Social Policy officer coordinating activity on behalf of Whitehorse City Council.

9.3.3

(cont)

POLICY IMPLICATIONS

The Charter will be used as a Local Government sector platform and partnership tool with other levels of Government as well as public and private sector partners.

By endorsing the Charter, each of the 13 Councils is committing to implementing the three strategic commitments as well as being guided by the core principles of the Charter.

The Working Group representing the Charter will re-convene at key intervals over the 12-month period following its endorsement to ensure the Charter is progressing and is being implemented at a regional and local level. Type text here

ATTACHMENT

- 1 Draft Regional Local Government Charter on Homelessness & Social Housing 

9.4 CORPORATE

9.4.1 Review of Audit and Risk Committee Charter

FILE NUMBER: SF08/319
ATTACHMENT

SUMMARY

After the last formal revision of the Audit Advisory Committee Charter, which was conducted in September 2013, the Committee assessed at points that the Charter remained appropriate and subsequently deferred any further formal revision until the new Local Government Act was passed by the Parliament of Victoria. A review of the Charter has now been completed by independent Local Government Consultant, Danny Keating of DJK Consulting. The resulting report for Council and revised Charter are attached.

COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Massoud

That Council adopt the August 2020 Audit and Risk Committee Charter.

CARRIED

BACKGROUND

The Whitehorse Audit Advisory Committee operates under a formal charter, the contents of which were initially shaped by the Government's 2000 Best Practice Guidelines. The 2011 review of the Charter coincided with the Department of Planning & Community Development's release of its *Guide to Good Practice for Local Government Audit Committees*. This new guide recommended that an Audit Committee Charter should clearly articulate the Audit Committee's role and responsibilities, composition, structure and membership requirements, authority, processes and procedures. The guide also included a model Audit Committee Charter (copyright of the MAV) produced by the Institute of Internal Auditors and adapted to suit Local Government.

Council's Audit Advisory Committee Charter was last formally reviewed in September 2013 in accordance with a previous Audit Advisory Committee resolution to undertake a formal review of the Charter every two years.

In March 2017, the Audit Advisory Committee resolved to defer review of the Charter to allow assessment of the current changes in train from Local Government Victoria and other regulatory environments and, at this time, it was known that the Local Government Act was to be overhauled. This was agreed with the Committee believing that the Charter continued to be relevant and comprehensive.

DISCUSSION

The review of the *Local Government Act* 1989 was a major election commitment of the Victorian Government. The Act is now considered to be outdated, The Directions Paper for the new Local Government Act proposed reforms that had the stated goal to revitalise local democracy, boost council innovation and efficiency and establish a clear, simple and accessible Act.

Part of the integrated planning reforms included a greater role for audit committees. The Act requires a council to establish an audit committee as an advisory committee, combining Councillors and independent members responsible for a broad range of financial and risk management functions. However, the audit committee role was not clearly specified in the Act and as a consequence its functions varied from council to council. The Directions Paper proposed that audit committees assume a broader risk management role over and above financial auditing.

9.4.1

(cont)

Sections 53 and 54 of the Local Government Act 2020 specifies that Council must establish an Audit & Risk Committee and prepare and approve an Audit & Risk Committee Charter for adoption by Council by 1 September 2020.

The attached August 2020 version of the Whitehorse Audit & Risk Committee Charter has been produced after consultation with all independent and current Councillor Audit Advisory Committee members, as well as the CEO, General Manager Corporate Services and Head of Finance & Corporate Performance.

Research underpinning this update includes benchmarking and enquiry of a number of Melbourne councils, the current Local Government Victoria working group draft model charter and consideration of other key bodies including the Institute of Company Directors.

The Audit Advisory Committee members have significantly contributed to the charter's development and have reviewed this draft which is now recommended for Council adoption.

ATTACHMENT

- 1 Audit Risk Committee Charter 

9.4.2 Pandemic Response Policy Update

FILE NUMBER: SF20/731

SUMMARY

This report provides Council with an overview of the key items contained within Package A of the Pandemic Response Policy adopted by Council on 20 April 2020.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council:

- 1. Approves implementation of the recommended responses contained within this report.***
- 2. Acknowledges that to mitigate the amount of rate arrears Council's Property & Rates Department will make every effort to make contact with all ratepayers with rate arrears, using Council's adopted Rates Hardship Assistance Policy to assist these ratepayers.***

CARRIED

BACKGROUND

Council at its ordinary meeting on 20 April 2020 adopted the Pandemic Response Policy Package A and Package B. Both packages provided residents, businesses, ratepayers and community organisations with relief and support during the COVID-19 pandemic.

Package A contained the following principles which remain relevant:

"It is recommended that Council approve thoughtful, flexible and timely packages of responses to the Whitehorse community where:

1. There is a Council service suspension or cancellation
2. Hardship support is required
3. Community and business support is needed now
4. A recovery package is to appropriately stimulate recovery (to follow)

These fundamental objectives are framed in the context that:

- Council needs to maintain a reasonable cash-flow continuity in order to deliver essential community services, such as garbage collection and the public immunisation program to the Whitehorse community.
- Many residents and businesses adversely impacted by COVID-19 that are experiencing genuine hardship are eligible for Federal and State Government support.
- Many residents and businesses remain capable of meeting their financial obligations.
- Debts owed to Council prior to COVID-19, especially debts for Council services already provided and invoiced in arrears will be provided an extended time to pay. Where payment for these pre-existing debts cannot be made, deferment may be considered on a case-by-case basis.
- Council hardship initiatives need to focus on genuine hardship and should complement but not enhance existing Federal and State Government initiatives."

9.4.2

(cont)

DISCUSSION

Council Rates & Charges:

To reiterate: earlier advice provided to Council advising that rates are a statutory charge levied against a property, with the owner of the property being liable to pay the levied rates and charges in accordance with the *Local Government Act 1989* (the LGA).

Consequently, rates can accrue as a property debt; however, accrued rates must be paid in full at any future property sale settlement.

Rates is overwhelmingly Council's largest income stream, providing approximately 58% of Council's revenue.

At its 20 April 2020 meeting, Council resolved to extend the due date for all 2019/20 outstanding rates and charges until 30 June 2020, thereby providing all ratepayers additional time to pay their rates. This was an acknowledgement by Council of the suddenness of the pandemic.

Between 1 April 2020 and 30 June 2020 Council received approximately \$14M in outstanding rates from approximately 25,000 ratepayers; with a further \$2.5M (approximately) being received from approximately 5,300 ratepayers on 1 July 2020.

The volume of payments confirms the abovementioned comment:

"Many residents and businesses remain capable of meeting their financial obligations."

In the 20 April 2020 report, Council resolved to suspend penalty interest until 30 September 2020 and Council officers recommend that Council extend the due date for all arrears carried forward at 30 June 2020 until 30 September 2020 rather than being due immediately. All arrears will be displayed on the 2020/21 Annual Valuation and Rates Notice, which will be delivered to ratepayers in August.

The reasoning behind this recommendation, is that the due date for rate arrears carried forward and the first instalment of the 2020/21 rates will align with the higher JobKeeper and JobSeeker payments.

Additionally, the extended due date for all arrears gives ratepayers more time to enter into payment arrangements with Council. Payment arrangements enable ratepayers to pay their rates in a manner commensurate with their cash-flow.

Since March 2020, at the time of writing, Council had received approximately 400 hardship applications, with 92% of applicants receiving a personalised email response from Council's Property & Rates Department. Please note that the remaining 8% will be receiving a personalised email response shortly.

To provide some context, Council in a normal financial year receives between 50 to 100 hardship applications. Council basically received a fourfold increase in hardship applications in the fourth quarter of the 2019/20 financial year.

It is not unreasonable for Council to anticipate a further fourfold increase in rates hardship applications during the first quarter of the 2020/21 financial year, this is because Council is writing to all ratepayers when it sends its 2020/21 Annual Valuation and Rates Notice.

It is important to note that the vast majority of hardship applications are from ratepayers seeking to enter into payment arrangements and Council should be actively encouraging ratepayers to enter into payment arrangements.

9.4.2

(cont)

Additionally, it needs to be acknowledged that a number of ratepayers with rate arrears will not make contact with Council and will not make any payments toward their rate arrears; these ratepayers generally have pre-existing arrears with Council and are often financially overextended. Council's Property & Rates Department will endeavour to make contact with these ratepayers and will use the provisions of Council's adopted Rates Hardship Assistance Policy to assist these ratepayers.

In reference to penalty interest applied to Council rates and charges in accordance with Section 172 the LGA, it is recommended that Council delegate to the Chief Executive Officer the discretion to levy or not levy penalty interest for the remainder of the 2020/21 financial year.

By pro-actively working with ratepayers Council officers should be able to mitigate the volume of arrears carried forward at 30 June 2021.

At its 20 April 2020 Ordinary meeting Council resolved to waive 6 months of the outdoor trading fees (primarily tables and chairs permits). In light of the second lockdown officers now recommend this be extended to a full 12 month waiver to support businesses resume operations when possible.

Licence Fees & Rentals:

At its 20 April 2020 ordinary meeting, Council resolved to waive the winter seasonal licence fees from 1 April 2020 to 30 September 2020; this decision was extremely well received by the affected winter sporting clubs.

It recommend that Council extend the seasonal licence fee waiver to the summer sporting clubs for the first three months of the 2020/21 summer season, effective from 1 October 2020 to 31 December 2020.

The reason for this recommendation is that at this point in time the summer sporting clubs are facing uncertainty regarding the commencement of their upcoming season and knowing in August 2020 that 50% of the 2020/21 summer seasonal licence fees will be waived will give the summer sporting clubs some certainty.

Not extending the seasonal licence fee waiver for the whole 2020/21 summer season enables Council to complete an assessment on the summer season participation enabling Council to make a fully informed decision regarding the pandemic impacts of the remainder of the summer sporting season from 1 January 2021 to 31 March 2021.

It is recommended that Council not backdate this waiver to any unpaid seasonal licence fees incurred in the 2019/20 (the previous) summer season and it is also recommended that Council not reimburse outgoings for summer sporting clubs until the pandemic impacts on the 2020/21 summer sporting season are better understood.

Additionally, due the uncertainty associated with the pandemic it is recommended at this stage, that Council not extend the current rental waiver and outgoing reimbursement for Council buildings occupied by Not for Profit Sporting/Recreation Clubs and Not for Profit Community Groups and Charities beyond 30 September 2020. Council at a future date can consider this matter and if required Council can backdate the rent waiver and outgoing reimbursement to 1 October 2020.

Council officers will continue to work with the owners of commercial businesses located in Council centres and officers will apply the 20 April 2020 recommendations known as Item 11 in that report.

Additionally, Council officers will continue to assess tenants located in other Council Centres, such as Box Hill Town Hall Hub, in accordance with the "National Cabinet Mandatory Code of Conduct SME Commercial Leasing Principles during COVID-19".

9.4.2

(cont)

CONSULTATION

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

As with previous years, Council's 2020/21 Annual Valuation and Rates Notice will contain advice regarding rate arrears and hardship options.

It is recommended that Council grant a seasonal licence fee waiver for the period from 1 October 2020 to 31 December 2020, and authorise Council's Head of Finance & Corporate Performance and the Manager Property & Rates to jointly write to all summer seasonal clubs advising them of Council's decision. Also that outdoor trading permits be waived for a further 6 months in addition to the original 6 months.

FINANCIAL IMPLICATIONS

The financial implications will continue to be presented to Council on a monthly basis by Council's Head of Finance & Corporate Performance.

POLICY IMPLICATIONS

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

9.4.3 Part Road Closures 379-399 Whitehorse Road, Nunawading

FILE NUMBER: 52/07/000#003

SUMMARY

To advise Council on the road discontinuance procedure commenced by Council at its ordinary meeting of 22 June 2020; with the land being retained by Council and incorporated into the proposed Whitehorse Centre and associated multi-deck car park.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Carr

That Council being of the opinion that the sections of roads and pedestrian pathways shown as cross-hatched on the Plan 1 below are no longer reasonably required for their original and current purpose and are therefore not reasonably required as roads for public use; resolves to:

- 1. Discontinue the road in accordance with section 206 and clause 3 of schedule 10 of the Local Government Act 1989;***
- 2. Authorise that a notice be published in the Victoria Government Gazette;***
- 3. Acknowledge that section 207C of the Local Government Act 1989 protects and/or saves the assets of public authorities held in the roads and pedestrian pathways proposed for discontinuance;***
- 4. Authorise that the land from the road discontinuance be retained for municipal purposes;***
- 5. Authorise the Chief Executive Officer to sign all documents relating to Council taking title to the land to be retained for municipal purposes;***
- 6. Directs that, if required, Council's seal be affixed to any transfer and to any other documents to which Council's seal is required to be affixed in connection with the road discontinuance.***

CARRIED

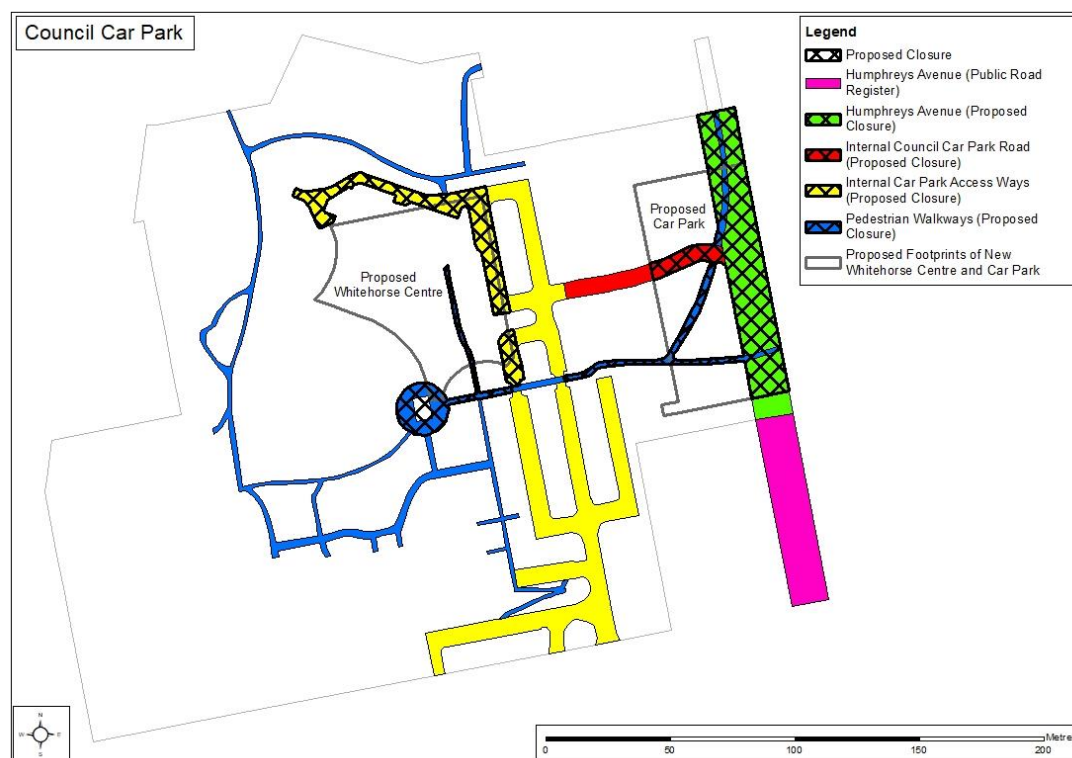
BACKGROUND

At its Ordinary Meeting on 22 June 2020, Council directed that the formal road discontinuance procedure be commenced for the sections of roads and pedestrian pathways shown as cross-hatched on the Plan 1 below.

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

9.4.3 (cont)

Plan 1: Roads and Pedestrians Pathways Plan



DISCUSSION

As advised in the 22 June 2020 Council report and mentioned above, following completion of the statutory discontinuance process in accordance with the *Local Government Act 1989*, any express or implied road status rights attached to any of the roads which the proposed Whitehorse Centre and multi-deck car park will have been built over will be extinguished.

As also advised in the 22 June 2020 report, it is recommended that, once the proposed Whitehorse Centre and multi-deck car park has been completed; those roads and pedestrian pathways which are necessary to properly service the completed redevelopment be correctly re-established, reconfigured and/or realigned so that they can provide for a proper and integrated network of internal and external roads under the management and control of Council as the responsible road authority.

This final process may require Council to make further decisions under other parts of the *Local Government Act 1989* and the *Road Management Act 2004*. These future decisions may also extend to the easement requirements of authorities who may own assets/infrastructure located within the future network of internal and external roads.

CONSULTATION

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

Public notice of the proposed discontinuance was given in The Age newspaper on Friday 26 June 2020 and published on Council's website for the required twenty-eight (28) days.

9.4.3

(cont)

Adjoining owners and occupiers were also notified in writing with submissions under section 223 of the *Local Government Act 1989* to be received within 28 days of the date of the notice.

Please note that owing to a publishing delay by Nine Entertainment Co, the public notice published in The Age was delayed by two days. Consequently the closing date for submissions was extended by two business days to Monday 27 July 2020

No submissions were received.

Council and all necessary service authorities have been consulted in respect to the proposal and no objections have been received.

A number of authorities have assets located in the roads proposed for closure. These assets will require an easement to be 'saved' over the land after and following any discontinuance, thereby granting proprietary interests in the land to the relevant asset owners.

It is likely that some existing underground assets may need to be relocated and/or realigned.

It is important to note that section 207C of the *Local Government Act 1989* protects and saves the assets of public authorities held in the roads and pedestrian pathways proposed for discontinuance.

Conditional on the abovementioned easements being saved, Council can form the opinion that the roads are no longer reasonably required for use by the public and as such resolve to discontinue the roads and retain the land; incorporating the land into the proposed Whitehorse Centre and associated multi-deck car park.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The recommendations are made in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy and Clause 5.2 of the policy states the following:

"Council may retain for its own purposes the land from any discontinued road or reserve. Council may require a road or reserve to be retained in order to:

- *Cater for potential future strategic needs;*
- *Provide opportunity for improved open space linkages;*
- *Increase to existing parkland areas;*
- *Provide a more direct and convenient route to parkland, community facilities, shops and other transport; or*
- *Provide for other municipal purposes."*

9.4.4 Enterprise Resource Planning Business Case and 2020-25 IT Strategy

SUMMARY

This report recommends the allocation of 2020/21 approved budget of \$400K to be allocated across both the Enterprise Resource Planning (ERP) Project (Finance, HR and Payroll) for the specification, tender and evaluation phase; and the 2020-25 IT Strategy for early initiatives, foundational work and roadmap phase. Both activities are the logical progression of needs-based activity, building upon the 2014 IT Strategy's achievements and the ongoing work of the Digital Strategy. With multiple synergies and common findings, they are presented here as harmonious and forwarding looking initiatives to benefit Council and in turn, the community. Positioning Council with a more proactive, holistic, foundational, customer service and efficiency driven mindset, these two initiatives are proposed as a staged, scalable and financially responsible approach enabling minimal disruption and risk to the business and allows a progression of modular proposals to be put to Council for consideration and budget approval several budget cycles.

RECOMMENDATION

That Council:

- 1. Receive the Enterprise Resource Planning (ERP) Business Case***
- 2. Endorse the Enterprise Resource Planning (ERP) Specification, Tender and Evaluation phase from the \$400K in the 2020/21 Budget***
- 3. Note the tender result will return to Council for consideration and implementation and ongoing funding for future years' budgets***
- 4. Receive the 2020 IT Strategy***
- 5. Endorse the early initiatives, foundations work and detailed roadmap of the 2020 IT Strategy from the \$400K in the 2020/21 Budget***
- 6. Note that years two to five budget allocations to be further detailed and referred to the 2021/22 budget process***

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council:

- 1. Receive the Enterprise Resource Planning (ERP) Business Case.***
- 2. Endorse the Enterprise Resource Planning (ERP) Specification, Tender and Evaluation phase from the \$400K in the 2020/21 Budget:***
 - a) Appoint an Independent Probity Advisor to oversee the tender specification development, the public tender process including evaluation and that their report be available for council when considering awarding of the tender.***
 - b) Include provision of an additional \$100K (to project team) to ensure that the implementation team is further supported by a Continuous Improvement practitioner. An independent specialist will guide development of the tender specifications with focus on industry best practice processes and reporting.***
 - c) The project implementation will be overseen by Council's Major Project Councillor Reference Group.***
- 3. Note the tender result will return to Council for consideration and implementation and ongoing funding for future years' budgets***
- 4. Receive the 2020 IT Strategy and place on Councils website the IT Strategy sections one to six and recognising the detailed roadmap and funding will developed and returned to the 2021/22 Budget process.***

9.4.4

(cont)

- 5. *Endorse the early initiatives, foundations work and detailed roadmap of the 2020 IT Strategy from the \$400K in the 2020/21 Budget***
- 6. *Note that years two to five budget allocations to be further detailed and referred to the 2021/22 budget process***

CARRIED

BACKGROUND

Following a tender process in 2018, KPMG was appointed to review Council's existing Finance, HR and Payroll systems and develop an ERP business case. Focusing on these three core systems, over 30 workshops were conducted with relevant teams, processes analysed and the software applications reviewed. Having also discussed the current IT architecture, KPMG then used the extensive data gathered to form a current state picture, challenges, risks and opportunities at Council.

In late 2019, following an RFQ process, Fivenines Consulting was appointed to prepare a draft IT Strategy. With many achievements deriving from the 2014 IT Strategy, and Council's focus from 2017 being on the Digital Strategy, it was timely to again turn attention to Strategic opportunities in the Technology space. All divisions were represented through >15 facilitated workshops and as many again with the Technology Team. With a vast array of applications, IT infrastructure, business locations, data repositories, over 1,300 employees and a rapidly changing global ecosystem where cloud, machine learning and other innovations are emerging, it is important that Whitehorse is positioned to best take advantage of new technology opportunities to deliver efficiencies for Council and the community.

DISCUSSION

ERP – Finance HR and Payroll

Core to Council's current finance systems is a >20 year old and limited system. KPMG confirmed that this system presents multiple challenges and very high risk to Council. Workshops revealed legacy limitations spanning 6 key areas including functionality, integration, reporting and analysis. These and a total of 417 pain points identified across the entire Finance, HR and Payroll suite, leave staff seriously limited in their ability to execute basic functions with any degree of automation or efficiency. Add to this the costly and uncertain future support and account management model, the recent and frequent corporate ownership changes of the finance system, and Council's significant risk exposure to its ability to meet general and statutory financial and reporting obligations and timely service to the community.

Doing nothing is not sustainable. Upgrading the finance system is futile due to ongoing limitations and an inability to keep pace with industry offerings and standards for integration, reporting and functionality. The KPMG Business case recommends a holistic replacement of Council's ERP systems in a staged, modular approach – starting with Finance, HR and Payroll but giving consideration to later onboarding of other core functions, where it makes sense, to further maximize the benefits gained and economies of scale while being financially responsible. Key benefits identified include improved decision making and reporting, reduced technology complexity, single source of truth for data, improved data quality, improved collaboration, innovation and culture and better data security and privacy protection.

9.4.4

(cont)

2020-25 IT Strategy

The IT Strategy that Fivenines Consulting has prepared has been informed and guided by a number of factors including building on the current business strategies and direction, IT and Digital environments while making the most of Council's existing human and technology assets and strengths. A total of 12 Technology Principles were identified to help guide future IT decisions. Examples include: Accessing systems will be seamless; Information and data will be easy to find; and Services will be responsive to changing community demands.

The Strategy is intended to provide direction to all decision makers within Council regarding technology, enabling business and technology decisions to be aligned. Through this, all decision makers can be confident that the decisions they make in accordance with this Strategy will also align with decisions made by others within Council. As a result, Council resources will be used most efficiently, and decisions will be made most effectively.

Fivenines found that while the IT Team is small, they were very competent and the work completed in recent years to bolster disaster recovery and business continuity had served not only the business well but laid the necessary and robust foundations for online services that the Digital Strategy required. The completion of the majority of the 2014 IT Strategy Initiative Areas resulted in a far more stable environment upon which to service the community. Unlike its predecessor, the 2020-25 IT Strategy is less about a specific list of actions to complete and instead, introduces the idea that 3 way partnership model is needed between the corporate function, business areas and IT. Supporting this is a Strategic Framework, with Drivers, Technology Principles, Outcome Enablers and the tangible, actionable Strategic Initiatives. While further consultative work is required to refine and prioritise these Strategic initiatives, the list of activities is currently detailed over 10 x A3 pages, covers a 5 year period and recognises that although the life of many systems is significantly more than 5 years, lifecycle management of systems is necessary.

CONSULTATION

Both KPMG and Fivenines Consulting worked with business units and specialists within Finance and IT to form a detailed understanding of what the business felt was working well, not so well and what they saw as opportunities for the business. A mix of workshops and detailed process analysis exercises were conducted, reflected back to the project teams and further clarified with business areas prior to inclusion the reports.

A series of presentations, ranging from high-level overview to a longer, deep dive session afforded the Executive considerable insight into the history and logical progression of these two initiatives, the proposed approach to take these forward to Council and the close alignment between them. The findings were also fed into the Organisation Review being conducted by PwC. Workshops were held with them to help provide further insights for their report.

9.4.4

(cont)

FINANCIAL IMPLICATIONS

The approved 2020/21 Capital Budget includes \$400K for **X915 - Finance and HR Payroll Systems Upgrade**. This report recommends this \$400K be allocated across the early phases of both the ERP and IT Strategy. In the case of ERP (Finance, HR and Payroll) for the specification, tender and evaluation phase; and for the 2020-25 IT Strategy for early initiatives, foundational work and roadmap phase. The exact split across both initiatives is yet to be determined but is likely to be around a 50/50 split. In the case of both initiatives, Officers intend to come back to Council to seek funds in future years' budgets once tender results are known and detailed roadmaps have been defined.

	Budget	Expenditure
X915 - Finance and HR Payroll Systems		
Total Budget	\$400K	
ERP – Specification, tender and evaluation		\$200K*
2020-25 IT Strategy – early initiatives, foundational work and detailed roadmap		\$200K*
Sub Total Expenditure		\$400K
Total Expenditure		\$400K

*Split TBD

POLICY IMPLICATIONS

None

9.4.5 Tender Evaluation DPC (Contract 30238) Provision of End User Computing

FILE NUMBER: SF20/84

SUMMARY

To recommend signing on to the State of Victoria through the Department of Premier and Cabinet's (DPC) End User Computing Equipment Contract DPC-SPC-01-2018, forming council Contract 30238 until 31 October 2021 with two single year optional extensions. This Contract enables access to a panel of 5 Suppliers that are qualified to supply the related products & services. This DPC Schedule of Rates contract commenced on 01 November 2018 and will expire on 31 October 2021 with two single year optional extensions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council approve the signing on to Department of Premier and Cabinet's (DPC) (ABN 36 081 905 761) End User Computing Equipment Contract DPC-SPC-01-2018 forming council Contract 30238 for the following five suppliers as Council's preferred suppliers of End User Computing Equipment for the remainder of the contract term commencing immediately:

- ***Acer Computer Australia P/L ABN(78 003 872 768)***
- ***Computers Now P/L as trustee for Computers Now Unit Trust (ABN 48 592 886 118)***
- ***Dell Australia P/L (ABN 46 003 855 561)***
- ***HP PPS Australia P/L (ABN 16 603 480 628)***
- ***Anabelle Bits P/L (trading as ASI Solutions) (ABN 40 068 649 972)***

CARRIED

BACKGROUND

Council's Information Technology Unit have the responsibility of providing and supporting a range of IT services across the organisation. This includes the deployment of hardware and software across 28 sites. Procurement of the devices and applications is made more efficient and economical by leveraging industry procurement contracts provided by the likes of the Department of Premier and Cabinet. Timely provision of these products and services means we can maintain systems, replace defective hardware and service our customers according to business requirements and expected service levels.

DISCUSSION

On Wednesday 1 November 2018 following a public tender process, DPC, acting as the Lead Department, signed a contract with the successful tenderers on behalf of eligible agencies for the supply of End User Computing Equipment (Contract DPC-SPC-01-2018, Council Contract 30238). This tender was conducted by DPC on behalf of government departments, agencies and entities within Victoria. The contract delivers an optimum outcome as a result of aggregated purchasing power that Council would not be able to match by tendering on its own.

The tenders received from the selected tenderers were considered to provide the best value for money for this Contract. Whilst this process has been a comprehensive and public process, it does not at any stage restrict council from seeking better pricing from vendors outside of this contract.

By way of example, WCC currently refreshes 20%-25% of its desktop, laptop, mobile devices and Multifunction Device fleet each year in line with depreciation rules as a matter of normal business operations. For End Use Devices, this equates to approximately \$450K/pa. These necessary compliance and IT asset renewal activities will be enhanced by the group buying opportunities and streamlined procurement processes that this contract delivers.

9.4.5

(cont)

FINANCIAL IMPLICATIONS

The contract for the supply of End User Computing Equipment is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The estimated expenditure under this contract includes budgeted amounts from a number of programs. These will include various capital accounts for the purchase of End User Device Replacements, Network Infrastructure and Multifunction Devices. The estimated annual spend on End User Devices is \$450,000 – 500,000 per annum, including GST.

The costs incurred under this contract will be charged to the relevant budgets

9.4.6 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, Council 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's consideration.

RECOMMENDATION

That Council note and endorse the Governance Framework comprising the Governance Rules, Public Transparency Policy and Councillor Expenses Policy following community consultation and feedback.

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Note and endorse the Governance Framework, operative from 1 September 2020 as required by the Local Government Act 2020, comprising the Governance Rules, Public Transparency Policy and Council Expenses Policy following the community consultation undertaken and feedback received,***
- 2. In regard to the Public Transparency Policy, Council is committed to best practice in transparency for the Whitehorse community and local government sector and seeks a further report on the following:***
 - a) The CEO being authorised to proactively release information including the use of redaction in documents on the council web site, in accordance with the practice notes issued by Office of the Victorian Information Commissioner.***
 - b) The CEO being authorised to proactively release information each month on the council web site of:***
 - i. Any international/national or travel related expenses travel by department monthly/yearly.***
 - c) Councillor Capex/Opex nominations as part of the budget process being made public as soon as practical and after internal officer assessment.***
 - d) Councillor expenses being reported on an ongoing basis updated monthly.***
 - e) As agreed by a majority of councillors in the draft budget process the CEO being authorised to release individual department detailed line item budgets on the council web site.***

LOST on the Casting Vote of the Mayor

MOTION

Moved by Cr Munroe, Seconded by Cr Massoud

That Council note and endorse the Governance Framework comprising the Governance Rules, Public Transparency Policy and Councillor Expenses Policy following community consultation and feedback.

9.4.6
(cont)

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Barker

That:

- 1. Council note and endorse the Governance Framework comprising the Governance Rules, Public Transparency Policy and Councillor Expenses Policy following community consultation and feedback.**
- 2. The CEO being authorised to proactively release information including the use of redaction in documents on the Council web site, in accordance with the practice notes issued by Office of the Victorian Information Commissioner.**

The Amendment was put and CARRIED

The motion moved by Cr Munroe, Seconded by Cr Massoud as amended, was then put and CARRIED UNANIMOUSLY

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.

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.

9.4.6 (cont)

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

Council's 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.

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

Incur 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).

9.4.6 (cont)

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 was required to seek community feedback through community consultation. Public notice was given from the 21 July until 4 August 2020 and all community contributions were consider in the preparation of this report.

ATTACHMENT

- 1 Council Expenses Policy 
- 2 Public Transparency Policy 
- 3 Governance Rules 
- 4 Governance Framework Consultation Community Feedback 

9.4.7 Establishment of a Delegated Committee

ATTACHMENT

SUMMARY

Special Committees of Council were established under section 86 of the Local Government Act 1989. As a result of legislative changes due to the staged implementation of the Local Government Act 2020, section 86 of the Local Government Act 1989 has been repealed. Effective from 1 September 2020 the Special Committee of Council will no longer be in use. Instead Council may establish Delegated Committees under section 63 of the Local Government Act 2020.

The purpose of this report is to recommend that Council establish a Delegate Committee under section 63 of the Local Government Act 2020 and approve an Instrument of Delegation to Delegated Committee in accordance with section 11(1) of the Local Government Act 2020. The Instrument of Delegation, Delegated Committee Charter and Delegated Committee Guidelines are attached as Attachment 1.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Liu

Council resolves:

1. ***That in exercise of the powers conferred by s. 11(1) and s 63 of the Local Government Act 2020:***
 - a) ***From the date of this resolution, there be established a Delegated Committee.***
 - b) ***The purposes of the Delegated Committee established by this resolution are those set out in the schedule to this resolution.***
 - c) ***The Delegated Committee consists of all Councillors.***
 - d) ***The Delegated Committee is required to meet as per Council's adopted meeting cycle.***
 - e) ***The Chairperson of the Delegated Committee is to be the Mayor, in the absence of the Mayor a Chairperson will be appointed by members of the delegated committee present at the meeting.***
 - f) ***A quorum for the Delegated Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee.***
 - g) ***There be delegated to the Delegated Committee the powers discretions and authorities set out in the attached Instrument of Delegation (the Instrument).***
 - h) ***The Instrument:***
 - i. ***Comes into force immediately upon execution; and***
 - ii. ***Remains in force until Council determines to vary or revoke it.***
 - i) ***The powers discretions and authorities conferred on the Delegated Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.***
2. ***That the Chief Executive Officer be authorised to sign the Instrument of Delegation from Council to the Delegated Committee.***
3. ***That the Instrument of Delegation from Council to Special Committee of Council be revoked.***

.CARRIED UNANIMOUSLY

9.4.7

(cont)

BACKGROUND

Special Committees of Council were established under section 86 of the *Local Government Act 1989* (1989 Act). Section 86 has been repealed and effective from 1 September 2020 the Special Committee of Council will no longer be in use. Instead Council may establish Delegated Committees under section 63 of the *Local Government Act 2020* (the Act).

Section 63 of the Act provides that a Council may establish Delegated Committees, section 11(1) of the Act provides that a Council may by Instrument of Delegation delegate certain powers, duties and functions to a Delegated Committee.

DISCUSSION

On 29 October 2001 Council by resolution established the Special Committee of Council under the provisions of section 86 of the 1989 Act. The current Instrument of Delegation to the Special Committee of Council was adopted by Council at its meeting held 21 August 2017.

As Council's Special Committee established under section 86 of the 1989 Act will no longer be in use from 1 September 2020, it is recommended that Council establish a Delegated Committee under section 63 of the Act, with the Delegated Committee to meet from September 2020 to March 2021 in place of the Special Committee of Council.

This will allow elected Councillors appropriate time to consider how they would like the Council group to operate in terms of its meeting structure and cycle. Officers will prepare a discussion paper for distribution to Councillors in late January 2021. The discussion paper will present information to foster necessary preliminary conversations to commence and continue into February 2021, before a decision on its preferred meeting structure is made by Council at its meeting 15 March 2021.

A separate Council report on Council's meeting cycle and structure for the period September 2020 to March 2021 is being presented for Council's consideration.




CONSULTATION

Not required

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENT

- 1 Instrument of Delegation Council to Delegated Committee 
- 2 Delegated Committee Charter 
- 3 Delegated Committee Guidelines 

9.4.8 Council Meetings Structure and Cycle

SUMMARY

The purpose of this report is to provide clarity surrounding the Council Meetings Structure and Cycle, as a result of legislative changes from 1 September 2020.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

That Council:

- 1. Resolves to amend its meeting schedule during the period September to December 2020, as follows:***
 - a) That meetings of Council's Delegated Committee will be held on 14 September, 12 October, 23 November and 7 December; and***
 - b) That the November meetings, will be as follows:***
 - 16 November (Mon) Special Statutory Meeting of Council***
 - 23 November (Mon) Delegated Committee Meeting; and***
 - 30 November (Mon) Council Meeting.***
- 2. Adopts the following Council meeting schedule for the period January to March 2021:***
 - 27 January (Wed) Council Meeting;***
 - 8 February (Mon) Delegated Committee Meeting;***
 - 22 February (Mon) Council Meeting;***
 - 9 March (Tues) Delegated Committee Meeting; and***
 - 15 March (Mon) Council Meeting.***
- 3. Directs that all meetings of the Council and the Delegated Committee of Council for the period September 2020 to March 2021, will commence at 7.00pm in the Council Chamber, Civic Centre, 379 Whitehorse Road, Nunawading or virtually (due to any ongoing restrictions relating to the COVID19 Pandemic).***

CARRIED UNANIMOUSLY

BACKGROUND

Council has previously determined its meeting schedule to 14 December 2020 (covering all Council and Special Committee of Council meetings). Due to the likely ongoing impacts of the COVID 19 pandemic and the finalisation of the Council election results in late October, early November by the Victorian Electoral Commission, it is recommended that the November meeting schedule be altered to provide a further week buffer, for any unexpected delays.

Effective from 1 September 2020, the Local Government Act 2020 provides that Special Committees of Council will no longer be in use. Instead, Council may appoint so called Delegated Committees (Refer to separate Council report on Delegated Committees for Council's consideration).

DISCUSSION

The new Local Government Act 2020 has now introduced a vast range of changes from the previous 1989 Act, including new requirements surrounding Council meetings and a requirement that Council must adopt a set of Governance Rules and related documents. These changes will be effective from 1 September 2020. In addition to the staged implementation of the new Local Government Act 2020, Victorian local governments will also have Council elections on 24 October. The post-election period can be quite an intense and hectic period for newly elected councillors, with induction activities, internal and external meetings and also preparing for scheduled Council meetings, before the end of the calendar year and start of the holiday season.

9.4.8

(cont)

Thus to provide elected Councillors appropriate time to consider how they'd like the Council group to operate in terms of its meeting structure and cycle for the next 4 year council term, it is recommended that the current meeting structure and cycle be retained until the end of March 2021. Officers will prepare a discussion paper for distribution to Councillors in late January that will present core information, issues and options that will foster necessary preliminary conversations to commence and continue into February, before a decision is made by Council at its meeting on 15 March 2021. This approach also reinforces this Council's genuine commitment to good processes and sound decision-making, by ensuring that the newly elected Council group is consulted and involved in making an informed decision.

On this basis therefore, the schedule of formal meetings for the period September 2020 to March 2021, would be:

September 2020	
Delegated Committee Meeting	14
Council Meeting	21
October	
Delegated Committee Meeting	12
Council Meeting	19
- - <i>Election Day</i> -	24 (Sat)
November	
Special Statutory Council meeting to swear in New Councillors and to elect Mayor and Deputy Mayor	16
Delegated Committee Meeting	23
Council Meeting	30
December	
Delegated Committee Meeting	7
Council Meeting	14
January 2021	
Council Meeting	27 (Wed)
February	
Delegated Committee Meeting	8
Council Meeting	22
March	
Delegated Committee Meeting	9 (Tues)
Council Meeting	15

CONSULTATION

The preparation of this report does not require any consultation.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the preparation of this report.

POLICY IMPLICATIONS

In accordance with the proposed Governance Rules to be adopted by Council, it is Council's responsibility to fix the date, time and place of all Council and any delegated Committee meetings.

9.4.9 Review of Council Delegation to Council Staff

ATTACHMENT

SUMMARY

As a result of legislative changes due to the staged implementation of the Local Government Act 2020, section 98 of the Local Government Act 1989 in relation to delegations has been repealed. Effective from 1 September 2020 Instruments of Delegation made under section 98 of the Local Government Act 1989 will no longer be in force.

The purpose of this report is to recommend approval of an updated Instrument of Delegation from Council to Council Staff under section 11(1) of the Local Government Act 2020 pertaining to the following Acts and Regulations:

Domestic Animals Act 1994, Environment Protection Act 1970, Food Act 1984, Heritage Act 2017, Local Government Act 1989 (saved provisions), Planning and Environment Act 1987, Residential Tenancies Act 1997, Road Management Act 2004, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016, Road Management (General) Regulations 2016 and Road Management (Works and Infrastructure) Regulations 2015 and provided as Attachment 1.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Massoud

Council resolves:

- 1. To approve the Instrument of Delegation to Council Staff as made under the:**
Domestic Animals Act 1994,
Environment Protection Act 1970,
Food Act 1984,
Heritage Act 2017,
Local Government Act 1989 (saved provisions),
Planning and Environment Act 1987,
Residential Tenancies Act 1997,
Road Management Act 2004,
Planning and Environment Regulations 2015,
Planning and Environment (Fees) Regulations 2016,
Road Management (General) Regulations 2016, and
Road Management (Works and Infrastructure) Regulations 2015, as per
Attachment 1 to this report, subject to the conditions or limitations specified in
the Instrument.
- 2. That the Chief Executive Officer be authorised to sign the Instrument of Delegation.**
- 3. That the Instrument of Delegation comes into force immediately upon execution.**
- 4. That on the coming into force of the Instrument, the Instruments of Delegation to Council Staff authorised by resolution of Council on 27 May 2019 are revoked.**

CARRIED

9.4.9

(cont)

BACKGROUND

Due to the staged implementation of the *Local Government Act 2020*, section 98 of the *Local Government Act 1989* has been repealed. Delegations made under the *Local Government Act 1989* remain in force until 1 September 2020. Section 11(1) of the *Local Government Act 2020* provides that a Council may by Delegation, delegate to a member of its staff any power, duty or function of the Council under the Act, or any other Act, other than some powers which are reserved for a Council decision. Under the *Local Government Act 2020* there are two sources of powers of delegation:

- S11 delegation of Council powers to the CEO or members of a delegated committee, and
- S47 delegation of Council powers by the CEO to Council staff (via an Instrument of Sub-delegation) or to members of a Community Asset Committee, as well as delegation of CEO powers to Council staff.

The delegation powers under the *Local Government Act 2020* apply to powers under any Act. However, some Acts also include provisions dealing with delegations relating to particular issues. A problem of interpretation may arise when those Acts confer the delegation power more restrictively than the *Local Government Act 2020*. For example, a delegation under section 188 of the *Planning and Environment Act 1987* cannot authorise a delegate to acquire land on behalf of the Council in its capacity as responsible authority.

Therefore the prudent approach is to comply with the more restrictive and specific delegation rules under the specific legislation.

The guiding principle in relation to delegations is that they should be seen as a tool to enable decisions to be made at the most appropriate level of the organisation.

The Instrument of Delegation document sets out who the delegate is (by position title) and what power is conferred upon that delegate. Activity undertaken by Council staff under delegated authority will continue to be reported to Council on a regular basis.

DISCUSSION

The proposed Instrument of Delegation is consistent with prior documents approved by Council. The Instrument has been updated to reflect the commencement of the *Local Government Act 2020*, in addition some positional title changes were updated.

Accordingly, it is recommended that Council approve the Instrument of Delegation to Council Staff and revoke the related existing delegations for Planning and Non Planning related delegations approved by Council on 27 May 2019.

CONSULTATION

Relevant officers were consulted in the preparation of the updated Instruments of Delegation.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

Instruments of Delegation made under section 98 of the *Local Government Act 1989* will expire on 1 September 2020, requiring a new Council to Staff Instrument of Delegation to be made under section 11(1) of the *Local Government Act 2020*.

ATTACHMENT

- 1 Instrument of Delegation Council to Staff 

9.4.10 Appointment of Authorised Officers under the Planning and Environment Act 1987

SUMMARY

The purpose of this report is to recommend that Council resolve to appoint the named officers as Authorised Officers under the Planning and Environment Act 1987 and approve the execution of the Instrument of Appointment.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Carr

Council resolves:

- 1. To appoint as an Authorised Officer pursuant to the Planning and Environment Act 1987 the officers named in the Instrument of Appointment attached to this report as Appendix A;***
- 2. That the Chief Executive Officer be authorised to sign the Instrument of Appointment.***
- 3. That the Instrument of Appointment comes into force immediately upon execution.***

CARRIED UNANIMOUSLY

BACKGROUND

Part 6 of the Planning and Environment Act 1987 (the P&E Act) provides for the enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act. Investigative powers are vested in individuals appointed as Authorised Officers, such as the power to enter land, apply for an enforcement order and to institute proceedings.

Section 188 (2) of the P&E Act, prohibits authorisations being made under delegation, it is up to Council to directly appoint persons as Authorised Officers for the purpose of enforcing the P&E Act.

Section 232 of the Local Government Act 1989 (LGA 1989) was the source of power to institute proceedings. However with the implementation of the Local Government Act 2020 (LGA 2020), section 232 of the LGA 1989 has been repealed and will cease to operate from 1 September 2020. The source of power to institute proceedings is now provided by section 313 of the LGA 2020. Due to the repeal of section 232 of the LGA 1989 and the commencement of section 313 of the LGA 2020 Instrument of Appointment of Authorised Officers under the P&E Act is required to be redone.

DISCUSSION

The attached Instrument of Appointment has been prepared following advice received from Council's lawyers and is similar to that used by many Victorian Councils.

The Instrument of Appointment will come into force immediately upon execution of the document.

CONSULTATION

Consultation with the Manager Planning and Building, Assistant Manager Statutory Planning and Coordinator Strategic Planning has been undertaken in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

There are no policy implications.

9.4.10
(cont)

APPENDIX A

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

Wick Abeysinghe	Vanessa McLean
Daniel Howard Allen	Karen Melayea
Sarah Aloï	Belinda Moody
Helen Bainbridge	Craig Neville
Tessa Bond	Anne North
Gert Bothma	Tracey O'Connor
Jorine Bothma	Benjamin Page
Daniel Cameron	Elvio Ponza
Jesse Cardamone	Ian Romeril
Allison Egan	Nathan Rooke
Jeff Green	Sue Sinnatt
Joseph Hamblin	Patrick Sutton
Jacqui Hansen	Catherine te Lintelo
Alan Harrison	Hy Truong
Anne Hollensen	Christos Varvaris
Benjamin Jones	Cameron Wilcox
Fiona Little	Werner Zaske
Kim Marriott	

By this instrument of appointment and authorisation Whitehorse City Council -

1. Under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. Under section 313 of the *Local Government Act 2020* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- a) Comes into force immediately upon its execution;
- b) Remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on **21 September 2020**

Chief Executive Officer

Date: ____/____/2020

9.4.11 Delegated Decisions June 2020

SUMMARY

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

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

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

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for June 2019	Number for June 2020
Planning and Environment Act 1987	Delegated Decisions	114	141
	Strategic Planning Decisions	Nil	1
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		27	24
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	39	62
Liquor Control Reform Act 1998	Objections and Prosecutions	1	1
Food Act 1984	Food Act Orders	3	Nil
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	4	2
Local Government Act 1989	Temporary Rd. Closures	3	6
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	3	1
	Property Sales and Leases	4	2
	Documents to which Council seal affixed	4	Nil
	Vendor Payments	1772	1114
	Parking Amendments	18	6
	Parking Infringements Withdrawn	291	73

9.4.11

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JUNE 2020

All decisions are the subject of conditions which June 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/2019/1308	26.06.20	Application Lapsed	11/14-18 Springvale Road Nunawading Vic 3131	Springfield	Removal of two protected trees (SLO9)	Single Dwelling < 300m2
WH/2020/190	17.06.20	Application Lapsed	4 Goold Street Burwood Vic 3125	Riversdale	Buildings and Works within SBO	VicSmart - General Application
WH/2020/213	29.06.20	Application Lapsed	Level 1 4 Ellingworth Parade Box Hill Vic 3128	Elgar	Reduction of car parking and the display of business identification signage	Change of Use
WH/2020/292	15.06.20	Application Lapsed	160 Whitehorse Road Blackburn Vic 3130	Central	Display a sign in a commercial, industrial or special purpose zone	VicSmart - General Application
WH/2020/421	16.06.20	Application Lapsed	15 Finch Street Burwood Vic 3125	Riversdale	Removal of 1 tree	VicSmart - Tree
WH/2010/596/B	23.06.20	Delegate Approval - S72 Amendment	1/28 Valda Avenue Mont Albert North Vic 3129	Elgar	Construction of two new double storey dwellings	Permit Amendment
WH/2011/513/A	23.06.20	Delegate Approval - S72 Amendment	1a St Georges Avenue Mont Albert Vic 3127	Elgar	Amendment to the approved development (Demolition of existing outbuildings, and buildings and works to construct two dwellings, comprising a new two storey dwelling to the rear of the existing dwelling) to include new demolition and buildings and works.	Permit Amendment
WH/2012/102/A	29.06.20	Delegate Approval - S72 Amendment	13-17 Tennyson Street Burwood Vic 3125	Riversdale	Building and works for additions and alterations to a place of worship, and reduction of car parking	Permit Amendment

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2014/1223/C	29.06.20	Delegate Approval - S72 Amendment	845-851 Whitehorse Road Box Hill Vic 3128	Elgar	Construction of mixed use building comprising three towers between 19-38 stories in height, use of the land for accommodation (dwellings and hotel), childcare centre and reduction of the car parking requirements of Clause 52.06	Permit Amendment
WH/2014/1272/B	02.06.20	Delegate Approval - S72 Amendment	5 Morrie Crescent Blackburn North Vic 3130	Central	Construction of two (2) double storey dwellings	Permit Amendment
WH/2014/510/A	03.06.20	Delegate Approval - S72 Amendment	220 Middleborough Road Blackburn South Vic 3130	Central	Construction of a residential building (four to six storeys) for the existing residential aged care facility, tree removal and alteration of access to a road in a Road Zone, Category 1	Permit Amendment
WH/2014/571/A	03.06.20	Delegate Approval - S72 Amendment	215 Elgar Road Surrey Hills Vic 3127	Riversdale	Amendment of plans for Planning permit WH/2014/571 (issued for the Construction three double storey dwellings and creation of access to a road in a Road Zone Category 1) to include construction of a front fence, alterations to the driveway surface and replacement of tree 8 (removed) and relocation of SPOS front fence for Dwelling 1.	Permit Amendment

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2014/819/A	16.06.20	Delegate Approval - S72 Amendment	33 Aldinga Street Blackburn South Vic 3130	Central	Construction of two double storey dwellings and buildings and works within 4 metres of protected tree	Permit Amendment
WH/2016/1099/A	04.06.20	Delegate Approval - S72 Amendment	50 Boisdale Street Surrey Hills Vic 3127	Riversdale	Construction of two(2) double storey dwellings and subdivision of the land into two lots and removal of trees and buildings and works within 4 metres of protected trees under the Significant Landscape Overlay Schedule 9	Permit Amendment
WH/2016/1164/A	25.06.20	Delegate Approval - S72 Amendment	32 Page Street Mitcham Vic 3132	Springfield	Development of Two (2) Double Storey Dwellings on a Lot and associated Vegetation Removal	Permit Amendment
WH/2016/985/B	01.06.20	Delegate Approval - S72 Amendment	16 Barkly Terrace Mitcham Vic 3132	Springfield	Amendment of plans and permit preamble WH/2016/985/A (issued for Use and development as a childcare centre, associated signage and tree removal) to include construction of business identification signage.	Permit Amendment
WH/2017/1044/A	19.06.20	Delegate Approval - S72 Amendment	3 Eden Court Forest Hill Vic 3131	Central	Construction of three double storey dwellings, removal of and buildings and works within 4 metres of protected trees and three lot subdivision	Permit Amendment
WH/2017/408/A	10.06.20	Delegate Approval - S72 Amendment	388 Belmore Road Mont Albert North Vic 3129	Elgar	Construction of four (4) double store dwellings	Permit Amendment

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/609/A	04.06.20	Delegate Approval - S72 Amendment	22 Beddows Street Burwood Vic 3125	Riversdale	Three (3) double storey dwellings, tree removal and buildings and works within 4 metres of protected trees	Permit Amendment
WH/2019/234/A	02.06.20	Delegate Approval - S72 Amendment	3 Mccubbin Street Burwood VIC 3125	Riversdale	Development of four (4) double-storey dwellings, and associated buildings and works within 4 metres of protected trees	Permit Amendment
WH/2019/823/B	03.06.20	Delegate Approval - S72 Amendment	10 Market Street Box Hill Vic 3128	Elgar	Amendment to Planning Permit WH/2019/823 issued for alterations to the existing shop-front façade in a Commercial 1 Zone (C1Z) to revert to a previous design.	Permit Amendment
WH/2019/845/A	24.06.20	Delegate Approval - S72 Amendment	63 Harrison Street Box Hill North Vic 3129	Elgar	Construction of Three (3) Dwellings on a Lot	Permit Amendment
WH/2015/113/B	26.06.20	Delegate NOD - S72 Amendment	10 William Street Mitcham Vic 3132	Springfield	Amendment to Planning Permit WH/2015/113, including: - Amendment to the wording of Condition 5 and Condition 7; and, - Amendment to the currently endorsed Practice Management Plan.	Permit Amendment
WH/2016/563/A	16.06.20	Delegate NOD - S72 Amendment	61-63 Lexton Road Box Hill North Vic 3129	Elgar	The use and development of the land for three (3) warehouses and a store (self-storage facility) and a reduction in car parking associated with the store	Permit Amendment

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/1035/A	30.06.20	Delegate NOD Issued	9 St James Avenue Mont Albert Vic 3127	Elgar	Increase in overall height of Dwelling	Permit Amendment
WH/2018/1149	24.06.20	Delegate NOD Issued	181 Burwood Highway Burwood East Vic 3151	Riversdale	Construction of a Five Storey Residential Building and associated Vegetation Removal	Residential (Other)
WH/2018/627	15.06.20	Delegate NOD Issued	872 Canterbury Road Box Hill South Vic 3128	Riversdale	Mix use development consisting of 6 storeys with 1 retail shop and 8 apartments	Business
WH/2019/1031	18.06.20	Delegate NOD Issued	29 Luckie Street Nunawading Vic 3131	Springfield	Development of the land for four double storey dwellings including associated buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2019/1034	15.06.20	Delegate NOD Issued	20 Howard Street Box Hill Vic 3128	Elgar	Construction of two dwellings at rear of existing double storey dwelling and removal of vegetation	Multiple Dwellings
WH/2019/1049	22.06.20	Delegate NOD Issued	206 Morack Road Vermont South Vic 3133	Morack	Construction of three (3) single storey dwellings and removal of vegetation	Multi Dwelling and Use
WH/2019/1060	26.06.20	Delegate NOD Issued	45 Karen Street Box Hill North Vic 3129	Elgar	Construction of three (3) double storey dwellings and removal of vegetation (SLO9)	Multiple Dwellings
WH/2019/1175	23.06.20	Delegate NOD Issued	19 Cornish Road Burwood East Vic 3151	Riversdale	Construction of two (2) double storey dwellings on a lot and removal of vegetation with SLO9	Multiple Dwellings

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1202	15.06.20	Delegate NOD Issued	16 Hiddleston Avenue Box Hill South Vic 3128	Riversdale	Development of the land for a new double storey dwelling at the rear of the existing dwelling and buildings and works to the existing dwelling (internal alterations & relocation of garage) including associated buildings and works within 4 metres of SLO9 trees and vegetation removal	Multiple Dwellings
WH/2019/1258	24.06.20	Delegate NOD Issued	2 Foch Street Box Hill South Vic 3128	Riversdale	Construction of two, two storey dwellings and associated buildings and works within 4 metres of trees protected under Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2019/1296	12.06.20	Delegate NOD Issued	26 Cornish Road Burwood East Vic 3151	Riversdale	Buildings and works within 4 metres of protected SLO9 trees and removal of vegetation within SLO9	Single Dwelling < 300m2
WH/2019/1313	25.06.20	Delegate NOD Issued	28 Diana Drive Blackburn North Vic 3130	Central	Removal of trees and buildings and works within 4 metres of trees under the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2019/832	24.06.20	Delegate NOD Issued	33 Victoria Crescent Mont Albert Vic 3127	Elgar	Construction of two double storey dwellings, buildings and work within 4m and removal of trees	Multiple Dwellings

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/849	17.06.20	Delegate NOD Issued	8 Wolseley Crescent Blackburn Vic 3130	Central	Buildings and works, including demolition, associated with development of the land for a dwelling, front fence, pool, tennis court and tree removal in Significant Landscape Overlay 4 and Neighbourhood Character Overlay 1.	Single Dwelling < 300m2
WH/2019/867	24.06.20	Delegate NOD Issued	54 Windsor Crescent Surrey Hills Vic 3127	Elgar	Partial demolition of existing building, construct building additions, construct a fence, tree removal and buildings and works within 4 metres of protected trees	Heritage
WH/2019/900	24.06.20	Delegate NOD Issued	45-47 Begonia Street Box Hill South Vic 3128	Riversdale	Construction of five dwellings, removal of trees and buildings and works within 4 m of trees	Multiple Dwellings
WH/2019/986	22.06.20	Delegate NOD Issued	5 Craig Street Blackburn South Vic 3130	Central	Construction of two double storey dwellings on a lot	Multiple Dwellings
WH/2020/107	24.06.20	Delegate NOD Issued	34 Laurel Grove North Blackburn Vic 3130	Central	Buildings and works for an extension to the existing dwelling including associated buildings and works within 4 metres of protected SLO1 trees and vegetation removal (street tree)	Single Dwelling < 300m2
WH/2020/187	03.06.20	Delegate NOD Issued	6 Serpentine Street Mont Albert Vic 3127	Elgar	Removal of five protected trees in the Significant Landscape Overlay Schedule 9	Special Landscape Area

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/208	17.06.20	Delegate NOD Issued	6 Grevillea Court Forest Hill Vic 3131	Springfield	Buildings and works within 4 metres of trees and removal of two (2) trees protected under the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2020/5	16.06.20	Delegate NOD Issued	20 Beech Street Surrey Hills Vic 3127	Riversdale	Construction of a front fence and buildings and works (to include driveway, path and associated earthworks) within 4m of protected trees within SLO9	Special Landscape Area
WH/2016/456/Q	23.06.20	Delegate Permit Issued	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
WH/2019/1158	22.06.20	Delegate Permit Issued	108 Middleborough Road Blackburn South Vic 3130	Riversdale	Construction and display of illuminated signage.	Change of Use
WH/2019/1211	10.06.20	Delegate Permit Issued	8 Adley Court Vermont South Vic 3133	Morack	Removal of four (4) SLO9 trees	Special Landscape Area
WH/2019/1267	02.06.20	Delegate Permit Issued	321-345 Burwood Highway Forest Hill Vic 3131	Morack	Removal of Native Vegetation (52.17) and protected trees (SLO9)	Special Landscape Area
WH/2019/1337	19.06.20	Delegate Permit Issued	5 Greenwood Street Burwood Vic 3125	Riversdale	Buildings and works for the construction of 2 or more dwellings	Multiple Dwellings

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1340	05.06.20	Delegate Permit Issued	545 Station Street Box Hill Vic 3128	Elgar	Development and display of electronic high wall business identification signage and illuminated business identification signage	Advertising Sign
WH/2019/658	10.06.20	Delegate Permit Issued	88 Creek Road Mitcham Vic 3132	Springfield	Construction of two (2) two storey dwellings (one with a basement car park) and buildings and works within 4 metres of protected trees	Multiple Dwellings
WH/2019/844	09.06.20	Delegate Permit Issued	40 Grandview Road Box Hill South Vic 3128	Riversdale	Construction of two dwellings on a lot, buildings and works and construction of a front fence within 4 m of a protected tree (SLO9).	Multiple Dwellings
WH/2020/134	29.06.20	Delegate Permit Issued	64-66 South Parade Blackburn Vic 3130	Central	Use of the Land for the Purpose of a Childcare Centre, Buildings and Works, Alteration to an Easement and Display of Business Identification Signage	Child Care Centre
WH/2020/136	17.06.20	Delegate Permit Issued	69 Jolimont Road Forest Hill Vic 3131	Morack	Use of Land for the purpose of a Place of Assembly (Arts Studio) and Reduction in Bicycle Parking Requirements	Change of Use
WH/2020/153	22.06.20	Delegate Permit Issued	4 Jocelyn Avenue Balwyn North Vic 3104	Elgar	Buildings and works within 4 metres of protected vegetation	Special Landscape Area

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/159	25.06.20	Delegate Permit Issued	6 Patricia Road Blackburn Vic 3130	Central	Removal of trees and works within 4 metres of trees under the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2020/171	30.06.20	Delegate Permit Issued	10 Hiddleston Avenue Box Hill South Vic 3128	Riversdale	Removal of two trees and buildings and works within 4m of trees within the Significant Landscape Overlay Schedule 9 (SLO9)	Special Landscape Area
WH/2020/172	15.06.20	Delegate Permit Issued	4 Jaques Grove Forest Hill Vic 3131	Morack	Removal of Vegetation and buildings and works within four metres of protected trees in the Significant Landscape Overlay Schedule 9	Special Landscape Area
WH/2020/173	22.06.20	Delegate Permit Issued	127a Terrara Road Vermont South Vic 3133	Morack	Buildings and works for a minor sports and recreation facility	Public Open Space
WH/2020/180	05.06.20	Delegate Permit Issued	9-11 Ellingworth Parade Box Hill Vic 3128	Elgar	To subdivide into sixty-six (66) lots	Subdivision
WH/2020/247	02.06.20	Delegate Permit Issued	23 High Street Nunawading Vic 3131	Springfield	Removal of vegetation	Special Landscape Area
WH/2020/26	19.06.20	Delegate Permit Issued	487-503 Springvale Road Vermont South Vic 3133	Morack	Buildings and works associated with an education facility and waiver of the bicycle facilities requirements	Education
WH/2020/268	10.06.20	Delegate Permit Issued	59 Glebe Street Forest Hill Vic 3131	Central	Buildings and works and removal of vegetation	Special Landscape Area
WH/2020/269	17.06.20	Delegate Permit Issued	30 Clydesdale Street Box Hill Vic 3128	Elgar	Externally Paint A Building within a Heritage Overlay	VicSmart - General Application
WH/2020/288	24.06.20	Delegate Permit Issued	14 Davis Street Burwood East Vic 3151	Riversdale	Construction of one new dwelling within 4 metres of protected trees in the Significant Landscape Overlay Schedule 9	Special Landscape Area

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/341	11.06.20	Delegate Permit Issued	16 Gordon Crescent Blackburn Vic 3130	Central	Construction of a Verandah	VicSmart - General Application
WH/2020/355	22.06.20	Delegate Permit Issued	12 Browns Road Nunawading Vic 3131	Springfield	Removal of vegetation	Special Landscape Area
WH/2020/358	23.06.20	Delegate Permit Issued	6 Eckersley Court Blackburn South Vic 3130	Central	Buildings and works for the construction of new single storey dwelling including associated buildings and works within 4 metres of protected trees in the Significant Landscape Overlay Schedule 2	Special Landscape Area
WH/2020/373	22.06.20	Delegate Permit Issued	843 Whitehorse Road Box Hill Vic 3128	Elgar	Construction and display of major promotion signage	Advertising Sign
WH/2020/38	15.06.20	Delegate Permit Issued	2 Marleigh Street Vermont Vic 3133	Morack	Removal of 1 tree and buildings and works within 4 metres of trees (for a dwelling) under the Significant Landscape Overlay Schedule 9	Single Dwelling < 300m2
WH/2020/385	05.06.20	Delegate Permit Issued	17 Arnold Street Box Hill Vic 3128	Elgar	Subdivision	Subdivision
WH/2020/392	01.06.20	Delegate Permit Issued	25 Kerr Street Blackburn Vic 3130	Central	Three lot subdivision	Subdivision
WH/2020/400	22.06.20	Delegate Permit Issued	14-16 Simla Street Mitcham Vic 3132	Springfield	Fifty- five lot subdivision and removal of Easement E-3 PS425700B	Subdivision
WH/2020/423	02.06.20	Delegate Permit Issued	15 Hopetoun Street Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2020/428	03.06.20	Delegate Permit Issued	3/67 Blackburn Road Blackburn Vic 3130	Central	Construction of Verandah	VicSmart - General Application

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/440	03.06.20	Delegate Permit Issued	22 Baranbali Drive Vermont South Vic 3133	Morack	Construction of a front fence within 4 metres of a tree protected under Schedule 9 to the Significant Landscape Overlay	VicSmart - General Application
WH/2020/444	05.06.20	Delegate Permit Issued	6 Ronald Street Box Hill North Vic 3129	Elgar	Remove a protected tree (SLO9)	VicSmart - Tree
WH/2020/446	03.06.20	Delegate Permit Issued	8 Ferris Avenue Box Hill North Vic 3129	Elgar	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/449	24.06.20	Delegate Permit Issued	22 Wavell Street Box Hill Vic 3128	Elgar	Two lot subdivision	Subdivision
WH/2020/450	02.06.20	Delegate Permit Issued	6 Frankcom Street Blackburn Vic 3130	Central	To subdivide the title to create 20 lots and common property	Subdivision
WH/2020/453	03.06.20	Delegate Permit Issued	167 Dorking Road Box Hill North Vic 3129	Elgar	Buildings and works within 4 metres of protected vegetation	VicSmart - General Application
WH/2020/454	01.06.20	Delegate Permit Issued	8 Prince Street Box Hill South Vic 3128	Riversdale	Removal of one tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/457	01.06.20	Delegate Permit Issued	28 Arnott Street Mont Albert North Vic 3129	Elgar	Construction of a Front Fence	VicSmart - General Application
WH/2020/460	15.06.20	Delegate Permit Issued	14 Delany Avenue Burwood Vic 3125	Riversdale	Three lot subdivision	Subdivision
WH/2020/465	22.06.20	Delegate Permit Issued	29 Summit Road Burwood Vic 3125	Riversdale	Three lot subdivision and variation of easement E-1	Subdivision
WH/2020/470	11.06.20	Delegate Permit Issued	45 Wattle Valley Road Mitcham Vic 3132	Springfield	Buildings and works (front fence) within 4m of a tree protected under the SLO6	VicSmart - General Application
WH/2020/471	10.06.20	Delegate Permit Issued	15 Morden Court Nunawading Vic 3131	Springfield	Buildings and works (carport) within 4m of protected trees (SLO9)	VicSmart - General Application

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/472	05.06.20	Delegate Permit Issued	12 Stanley Grove Blackburn Vic 3130	Central	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - General Application
WH/2020/474	05.06.20	Delegate Permit Issued	11 Parkside Avenue Box Hill Vic 3128	Elgar	Four lot subdivision	Subdivision
WH/2020/487	15.06.20	Delegate Permit Issued	20 Cootamundra Crescent Blackburn Vic 3130	Central	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/488	15.06.20	Delegate Permit Issued	20 Cootamundra Crescent Blackburn Vic 3130	Central	Construction of a front fence under the Significant Landscape Overlay Schedule 9	VicSmart - General Application
WH/2020/490	03.06.20	Delegate Permit Issued	38 William Street Box Hill Vic 3128	Elgar	Construction of garage in a heritage overlay	VicSmart - General Application
WH/2020/492	25.06.20	Delegate Permit Issued	3/13 Tyne Street Box Hill North Vic 3129	Elgar	Alterations and Additions to an Existing Dwelling	VicSmart - General Application
WH/2020/495	05.06.20	Delegate Permit Issued	31 Caroline Crescent Blackburn North Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2020/500	15.06.20	Delegate Permit Issued	9 Cluney Court Blackburn South Vic 3130	Central	Removal of one tree in the Significant Landscape Overlay Schedule 9 (Tree 10)	VicSmart - Tree
WH/2020/501	15.06.20	Delegate Permit Issued	9 Cluney Court Blackburn South Vic 3130	Central	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9 (Tree11)	VicSmart - Tree
WH/2020/503	11.06.20	Delegate Permit Issued	1/83 Peter Street Box Hill North Vic 3129	Elgar	Removal of a Tree protected under the SLO9	VicSmart - Tree
WH/2020/504	17.06.20	Delegate Permit Issued	5 Weber Crescent Burwood East Vic 3151	Riversdale	Removal of a Leyland Cypress (Cupressocyparis x leylandii) tree pursuant to Schedule 9 to the Significant Landscape Overlay	VicSmart - Tree

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/507	29.06.20	Delegate Permit Issued	16 Nicholi Walk Vermont South Vic 3133	Morack	Buildings and works (carport) in Heritage Overlay (HO118)	VicSmart - General Application
WH/2020/508	12.06.20	Delegate Permit Issued	7 Opal Street Forest Hill Vic 3131	Morack	Removal of One (1) Tree Protected Under the Significant Landscape Overlay Schedule 9 (SLO9)	VicSmart - Tree
WH/2020/513	16.06.20	Delegate Permit Issued	14 Haddon Court Mitcham Vic 3132	Springfield	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 6	VicSmart - Tree
WH/2020/518	18.06.20	Delegate Permit Issued	45 Rostrevor Parade Mont Albert North Vic 3129	Elgar	Four (4) lot subdivision	Subdivision
WH/2020/522	24.06.20	Delegate Permit Issued	10 Barwon Street Box Hill North Vic 3129	Elgar	To subdivide into six (6) lots	Subdivision
WH/2020/529	17.06.20	Delegate Permit Issued	20 Lorikeet Street Nunawading Vic 3131	Springfield	Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/530	17.06.20	Delegate Permit Issued	20 Lorikeet Street Nunawading Vic 3131	Springfield	Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/535	15.06.20	Delegate Permit Issued	24 Bishop Street Box Hill Vic 3128	Elgar	2 lot subdivision	Subdivision
WH/2020/543	24.06.20	Delegate Permit Issued	7 Hibiscus Road Blackburn North Vic 3130	Central	Subdivision of land into two lots	Subdivision
WH/2020/555	29.06.20	Delegate Permit Issued	6 Naughton Grove Blackburn Vic 3130	Central	Removal of one (1) tree in an SLO2	VicSmart - Tree
WH/2020/560	29.06.20	Delegate Permit Issued	15 Centre Road Vermont Vic 3133	Morack	Tree removal (Tree 2) within SLO9	VicSmart - Tree
WH/2020/565	23.06.20	Delegate Permit Issued	9 Eley Road Box Hill South Vic 3128	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/566	24.06.20	Delegate Permit Issued	105 Carrington Road Box Hill Vic 3128	Elgar	Eleven (11) lot subdivision	Subdivision
WH/2020/589	29.06.20	Delegate Permit Issued	10 Betula Avenue Nunawading Vic 3131	Springfield	Removal of one tree within the Significant Landscape Overlay - Schedule 9 (Tree 7)	VicSmart - Tree
WH/2020/596	29.06.20	Delegate Permit Issued	43 Katrina Street Blackburn North Vic 3130	Central	Two lot subdivision	VicSmart - Subdivision
WH/2012/822/B	18.06.20	Delegate Refusal - S72 Amendment	1/186-188 Central Road Nunawading Vic 3131	Springfield	Amendment to plans under permit WH/2012/822 for changes to dwelling 3 landscaping.	Permit Amendment
WH/2016/456/S	18.06.20	Delegate Refusal Issued	33/31-37 Norcal Road Nunawading Vic 3131	Springfield	Buildings and works internal for a mezzanine floor and reduction in the standard car parking requirement	Permit Amendment
WH/2019/1176	19.06.20	Delegate Refusal Issued	1/1 James Avenue Mitcham Vic 3132	Springfield	Removal of trees protected under the Significant Landscape Overlay 9	Special Landscape Area
WH/2019/1214	12.06.20	Delegate Refusal Issued	53 Park Road Surrey Hills Vic 3127	Riversdale	Buildings and works for the construction of two or more dwellings and associated vegetation removal	Multiple Dwellings
WH/2019/1241	03.06.20	Delegate Refusal Issued	9 Olwen Street Nunawading Vic 3131	Springfield	Removal of two trees under the significant Landscape Overlay - Schedule 9	Special Landscape Area
WH/2019/1252	09.06.20	Delegate Refusal Issued	8 Frank Street Box Hill South Vic 3128	Riversdale	Buildings and works to construct two dwellings, vegetation removal and buildings and works within 4 metres of protected trees in the Significant Landscape Overlay, Schedule 9	Multiple Dwellings

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1291	29.06.20	Delegate Refusal Issued	18 Masons Road Blackburn Vic 3130	Central	Buildings and works for construction of a double storey dwelling including basement and associated buildings and works within 4 metres of protected SLO2 trees and vegetation removal	Special Landscape Area
WH/2019/537	23.06.20	Delegate Refusal Issued	83-87 Dorking Road Box Hill North Vic 3129	Elgar	Construction of buildings and works (including a gate), part demolition of existing buildings and removal of trees in association with an extension to an existing dwelling	Heritage
WH/2020/435	17.06.20	Delegate Refusal Issued	8 Condev Court Vermont Vic 3133	Morack	Removal of One Tree within the Significant Landscape Overlay, Schedule 9	VicSmart - Tree
WH/2020/475	10.06.20	Delegate Refusal Issued	88 Husband Road Forest Hill Vic 3131	Morack	Removal of Eucalyptus angophoroides (Apple Top Box) tree in the Vegetation Protection Overlay Schedule 1 and Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/496	15.06.20	Delegate Refusal Issued	11 Cornfield Grove Box Hill South Vic 3128	Riversdale	Removal of a Corymbia citriodora (Lemon Scented Gum) tree.	VicSmart - Tree
WH/2020/561	29.06.20	Delegate Refusal Issued	15 Centre Road Vermont Vic 3133	Morack	Tree removal (Tree 4) within SLO9	VicSmart - Tree
WH/2020/265	26.06.20	No Permit Required	1/2 Birdwood Street Box Hill South Vic 3128	Riversdale	Alterations and additions to the existing dwelling to include the construction of a verandah	VicSmart - General Application

9.4.11
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/478	10.06.20	No Permit Required	1/47 Station Street Burwood Vic 3125	Riversdale	Construction of a front fence	VicSmart - General Application
WH/2020/526	23.06.20	No Permit Required	50 Philip Street Vermont Vic 3133	Morack	Construction of a (replacement) front fence within 4m of a protected tree within SLO9	VicSmart - General Application
DOC/166/2020	29.06.20	Withdrawn	1/1-5 Burnt Street Nunawading Vic 3131	Springfield	N/A	Secondary Consent
WH/2014/402/D	23.06.20	Withdrawn	6 Narrkwarren Lane Box Hill North Vic 3129	Elgar	Construction three double storey dwellings	Permit Amendment
WH/2019/994	10.06.20	Withdrawn	7 Elwood Street Surrey Hills Vic 3127	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2020/105	02.06.20	Withdrawn	22 Simmons Street Box Hill North Vic 3129	Elgar	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/106	02.06.20	Withdrawn	22 Simmons Street Box Hill North Vic 3129	Elgar	Removal of one tree under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/124	11.06.20	Withdrawn	2/11 Nurlendi Road Vermont Vic 3133	Morack	Addition to a dwelling on lot less than 500 square metres	Single Dwelling < 300m2
WH/2020/207	03.06.20	Withdrawn	1/38 Diosma Crescent Nunawading Vic 3131	Springfield	Veranda	Single Dwelling < 300m2
WH/2020/491	15.06.20	Withdrawn	2 Sartori Street Burwood East Vic 3151	Riversdale	Two lot subdivision	Subdivision
WH/2020/557	30.06.20	Withdrawn	5 Maltby Walk Burwood Vic 3125	Riversdale	Removal of one (1) tree within an SLO9	VicSmart - Tree
WH/2020/558	30.06.20	Withdrawn	5 Maltby Walk Burwood Vic 3125	Riversdale	Removal of one (1) tree within an SLO9	VicSmart - Tree
WH/2020/562	17.06.20	Withdrawn	106 Junction Road Nunawading Vic 3131	Springfield	Removal of one tree	VicSmart - Tree

9.4.11

(cont)

BUILDING DISPENSATIONS/APPLICATIONS JUNE 2020

Address	Date	Ward	Result
13 Elder Street, Blackburn	17.06.20	Central	Consent Granted 89
15 Highfield Avenue, Blackburn South	23.06.20	Central	Consent Granted 74
18 Holland Road, Blackburn South	23.06.20	Central	Consent Granted 89
59 Glebe Street, Forest Hill	23.06.20	Central	Consent Granted 74,83
67-67b Katrina Street, Blackburn North	15.06.20	Central	Consent Granted 116
67a Katrina Street, Blackburn North	15.06.20	Central	Consent Granted 116
67b Katrina Street, Blackburn North	15.06.20	Central	Consent Granted 116
67c Katrina Street, Blackburn North	15.06.20	Central	Consent Granted 116
9 Cluney Court, Blackburn South	05.06.20	Central	Consent Granted 79,85
11 Jeffery Street, Blackburn	16.06.20	Central	Consent Refused 80
348 Middleborough Road, Blackburn	15.06.20	Central	Consent Refused 79, 73
8 Aberdeen Road, Blackburn South	12.06.20	Central	Consent Refused 74
9 Cluney Court, Blackburn South	05.06.20	Central	Consent Refused 80,84
10 Market Street, Box Hill	17.06.20	Elgar	Consent Granted 116
16 Peter Street, Box Hill North	23.06.20	Elgar	Consent Granted 92
23 Berry Street, Box Hill North	11.06.20	Elgar	Consent Granted 79
26 Boxleigh Grove, Box Hill North	17.06.20	Elgar	Consent Granted 79
3 Woodhouse Grove, Box Hill North	10.06.20	Elgar	Consent Granted 79
38 Second Avenue, Box Hill North	30.06.20	Elgar	Consent Granted 92,89
6 St Georges Avenue, Mont Albert	19.06.20	Elgar	Consent Granted 89
99 Carrington Road, Box Hill	17.06.20	Elgar	Consent Granted 116
13 Corlett Street, Mont Albert North	26.06.20	Elgar	Consent Refused 82
142 Dorking Road, Box Hill North	25.06.20	Elgar	Consent Refused 89
26 Boxleigh Grove, Box Hill North	17.06.20	Elgar	Consent Refused 74
14 Robert Street, Burwood East	04.06.20	Morack	Consent Granted 89
15 Centre Road, Vermont	03.06.20	Morack	Consent Granted 76,79
17 Centre Road, Vermont	02.06.20	Morack	Consent Granted 76
202 Hawthorn Road, Vermont South	03.06.20	Morack	Consent Granted 80, 89
50 Philip Street, Vermont	05.06.20	Morack	Consent Granted 92,89
2 Frank Street, Vermont	03.06.20	Morack	Consent Refused 80
9 Gelea Crescent, Vermont South	16.06.20	Morack	Consent Refused 89
10 Wattlebird Court, Burwood	30.06.20	Riversdale	Consent Granted 79
104 Parer Street, Burwood	15.06.20	Riversdale	Consent Granted 80
138 Elgar Road, Box Hill South	05.06.20	Riversdale	Consent Granted 92
3 Haughton Court, Box Hill South	05.06.20	Riversdale	Consent Granted 89
4 Edyvean Street, Surrey Hills	24.06.20	Riversdale	Consent Granted 79,84
54 Eley Road, Burwood East	19.06.20	Riversdale	Consent Granted 75,80
7 Donald Road, Burwood	30.06.20	Riversdale	Consent Granted 85,79
7 Highview Grove, Burwood East	25.06.20	Riversdale	Consent Granted 89
850 Canterbury Road, Box Hill South	05.06.20	Riversdale	Consent Granted 92
9 Sherwood Road, Surrey Hills	17.06.20	Riversdale	Consent Granted 89
21 Faelen Street, Burwood	12.06.20	Riversdale	Consent Refused 89
1 Cecil Court, Mitcham	05.06.20	Springfield	Consent Granted 74

9.4.11

(cont)

Address	Date	Ward	Result
1/27 Percy Street, Mitcham	02.06.20	Springfield	Consent Granted 90
15 Winchester Road, Nunawading	10.06.20	Springfield	Consent Granted 74,79
16 Lorikeet Street, Nunawading	24.06.20	Springfield	Consent Granted 89
92 Junction Road, Nunawading	24.06.20	Springfield	Consent Granted 74, 79, 83
1/27 Percy Street, Mitcham	02.06.20	Springfield	Consent Refused 79

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS JUNE 2020

Under the Planning and Environment Act 1987

Decision Date	Act Section	Decision	Street Address	Ward	Proposal	Reference
02.06.20	8A(3) and 20(1)	Delegate Approval	Part of 379-399 Whitehorse Road, Nunawading	Springfield	Request to the Minister for Planning to undertake a 'prescribed amendment' to remove a redundant Public Acquisition Overlay (PAO2) from Lot 11, Humphreys Avenue, Nunawading and make a consequential change to the Schedule to Clause 72.03 to delete reference to the PAO from Map 3.	Amendment C227

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JUNE 2020

Contract Number	Service
30236	Provision of Inspection and Repair Services for Emergency / Exit Lighting and Means of Egress Inspection

REGISTER OF PROPERTY DOCUMENTS EXECUTED JUNE 2020

Property Address	Document Type	Document Detail
68 Dunlavin Road. Nunawading	Lease	Community Tennis Club Use
300 Burwood Highway, Burwood East	Lease	Community Tennis Club Use

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL JUNE 2020

Nil

9.4.11

(cont)

PARKING RESTRICTIONS APPROVED BY DELEGATION JUNE 2020

Address:	Monica Street, Box Hill: northern boundary of 2 Monica Street to southern boundary of 2 Monica Street (east side)
Previously:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	2 '1/2-Hour, 7am to 9pm, Monday to Saturday' parking spaces
Address:	Mersey Street , Box Hill North: northern boundary of 6 Mersey Street to southern boundary of 6 Mersey Street (west side)
Previously:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	2 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
Address:	Fir Street, Blackburn: east boundary of 10 Fir Street to west boundary of 10 Fir (south side)
Previously:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	2 'Unrestricted' parking spaces
Address:	Whitehorse Road, Mont Albert: western boundary 801 Whitehorse Road to Kingsley Crescent (north side)
Previously:	9 'Works Zone, 7am to 4.30pm, Monday to Friday & Clearway, 4.30pm to 6.30pm, Monday to Friday' parking spaces
Now:	9 '1-Hour, 8.30am to 4.30pm, Monday to Friday & Clearway, 4.30pm to 6.30pm, Monday to Friday' parking spaces
Address:	Ballantyne Street, Burwood East: eastern boundary of 18 Ballantyne Street to western boundary of 18 Ballantyne Street (south side)
Previously:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	2 '1-Hour, 8am to 6pm, Monday to Friday' parking spaces
Address:	Hagenauer Reserve OSCP, Box Hill: Eastern end of car park, outside maternal health centre to 7 car parking bays located opposite MCH (north side)
Previously:	7 '3P, 7:30am - 7:30pm, Monday to Friday' parking spaces
Now:	7 'No Stopping, Authorised Vehicles Excepted, 8am - 6pm, Monday to Friday' parking spaces

9.4.11

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING JUNE 2020

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
04/06/2020	\$158,476.60	59	EFC
04/06/2020	\$1,727,182.60	205	EFT
11/06/2020	\$103,336.38	64	EFC
11/06/2020	\$2,895,099.94	219	EFT
17/06/2020	\$1,606,000.55	1	EFT
18/06/2020	\$72,332.53	58	EFC
18/06/2020	\$2,173,161.21	183	EFT
18/06/2020	\$233,587.17	2	EFT
25/06/2020	\$3,000.00	1	EFC
26/06/2020	\$78,768.06	53	EFC
26/06/2020	\$3,468,518.25	268	EFT
01/07/2020	\$2,962.00	1	CHQ
GROSS	\$12,522,425.29	1114	
Monthly Lease Payments	\$31,260.38		
Direct Debit Payments	\$347,634.34		
CANCELLED PAYMENTS	-\$26,060.85	-39	
NETT	\$12,875,259.16	1075	

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 Carr reported on her attendance at the Heritage Steering Committee meeting 21 July 2020
- 10.1.2 Cr Davenport reported on his attendance at the following:
 - 5 August 2020, Metropolitan Transport Forum.
 - 11 August 2020, Whitehorse Business Group Board meeting.
- 10.1.3 Cr Liu reported on her attendance at the following:
 - 17 August 2020, Major Projects Councillor Reference Group
 - 20 August 2020, Eastern Alliance for Greenhouse Action Executive Committee
 - 20 August 2020, Eastern Transport Coalition
- 10.1.4 Cr Bennett reported on his attendance at the following:
 - 31 July 2020, Virtual VLGA Councillor Advisory Network.
 - 13 August 2020, Virtual Metro Waste Forum.
- 10.1.5 Cr Massoud reported on her attendance at the following:
 - 21 August 2020, Eastern Region Group.
 - 5 August 2020, Disability Advisory Committee meeting
 - 13 August 2020, Whitehorse Reconciliation Policy and Action Plan Advisory Committee
- 10.1.6 Cr Ellis reported on her attendance at the following:
 - 30 July 2020, Municipal Association of Victoria Virtual Mayors forum
 - 13 August 2020, Eastern Affordable Housing Alliance Executive meeting
 - 21 August 2020, MAV Human Services meeting
 - 21 August 2020, Eastern Region Group

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Liu

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 10 August 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
20.07.20 6:0-6:50pm	Virtual Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.1.2 24 Summit Road, Burwood (LOT 90 LP 8310 51A) 9.1.3 359 Warrigal Road and 10 Hastings Street Burwood Amendment to Planning Permit WH/1998/9807 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson P Smith A De Fazio J Russell C Altan R Johnston	Nil	Nil
03.08.2020 5:30-9:00pm	Virtual Strategic Planning Session <ul style="list-style-type: none"> Workplace Manslaughter Legislation Interim Climate Change Response Plan 2020-2022 Community Satisfaction Survey Land Matter Blackburn Revaluation and Rates Hardship Update Finance Update: COVID Hardship Impacts Pandemic Response Policy Update Tender Evaluation (Contract 30218) Parking In-ground Sensor Monitoring (Deferred and not discussed) ERP Business Case and IT Strategy Overview North East Link Update 	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 Thyer I Barnes L Menzies S Cann J Marie T Peak S Morison M Ackland J Neale	Nil	Nil
07.08.2020 3:30-4:30pm	Virtual Covid Restrictions Implementation across Whitehorse Organisation	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Carr Cr Davenport Cr Liu Cr Massoud Cr Munroe	S McMillan	Nil	Nil

10.3
(cont)

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
10.08.20 5:30-8:18pm	Virtual Cr Briefing Session <ul style="list-style-type: none"> Audit Advisory Committee Half Year Update Draft Risk and Audit Committee Charter Special Committee Agenda-Other Business Special Committee Agenda 10 August 2020 Indoor Sports Facility Feasibility Study Draft Council Agenda 24 August 2020 North East Link 	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 T Wilkinson P Smith A De Fazio J Russell C Altan M Ackland R Johnston K Sinclair L Gibson M Hassan A Makedonskaya D Seddon	Nil	Nil
17.08.20 5:30-8:05pm	Virtual Major Projects Councillor Reference Group: Capital Works: Finance Session <ul style="list-style-type: none"> Major Projects Quarterly Update Capital Works 2019/20 Year End Presentation Enterprise Resource Planning Business Case and 2020-25 IT Strategy 	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 T Wilkinson P Smith A De Fazio S Belmore M Ackland N Brown J Neale S Cann S Horvat	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Massoud reported on her attendance at the following:
- 22 July 2020 WMRR Waste 2020 Webinar Series - Recycling & Resource Recovery.
 - 29 July 2020, WMRR Waste 2020 Webinar Series - Indigenous Waste Management.
 - 5 August 2020, WMRR Waste 2020 Webinar Series - Energy from Waste.
 - 19 August 2020, Whitehorse Business Group Virtual Q&A
 - 23 July 2020, Australian Institute of Company Directors Seminar, Reporting in COVID.
- 11.2 Cr Bennett reported on his attendance at the following conferences/seminars:
- 22 July 2020, WMRR Waste 2020 Webinar: Recycling and Resource Recovery.
 - 29 July 2020, Australia China Business Council. A unified approach to Australia China relations.
 - 5 August 2020, WMRR Waste 2020 Webinar: Energy from Waste.
- 11.3 Cr Davenport reported on his attendance at the following:
- Whitehorse Business Group Virtual Session.
 - Australian Institute of Company Directors event.
- 11.4 Cr Cutts reported on her attendance at the following:
- 31 July 2020, Whitehorse Business Group Virtual Q & A.
 - 5 August 2020, ALGWA 2020 Annual Bursary Awards Announcement via Zoom.
- 11.5 Cr Carr reported on her attendance at the following:
- 5 August 2020, Australian Local Government Women's Association Bursary Awards Announcement via Zoom
 - 12 August 2020, Bicycle Network Victoria Webinar Learning from London how Active Travel Can Drive Lock Down Recovery.
 - Whitehorse Business Group Virtual Q & A.
- 11.6 Cr Munroe reported on his attendance at the following:
- 5 August 2020, AHURI, Connecting Affordable Housing and Jobs in Australian Cities Webinar.
 - 5 August 2020, Whitehorse Business Group Virtual Q&A with Cr Ellis.
- 11.7 Cr Barker advised that he attended Whitehorse Business Group Virtual Q&A
- 11.8 Cr Ellis reported on her attendance at the following:
- 30 July 2020, Municipal Association of Victoria, Virtual Mayoral Forum.
 - 5 August 2020, VLGA Connect Live Panel.
 - 5 August 2020, Whitehorse Business Group Virtual Q & A with Cr Munroe.
 - 7 August 2020, Minister Leane & Melbourne Mayors (Coronavirus response and stage 4 restrictions).
 - 21 August 2020, LGA Implementation of the Local Government Act 2020.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Cutts

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

CARRIED

12 CLOSE MEETING

Meeting closed at 10:29pm

Confirmed this 21st day of September 2020

CHAIRPERSON