



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 18 July 2016**

at 7.00 p.m.

**Members:** Cr Philip Daw (Mayor), Cr Bill Bennett,  
Cr Raylene Carr, Cr Robert Chong AM,  
Cr Andrew Davenport, Cr Helen Harris OAM,  
Cr Sharon Ellis, Cr Denise Massoud,  
Cr Andrew Munroe, Cr Ben Stennett

**Ms Noelene Duff**  
Chief Executive Officer

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## AGENDA

### 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

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 27 June 2016 and Special Council Meeting – Councillor Code of Conduct 27 June 2016.

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting of 27 June 2016 and Special Council Meeting – Councillor Code of Conduct 27 June 2016 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

### 6 NOTICES OF MOTION

### 7 PETITIONS

### 8 URGENT BUSINESS

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 464 Burwood Highway, Vermont South & 1-3 Charlnet Drive, Vermont South (Lot 9 Lp 94895, Lot 7 & 8 Lp 138508)– Construction Of A Five Storey (Plus Basement) Building Comprising Dwellings And Associated Reduction Of Visitor Car Parking Requirements**

FILE NUMBER: WH/2015/1090  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and a total of 174 objections were received from 139 properties. The objections raised issues with amenity impacts, infrastructure, parking, traffic, neighbourhood character and landscaping. A Consultation Forum chaired by an independent facilitator was held on 24 May 2016, at which the issues were explored, however no resolution was reached between the parties. The permit applicant has lodged an Appeal at VCAT against Council's failure to determine within the statutory timeframe. As a result, this matter is brought before Council to form a position on the application. 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 including deletion of one fourth floor level apartment.*

#### **RECOMMENDATION**

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

- A. Being the Responsible Authority, having caused Application WH/2015/1090 for 464 Burwood Highway, VERMONT SOUTH & 1-3 Charlnet Drive, VERMONT SOUTH (LOT 9 LP 94895, LOT 7 & 8 LP 138508) to be advertised and having received and noted the objections is of the opinion that the proposed construction of a five storey (plus basement) building comprising dwellings and associated reduction of visitor car parking requirements is acceptable and should be supported.**
- B. Has formed a position to support the application in relation to the land described as 464 Burwood Highway, VERMONT SOUTH & 1-3 Charlnet Drive, VERMONT SOUTH (LOT 9 LP 94895, LOT 7 & 8 LP 138508) for the construction of a five storey (plus basement) building comprising dwellings and associated reduction of visitor car parking requirements, subject to the following conditions:**
  - 1. Before the development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application, but modified to show:**
    - a) Approval for Building over the Easement from Council's Asset Engineers. This must be submitted prior to the endorsement of any plans.**
    - b) No excavation or fill within the easement on the southern boundary.**
    - c) The locations of Tree Protection Zones described in condition 6, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 (arborist report) 6 and 7 to be annotated on the development and landscape plans.**
    - d) Apartment 4.03 (Level 4) to be deleted.**

**9.1.1**  
(cont)

- e) ***The car parking layout amended to include:***
  - i. ***The location of columns within the car park are to be designed in accordance with Clause 52.06-8 of the Whitehorse Planning Scheme.***
  - ii. ***Convex mirrors are to be installed internally within the parking area to improve the available sight distance.***
  - iii. ***The east-west parking aisle next to the main switch room in the upper basement level to be widened from 4 metres to 6.1 metres wide.***
  - iv. ***The available sight distance at access driveways is to be in accordance with Clause 52.06-8 of the Whitehorse Planning Scheme.***
- f) ***Detailed elevations for the substation in the north-east corner of the site. The finished materials should integrate with the apartment building.***
- g) ***The east facing bedroom windows of bedroom 2 to apartments A.L 1.09 and A.L 2.10 modified to highlight windows.***
- h) ***The east facing bedroom window of bedroom 1 to apartment A.L 1.09 and A.L 2.10 to include fixed screens to 1.7 metres above finished floor level.***
- i) ***The balcony widths to be increased to achieve compliance with Standard B28 for apartments 1.05, 1.06, 1.07, 2.05, 2.06 and 2.07. This shall be achieved without reducing setbacks to any boundary.***
- j) ***Cross-section diagrams demonstrating how screening is achieved of downwards views within 9 horizontal metres from 1st floor planters.***
- k) ***The provision of communal clotheslines in locations that are not visible from surrounding streets.***
- l) ***The habitable room windows of all dwellings to be double glazed or have similar acoustic protection qualities.***
- m) ***A detailed schedule and samples of all external materials, colours and finishes, including the use of light coloured roofing material.***
- n) ***All service piping (excluding downpipes), ducting and heating/cooling appliances above the ground floor storey of the townhouses and apartment buildings to be concealed from view where possible.***
- o) ***Development plans updated to include all of the relevant requirements of the Parking Management Plan required by Condition 14.***

**9.1.1**  
(cont)

- p) Development plans to reflect all sustainability features indicated in the Sustainability Management Plan required by Condition 11. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.). These features must include, unless otherwise agreed with the Responsible Authority:**
- i. All operable windows, doors & vents shown on elevations.**
  - ii. Provision of insect screens and security locks for all operable windows and balcony doors.**
  - iii. Fixed internal clothes drying racks.**
  - iv. Locations of solar hot water systems.**
  - v. Rainwater tank locations, capacity and end uses (connection to all toilets for flushing).**
  - vi. Area of roofs to be connected to rainwater tanks.**
  - vii. Indicative locations in each dwelling for 15L waste and 10L recycling bins for separating kitchen waste.**
  - viii. Annotation of the timber species intended for use as cladding, decking and other outdoor timber, noting that unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan and Teak) must not be used.**
- q) A landscape Plan in accordance with Condition 4 to show:**
- i. Relocate the trees and substituting the tree species selection if necessary in association with the increased basement areas required by Condition 1.e.iii.**
- r) The following reports to be amended or endorsed as required will form part of the endorsed documentation:**
- i. An arborist report in accordance with Condition 5.**
  - ii. Sustainability Management Plan in accordance with Condition 11.**
  - iii. Waste Management Plan.**
  - iv. Parking Management Plan in accordance with Condition 14.**
  - v. Construction Management Plan in accordance with Cond 15.**

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

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

**9.1.1**  
(cont)

**Landscaping and Tree Protection**

3. **No building or works shall 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.**

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

**Once approved these plans become the endorsed plans of this permit.**

4. **The garden areas and street plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.**
5. **No building or works shall be commenced (and no trees or vegetation shall be removed) until an arborist report, prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This report shall detail:**
- a) **Details of an air knife, or Ground Penetrating Radar (GPR), investigation to identify the size and number of roots in the location of, and to the depth of, the planned works where within the TPZ of Trees 2 and 20.**
  - b) **Advice and recommendations which demonstrate how the trees will remain viable if works were to go ahead, to the satisfaction of the Responsible Authority. This may require the relocation of the substation and/or provision of a Tree Management Plan.**
6. **Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land 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 – Prunus cerasifera – 3.1 metre radius from the centre of the tree base.**
    - ii. **Tree 2 – Photinia serratifolia – 4.8 metre radius from the centre of the tree base.**
    - iii. **Tree 3 – Lophostemon confertus – 2.4 metre radius from the centre of the tree base.**
    - iv. **Tree 8 – Pittosporum eugenioides.– 2.0 metre radius from the centre of the tree base.**
    - v. **Tree 10 – Syzygium floribundum – 6.4 metres radius from centre of the tree base.**
    - vi. **Tree 12 – Prunus sp. – 5.4 metres radius from centre of the tree base.**
    - vii. **Tree 19 – Syzygium floribundum – 4.3 metres radius from centre of the tree base.**

**9.1.1**  
(cont)

- viii. Tree 20 – Corymbia maculata – 7.9 metre radius from the centre of the tree base.*
  - ix. Tree 21 – Prunus sp. – 3.3 metres radius from centre of the tree base.*
  - x. Tree 22 – Eucalyptus sp. – 3.3 metres radius from centre of the tree base.*
  - xi. Tree 25 – Ulmus glabra – 6 metre radius from centre of the tree base.*
- b) Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:**
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
  - 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. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (eg: boring) and installed to a minimum depth of 0.6 metres below natural grade.*
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 7. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:**
- a) For Trees 3 and 8, no roots are to be cut or damaged during any part of the construction process.**
  - b) 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 0.8 metre of the east boundary fence where within the TPZ of Tree 3.**
  - c) The requirements or outcomes of Condition 4 to be undertaken.**



**9.1.1**  
(cont)

**Building Services**

8. ***The apartment buildings must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.***
9. ***All building plant and equipment on the roofs, balcony areas, common areas, or public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.***
10. ***All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.***

**Environmentally Sustainable Development**

11. ***Prior to the commencement of any buildings or works, an amended Sustainability Management Plan must be prepared to address the following:***
  - a) ***Commit to controlling all service & lift area lighting with daylight and motion sensors or timers.***
  - b) ***Commit to control service & lift area ventilation with timers and other sensors.***
  - c) ***Control car park ventilation with: timers and/or CO sensors.***
  - d) ***Control car park lighting (at least 75% of lighting fixtures) with motion sensors.***
  - e) ***At least 80% of all construction waste is to be diverted from landfill.***
  - f) ***In order to substantiate STEPS greenhouse score, provide a preliminary sample set of NatHERS as per Guide to NatHERS Sample Sizes - <http://bit.ly/NatHERS-sampleset>. As the sample provided are biased toward the north and west dwellings, also include results for units AG-08 and AL3-05.***
  - g) ***Include in STEPS Assessment the associated COP and EER values associated with the 4 star heating & cooling system performance commitments specified. These values must be consistent with AS/NZS 3823.2-2011.***

**9.1.1**  
(cont)

- h) STEPS: Improve potable water efficiency by adjusting the efficiency of water fixtures to be at minimum:**
  - i. Basin and kitchen taps to be 5 Star WELS.**
  - ii. Toilets to be 4 star WELS.**
  - iii. Shower heads to be min. 3 Star WELS.**
  - iv. 6.0-7.5 L/minute plus aeration device.**
- i) The treatment types identified in the STORM rating must be shown & noted in plans. It is strongly recommended that rain gardens are located on the lower elevations on the site.**
- j) STORM: Improve draw down by connecting the rainwater tanks to:**
  - i. Irrigation (STEPS).**
  - ii. Bin area wash down.**
- k) STORM: Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternately, increase the size of the rainwater tank to 42 kL, which would enable a longer period of water security.**
- l) Improve stormwater management and STORM rating. This can be achieved by Maximising roof area connected to rainwater tanks and plumbing all down pipes to the rainwater tanks and/or increasing rainwater tanks capacity.**

**The requirements of the above Sustainability Management Plan must be illustrated on the plans and elevations submitted for endorsement.**

**Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainability Management Plan will form part of the endorsed plans of this permit.**

- 12. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the written consent of the Responsible Authority.**

**Car Parking**

- 13. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.**
- 14. Prior to the occupation of the building, a Parking Management Plan, detailing how car and bicycle parking areas, and accessways will be allocated and managed, must be submitted to and approved by Council.**

**9.1.1**  
(cont)

15. ***This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:***
- a) ***Allocation of all parking spaces (except visitor spaces) to individual dwellings.***
  - b) ***Provision of a minimum of four car spaces dedicated to visitors.***
  - c) ***Signing of car and bicycle parking spaces.***
  - d) ***Location and face of bicycle parking signs in accordance with Clause 52.34-5***
  - e) ***Line marking of parking spaces.***
  - f) ***Details of how access to visitor car spaces in the basement will be achieved by visitors (i.e. an intercom) and how parking will be secured.***

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

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

**Construction Management Plan**

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

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

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

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

**Asset Engineering**

17. ***All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***
18. ***Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.***

**9.1.1**  
(cont)

19. ***Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***
20. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
21. ***The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.***
22. ***Report and Consent – Building over the Easement must be approved by the Relevant Authority.***
23. ***Whitehorse City Council will not be liable for compensation in respect of damage to the structure positioned over the easement resulting from malfunction or movement of existing or future Council assets within the easement or to injury, damage or loss resulting from overland stormwater flow.***
24. ***Maximum depth of fill permitted within the easement site is 300mm.***
25. ***Access to Council's stormwater pits must be facilitated at all times.***
26. ***The exact location of any existing drain within the easement to be confirmed on site by hand excavation methods. If on-site proving conflicts with the information provided by Council, Council is to be notified immediately so that the positioning of the proposed building or structure can be reassessed.***
27. ***Support footings associated with any structures are to be excavated to a depth that will ensure that the angle of repose is clear of the trench associated with any existing drainage pipes.***
28. ***Support footings associated with any structures are to be a minimum distance of 600 mm from existing drainage pipes.***
29. ***Where concrete paving is to be placed over the easement the maximum joint spacing is to be 600mm.***
30. ***The property owner will be liable for removal of the fill in the event of the easement being required for the placement of new drainage facility or maintenance of the existing drain.***

**9.1.1**  
(cont)

**Expiry**

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

- a) The development is not commenced within three (3) years from the date of issue of this permit;**
- b) The development is not completed within three (3) years from the commencement of the development.**

**The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with 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 our Property Team on 9262 6470.**

**Waste Collection**

- C. Waste collections for the development will be undertaken by private contractors.**
- D. Council issued waste bins will not be supplied for this development.**
- E. Any bin placements in Charlnet Drive during the proposed collection service are not to cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.**

**Asset Engineering**

- F. To obtain Building over the Easement from Council’s Asset Engineers, the permit holder must ascertain the ownership of the easements located on 1 and 3 Charlnet Drive. All supporting documentation must be submitted with the building over the easement application, including the existing and proposed design levels within the easement on the southern boundary.**
- G. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria “Environmental Guidelines for Major Construction Sites”. The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
- H. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**

**9.1.1**  
(cont)

- I. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
- J. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**
- K. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- L. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.**
- M. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.**
- N. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
- O. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.**
- P. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to endorsement of the plans**

**Car Parking**

- Q. Residents of this development and their visitors will not be eligible for Residential Parking Permits.**

**Environmentally Sustainable Development**

- R. Suggested additional ESD measures include:**
  - Rainwater from terraces, balconies, paving and other trafficable areas can be collected for garden irrigation in separate tanks from that used for toilet flushing.**
  - Consider small skylights on top floor common areas and dwellings for natural daylight.**
  - Further enhance ventilative cooling by incorporating ceiling fans as an add-on feature.**
  - Consider having a shut-down switch for each dwelling unit near each entry area.**
  - To aid passive ventilation and exhaust in car park, also consider a permeable garage door.**
- C. Has formed this position having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

**9.1.1**  
 (cont)

MELWAYS REFERENCE 62 G8

Applicant:	The Charlnet Pty Ltd	
Zoning:	Residential Growth Zone Schedule 1	
Overlays:	No Overlays	
Relevant Clauses:	Clause 11	Settlement
	Clause 15	Built Environment and Heritage
	Clause 18	Transport
	Clause 19	Infrastructure
	Clause 21.05	Environment
	Clause 21.06	Housing
	Clause 22.03	Residential Development
	Clause 22.04	Tree Conservation
	Clause 32.07	Residential Growth Zone Schedule 1
	Clause 52.06	Car Parking
	Clause 52.27	Land Adjacent To A Road Zone, Category 1
	Clause 52.34	Bicycle Facilities
	Clause 52.35	Urban Context Report and Design Response for Residential Development of Five or More Storeys
	Clause 55	Two or More Dwellings on a Lot or Residential Buildings
	Clause 65	Decision Guidelines
Ward:	Morack	



	Subject site		139 Objector Properties (47 outside of map)		↑ North
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### 9.1.1

(cont)

## BACKGROUND

### History

Planning Permit NUN/2214 was issued to No. 1 Charlnet Drive on 7 February, 1983, allowing the development of a display home and associated car parking. This permit is no longer in effect.

### The Site and Surrounds

The subject site comprises three allotments located on the south-east corner of the Burwood Highway service road and Charlnet Drive. The site is rectangular in shape with a frontage to the Burwood Highway service road of approximately 52 metres, a frontage to Charlnet Drive of approximately 34 metres and a total site area of 1960m<sup>2</sup>.

The site is occupied by three single storey dwellings (one dwelling per lot), set within established gardens.

The land has a fall from Burwood Highway to the south of approximately 4.1 metres across the site. There are easements on site, however Yarra Valley Water has confirmed that the easements within the site do not contain any assets and would consent to the removal of the easement. No Council assets are located within the north-south aligned easement.

The immediate context comprises:

South:

- Land on the southern side of Burwood Highway generally consists of single and double storey post-war dwellings. An Anglican Church is located 70 metres to the east accessed via the service road with two medical clinics near the entrance to the service road.
- Immediately to the south, land is contained within the Neighbourhood Residential Zone, Schedule 5.
- The site has an abuttal to four residential lots. The lot at 1 Citrus Street contains a single storey dwelling that provides frontages to both Charlnet Drive and Citrus Street and is setback approximately 3.5 metres (to carport) from the common boundary with the site.
- The lot at 3 Citrus Street contains a single storey dwelling setback approximately 5.5 metres from the common boundary with the area of secluded private open space orientated towards the boundary.
- The lot at 5 Citrus Street contains a double storey brick dwelling sited at an angle to the common boundary. The minimum setback is approximately 6 metres with the area of secluded private open space orientated towards the boundary.
- To the south-east, at 7 Citrus Street, is a single storey brick dwelling setback approximately 4.5 metres from the corner of the subject site.

West:

- Across Charlnet Drive to the west are a number of single and double storey dwellings with moderate street setbacks and a low level of vegetation cover.
- Landscaping within private properties is characterised by established front gardens with canopy tree planting. While fence lines vary in heights and appearance fronting Burwood Highway, there is a consistent sense of 'openness' within the local residential area where front and side gardens are readily visible and accessible from the public realm.



### 9.1.1

(cont)

East:

- To the east, at 466 Burwood Highway, is a single storey dwelling setback approximately 13 metres from its frontage and approximately 1.5 metres from the common boundary. Further east is a series of single storey dwellings located within the Residential Growth Zone.

North:

- Land on the northern side of Burwood Highway comprises a mix of commercial developments, including the Vermont South Neighbourhood Activity Centre. The Centre contains a number of single storey commercial buildings. Further north is the four-storey Livingstone Gardens Retirement Village and the Vermont South Library and Child Care Centre.
- Deakin University (Burwood Campus) is located approximately 5.5km to the west on the north side of Burwood Highway.

Burwood Highway is a primary arterial road and within the Road Zone Category 1. In the vicinity of the site, Burwood Highway provides three traffic lanes in each direction, separated by a wide central median that caters for tramlines that connect to the CBD. A tram/bus interchange is located along this portion of Burwood Highway. The Burwood Highway service road is restricted to one-way operation (east to west). It is approximately 6.2 metres wide and provides kerbside parking on the southern side.

### Planning Controls

The site is within the Residential Growth Zone Schedule 1 (RGZ1). The purpose of Clause 32.07 (Residential Growth Zone) includes:

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*

Pursuant to the RGZ1, planning approval is required for the proposed buildings and works for more than one dwelling. A preferred maximum building height of 14.5 metres applies to dwellings and residential buildings.

Particular Provisions:

- Clause 52.06 Car Parking deals with a new use on site and deals with car parking provision and design. Under Clause 52.06-2, a planning permit is required for a reduction in car parking. The proposal requires a reduction in 7 visitor spaces.
- Clause 52.29 Land adjacent to a Road Zone, Category 1 applies to land abutting a Road Zone Category 1. A permit is required to alter (remove) the existing access arrangement to the Burwood Highway service road.
- Clause 52.34 Bicycle Facilities applies to residential developments of four or more storeys and encourages cycling as a mode of transport through requiring the provision of suitable bicycle facilities. The proposal provides sufficient on site bicycle spaces.
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys deals with building design and amenity considerations.

### **9.1.1** (cont)

#### **PROPOSAL**

The application seeks approval for the development of the land for a five storey apartment building, plus two basement car parking levels. The main pedestrian entrance is located at the Burwood Highway frontage with vehicle access into the basement levels provided via Charlnet Drive. The key features of the proposal are detailed as follows.

##### *Building form*

- The apartment building comprises 1 one-bedroom apartment, 50 two-bedroom apartments and 1 three-bedroom apartment (a total of 52 apartments).
- The ground level comprises 13, two bedroom apartments (including one over two levels) with access to outdoor areas of secluded private open space to each apartment varying between 17 and 143 square metres in size.
- Levels 1, 2 and 3 comprise a total of 32, two bedroom dwellings, plus 1 three bedroom dwelling and 1, one bedroom dwelling. Each dwelling has the benefit of a balcony varying in size between 8 and 15m<sup>2</sup>.
- Level 4 has a significantly reduced footprint and comprises 5, two bedroom dwellings. Each dwelling has a balcony between 8 and 18m<sup>2</sup> in area. This level also includes a common roof top garden with an area of 44m<sup>2</sup>.

##### *Vehicle access and basement levels*

- The existing vehicle crossovers will be removed with a new vehicle access proposed via a 6.3 metre wide crossover to Charlnet Drive located towards the south boundary.
- 32 resident car parking spaces are provided within the lower basement level.
- 21 resident car parking spaces, 3 visitor car spaces, 13 bicycle parking racks are provided within the upper basement level. This level also comprises the bin storage room. This equates to a total of 53 resident and 3 visitor parking spaces provided across both levels.
- Both levels comprise storage areas for residents and a lift to the upper levels.

##### *Landscaping*

- The proposal allows for substantial landscaping around the perimeter of the site, given the benefit of the basement level setback from all site boundaries. The prominent tree (Tree 10) on the corner of Burwood Highway and Charlnet Drive will be retained as part of the proposal. A concept landscaping plan has been submitted with the application.

##### *General*

- The materials include various types of metal cladding, glass louvered windows and render finish.
- Given the slope of the land, the apartment building height varies between approximately 13.4 metres (at the east elevation) and 16.3 metres (at the west elevation- Charlnet Street).
- The site coverage is 53 per cent with a permeability of 27 per cent.

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting four notices to the street frontages. Following the advertising period 174 objections were received (including 114 pro-formas).

### 9.1.1 (cont)

The issues raised are summarised as follows:

- Amenity impacts:
  - Overlooking
  - Overshadowing, including winter shadows
  - Loss of views
  - Increased noise
  - Increased car headlights at night
  - More strangers in the street and associated increased crime
- Neighbourhood character:
  - Excessive building bulk
  - Visual dominance as located on a high point along Burwood Highway
  - Out of keeping with the streetscape - building form does not transition well to its surrounds.
  - Exceeds the RGZ1 preferred maximum height.
  - Council has not prepared a Development Plan or Traffic Management Plan for this RGZ precinct, and as such will make ad hoc planning decisions
- Car parking and traffic:
  - Increased on-street parking in the area- will exacerbate an existing problem.
  - Traffic safety impacts on the surrounding streets, in particular due to cars parking on-street and impacts to pedestrian traffic associated with nearby kindergarten and schools.
  - Insufficient on-site resident and visitor parking - there is no allowance for families that own more than one car, and minimal visitor parking.
  - The basement car park access should be on Burwood Highway, not Charlnet Drive.
  - Increased traffic movements through local streets.
  - Increased queuing times at intersections
  - Submitted Traffic Report does not comply with Clause 52.06-6 as follows:
    - Insufficient supporting information/background data provided to justify assumptions
    - No estimate of car ownership included
    - Resident and visitor car parking rates for middle ring suburbs will be different to the inner city examples relied on.
    - The car parking survey did not collect sufficient data over different days and times to provide an accurate representation of existing conditions- peak hours and school drop-off/pick-up times not surveyed
- Landscaping:
  - Tree removal and impacts
- Non-planning matters:
  - Will set a built form precedent for this RGZ1 precinct
  - Negative impact on property values
  - Construction impacts including excavation, safety, noise and dust

### Consultation Forum

A Consultation Forum chaired by an independent facilitator was held on 24 May 2016. A total of 55 registered objectors, the applicant, and Councillors Carr, Munroe and Stennett attended this Forum.

The Chair facilitated discussions around the themes raised in objections. The applicant provided a brief overview of some of the key features of the application to participants towards the end of the forum. No consensus was reached.

### 9.1.1

(cont)

#### Referrals

##### External

The application did not require any external referrals under Section 55 of the Planning and Environment Act, 1987.

##### Internal

###### Engineering and Environmental Services Department

- Transport Engineer

###### *Statutory Assessment*

Usage	Number/Area	Rate	Required Spaces
Dwellings:			
• 1 & 2 bedroom	51	1 space per dwelling	51
• 3 bedroom	1	2 spaces per dwelling	2
• Visitor parking	52	1 space per 5 dwellings	10
<b>Total spaces required:</b>			63

###### *Empirical Assessment*

There is no objection to the proposed empirical parking generation rate of 0.12 visitor parking spaces per dwelling. This equates to 6 visitor parking spaces.

###### *Adequacy of Parking Provision*

The traffic impact reports parking surveys indicates that there is sufficient on-street parking in the area to sustain any overflow of visitor parking demand. Therefore, the provision of parking provision is considered satisfactory.

###### *Traffic Generation*

As detailed in the traffic impact assessment report submitted by the applicant, it is unlikely that there will be a significant impact upon the local road network or nearby intersections, therefore there is no objection to the proposal based on traffic impact.

###### *Bicycle Facilities*

The number of bicycle parking spaces are required as per Clause 52.34 of the planning scheme. The proposal provides 16 bicycle parking spaces which is considered satisfactory.

- Waste Engineer

The submitted Waste Management Plan is approved. It is noted that waste collections for the development will be undertaken by private contractors. Waste will be collected externally from the development in Charlnet Drive. A condition of the permit will deal with any bin placements that may occur in Charlnet Drive.

**9.1.1**  
(cont)

- Assets Engineer

Consent subject to standard conditions.

Planning Arborist

An air knife, or Ground Penetrating Radar (GPR), investigation must be undertaken prior to the commencement of construction works, to identify the size and number of roots in the location and to the depth of, the planned works where within the TPZ of Trees 2 and 20. Once works are completed, an arborist report will need to be submitted providing the results with advice and recommendations.

Otherwise there will be no unreasonable impacts to retained trees on the subject site and surrounding lots, subject to tree protection conditions.

ESD Advisor

The proposal incorporates a number of Environmentally Sustainable Development (ESD) initiatives including the provision of some daylight to corridors, timer or motion sensor controls for lighting of common areas, and 25 kL rainwater collection for toilet flushing. However, this application does not fully meet Council's Environmentally Sustainable Development Policy for a development of this size. Further details and ESD commitments are required before the Sustainability Management Plan can be endorsed, and these will be included as conditions.

Landscape Advisor

This is very well considered and resolved design overall and specifically from a landscape perspective. The plant selection is well considered and consists of a diverse range of robust trees and plants.

It will be important to ensure the services are well integrated into the architecture on the Burwood Hwy frontage. Whilst there is no objection to the amended basement setback required by the (Transport Engineer), the plan should be amended to relocate the trees and substituting the tree species selection if necessary.

**DISCUSSION**

**Consistency with State and Local Planning Policies**

The State Planning Policy Framework aims to increase the supply of housing in existing urban areas, and to encourage well-designed infill housing which respects the identified existing and preferred neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

In accordance with Plan Melbourne: Metropolitan Planning Strategy, Clause 11.04-2, Housing Choice and Affordability, includes the objective to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services. Increasing housing supply near services and public transport is encouraged to reduce the cost of living and facilitate the supply of affordable housing.

Clause 15 Built Environment and Heritage, identifies that planning should ensure all new land use and development appropriately responds to valued built form and cultural context.

**9.1.1**  
(cont)

Clause 16.01-2 Location of Residential Development, encourages new housing to be located in or close to activity centres, employment corridors, services and transport. This is to be achieved by increasing the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, to reduce the pressure for fringe development. In addition, Clause 16.01-4, Housing Diversity, recommends the provision of a range of housing types to meet increasingly diverse needs by widening housing choice, particularly in the middle and outer suburbs.

Clause 18 has objectives to encourage higher land use densities and mixed use developments near the Principal Public Transport Network. Pursuant to the State Transport Policy, Clause 18.02-1 also promotes the use of sustainable personal transport, including walking and cycling.

Clause 19.01 promotes renewable energy use in development and Clause 19-03-05 seeks to minimise waste and encourage recycling within new development.

Clause 22.03, Residential Development, identifies the site as being within a Substantial Change area. This policy recommends that development is facilitated within Substantial Change Areas as these have been identified as being able to sustain higher density development based on environmental and infrastructure considerations, and will make a significant contribution to increases in housing stock. Apartment style building forms are encouraged within Substantial Change Areas, however it is noted that buildings interfacing sensitive areas should have a scale and massing appropriate to the character and scale of their context, and higher density building forms should be located away from sensitive interfaces.

The site is included within the Garden Suburban Precinct 7. Substantial Change Areas within this precinct, including the subject site, are expected to accommodate more dwellings with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens. It is considered that the site can accommodate a more robust built form than is typically encouraged within the Substantial Change Areas of Garden Suburban Precinct 7 due to the subject land's main road frontages, consolidation of three lots and the context of the immediately surrounding built form. The generous site allows for the perimeter landscaping to be provided, and the building form is graduated in height so that the upper levels can achieve significant setbacks and recession of building forms. The substantial setback proposed along the south boundary with the graduation in height provides for a transition of built form to existing abutting residential interfaces.

Clause 22.04, Tree Conservation, seeks to encourage the retention and regeneration of significant vegetation. The development proposes the retention of Trees 12 (High value) and 25 (Medium value) with substantial in-ground landscaping areas made available along the rear and east boundaries to enhance the tree coverage and landscape character.

The strategic planning directions in both State and Local Planning Policy Frameworks identify the subject site as suitable for high density housing, which will widen housing choice and make better use of existing infrastructure. The proposed development achieves this overarching strategic objective to provide a greater range and intensification of residential development. The site is within walking distance of public transport (trams and buses) and parks, provides direct access to the Vermont South Neighbourhood Activity Centre and is within 1km of the Tally Ho Major Activity Centre.

### 9.1.1 (cont)

The proposal is consistent with the purpose of the Residential Growth Zone which seeks to provide housing at increased densities, to encourage a diversity of housing types in locations offering good access to services and transport, and to a transition of building scales between areas of more intensive development and areas of restricted housing growth. It is noted that the purpose also references building forms up to four storeys, however there is no height limit specified in Schedule 1 of the Residential Growth Zone and the preferred building height in the zone provision is discretionary, allowing Council to take into account site circumstances when deciding on appropriate building height.

#### **Urban Design Principles**

Clause 15.01-2 of the Whitehorse Planning Scheme and the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) require design principles to be referred to when assessing development proposals for residential development of five or more storeys, including:

##### The public realm

The proposed development provides a well-resolved design outcome that satisfactorily addresses both the Charlnet Drive and Burwood Highway service road streetscapes.

To the service road frontage, the building is setback between 4.4 and 6.01 metres for the ground, first and second floors. The third floor increases the setbacks between 6.9 and 9 metres, with some balconies protruding into these setbacks. The fourth floor provides small sections of cantilevered forms over the third floor, with setbacks between 6.3 and 7.3 metres.

To the Charlnet Drive frontage, the building is setback between 4.1 and 4.8 metres for the ground, first and second floors, with balconies protruding into these setbacks. The third floor increases the building wall setbacks to between 6.2 and 6.4 metres with the fourth floor providing a small cantilevered form over the third floor and setback between 5.7 and 5.8 metres.

The interface between the site and adjoining residential area to the south is enhanced by generous boundary setbacks that allow for canopy tree planting to assist with softening, integrating and transitioning the apartment building into the adjacent low-scale, garden suburban area. The ground, first and second floors are setback between 8 and 9 metres from the south boundary, with balconies set back no less than 8 metres. At the third floor, south boundary setbacks between 10.9 and 11 metres are provided to walls, and balconies are setback 9.1 metres. The walls and roof garden at the fourth level provides a minimum setback of 15.3 metres to the west boundary.

To the east, the ground, first and second floors are setback between 3.3 and 4.5 metres from the boundary, which steps back to a minimum 5.9 metres at the third level, with a 1.5 metre deep balcony extending into this space. The fourth floor cantilevers over part of the floor below, with a setback between 4.8 and 5 metres.

Articulation to the public realm is achieved through the architectural treatment of the built form. The building is designed with two distinct elements, which includes a 3 storey podium, which wraps around the site with a staggered 2 storey 'top' in a contrasting black aluminium material which gives a sense of depth to the building and accentuates the recession of the upper levels. The base is framed with a series of protruding bays framing balconies which serve to provide further visual interest and articulation of forms.

### 9.1.1 (cont)

The address to the streetscape is resolved with well-proportioned balconies and large habitable room windows providing for a strong sense of engagement and activation. At the corner of Burwood Highway and Charlnet Drive, the corner detailing is resolved with a recessed built form, no balconies and ground to ceiling glazed windows for the first and second levels providing further articulation at this interface.

Ground level dwellings are provided with open spaces fronting the streetscape which are framed by metal blade fencing which offers a sense of visual connection into these areas. Given the slope of the site along the Charlnet Drive frontage, this results in a level of retaining walls adjacent to the footpath areas. The retaining walls are recessed 970mm from the boundary to allow for a landscaping buffer at this interface. The retaining walls are also framed around the areas of secluded private open space which assists in breaking up the visual mass. Stairs into apartments A.G 02-04 from the street also assist in breaking the mass of the retaining walls and provide for a relationship from the street to these apartments.

Pedestrian access is otherwise achieved via the northern elevation through a well-articulated entrance located towards the Charlnet Drive and the service road intersection.

The ground level substation, located at the north-east corner of the site will require elevation details. The condition will also ensure it is treated with appropriate materials to ensure it can successfully integrate into the streetscape. The siting and design detailing of the apartment building otherwise represents a contemporary design utilising modulated forms and recessed upper levels with a variety in finished materials, providing an appropriate response to the public realm.

#### Landmarks, views and vistas

Given the location of the subject site and the scale of the development, the proposed building will be visually prominent, which is an appropriate response at this main road location, as part of an approved residential growth corridor and opposite the Vermont South Shopping Centre. The proposal will not block any identified significant views or vistas.

#### Pedestrian spaces

The proposal concentrates a single vehicle access point at the Charlnet Street frontage with the pedestrian entrance at the Burwood Highway service road frontage. A single vehicle access arrangement leaves the majority of the street frontages with uninterrupted pedestrian movement.

Front fences comprise 1 metre high metal blade fences, which surmount masonry retaining walls along the Charlnet Drive frontage towards the south-west corner of the lot. These fences will be visually permeable to further reinforce the sense of openness created by the generous setbacks to street frontages.

#### Light and shade

The majority of the overshadowing impacts fall within the subject site for the 9am and 12 noon period at the Equinox. The 3pm shadow affects the adjoining property to the east however demonstrates compliance with Standard B21 of Clause 55.04-5. The proposed building shadows do not extend beyond the existing south boundary fence shadow at the Equinox. It is noted that the potential for increased overshadowing in the winter months was a concern raised by some objectors, however the Equinox is utilised as the overshadowing standard.



**9.1.1**  
(cont)

The proposed development provides for good solar and daylight access to habitable rooms.

Energy and resource efficiency

The orientation of the building on the lot has maximised available solar access. The use of shared roofs, floors and walls also promotes energy and resource efficiency.

A Sustainability Management Plan was submitted with the application, and Council's ESD Officer has advised that the development can achieve an acceptable level of energy efficiency, subject to some amendment of the submitted Sustainability Management Plan.

It is noted that there are a number of single aspect south facing dwellings. Whilst this is not ideal, it is an acceptable outcome for the apartment building typology, and it is noted that a large common open space area is provided at the top level which will provide for additional solar access and outdoor living space for residents.

Architectural quality

The proposed development achieves an appropriate architectural and urban design response, subject to some minor alterations to the building interfaces with the south-east including the removal of an upper level apartment, which will be discussed below. Rooftop plant equipment is located centrally to the building footprint, and will have limited visibility from surrounding areas.

Landscape architecture

Clause 22.04 (Tree Conservation) acknowledged the importance of trees in enhancing the character of the municipality and seeks to minimise the loss of vegetation as a result of development. Clause 22.03-5 (Residential Development – Garden Suburban Precinct 7) seeks to ensure that new development fronting Burwood Highway provides area for large trees and gardens.

The proposal retains the high retention tree and two of the medium value trees. In addition, the site layout provides generous setbacks and perimeter landscaping to all sides, including minimum 8 metre setbacks to the sensitive residential interface to the south.

Along the south boundary, the basement car parking area achieves a boundary setback of between 2.4 and 5.5 metres and to the east, the basement is setback 11.5 metres from the boundary. The landscaping plan provides for five new Spotted Gum trees, complemented by Lightwood and Weeping Lilly Pilly trees and a variety of complementary shrubs along the south boundary. Along the east interface, a number of Native Frangipani, Ornamental Pears and Weeping Lilly Pilly trees are proposed. The extent of landscaping proposed will assist in softening views towards the new apartment building.

Council's Landscape Advisor has indicated that the reduced in-ground planting area along the south boundary (required by the Transport Engineer's condition to increase the basement car park aisle) will still provide sufficient soil volumes to support tall tree planting at the southern interface.

### 9.1.1 (cont)

#### **Guidelines for Higher Density Development**

The Guidelines for Higher Density Development require applications to be assessed against six key urban design principles as detailed below:

##### Element 1 Urban Context

The Urban Context Report submitted with the application detailed opportunities and constraints of the site, identified the policy direction and planning scheme objectives for the site, including the expected impact of future development. Given the location of the site within a Substantial Change Area, higher density development is encouraged.

##### Element 2 Height and Massing

The site is located amongst a range of built form heights and scales. Vermont South Shopping Centre consists of large 1-2 storey commercial forms with future redevelopment within the centre anticipated to be in the order of six storeys (Whitehorse Neighbourhood Activity Centre Urban Design Guidelines, April 2014). A 4-6 storey aged care building is located further north. The area contained within the Neighbourhood Residential Zone to the south of the subject site includes single and double storey dwellings.

Whilst there are presently limited examples of higher density developments within the immediate area, Clause 22.03 clearly stipulates the scale and form anticipated within Substantial Changes Areas especially within proximity to a Neighbourhood Activity Centre and abutting Burwood Highway. The existing single storey residential fabric along Burwood Highway will be replaced with townhouses or apartment buildings over time, given its inclusion within a Substantial Change Area. As re-development opportunities to the south are limited, the new development is expected to temper its scale and massing at the southern interface.

It is noted that the Residential Growth Zone Schedule 1 recommends a preferred maximum building height of 14.5 metres, which the proposed apartment building exceeds, having heights between approximately 13.5 and 16.3 metres. The preferred building heights are not absolute restrictions, as the Planning Scheme allows for consideration of the site circumstances within the exercise of Council's discretion. In this instance, the subject site is a large consolidated site, at 1960m<sup>2</sup>, is bounded on two sides by roads, and is located opposite the Vermont South Shopping Centre. The proposed building height is therefore appropriate to the site context.

The overall design concentrates the five storey apartment building form at the less sensitive interfaces, and provides a substantial built form recession towards the Neighbourhood Residential Zone to the south. This transition is achieved through a minimum setback of 9 metres to the south boundary at ground level, which increases to between 15.3 and 19.4 metres at the top level. Plans TP0.13 and TP0.14 (elevations) demonstrate how the five storey built form is fully appreciated from Burwood Highway and the Burwood Highway and Charlnet Drive north-west intersection, with a clear transition down to an overall scale of three storeys (11.3 metres in height) along the Charlnet Drive elevation. The substantial setback of the upper level is somewhat concealed when viewed from the south, further reducing perceptions of visual bulk.

Whilst the notion of cantilevered sections of the upper level is supported as a means of architectural expression and articulation, it is considered that the section of cantilevered built form at the south-east interface (fourth floor, apartment 4.03) represents an element of unwarranted visual bulk. The cantilevered forms presenting to the streetscapes offer visual interest and support the architectural typology and is acceptable given the lack of sensitive interfaces to the north and west.

### 9.1.1 (cont)

However Apartment 4.03 encroaches into an area that is readily viewed from adjoining dwellings and produces an overly bulky building presentation at the eastern interface of the upper level. In this regard, it is recommended that Apartment 4.03 be deleted to allow greater recession and articulation to the building at the eastern interface.

The consolidation of the three lots has enabled the notion of preserving equitable development rights to be readily achieved through the ability to achieve appropriate setbacks. This concept is an important issue in such development scenarios particularly within Substantial Change Areas where there is a reasonable expectation that the adjoining lot to the east will be redeveloped.

The ground level is setback between 3.8 and 4.1 metres from the east boundary and the first and second floors are setback between 3.3 and 4.5 metres from the east boundary. Along the east elevation, the living areas to apartments at these levels are orientated towards the north and south with a number of bedrooms facing east. By way of conditions to the permit, those east-facing windows to the first and second floors within 4.5 metres from the boundary will need to be re-orientated, changed to highlight windows or screened to ensure the development doesn't compromise amenity outcomes for any adjacent development. The ground level windows are successfully screened by the existing boundary fence, and the third and fourth floors have habitable windows setback greater than 4.5 metres.

#### Element 3 Street Pattern and Street-Edge Quality

This element seeks to encourage increased pedestrian use through appropriate building layout. A building's frontage to Burwood Highway creates a transition between public and private space. The careful design of this street edge zone will contribute to the liveliness, interest, comfort and safety of the street for those who use it.

The development is well designed to achieve the objectives of this element. The primary pedestrian entry is located along the site's frontage to Burwood Highway which is clearly defined. Although the entrance is located below street level, it remains clearly visible and is adjacent to a dedicated bicycle parking area and a separate entrance ramp. These features clearly delineate the primary entrance to the building.

As discussed above, the apartments at ground level are orientated towards Charlnet Drive and provide for direct pedestrian access, which maintains a physical connection to the street. This arrangement assists in providing a 'fine grain' pattern to the façade and increased activity and security to the streetscape. The arrangement of the apartments provides for living areas and bedrooms orientated towards the streetscapes at all levels. This design feature is directly encouraged by the Guidelines as it provides surveillance, connectivity and activation.

A clearly separated basement car park via Charlnet Drive, at the southern end of the development, also reduces conflict with pedestrian movements across the site's frontages.

Whilst a number of the apartments provide for private open space within the front setback, these areas are not compromised through the incorporation of high front fencing. Along the street edges, open and transparent metal blade fencing is proposed at a height of 1 metre to provide an element of security to the apartments. The fencing is architecturally consistent with the overall design of the building and enhances the setting to the streetscapes.

**9.1.1**  
(cont)

Element 4 Circulation and Services

The basement car park entrance is located via Charlnet Drive with basement parking provided over two levels. Within the car park, entry points to the building (stairs and lift) are clearly visible and centrally located. The visitor spaces are located near the entrance and directly adjacent to the lift. Council's Transport Engineers are satisfied that the basement provides for appropriate circulation, subject to minor alterations.

The entrance lobby and passageway has generous widths (between 1.6 and 2.25 metres) and proportions enabling equitable access for residents and visitors.

Mechanical plant and other related mechanical service units are generally located within the basement, or on the roof in a central location.

Element 5 Building Layout and Design

The proposed dwellings are predominantly two bedroom, and all habitable rooms have direct access to daylight and ventilation. It is noted that the shape of the site has resulted in a proportion of the proposed apartments being oriented southwards, where solar access will be limited but access to daylight is sufficient. It has been identified that some balcony widths could be increased to provide for better amenity outcomes for future residents. This will be addressed for apartments 1.05, 1.06, 1.07, 2.05, 2.06 and 2.07 through conditions of the permit.

A condition of the permit will require cross-section diagrams demonstrating how screening is achieved of downwards views within 9 horizontal metres from first floor planters as this is currently not satisfactory.

As the subject site is located beside Burwood Highway, the proposed dwellings may be impacted by traffic noise, and so acoustic protection measures will be required for all habitable room windows.

Element 6 Open Space and Landscape Design

Common areas are easily identifiable, including car parking, vehicular and pedestrian access. All apartments are provided with generous proportions of open space at ground level or balconies over the required 8m<sup>2</sup> in area for the upper levels.

The proposed landscaping will provide for engaging and functional spaces for residents and will contribute to the Garden Suburban neighbourhood character.

**Vehicle Access Arrangements and Car Park Layout**

A number of the objections raised concern with the lack of appropriate on-site car parking for the development. As set out above, the statutory car parking requirement is 63 spaces (53 resident spaces and 10 visitor spaces). The basement car parking supports the required 53 resident spaces with 3 visitor spaces allocated. The removal of one apartment required above will provide for one additional visitor car space (total of four) hence this represents a shortfall of six visitor spaces. Under Clause 52.06-3, a permit is required for a reduction in the number of spaces subject to consideration of a range of assessment criteria.

### 9.1.1 (cont)

#### Car parking demand assessment

The traffic report submitted by the applicant, prepared by O'Brien Traffic, provides a car parking demand assessment which identifies that a reduction of 7 visitor spaces is appropriate given:

- The site has very good access to public transport.
- Well maintained footpaths and roads facilitate pedestrian / cyclist access to the site.
- Bicycle parking is provided at ground level near the entrance and within the upper basement level car park.
- Visitor parking demands of smaller one and two-bedroom dwellings tend to have lower visitor parking demands. This is partly because the living and dining areas provided within the apartments are smaller and less suited for entertaining. Other traffic engineering consultants have completed surveys of visitor parking demands that reveal a peak evening rate of up to 0.12 spaces per dwelling. It is noted that VCAT has accepted this lower visitor parking rate for residential developments.
- This would generate a demand for 6 spaces at peak time. With the proposed provision of three visitor car spaces, this has a potential overflow of three spaces that will need to utilise on-street parking.
- The results of parking surveys indicated that there is ample availability of on-street parking along the subject site's two street frontages. As the development consolidated three existing crossovers into one, this creates additional on-street parking.

In response to the concerns raised by objectors and discussions at the Forum, the applicant submitted further advice prepared by O'Brien Traffic, which included the results of a car parking survey from 8am to 6pm on a weekday, and observations of queuing conditions at nearby intersections during the morning and evening peak periods.

O'Brien Traffic identified that parking daytime parking demand for 80 car spaces in the vicinity of the subject site peaked at 21 cars occupying the 80 surveyed spaces, and the lowest parking demand was 14 occupied spaces. Vehicle queuing at nearby intersections was found to be acceptable, and the demand generated from the proposed development would have little impact on traffic delays.

Objections also raised concerns with the impact to traffic flow within the local street network. According to the traffic report, dwellings of the size proposed in suburbs like Vermont South typically generate an average of six vehicle trips per dwelling per day. Adopting this rate equates to a total of 312 daily vehicle trips. Typically 10% of the daily volume would occur in each of the AM and PM peak hours which equates to 31 peak hour vehicle trips. This relatively low amount of traffic would have no significant adverse impact on the safety and operation of Charlnet Drive and the surrounding local street network.

The six space visitor parking shortfall can be absorbed into the available on-street parking. In particular, the site's service road frontage to Burwood Highway can accommodate six on-street car spaces.

Council's Transport Engineers support the above assessment.

### **9.1.1** (cont)

#### *Bicycle facilities*

Bicycle parking requirements applicable to the proposed development are specified in Clause 52.34. The proposed development generates a requirement for 10 resident spaces and 5 visitor spaces. Within the ground level car park is a bicycle compound containing 13 racks. A further three bike racks (catering to six spaces) are located at ground level adjacent to the lobby entrance. The provision of 19 bike spaces exceeds the statutory requirement.

The proposed provision of bicycle parking meets the Planning Scheme Requirements.

#### *Public Transport Access*

The site is well-serviced and within convenient walking distance from the tram terminus (route 75) and associated bus interchange. Whilst pedestrian crossing across Burwood Highway is generally limited, the site is located within close proximity to a signalised pedestrian crossing (approximately 175m) and the associated public transport infrastructure.

Burwood Highway itself has substantial access to a number of main north-south metropolitan roads including; Springvale Road, Blackburn Road and Eastlink.

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

- More strangers in the street and associated increased crime

This is not a matter that can be considered as part of a planning application, however the proposed development will greatly enhance streetscape activity and surveillance.

- Increased noise

The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, can be pursued as a civil matter.

- Negative impact on property values

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides an assessment of the amenity impact of this proposal.

- Construction impacts including excavation, safety, noise and dust

A Construction Management Plan will address these matters.

#### **CONCLUSION**

The proposed construction of a five storey apartment building is considered to be generally consistent with the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone Schedule 1, Clause 52.06 Car Parking, and the Guidelines for Higher Density Residential Development.

A total of 174 objections from 139 properties were received as a result of public notice and all of the issues raised have been discussed in this report.

It is recommended that the proposal be supported.

## **Strategic Planning**

### **9.1.2 Whitehorse Municipal Wide Tree Study – Consideration Of Final Options Report**

FILE NUMBER: 16/68496  
ATTACHMENT

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#### **SUMMARY**

*Council engaged planning consultants to undertake the Municipal Wide Tree Study, which aimed to review and analyse existing tree protection policy and controls in Whitehorse and identify tools and mechanisms to protect and enhance canopy trees into the future. The consultants have identified several planning controls and non-statutory mechanisms available to Council to protect and enhance trees.*

*This report discusses the findings of the Study and recommends that Council adopt the Final Options Report and seek authorisation to undertake an amendment to the Whitehorse Planning Scheme to extend the Significant Landscape Overlay.*

#### **RECOMMENDATION**

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

- 1. *Adopt the Whitehorse Tree Study Final Options and Recommendations Report (Attachment 2a);***
  - 2. *Acknowledge the Whitehorse Tree Study Discussion Paper (Attachment 2b);***
  - 3. *Acknowledge the Whitehorse Tree Study Engagement Summary Report (Attachment 2c);***
  - 4. *Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement Scenario B – Extend the Significant Landscape Overlay to all residential zoned land in the municipality;***
  - 5. *Advocate to the State Government for an increase in the fines for illegal tree removal and for stronger legislation to prevent moonscaping of sites prior to development approval;***
  - 6. *Advocate to the State Government for a building and works trigger in the VPO;***
  - 7. *Undertake an education and awareness program that includes:***
    - a) *Promotion of the importance of trees in the urban environment;***
    - b) *Incentives such as discounted tree vouchers;***
    - c) *Welcome packs to recognise the cultural and linguistically diverse (CALD) community of Whitehorse; and***
    - d) *A review of the landscape plan review process.***
  - 8. *Refer the education and awareness program, additional resources and monitoring and enforcement (including up to 6 new staff plus capital costs) to the 2017/18 budget process.***
-

## 9.1.2

(cont)

### BACKGROUND

Council has passed a number of resolutions about tree preservation and retention within the municipality. The most recent resolution was made at the Council meeting on 8 December 2014 where Council resolved to note the report and:

*In accordance with its resolution of 20 October 2014, refer the options for further protection of canopy trees in the municipality as outlined in this report to the 2015/2016 budget process, noting that a blanket planning scheme overlay is the preferred control. [emphasis added]*

Council allocated \$150,000 in the 2015/16 Council budget towards a study into municipal wide tree protection. In December 2015, Council engaged planning consultants *Planisphere* to undertake the Whitehorse Municipal Wide Tree Study (the Study). The project brief noted that the aim of the project was to strengthen the effectiveness of the City of Whitehorse in protecting and enhancing canopy tree cover on private property.

### DISCUSSION

#### Discussion Paper

The consultants undertook background analysis which they have presented in a Discussion Paper (refer Attachment 2). The Paper includes commentary on the benefits of tree cover, the existing policy context, the current controls in the Whitehorse Planning Scheme (Planning Scheme), the existing tree coverage in Whitehorse and the decisions at the Victorian Civil and Administrative Tribunal (VCAT) regarding applications in areas with tree controls.

#### Draft Options Report

The Draft Options Report (refer Attachment 1) outlines the tools available to Council to protect tree canopy and the advantages and disadvantages of the tools, including the local planning policy framework (LPPF), Vegetation Protection Overlay (VPO), Significant Landscape Overlay (SLO), residential zone variations, a local law, native vegetation provisions, Section 173 agreements and education programs.

The Report also identifies gaps and opportunities in the Planning Scheme relating to tree protection, including the identification of tree protection zones, determining the definition for a canopy tree, monitoring of newly planted trees, the review process for landscape plans and requirements for replacement trees. The consultants identified seven options available to enhance tree protection on private land across the municipality. The Report discusses various scenarios incorporating different mixtures of the draft options. The consultants presented the findings of the Discussion Paper and Draft Options Report to Council at a briefing session on 4 April 2016.

#### Community Engagement

Council published Study bulletin 1 in December 2015 which sought expressions of interest in the study and responses to three initial questions about trees in Whitehorse. The January edition of the Whitehorse News also published information about the study. A community workshop was held in February 2016 which was attended by 25 people and 2 Councillors. This workshop involved discussion about the community's views on tree retention and removal across the municipality. Following this consultation, a Draft Options Report was prepared.



### **9.1.2** (cont)

Community engagement on the Draft Options Report was held in April and May 2016. The engagement included the release of Study bulletin 2, notices in the Whitehorse Leader, an online survey and three drop-in information sessions in Box Hill, Blackburn and Vermont South. Approximately 50 people attended the drop in information sessions. 36 feedback forms and 21 responses to the online surveys were received. The consultants prepared an Engagement Summary Report (refer Attachment 3) outlining the issues identified during the engagement period which notes that overall the majority of the feedback received supports extending the SLO across the municipality. The outcome of the community engagement was presented to Council at the Strategic Planning session on 6 June 2016.

### **PROPOSAL**

After considering all the feedback received about the Draft Options Report, the consultants presented the recommendations of the Final Options Report to Council on 6 June 2016. Based on the background analysis, review of planning policy and community engagement, the Options Report ultimately recommends extending the SLO. This option involves:

- Improving planning policy within the Whitehorse LPPF and strengthening the Council Plan;
- Extending the SLO controls to the remaining residential areas not currently covered by an SLO, including Neighbourhood Residential, General Residential and Residential Growth zones and including the VPO areas;
- Strengthening the landscape plan review process;
- Extending education programs and including welcome packs in a number of languages as appropriate;
- Enforcing S173 agreements on new subdivisions to require canopy tree planting on all sites;
- Continuing to advocate for an increase in fines for illegal tree removal, to the State Government; and
- Incentives such as discounted canopy trees or tree vouchers through Council and community nurseries.

It is proposed to adopt the recommended option and pursue a planning scheme amendment and non-statutory mechanisms.

### **Planning Scheme Amendment**

The Amendment includes:

- Applying the SLO to all residential land in the municipality, including those areas covered by the VPO;
- Updating the existing SLO's where appropriate;
- Amending the Municipal Strategic Statement (MSS) to strengthen the discussion about the various roles and values of vegetation within the municipality, including supporting biodiversity, significant landscapes, cultural heritage, sustainability, neighbourhood character, local amenity, erosion control, local climate and ecologically sustainable development;
- Amending Clause 22.04 (Tree Conservation) to:
  - Strengthen Whitehorse's objectives to enhance the tree canopy cover across the municipality. This will detail the importance that all substantial trees make to the vegetation cover, as well as the importance and differences between exotic and native vegetation and how they contribute to neighbourhood character in different ways (width versus height).
  - To include a definition of a canopy tree that the extended SLO will apply to; and
  - To require the planting of appropriate new trees, including species;

**9.1.2**  
 (cont)

The SLO is proposed to apply to canopy trees. The Study recommends, based on analysis, that a canopy tree is any tree that has a minimum trunk circumference of 0.5m at 1.0m from the ground and minimum height of 6 metres.

The schedules for the SLO will be based on the neighbourhood character areas that were identified in the Neighbourhood Character Study (2014) (Garden Suburban, Bush Suburban and Bush Environment) and are illustrated in **Figure 1**.

Bush Environment Areas are already largely covered by the SLO (Schedules 1-8). Therefore it is proposed to include two new schedules into the Planning Scheme – Garden Suburban (Schedule 9) and Bush Suburban (Schedule 10). The Schedules will be based on preserving the characteristics of the Garden Suburban and Bush Suburban Areas to ensure that neighbourhood character and amenity is maintained and enhanced.

<b>Garden Suburban Areas</b>	<b>Bush Suburban Areas</b>
<ul style="list-style-type: none"> <li>• Formalised streetscapes comprising grassy nature strips, concrete footpaths, kerbs and channels.</li> <li>• Modified grid road layout and subdivision pattern is common, particularly in the western side of the municipality or within the vicinity of the rail-line, reflecting the timing of the original land subdivisions.</li> <li>• Buildings are generally visible along streets behind low front fences and open garden settings.</li> <li>• Established exotic gardens with canopy trees, lawn areas, garden beds and shrubs.</li> <li>• Generally well defined property boundaries (fencing / boundary treatments).</li> <li>• Generally consistent building siting, parallel to the road.</li> </ul>	<ul style="list-style-type: none"> <li>• Mix of formal and informal streetscapes with wide nature strips.</li> <li>• Some areas have curvilinear road layouts and subdivision patterns.</li> <li>• Vegetation dominated streetscape with buildings partially hidden behind tall trees and established planting.</li> <li>• Gardens are less formal, consisting of many canopy trees.</li> <li>• Mixed property boundary definition, which can be non-existent or fenced.</li> <li>• Buildings appear detached along the street.</li> <li>• Buildings generally comprise pitched rooftops, with simple forms and articulated façades.</li> </ul>

9.1.2  
(cont)

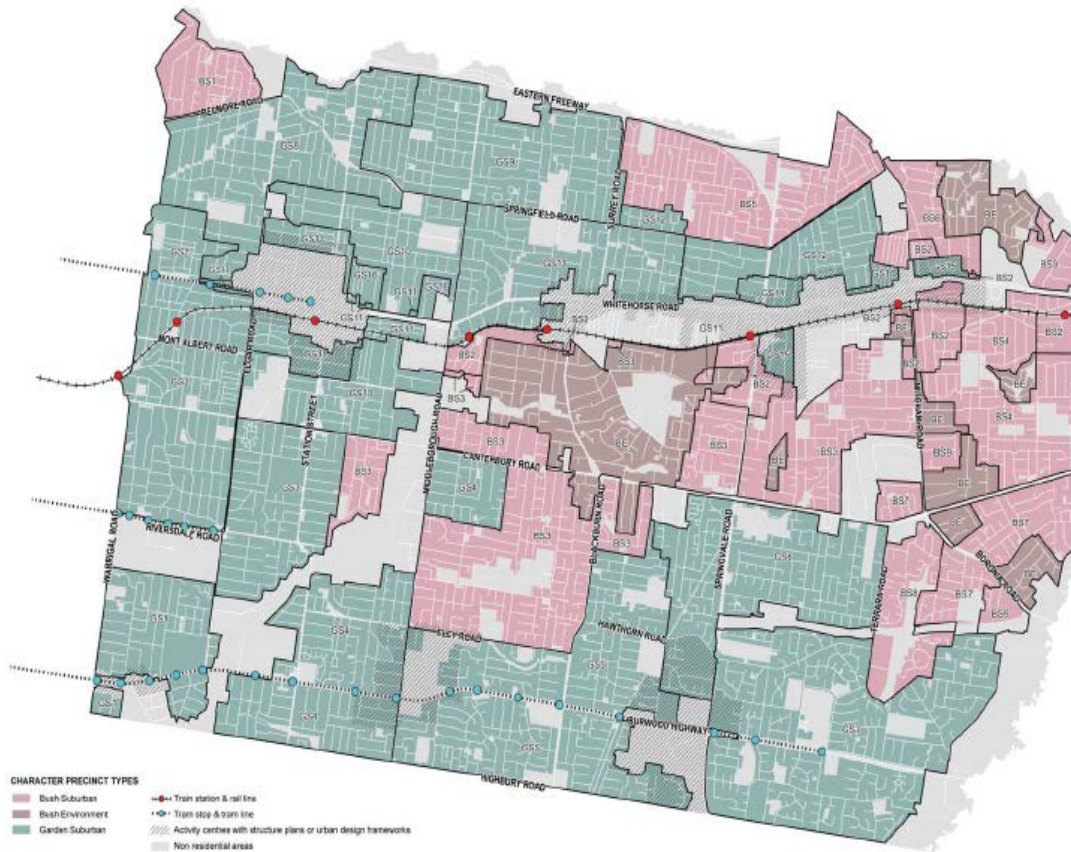


Figure 1 – Neighbourhood Character areas

In considering the proposed amendment Council must have regard to the Strategic Assessment Guidelines. This General Practice Note outlines issues that should be addressed in establishing the need for an amendment and whether the proposed provisions are appropriate for the purpose for which they have been developed. These issues are discussed below.

**Amendment Required**

The Neighbourhood Character Study states that “*vegetation character is generally the most significant determinant of neighbourhood character*” in the city, whilst the Housing Strategy (2014) aims to manage the significant population growth and change that is anticipated over the next 20 years. Council is concerned that without further intervention the ongoing incremental loss of canopy trees will diminish the city’s character, liveability and ecological sustainability.

In particular, Council is concerned that there remain substantial areas of the municipality without adequate tree protection. Furthermore, in some areas where there are controls, these need to be strengthened to place higher priority on canopy tree retention and planting as part of the building design process. Council is particularly concerned about ‘moonscaping’ of properties where all the trees and vegetation on a site are removed prior to development occurring.

### 9.1.2 (cont)

Although community attitudes to canopy trees vary, Council regards the tree canopy loss as a legacy issue that will have irreversible negative consequences if a comprehensive and strategic approach is not put in place to promote tree preservation and planting. The recent completion of Housing and Neighbourhood Character Strategies has highlighted both the magnitude of housing change anticipated over the next 20 years and the integral role of vegetation in defining the character and amenity of the municipality.

Council has therefore undertaken the Municipal Wide Tree Study to review, analyse and document the importance of vegetation, and especially tree canopy cover, to the municipality and the region. The study has investigated ways in which this important aspect of the City can be protected and enhanced and has provided options and recommendations for policy and controls and other (non-statutory) mechanisms that will aim to ensure the future retention and regeneration of tree canopy. These include applying the SLO to the remaining residential areas in the city.

The application of a SLO to the properties will not change the zoning of the land. Rather, the application of the SLO will mean that a planning permit is required to remove, destroy or lop any vegetation that is considered a canopy tree. Any other vegetation on the land which is not considered a canopy tree will be exempt from the permit requirements.

The application of a SLO to properties will also trigger the need for a planning permit for building and works within 4m of any protected trees. This trigger allows consideration of the impact of proposed development on surrounding trees.

An amendment process is the only mechanism to introduce the proposed overlay and the controls are required if the recommended options of the Municipal Wide Tree Study report are to be given any weight in the Planning Scheme. The application of the SLO will clearly protect significant vegetation by introducing a planning permit requirement to remove, destroy or lop such vegetation.

#### **Strategic Justification**

The recommendations from the *Municipal Wide Tree Study Final Options Report* provide appropriate justification for the inclusion of the remaining residential land in the SLO. The Discussion Paper and Options report both outline the importance of trees to an area.

The proposal aims to conserve and enhance areas that have natural, environmental and aesthetic interest and to assist in the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals, through the application of appropriate planning controls.

The proposal seeks to ensure that significant vegetation within the City is protected from the potential impacts of proposed development. The Discussion Paper identified that trees and vegetation provide a variety of social and environmental benefits, including:

- Increase in property values;
- Reduce power bills by providing heating and cooling;
- Improve character and amenity of an area;
- Increase biodiversity by providing habitat and food for fauna;
- Improve water quality and reduce flooding;
- Reduce the urban heat island affect;
- Improve air quality;
- Reduce noise pollution; and
- Improve mental health and wellbeing.

### **9.1.2** (cont)

The introduction of the controls will impose additional permit requirements. These controls may lead to less intensive and more responsive development, and additional protection for vegetation of significance, and may therefore affect development yield. This may affect the financial return of a development proposal, however there is not expected to be any broader economic constraints. Furthermore, there is significant research which indicates that urban areas with a large tree canopy often have increased property values in comparison to those with lesser tree coverage.

With regards to tree removal, small additional costs will be borne by affected property owners, as a planning permit will be required to remove, destroy or lop any vegetation specified in the proposed SLO, being any tree that has a minimum trunk circumference of 0.5m at 1.0m from the ground and minimum height of 6 metres. There will also be an application fee for the permit application and supporting information such as arborist report may be required by Council as part of the application.

There is potential to implement the proposed controls as a locally specific VicSmart option. VicSmart is a streamlined assessment process for straightforward planning permit applications and Council is authorised to have additional application classes listed in their planning scheme that can apply locally. This could make applications cheaper as Council could make removal of a specified number of trees on a property a VicSmart application.

#### **Planning and Environment Act 1987**

Application of the SLO will require a permit to remove, destroy or lop any vegetation considered to be a canopy tree. Appropriate exemptions from obtaining a planning permit are provided for vegetation which is deemed unsafe by a suitably qualified arborist and the responsible authority, or is dying or where works are being undertaken in accordance with approved plans or for regeneration.

#### **State Planning Policy Framework**

The application of a SLO to residential properties will give effect to the following objectives of the State Planning Policy Framework:

- Clause 12.01-1 which aims to assist in the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
- Clause 15.01-1 which aims to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

#### **Local Planning Policy Framework**

#### **MUNICIPAL STRATEGIC STATEMENT**

The Municipal Strategic Statement recognises that *"Trees are an integral aspect of the City and are a key determinant of the character of the residential areas of the city."*

The application of the SLO will ensure that the following objectives are achieved:

- Clause 21.05-3 - To protect and enhance areas with special natural, environmental, cultural or historic significance for the future enjoyment of the community.
- Clause 21.05-3 - To facilitate environmental protection and improvements to known assets including flora and biodiversity assets.

Strategies to achieve these objectives include:

- Providing controls to protect and enhance areas of environmental significance.
- Ensuring that tree removal within significant areas requires permission.
- Ensuring that the replanting of tall trees and indigenous vegetation is appropriate to the type of vegetation in the area and enhances and retains biodiversity.

### **9.1.2** (cont)

The application of the SLO will also ensure that the following objective is achieved:

- Clause 21.06-6 - Ensuring new developments do not result in a loss of the existing vegetation coverage and tree canopy”.

Strategies to achieve this objective include:

- Investigate other precincts for additional controls, utilising the....Significant Landscape Overlay, as appropriate.

### **LOCAL PLANNING POLICIES**

The introduction of a SLO will assist in the implementation of the policies of Clause 22.04 – Tree Conservation. Clause 22.04-3 states that it is policy that “all trees that are significant for aesthetic, ecological, cultural or historic reasons, so that they are important beyond the immediate surrounds of the site, be retained”.

#### **Zone/Overlay**

The SLO is the most appropriate tool to identify and protect areas of significant landscape character, providing the relevant permit triggers and controls to the affected properties. The SLO should be used *‘where vegetation is identified as an important contributor to the character of the area’*. The Neighbourhood Character Study states that *“vegetation character is generally the most significant determinant of neighbourhood character”* in the city and the Municipal Wide Tree Study reaffirmed that vegetation contributed to the neighbourhood character in Whitehorse and as a result recommended the application of the SLO to all residential areas in the municipality.

Planning Practice Note 7 states that the SLO has broader applicability than the VPO. Its function is to identify and conserve the character of a significant landscape. The SLO is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area.

#### **Referral Authorities**

The proposal will not affect the views of any relevant agencies or authorities nor introduce additional referral requirements.

#### **Advocacy**

It is proposed to advocate to the State Government for an increase in the fines for illegal tree removal. This issue has consistently been raised by internal and external stakeholders who expressed concerns about the rigour of current methods of enforcement. There is a perception among residents and Council officers that some developers and residents were choosing to absorb any fine/s into development costs and therefore circumventing the process with regards to illegal tree removal.

It is also proposed to advocate to the State Government for changes to the Victoria Planning Provisions with regard to the VPO. Based on site investigations and community consultation, there is a lack of buildings and works controls in the VPO to ensure sufficient space is retained between buildings and works to allow the adequate provision of planting canopy trees.

### **9.1.2** (cont)

Conversely, in the SLO buildings must be set back more than 4 metres from any vegetation that requires a permit to remove, destroy or lop under the provisions of this schedule. Works may be closer than 4 metres provided they do not alter the existing ground level or topography of the land. Therefore, in SLO areas, even though the TPZ may be encroached, the health and longevity of existing canopy trees are being considered. This does not occur in any areas that are not protected by an SLO, as in VPO areas buildings are able to be constructed close to significant trees.

It is also proposed to advocate for stronger legislation to prevent moonscaping of sites prior to the application for development being considered by Council.

#### **Awareness and Education Program**

Awareness and education of the importance of trees has consistently been identified as a key component which underpins the protection and expansion of trees. Council currently undertakes a tree education and awareness program which aims to raise awareness about the benefits of trees in an urban environment. The program currently includes workshops for residential and community groups such as the Urban Garden Forest Project and the development of resources such as the Indigenous Gardening in Whitehorse Guide.

Feedback from internal and external stakeholders expressed support for additional education with a particular focus on providing information in languages other than English and providing information to real estate agents before property sales.

It is proposed to undertake a program that builds upon the existing work and includes:

- Incentives such as discounted canopy trees or tree vouchers;
- Welcome packs to recognise the CALD community of Whitehorse; and
- A review of the landscape plan review process.

This program will be referred to the 2017/18 budget process.

#### **CONSULTATION**

Council undertook community engagement during the preparation of the Discussion Paper. This took the form of an external stakeholder workshop and a Study Bulletin, which sought expressions of interest in the study and responses to questions about trees in Whitehorse

Community engagement on the Draft Options Report was held in April and May 2016. The engagement included the release of Study bulletin 2, notices in the Whitehorse Leader, an online survey and three drop-in information sessions in Box Hill, Blackburn and Vermont South. The consultants prepared an Engagement Summary Report (refer Attachment 3) outlining the issues identified during the engagement period.

If Council resolves to prepare an amendment to extend the SLO, it will be placed on public exhibition for a minimum of one (1) month. Officers also anticipate that a formal communication strategy would be required in preparation for this scale of amendment, given it is proposed to be applied across the majority of the municipality.

As part of the normal amendment process, officers propose to prepare a consultation program that includes notifying ratepayers of the amendment. Exhibition of the amendment would include publishing a notice in the Whitehorse Leader and the Government Gazette and to notify specific Ministers and referral authorities.

### 9.1.2 (cont)

It is also proposed to hold drop in sessions at the Nunawading Civic Centre and Box Hill Mall to give residents the opportunity to discuss the amendment with Council officers and provide feedback.

At the end of the exhibition period Council will have to consider any submissions and possibly refer these to an independent panel appointed by the Minister for Planning. Any panel will report back to Council, following a public hearing, and Council will then have to determine whether to adopt the amendment. The Minister for Planning may then decide whether or not to approve the amendment.

### **POLICY IMPLICATIONS**

The study recommends improving planning policy within the LPPF and strengthening the Council Plan irrespective of any other tools and mechanisms that could be put in place to protect trees. By undertaking an amendment to the Planning Scheme, the MSS would be amended to strengthen the discussion about the roles and values of vegetation within Whitehorse.

Clause 22.04 Tree Conservation Policy would also be amended to strengthen the objectives to enhance tree canopy cover across the municipality and include a definition for a canopy tree as a *“Long lived woody perennial plant greater than 6 m in height and on trunk with a circumference of 0.5m at 1 metre above the ground”*.

Extending the SLO controls to the remaining residential areas, including the VPO areas, will create different permit requirements for areas previously without any permit requirements, however it is proposed to only apply the requirements to trees considered canopy trees under the above definition.

In addition to the policy implications for the Planning Scheme, the amendment would also address the following Strategic Direction identified in the Council Plan 2015-2019:

- Protect and enhance our open space and natural environments.

Strategies identified to meet the Strategic Direction include:

- Continue to develop a municipality which retains, enhances and increases open space and sustainable streetscapes;
- Identify environmental priorities that preserve biodiversity;
- Consider and plan for climate change impacts on our natural environment; and
- Community education and awareness programs to raise awareness of the benefits of trees.

Actions identified over the life of the Council Plan to support the strategies and the proposed amendment includes:

- Advocate strengthening tree retention controls; and
- Deliver tree education and awareness campaign.

The amendment would also address some of the key strategies identified in the Council Vision 2013-2023, including:

- Maintain and enhance our built environment to ensure a liveable and sustainable city; and
- Protect and enhance our open spaces and built environments.

These strategic directions are supported by strategic goals, including:

- A sound planning framework with high levels of consultation with the community; and
- A natural environment that has been well maintained and enhanced.



**9.1.2**  
(cont)

**FINANCIAL IMPLICATIONS**

A Tree Protection Options Report was presented to Council at its Ordinary Meeting on 8 December 2014 in response to a Council request to "...appraise the options available to further protect canopy trees in the Whitehorse municipality." The costs of the options outlined in the December 2014 report were used to inform the 2015/2016 budget process and allocate the budget for the Municipal Wide Tree Study. A total of \$150,000 was allocated in the 2015/16 budget to undertake the Study.

An amendment to the Planning Scheme will be required to extend the SLO. Amendment costs can include statutory fees of approximately \$3000, preparation of the amendment and notification documents and an independent planning panel. \$30,000 has been allocated in the 2016/17 budget to implement the recommendations of the Study, which is proposed in this report to be via a planning scheme amendment. However additional fees may arise if there is a lengthy planning panel process and/or if direct notification is used during the exhibition period.

The extension of the SLO will result in more planning permit applications as more tree removals may require a planning permit. This will result in the need for additional resources for assessment of applications, as well as monitoring and enforcement. Additional staff will include up to 3 arborists, up to 2 enforcement officers and 1 administrative officer, which would cost approximately \$499,000 pa (plus 12.5% on costs such as superannuation) for salaries (based on arborists, rather than planning staff). There will be \$163,000 upfront capital costs which would include overheads such as office space and fleet vehicles etc. Should this report be adopted by Council, all of these costs need to be referred to the 2017/18 budget process, noting that the costs associated with additional staff will be ongoing. As part of the Planning Scheme Amendment Process, the independent Planning Panel will seek assurances that Council has the ability to resource the implementation of the proposed controls. A commitment by Council to the funding outlined above is therefore critical.

It is also possible to stage the implementation of the additional planning controls and policy by undertaking more than one planning scheme amendment over several years or introducing non-statutory mechanisms. However, this is not preferred as it is considered a less efficient use of resources to undertake multiple amendments to implement the recommended option.

**9.1.2**  
(cont)

**CONCLUSION**

There has been a concern that the neighbourhood character of Whitehorse will be diminished if trees are removed or lopped and therefore Council allocated funding in the 2015/16 budget to undertake the Municipal Wide Tree Study.

Through the Study, the consultants engaged by Council have reviewed the existing planning framework and non-statutory mechanisms used to protect trees, discussed the current issues with internal and external stakeholders and undertaken desktop analysis and site visits of the municipality to ascertain the current tree coverage of the municipality.

The study has also undertaken community engagement on the options that were identified as available to Council to protect and enhance canopy trees into the future. This report discusses the background and findings of the Study, the feedback received during the community engagement and ultimately recommends extending the SLO across the municipality.

This report discusses the recommended option, including the financial implications to Council as well as the benefits of implementing further planning controls. The Study, based on the analysis conducted, recommends extending the SLO across the municipality and making changes to planning policy. It also recommends implementing non-statutory mechanisms to protect and enhance canopy trees.

This report recommends that Council adopt the Municipal Tree Study Final Options Report and the Engagement Report, seek authorisation to undertake an amendment to the Whitehorse Planning Scheme to extend the SLO, undertake a tree education and awareness program and refer all costs and necessary resourcing to the 2017/18 budget process.

### **9.1.3 Consideration of Amendment C157 (Part 2) – ATV0 studios (104-168 Hawthorn Road, Forest Hill)**

FILE NUMBER: 16/62777

#### **SUMMARY**

*The Panel report for Amendment C157 recommended that a Conservation Management Plan (CMP) for the former ATV-0 television studios in Forest Hill be prepared prior to the consideration of the site for inclusion in the Heritage Overlay.*

*Council resolved to split Amendment C157 into two parts and defer consideration of the site as part of Amendment C157 (Part 2) to allow the preparation of a CMP. Council engaged heritage consultants to undertake the preparation of the CMP, however Council has been unable to gain sufficient site access to both the interior and exterior parts of the site required for the CMP to be properly completed.*

*This report discusses the process around the preparation of the CMP and recommends that Amendment C157 (Part 2) proceed as exhibited without the preparation of a CMP as recommended by the Panel.*

#### **RECOMMENDATION**

***That Council being the Planning Authority and having reconsidered the Panel report:***

- A. Revise the heritage citation for the ATV-0 television studios as per the panel recommendations for Amendment C157;***
- B. Revise the schedule to the Heritage Overlay in Clause 43.01 to allow a planning application to be made for prohibited uses under the Residential Growth Zone, as per the planning panel recommendation;***
- C. Insert a requirement in the current Development Plan Overlay Schedule 5 that a Conservation Management Plan is to be provided as part of the preparation of any development plan for the site and prior to Council granting any planning permit that may affect identified places of heritage significance;***
- D. Adopt Amendment C157 Part 2, incorporating the changes above, for HO272 relating to the former ATV-0 television studios;***
- E. Submit the adopted Amendment C157 Part 2 to the Minister for Planning for approval under Section 31 of the Planning and Environment Act 1987 with the appropriate fee;***
- F. Advise all submitters of Council's decision.***

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#### **BACKGROUND**

Amendment C157 proposes to implement the 2012 Whitehorse Heritage Review and apply a Heritage Overlay (HO) to 32 places comprising 29 individual places and three precincts. Council considered the submissions to the amendment at its meeting on 27 January 2015 and resolved to refer all submissions to an Independent Panel for further consideration.

The Panel report was received on 11 May 2015 and considered at a meeting on 20 July 2015, where Council resolved, amongst other things, to “split Amendment C157 into two parts and defer consideration of Amendment C157 Part 2 for HO272 relating to the former ATV-0 television studios to allow further investigation into the recommendations for this property as contained in the Panel report for Amendment C157”.

### 9.1.3

(cont)

## DISCUSSION

### Panel Report

The Panel stated in its report that the case for historical and aesthetic significance of the site, initiated by the Heritage Alliance (2008) report, set down in the Heritage Citation and tested and amplified during the hearing process, is not only made but easily reaches the minimum thresholds for local historic and aesthetic significance. The panel notes that it is an award-winning building of outstanding elegance in its conception, form and materials, exemplifying the best of 1960s design for an industrial complex. Although the additions to the complex (made by the same architects) in the 1970s (to meet increased demand) and the 1980s additions (to accommodate other media) have obscured the original facade, they have not only taken great care to adopt the same architectural expression as the original, but also represent the evolution of this building form as popular demand for local television productions grew.

The Panel advised that it also considers the building and complex as one of the best survivors in both the State and the municipality. The Panel advised that a well prepared Conservation Management Plan (CMP) could clarify which parts of the building and site have significance and could also specify permit exemptions to allow minor and temporary changes to occur where appropriate on site to assist with filming requirements.

The Panel recommended that the citation be amended to clarify significant elements and provide more detail that is useful and will assist future decision making. The Panel was disappointed that internal controls are not included, however officers noted that internal controls were not considered as part of the heritage study forming the basis for the amendment and it is also considered that internal controls would cause unreasonable disruption for the television business operating from the site.

In relation to the former ATV-0 studios, the Panel report recommends that Council:

- 1. Revise the citation to more clearly identify the significant elements of the complex and provide greater detail on the historic and aesthetic significance of the site, including additional information that emerged in the course of the hearing.**
- 2. Prepare an Incorporated Plan for the ATV-0 site including a CMP and permit exemptions for temporary works in association with on-site productions.**
- 3. Activate the 'Prohibited uses may be permitted' provision in the HO Schedule.**

In the report to Council on 20 July 2015, officers noted that the Panel's recommendation that the citation be amended to clarify significant elements and provide more detail that is useful and will assist future decision making. However officers disagreed with the Panel's disappointment regarding the absence of internal controls for this building.

In the report, officers also noted that the Panel's recommendation regarding the CMP and permit exemptions has some merit. However officers noted that its preparation will take time and preparation would delay Ministerial approval of the whole Amendment. Therefore in the report to Council in July 2015, officers recommended that Council defer consideration of the ATV-0 site, to allow further investigation and exploration of the Panel's recommendations for this site and to allow the remaining heritage places being considered under Amendment C157 to proceed and be submitted for approval to the Minister for Planning. Part 1 of Amendment C157 was submitted to the Minister for Planning in September 2015 and additional information was provided to the Department of Environment, Land, Water and Planning (DELWP) in May 2016. Council is currently awaiting approval of Part 1.

### **9.1.3** (cont)

#### **Conservation Management Plan**

Council agreed to manage the preparation of the CMP to ensure its independence and in order to assist in the development and management of the heritage site and the facility in the future. In November 2015 Council engaged heritage consultants, who advised that they would undertake a site survey in January 2016, consultation with the landowner in early February 2016 and submit the final CMP to Council by the end of April 2016.

Between December 2015 and March 2016, officers made several attempts to arrange site access with the landowners for the heritage consultants. This included correspondence between the landowner's planning consultant and Council seeking clarification of the process of the CMP.

Written correspondence by lawyers representing the landowners was received by Council on 13 April 2016, advising that the landowner would allow site access to Council officers and its consultants to the external areas of the site. However they advised that the landowners continue to have concerns about providing access to the insides of studio buildings on the site as they consider this goes significantly beyond the proposed HO controls sought as part of Amendment C157 and that any attempt to refer to the interiors as part of the CMP would put the Amendment into jeopardy and require re-advertising of the Amendment. Council officers were advised that the landowners are seeking independent heritage advice and would prefer to wait until this is complete before discussing the internal access request any further. Council has inquired about the independent heritage advice, but no information has been provided to Council on the likely timeframe for completion of the heritage advice commissioned by the landowner.

Council officers discussed the site access challenges with the heritage consultants that Council engaged to undertake the CMP. The heritage consultants advised that site access to the interiors of the buildings is integral to the preparation of the CMP and that without such access they would be unable to prepare the CMP as per the project brief and that the CMP would be inadequate. The consultants noted that an important aspect in the preparation of a CMP is where issues are identified through the gathering of all information about the factors that will influence the management policy which may include: the statutory obligations due to heritage listing; the physical condition of the site and its setting/landscape; the future needs of the site and, the financial implications of this, and the opportunities inherent in the place.

The preparation of an Incorporated Plan for the ATVO site including a CMP was also a key recommendation by the Panel for C157. It is considered that the preparation of the CMP will be beneficial to the landowners and occupiers of the site by clarifying the significance of its components and specifying permit exemptions to be included within an Incorporated Plan, however should the necessary access to the site be denied to Council the most appropriate option is to proceed with the Amendment as exhibited.

The consultants believe that consultation with Council and the landowner and both access to the internal and external areas of the site is a necessary part of this process to define the constraints and opportunities on the use and adaption of the site with reference to current conditions, the landowner's current needs and future aspirations for the site. Notwithstanding the inability to gain internal access, the consultants were able to undertake desktop analysis of the significance of the site which they have provided to Council.

### 9.1.3 (cont)

The consultants identified that the site has architectural, historical and social significance, including that the:

- ATV Channel 0 was the second purpose-built television studio in Victoria and the first commercial TV station in Melbourne to construct purpose built television studios;
- ATV Channel 0 became the first television station in Australia to broadcast in colour in 1967 and is considered a rare surviving building of its type in Victoria;
- studios are associated with the early development of television in Australia, including live speeches by politicians;
- studios have a strong link to Australian popular culture, including association with a large number of renowned performers and television shows;
- site is a tourist attraction to people outside of Victoria and has a significant presence on social media with regards to current television shows.

#### **Future protection**

Council officers have previously advised the landowners that the preparation of the CMP would be beneficial to the landowners and occupiers of the site by clarifying the significance of its components and specifying permit exemptions to be included within an Incorporated Plan. However, site access has not been granted to all areas of the site and as a result the preparation of the CMP has been compromised.

However officers still believe that a CMP should be prepared to clarify which parts of the site have significance and to identify the parts of the site that should be protected from any development. Preparation of a CMP will also meet the recommendations made by the Planning Panel.

The options available to Council to ensure that a CMP is completed for the site include requiring that a CMP is provided prior to Council granting any planning permit. This could be achieved by:

1. Including a requirement in the current Development Plan Overlay Schedule 5 (DPO5) that a CMP is provided as part of preparation of any development plan for the site and prior to Council granting any planning permit that may affect identified places of heritage significance (noting that matters in relation to heritage that were struck out of proposed Amendment C110, which introduced the DPO5, fundamentally on the basis that the heritage significance of the site had not yet been established as part of Amendment C157, could be reinserted); or
2. Include a requirement in an Incorporated Document to the Planning Scheme that a CMP is provided prior Council granting any planning permit for development on the site.

Officers have also sought advice from the Department of Environment, Land, Water and Planning (DELWP) regarding the preparation of a CMP. DELWP advised that, under Section 9(e) of the *Planning and Environment Act 1987*, Council must provide sufficient justification if any part of the panel's recommendation is not adopted. Council will update the citation and activate the prohibited uses provision in the Schedule to the Amendment proposed to be submitted for approval by the Minister for Planning, thereby adopting Point 1 and Point 3 of the panel's recommendations.

Council officers believe the preparation of a CMP, as per Point 2 of the panel's recommendation, has substantial merit, however at this point in time its preparation cannot be achieved and that sufficient justification has been demonstrated under the Discussion section of this report. Furthermore, the CMP can be achieved through other means than as a requirement for progression of this amendment. Of increasing concern to officers as the ATVO site becomes more developed, is the protection of the heritage place within the broader site development context.

### **9.1.3** (cont)

Officers believe that the most effective way to protect the site is to require that a CMP is prepared prior to the granting of any planning permit. This will require alteration to the current amendment to trigger preparation of the CMP, however it is considered that this is entirely consistent with the Panel's recommendations and should not warrant further exhibition of an amendment.

The Panel recommended in its report that Council should revise the heritage citation to more clearly identify the significant elements of the site and provide greater detail on the historic and aesthetic significance of the site, including additional information that emerged during the course of the panel hearing.

Council supports the Panel's recommendations regarding additions to the citation. Additional information that emerged during the panel hearing will be included in a revised citation that will be completed prior to the Amendment being forwarded to the Minister for Planning for approval. The heritage consultants engaged by Council to undertake the CMP have also provided information they collated during the initial stages of the CMP project. This information relates to the architectural, historical and social significance of the property and will also be included in the revised citation.

#### **POLICY IMPLICATIONS**

In addition to the policy implications for the Planning Scheme, the amendment would also address some of the strategic priorities and key actions identified in the Council Plan 2015-2019, by:

- Supporting a healthy, vibrant, inclusive and diverse community,
- Maintaining and enhancing the built environment to ensure a liveable and sustainable city.

The amendment would also address some of the key strategies identified in the Council Vision 2013-2023 by:

- Continuing the vibrancy of the community by preserving places of cultural heritage significance;
- Protecting the natural and built heritage environments through appropriate legislative frameworks;
- Ensuring intergenerational equality through the protection of places that have cultural heritage significance to the City of Whitehorse.

#### **FINANCIAL IMPLICATIONS**

Council will be required to pay a fee of \$798 to the Department of Environment, Land, Water and Planning if it resolves to request Ministerial approval of the Amendment. There will also be a cost to Council to update the citation, and any costs borne by Council in the CMP process to date. There will also be ongoing costs involved with the assessment of planning permit applications associated with the introduction of the heritage overlay on the property, however, given there is only one site involved in Part 2 of the Amendment it is considered there is sufficient funding in the current budget for this purpose.

**9.1.3**  
(cont)

**CONCLUSION**

Amendment C157 proposed to apply the Heritage Overlay to twenty nine (29) individual places and three (3) precincts. An independent Planning Panel considered the amendment and associated submissions. Council assessed the recommendations of the independent Planning Panel and resolved at the Council meeting in July 2015 to split the amendment and defer consideration of Amendment C157 (Part 2) for HO272 to allow further investigation into the recommendations for the former television studios as contained in the Panel report for Amendment C157. Amendment C157 (Part 1) is currently with the Minister for Planning for approval.

Council engaged heritage consultants to undertake the preparation of a CMP for the former ATV-0 site as per the panel recommendations. Council made several attempts to access the site as part of the preparation of the CMP, however the consultants were unable to gain access to the internal parts of the site and therefore the preparation of the CMP was compromised. The consultants completed desktop analysis which reaffirmed the architectural, historical and social significance of the site.

It is submitted that Amendment C157 (Part 2) has been prepared subject to the *Planning and Environment Act 1987*, State Planning Policy and Local Planning Policy and that the heritage significance of the site has been sufficiently demonstrated. Therefore in order to afford protection of the site through the Heritage Overlay, officers believe that Amendment 157 (Part 2) should proceed as exhibited and the heritage overlay should be applied to the site.

This report recommends revising the heritage citation as per the Panel's recommendations, applying the Heritage Overlay on the site, requiring a CMP to be prepared prior to granting any planning permit and submitting the adopted amendment to the Minister for Planning for approval.



## **9.1.4 78 Middleborough Road, Burwood East - Former Brickworks Site Development Plan – Consideration of Submissions**

FILE NUMBER: SF16/103  
ATTACHMENTS

### **SUMMARY**

A Draft Development Plan has been submitted by Frasers Property Australia for the former brickworks site in Burwood East as required under the Whitehorse Planning Scheme, Development Plan Overlay that applies to the land. The Draft Plan for this strategically significant redevelopment site was placed on display for community comment and 47 submissions were received. This report reviews the community feedback received, considers any outstanding matters and assesses the Draft Development Plan. As required under the Development Plan Overlay, Council has entered into an overarching Agreement under Section 173 of the Planning and Environment Act 1987 that sets out broad obligations for future Agreements on a range of matters as the development progresses. Having regard to the relevant planning controls, the adopted Masterplan for the site, the Structure Plan for the Burwood Heights Activity Centre and community comment, this report recommends that the updated Draft Development Plan be approved for subsequent endorsement subject to conditions.

### **RECOMMENDATION**

#### **That Council:**

- 1. Approve the Development Plan (13 July 2016) Volumes 1 and 2 for the former brickworks site at 78 Middleborough Road, Burwood East at Attachment 3a, once the following conditions are met to the satisfaction of the Responsible Authority:**
  - a) The following further information must be provided to Council:**
    - i. An overall palette theme for building colour and materials for residential development;**
    - ii. A revised concept design for the Middleborough Road frontage of the proposed retail centre to achieve an improved pedestrian environment and building presentation;**
    - iii. A plan showing the boundary of filled land and its relationship to the different parts of the Development Plan;**
    - iv. Approximate finished site levels to assess the impact of the topography on the layout of the Development Plan and on the public realm;**
    - v. A revised concept for the village green and retarding basin to achieve a more usable, functional and maintainable space and demonstrating that land contributed as open space as part of the Open Space Plan is not unreasonably floodprone; and**
    - vi. A revised concept for the urban plaza and linking space that demonstrates how the proposed infrastructure and access arrangements can be provided safely and result in a well-designed, high amenity and functional outcome.**
  - b) That the land owner be required to enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide a contribution toward provision of kindergarten facilities and services, and that Council's General Manager City Development, be authorised to reach agreement in relation to the methodology and quantum of the contribution towards kindergarten facilities.**

**9.1.4**

(cont)

2. ***Advise the proponent that the following information regarding residential development is to be provided:***
    - a) *The anticipated range of dwelling numbers, types and lot sizes in each stage;*
    - b) *The median price points and distribution of corresponding housing types; and*
    - c) *The anticipated population in each stage;*
  3. ***Provide the further information from the proponent in relation to the Economic Impact Assessment of the proposed retail centre to the Burwood Heights Trader's Association in response to its petition received by Council at its meeting on 21 March 2016.***
  4. ***Advise the proponent and all submitters of its decision.***
-

**9.1.4**  
(cont)

MELWAYS REFERENCE 61 G5

Proponent:	Frasers Property Australia
Zoning:	Commercial 1 Zone - Clause 34.01 Residential Growth Zone – Clause 32.07, Schedule 3 General Residential Zone – Clause 32.08, Schedule 5
Overlay:	Development Plan Overlay – Clause 43.04, Schedule 6 Environmental Audit Overlay – Clause 45.03
Relevant Clauses	Multiple clauses of the State Planning Policy Framework (SPPF) – Clause 9 Plan Melbourne; Clause 11.01 Activity Centres; Clause 11.02 Urban Growth; Clause 11.03 Open Space; Clause 11.04 Metropolitan Melbourne; Clause 13.02 Soil Degradation; Clause 14.02 Water; and Clause 15.01 Urban Environment Clause 21.04 Strategic Directions (MSS) Clause 21.06 Housing (MSS) Clause 21.07 Economic Development (MSS) Clause 22.03 Residential Development (LPPF) Clause 22.06 Activity Centres (LPPF) Clause 22.11 Burwood Heights Activity Centre (LPPF) Clause 22.12 Former Brickworks Site (LPPF)
Ward:	Riversdale

Figure 1–Former Brickworks Site



**9.1.4**  
(cont)

**BACKGROUND**

Frasers Property Australia (Frasers) lodged a Draft Development Plan (DP) for the former brickworks in Burwood East (refer Figure 1) as required under the Development Plan Overlay, Schedule 6 (DPO6) at Clause 43.04. If approved, the development plan will be used to guide future planning permit applications for each stage of the development and their assessment, and will exempt applications that generally comply with the development plan from the usual notice and review processes under the *Planning and Environment Act 1987*.

The DP was received by Council at its meeting on 14 December 2015 and subsequently placed on display from 1 - 19 February 2016, satisfying the statutory 14 day comment period required under the Development Plan Overlay. 47 submissions (including one petition) were received and are reviewed below. The key drawing from the exhibited DP is shown in Figure 2, but is conceptual and should be read in conjunction with the Draft DP reports which comprise:

**Volume 1 - Development Plan Report [DPR]** (Tract Consultants Pty Ltd, October 2015). The Report includes relevant background and a summary of the Volume 2 specialist reports. The DP includes changes to the site layout compared to the adopted Masterplan. These were outlined in the 14 December 2015 report to Council.

**Volume 2 – Specialist Reports:**

1. Integrated Transport Plan [ITP] (Traffix Group, September 2015);
2. Community Infrastructure Assessment [CIA] (ASR Research, October 2015);
3. Economic Impact Assessment [EIA] (Urbis, September 2015);
4. Engineering Servicing and Stormwater Management Report [ESSMR] (Reeds Consulting, October 2015);
5. Ecologically Sustainable Development Strategy [ESDS] (Organica Engineering, September 2015);
6. Retail Design Report [RDR] (Tract Consultants and NH Architecture, October 2015);  
and
7. Landscape, Public Realm and Open Space Plan [LPROSP] (Group GSA, September 2015).



9.1.4  
 (cont)

Figure 2 –Exhibited Draft Development Plan drawing, December 2015



#### 9.1.4 (cont)

Display of the DP follows exhibition in October / November 2014 of an overall Masterplan for the land prepared by Frasers (as Australand) which attracted significant community interest and most of the aspirations and concerns were well expressed at that time. Council's adoption of the Masterplan at its meeting on 27 January 2015 was *subject to further review of the proposed open space network*. Preparation of the development plan is intended to advance the overall Masterplan for this strategically significant site.

The history and significance of the site and previous development proposals are well documented in several past reports to Council, most recently in the 27 January 2015 report.

Amendment C170 to the Whitehorse Planning Scheme was approved by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987* (the Act) and subsequently gazetted on 10 September 2015. The amendment:

- Rezoned the land to a combination of Residential Growth, General Residential and Commercial 1 Zone;
- Applied a Development Plan Overlay (DPO);
- Updated local planning polices at Clauses 22.11 and 22.12 in line with the adopted Masterplan; and
- included the adopted Masterplan as a reference document in the planning scheme.

The existing Environmental Audit Overlay continues to apply to the site. Intensive remediation works to address site contamination, to fill the former quarry hole and to set site levels are completed and statements of environmental audit have been issued for land adjoining Burwood Highway and the proposed retail land area fronting Middleborough Road. Monitoring of settlement of the filled land is in progress and for this reason, these areas are proposed for later stages of development.

As required under the DPO, Council has entered into an overarching Agreement under Section 173 of the *Planning and Environment Act 1987* that sets out broad obligations for future Agreements on a range of matters as the development progresses.

#### DISCUSSION

The DP for the former Burwood East brickworks has been placed on display in accordance with item 1 of Council's resolution on 14 December 2015 and as required under the DPO, schedule 6 of the planning scheme. A total of 47 submissions were received, including one petition with 40 signatories from premises in the Burwood Heights Shopping Centre which was formally received at the 21 March 2016 Council meeting.

Item 2 of Council's resolution on 14 December 2015 states:

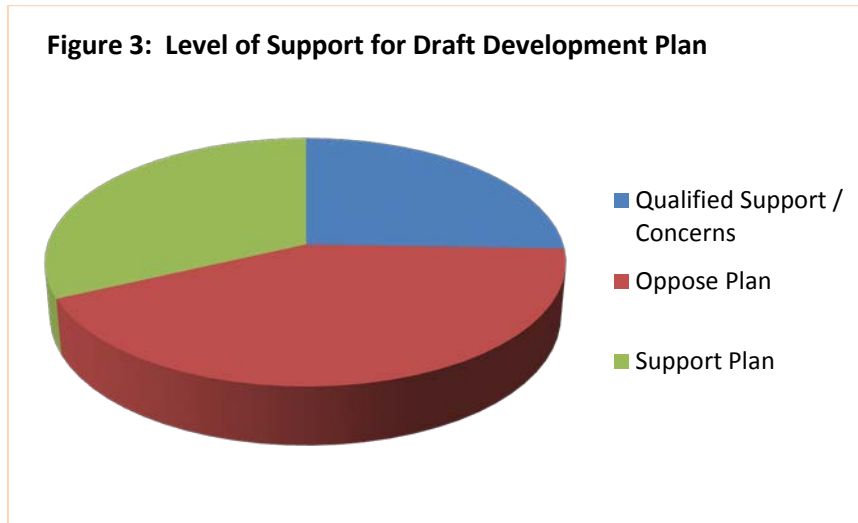
***At the conclusion of the display period, a further report be prepared on feedback received from the community.***

#### **1. Analysis of Community Feedback**

**Attachment 3b** provides a summary of each submission received, the officer response and any changes that have been made to the DP as a result of the submission. The Environment Protection Authority and Public Transport Victoria were the only agencies to respond. VicRoads and Melbourne Water did not provide a submission on the DP.

**9.1.4**  
(cont)

Previous consultation during the Masterplan stage generated considerable support for the development as well as a range of concerns. These concerns were rigorously considered in the report to Council on 27 January 2016. Overall, while there remains a strong level of support for the development, display of the DP in this next stage in the planning process highlighted a number of the same concerns clearly still remain (refer Figure 3). The community feedback on the DP and the response is summarised into key themes below and, where issues are consistent with views expressed on the earlier Masterplan, the response draws on comments previously made on that issue.



In Support

**Summary of Community Comment:**

- Overall support for the development and for expediting the approval process.
- Submissions seek a good quality retail /dining precinct (not large licence premises or fast food chains), a diverse retail offer and a safe pleasant environment.
- Support for paths / connectivity and large open spaces.
- Ensure a model, self-sufficient / sustainable development.
- Support for the mix of residential types and heights, and the aged care component on Burwood Highway.
- Support for the DP by Ryman Healthcare which recently purchased 2.5 hectares of land fronting Burwood Highway to develop an aged care facility (subject to Council approval).

**Officer Response:** Support noted.

**9.1.4**  
(cont)

Traffic

**Summary of Community Comment:**

- Concerned about additional traffic and parking generated in Eley Road and nearby streets and the impact on congestion, traffic queues and safety for local residents. Eley Road is narrow and already carries significant traffic volumes. Seek to prevent (or further limit) access from the development to Eley Road and installation of traffic management (e.g. speed humps) in adjoining streets.
- The development will place further pressure on the Eley / Middleborough Road and Eley / Blackburn Road intersections. Seek right turn arrows from Eley Road into Middleborough Road
- The impact of traffic from the development on congestion along Middleborough Road (in particular) and Burwood Highway will be disastrous. The intersection of these arterials is already saturated and the mitigation works are inadequate.
- There are already too many signals along Middleborough Road affecting traffic flow and congestion. Concern about increased accident risk.
- The traffic estimates are inaccurate and the traffic conditions on Middleborough Road have worsened with a number of new commercial (e.g.: Anaconda / Spotlight, Masters, etc) and apartment developments not taken into account.
- Council is shifting responsibility to VicRoads; proper site planning is also needed.

**Officer Response:**

Resident concerns about increased traffic are acknowledged. Traffic exiting to Eley Road is limited to 175 dwellings and there will not be through traffic to the boulevard (refer ITP section 6.3, p20). This matter was considered at the Masterplan stage and follows principles around the amount of access to Eley Road accepted in previous development proposals for the site. The traffic impact assessment for Eley Road is considered adequate, and Eley Road and local streets in the area have sufficient capacity to accommodate traffic generated by the northern end of the development. A roundabout will be provided at the single development access point to Eley Road to manage traffic movements and speed.

Adequate parking is proposed to be provided as part of the development. Parking along Eley Road was also considered by Council at its meeting on 27 January 2015 (Council Minutes, 27 January 2015, p 17).

Eley /Middleborough Road intersection is under the care and management of VicRoads and the issue of right turn movements from Eley Road has not been raised by VicRoads or in the ITP as a concern.

**Action:**

- Section 11.4, p65 of the DPR has been updated to clarify the proportion of dwellings in the development that will be accessed via Eley Road (i.e. 175 dwellings).
- The ITP has been updated at Sections 5.2 and 7.1 to include reference to implementation of 'no parking' along the south side of Eley Road west of Westminster Close to Middleborough Road.

This is a strategic redevelopment site with capacity to accommodate significant development. Council is satisfied that primary access for the bulk of the development be via the new boulevard thence to Burwood Highway and Middleborough Road, rather than to local streets (to the east for example), with a secondary access for a limited part of the development to Eley Road which is a collector road. From that point, VicRoads is the responsible authority to advise on the capacity and impact on the function of its arterial roads.



#### 9.1.4 (cont)

The ITP adequately addresses traffic generation and parking requirements using current industry rates and accepted modelling methods. As the responsible authority for Middleborough Road and Burwood Highway, it is understood that VicRoads is satisfied with the traffic modelling undertaken and the mitigation measures proposed, as per its advice to Frasers dated 13 May 2015.

Linking of signalised intersections is the responsibility of VicRoads and is already in place at the shopping centre / RSPCA signals. It is anticipated that the signals at the Middleborough Road / boulevard intersection would be similarly linked by VicRoads. Further information on expected queue lengths at the Burwood Highway / Middleborough intersection relative to the location of the proposed boulevard intersections on Middleborough Road and Burwood Highway should be included in the ITP.

Regarding the accuracy of traffic estimates, it is acknowledged that there are several new developments in the area. The ITP states that a 2% compounded growth factor has been applied at the intersections of Middleborough Road with Eley Road and Burwood Highway. The growth factor has been applied up to the year 2024 (10 years from when the traffic data was collected) specifically to account for traffic generated by developments constructed post 2014.

#### **Action:**

- Section 7.3.1, p34 of the ITP has been updated to include additional information and analysis on queue lengths at the Burwood Highway / Middleborough Road intersection as a result of the development relative to the location of the proposed boulevard intersections on Middleborough Road and Burwood Highway as specified in Attachment 3b.

#### Car Parking

##### **Summary of Community Comment:**

- Ensure adequate parking is provided / Insufficient car parking provided, impacting on parking / congestion in nearby streets.
- Conversely, balance car parking provision with sustainability outcomes.
- The RSPCA seeks to utilise the proposed landscaped area between land on the site that it currently occupies for car parking and the boulevard for future car parking if required.

##### **Officer Response:**

Car parking is proposed to be provided at the required statutory rates under the Whitehorse Planning Scheme and as shown in the ITP (p47). In assessing future planning permit applications, Council takes into account sustainable transport opportunities (such as walking, cycling and public transport) to balance the amount of car parking that is appropriate to an individual development.

Ongoing use of the site for car parking by the RSPCA is a matter between Frasers and the RSPCA. Future use of the landscaped area between the existing car parking and the boulevard for additional car parking was raised and considered during the Masterplan process and is not supported at this time. The RSPCA is encouraged to explore options for additional car parking on its site. Currently this land is shown as a landscaped gateway to the development which is appropriate.

**9.1.4**  
(cont)

**Action:**

- No further action

Shopping Centre – Justification for Additional Retail

**Summary of Community Comment:**

- Another retail centre is not necessary, desirable or justified. There is enough competition in the local area. Specifically, opposition to another supermarket as there are enough nearby.
- The Burwood Heights (Shopping Centre) Traders Association and petitioners are opposed to the construction of the retail development in stage 1. The retail should be built in stage 3 or 4, when sufficient residential development is established on the site. The submission included supporting consultant letters.
- Upgrade the existing Burwood Heights Shopping Centre (BHSC) to accommodate any additional demand and consolidate the retail into one centre not two.
- Need better pedestrian integration with the BHSC (e.g.: an overpass on Burwood Highway).

**Officer Response:**

The economic impact of the supermarket was raised and considered during the Masterplan process. The economic assessment indicates sufficient demand to support the shopping centre and maintain viability of existing centres. The current approved plan (by Reading Properties) proposed a much larger retail / commercial component, albeit geared to a much larger catchment, would also have served local needs.

There are a number of parts to Stage 1 (including the retail, key infrastructure and residential) that appear to be proposed for construction concurrently as highlighted in the DPR Table 1, p33. Further clarification has been provided in regard to the approximate construction commencement and completion dates to gain a better idea of the interrelationship between development of residential stages and establishment of the retail centre.

It has been assessed that there is market capacity currently to support the scale of centre proposed. Consultants for Frasers Property have also clarified that the EIA was prepared on the basis of the staged construction of dwellings, rather than on the final dwelling numbers. The assessment allowed for one quarter (i.e.: approximately 240 of the proposed 950 dwellings) to be developed by 2018, being the anticipated opening trading year of the Burwood East retail centre. "This level of assessed impact is expected to still result in a sustainable trading position for the Burwood Heights centre." Further, the assessed impacts do not allow for the full benefit of the retail demand generated by residents moving into the development at completion.

Taking into account the above, it is considered that the retail element is consistent with policy in the planning scheme and the EIA sets out how the proposed retail will complement the existing BHSC. Council is satisfied that the demand for the new centre is justified and can complement the existing retail offer in the local area. That said, the BHSC and other retail centres need to continue to be proactive about their future and consider further ways to improve their market position.

An overpass is not part of the development, but the upgraded intersection of the proposed boulevard with Burwood Highway will include full pedestrian signalisation to link with the BHSC. This needs to be clarified in the intersection descriptions on p27 and in Figure 12 p28 of the ITP.

**9.1.4**  
(cont)

**Action:**

- Table 1, p.33 of the DPR has been updated to include anticipated construction commencement and completion dates for all stages.
- Section 7.5, p47 of the DPR and Section 5, p40 of the EIA have been updated to clarify the assumptions used to calculate the assessed impacts of the retail centre in relation to staging of development. Specifically, that the assessment allowed for one quarter (i.e.: approximately 240 of the proposed 950 dwellings) to be developed by 2018 and that the assessed impacts do not allow for the full benefit of the retail demand generated by residents moving into the completed development.
- The further clarification from consultants to Frasers Property is to be provided to the Burwood Heights Traders Association.
- The ITP has been updated as follows:
  - Fig 12, p28 to show the provision of full pedestrian crossings at the Burwood Highway / Shopping Centre / boulevard reconfigured intersection; and
  - in the last dot point on p 27 text has been amended to read: "Pedestrian facilities will be upgraded to provide signalised pedestrian crossings on all approaches, conveniently linking the site to the Burwood Heights Shopping Centre."

Intensity of development

**Summary of Community Comment:**

- The development is too intense and is an overdevelopment; it is out of character with the surrounding neighbourhood.
- The taller buildings / apartments are not appropriate.
- Retail fronting Middleborough Road should not be higher than the apartments on the opposite / west side.
- Concerned there will not be adequate services and infrastructure for the increased population with note of the impact on sewers (in particular), water and public transport.

**Officer Response:**

Building heights and density were raised and considered during the Master Plan stage. The former brickworks is a major strategic redevelopment site in the metropolitan area that can accommodate more intensive development than its surrounds. The site is large enough to sensitively manage interfaces, including an appropriate transition in building height across the site with lower scale development proposed to the more sensitive edges.

The retail fronting Middleborough Road is mostly a single commercial storey with a 2 storey commercial element at the boulevard entry. This is within the overall height envelope of up to 16 metres in the Masterplan and planning controls.

Frasers has consulted Yarra Valley Water (YVW) on its requirements for the project. Water supply and sewer assessment is included in the Engineering Servicing and Stormwater Management Report and future supply is considered adequate.

Consultants to Frasers Property have advised that the existing sewer system does not have sufficient capacity to cater for the ultimate development but its present capacity is sufficient to cater for the initial stages of the development (via the 'Station Street Branch Sewer' west of Middleborough Road) including the retail area, the adjacent apartment area, the medium density stage 1 area and the proposed aged care development fronting Burwood Highway.

**9.1.4**  
(cont)

The 'Eley Road Branch Sewer' located near the north east corner of the site off Eley Road has very limited capacity and YVW has advised that this sewer must be upgraded. Yarra Valley Water (YVW) has agreed that the upgrade of the Eley Road Branch Sewer would be brought forward on its capital works program and is scheduled for completion at the end of 2017. YVW referenced the Emergency Relief Structure as one of three upgrade options, however this option and others have been superseded by the planned upgrade by YVW of the Eley Road Branch Sewer which is now scheduled for the end of 2017. The upgrade of the Eley Road Branch together with the existing Station Street Branch Sewer will cater for the full sewerage flow requirements of the ultimate development proposed in the development plan.

Public Transport Victoria has been consulted on public transport matters, has provided comment and does not oppose the development.

**Action:**

- Section 3.4, p4 and Annexure 2 of the ESSMR has been updated to include additional explanation of the sewerage capacity for the development and planned upgrades by YVW (as described above).

Open space and community facilities

**Summary of Community Comment:**

- Insufficient open space and safe, usable open space. Submissions seek larger open spaces and suggest particular locations for open space (e.g.: east of the urban plaza and adjacent to Burwood Highway).
- Lack of "serious" recreational facilities (e.g.: swimming pool) at the south end of the municipality.
- Need a library; support to be provided to local schools to accommodate additional students; and a multi-purpose community space for a multi-age toy library and playgroups.
- Ensure good design of the paths and provision of a range of end of trip facilities.
- Bicycle links of (e.g. internally near the Melbourne Water retarding basin on Eley Road and to the development site) require clarification, as do path widths.

**Officer Response:**

The amount and general distribution of open space is sufficient provided it satisfactorily meets the criteria for open space provision set out in Council's Open Space Strategy. Reference to the assessment criteria should be strengthened in the DPR and the LPROSP. With this criteria in mind, Council has assessed the suitability of the proposed 'open space contributions' shown in the LPROSP (Section 5.2 and Fig 9, p16) and some parcels should be removed as 'open space contribution' but will remain as part of the public realm (for example, land identified as open space contribution along the link road). As a result of this review, the amount of open space contribution is to be updated to be at least 10% of the total site area. This is discussed in more detail below. The suitability and functionality of all proposed open space and public realm, and future maintenance implications will continue to be assessed with each planning permit application as more detail on the proposed spaces becomes available. Open space / public realm with unreasonable constraints or limited functionality will not be accepted as open space contribution.

#### 9.1.4 (cont)

Having reviewed existing facilities in the region and their capacity, the CIA indicates that:

- There is sufficient capacity within the existing schools to accommodate demand from the development and that a library is not warranted. It does however indicate the potential to seek a contribution (land or cash) toward provision of kindergarten facilities, but that an (entire) additional new facility does not appear to be warranted.
- A multi-purpose community space should be provided, as identified in the DPR (sections 4.4.4, p25 and 14.4.3, p74) and in the CIA. However, the recommendation as exhibited lacked clarity. Frasers has subsequently advised that a small multi-purpose community facility comprising an open format room, a kitchenette and toilet facility is proposed on the ground floor of an apartment building adjoining the urban plaza, or in the retail centre or as otherwise agreed by Council. It is considered that this space should be a minimum of 100 sq. metres in size. Management of this space is yet to be determined but it is anticipated that the space would be managed as part of the management / body corporate for the apartment building or retail area. Uses within such a space have not been determined but could address the community's desire for a toy library or play space.
- A financial contribution should be made toward improvement of nearby active open space reserves. The CIA does not however indicate a need for the scale of recreation facilities suggested by submitters.

(Refer to the community infrastructure discussion in the officer review of the DP below.)

The DPR should be updated to reflect the need to provide for the above community infrastructure proportionate to the anticipated demand generated by the development.

Council has prepared a Cycling Strategy for the municipality. Regarding this site, it is acknowledged that Eley Road is on the Principal Bicycle Network, however at this point, no facility is proposed along this route as part of the development. Burwood Highway currently has wide kerb side lanes with advisory marking near the site.

The bicycle link to Eley Road next to the Melbourne Water retarding basin is currently shown as both a dedicated cycle route and a shared pedestrian / bicycle path. This link will be a shared pedestrian / bicycle path and will remain as a connection into the development, continuing through a proposed open space south of the retarding basin (adjoining Donaldson Reserve) then linking to the central open space and beyond. All reports need to be updated to clarify the proposed provision of shared pedestrian / bicycle and dedicated bicycle paths, to remove the many ambiguities and inconsistencies.

The submitter's suggestions regarding the provision of facilities to park over-dimensional bikes (e.g.: bikes with extended length with tag-alongs / bike trailers, etc), generously dimensioned turning circles along paths and electric bike charging points and the like, will be provided to Frasers for future detailed planning stages.

Bicycle parking provision, location and end-trip facilities will be provided and assessed as part of individual planning applications for the development (refer to the ITP, section 9.2, p47 and section 10, p48). Frasers has also committed to providing Green Travel Plans with development applications.

Dedicated bicycle paths and shared paths are proposed to be at least 3 metres wide and 2.5 metres wide, respectively. The width of the dedicated bicycle paths and shared paths must comply with Council's Road Management Plan. Path widths should be clarified in the ITP.

#### 9.1.4 (cont)

**Action:**

- The DPR, p59 at the end of section 10.4 and the LPROSP, p16 at the end of the last arrow point in section 5.2, have been updated by adding the following: “ ... Open space must meet the open space assessment criteria as set out in the Whitehorse Open Space Strategy and the schedule to Clause 52.01 of the Whitehorse Planning Scheme to Council’s satisfaction.”
- Table 4, p59 and Figure 35, p60 of the DPR and Figure 9, p16 of the LPROSP have been updated to remove land as open space contribution along the link road from the calculation. The amount of open space contribution has therefore been updated (refer DPR section 10.3 and 10.4, p59 and LPROSP, section 5.2, p16) to be at least 10% of the total site area.
- Table 4, p59 of the DPR has been relabelled as “Proposed Open Space Contributions”.
- The DPR, section 14.4, p74 has been updated to reflect the need to improve existing active open space reserves and that an appropriate financial contribution should be made.
- Council should pursue a financial contribution toward improvement of nearby active open space reserves in line with Council’s assessment and the CIA report.
- The DPR, section 14.4, p74 has been updated to reflect the demand for kindergarten services and child care provision.
- Council should pursue a contribution in line with the CIA for proposed development impact for provision of kindergarten services.
- The CIA and DPR (Sections 4.4.4 p25 and 14.4.3, p74) have been updated to clarify that a multi-purpose community facility of 100 sq. metres comprising an open format room, a kitchenette and toilet facility is proposed on the ground floor of an apartment building adjoining the urban plaza, or in the retail centre or as otherwise agreed by Council. The space is anticipated to be managed as part of the management / body corporate for the apartment building or retail area.
- Refer suggestions regarding the provision of end of trip bicycle facilities to Frasers for future planning permit applications.
- The ITP, p46, has been updated to include the proposed width of dedicated bicycle paths, shared paths and footpaths.
- All reports have been updated to clarify the proposed provision of shared pedestrian / bicycle and dedicated bicycle paths to remove ambiguities and inconsistencies. (Refer Figures 15, 16, 21, 26, and 36 of the DPR and where they appear in the specialist reports).

Landscaping

**Summary of Community Comment:**

- Insufficient trees and ‘greenery’. Mandate the amount of tree planting for the development. Generous planting of indigenous trees and plants is critical.
- Prioritise early establishment of canopy trees.

**Officer Response:**

Generous planting is proposed as part of the development as indicated in the LPROSP, with the majority to be native species. The LPROSP shows planting in the public realm along both sides of streets and in public spaces (Fig 7; p 14) and includes a tree palette (p42). The planning controls set a preference for the majority of plant species to be native. The DPR (section 6) sets out residential design guidelines that seek to provide space and site buildings so that canopy trees can be provided, but these guidelines should be strengthened. In line with many other residential areas across Whitehorse, the guidelines are to be updated to include at least one canopy tree for each detached / semi-detached dwelling and terrace / townhouse and sufficient private open space to facilitate tree planting as well as liveability.

It is anticipated that planting will be established as each stage progresses.

**9.1.4**  
(cont)

**Action:**

- The DPR (Section 6.5, p42 and Section 6.6, p43) has been updated to include planting of at least one canopy tree with a mature height of 8 metres and 5 metres for each detached / semi-detached dwelling and terrace / townhouse, respectively (and not planted within an easement). Each detached / semi-detached dwelling is to be provided 35 sq. metres of secluded private open space with a minimum dimension of 5m.

Impact on adjoining uses

**Summary of Community Comment:**

- Concerned about the impact of vehicle headlights and noise on residents opposite the boulevard intersection on Middleborough Road and seeks that the boulevard be located opposite an existing street (e.g.: similar to the Burwood One / Holland Road example).
- The RSPCA reiterates its concerns about potential amenity and operational impacts at its interface with the development proposal and is keen to protect its future operations as well as the interests of future residents. The RSPCA acknowledges these matters will be considered at the planning permit stage and supports ongoing dialogue with landowners. It is also concerned about impacts on the RSPCA's operations during construction. The EPA also made reference to these considerations and that Frasers conduct an assessment of potential amenity impacts and provide mitigation measures if needed.

**Officer Response:**

The road layout concerns relating to vehicle headlights were raised during the Masterplan process and considered at that time. The Middleborough Road / Boulevard intersection is proposed to be in approximately the same location as previously approved and agreed by VicRoads. The Burwood One / Holland Road example on Burwood Highway mentioned by the submitter was an existing intersection that became signalised. Regarding headlight glare the proposed signals are effectively opposite No.s 85, 87, 89 and 91 Middleborough Road. No.s 89 and 91 have existing high fences; No. 87 has been redeveloped with 3 storey townhouses that have ground floor garages. No 85 is now vacant and is proposed for redevelopment together with No 83 for a 4-storey apartment building with highlight windows at ground level frontage. This reinforces that there will be minimal impact by oncoming headlights from the boulevard intersection.

The RSPCA's amenity and operational considerations are noted for future planning permit applications. The adopted Masterplan and the planning controls recognise the interfaces of the site with the RSPCA. Throughout the Development Plan there are various references to the RSPCA interface. The DPR (refer 4.6.4, Fig 19, p 30) identifies the northern boundary of the RSPCA site as a "considered and sensitive interface" and this designation should also be applied to the east boundary of the RSPCA.

Regarding the impact of construction on the RSPCA, reference can be added to the DPR (section 5.1.1, p33) in relation to Construction Management Plans regarding minimising impacts on adjoining and nearby sites (not just on the RSPCA site).

**Action:**

- Section 5.1.1 (p33) of the DPR has been updated to make reference to minimising the impacts on adjoining and nearby sites (i.e.: not just the on the RSPCA).
- Fig 19 (p30) of the DPR has been updated to identify the east boundary of the RSPCA site as a "considered and sensitive interface".

**9.1.4**  
(cont)

Other comments

**Summary of Community Comment:**

- Seek good architectural and aesthetic design and a high quality development.
- Seeks passive design of homes for thermal efficiency, and wind generated electricity measures.
- The proposal lacks inclusion of low cost affordable housing.
- Attention is drawn to waterway pest species (Mosquito Fish).
- Typographical error regarding Richmond Street.

**Officer Response:**

Council also seeks good design outcomes from this site. The principles and guidelines to achieve this have been established and will be used to assess future planning permit applications.

The Ecologically Sustainable Development Strategy outlines the approach to ESD design. Further detail will come with future planning applications and as Council's ESD Policy in the Whitehorse Planning Scheme is applied through the development assessment process.

The planning controls seek a "range of housing types...that are responsive to local housing needs, affordable housing and housing for people with additional needs" (Whitehorse Planning Scheme, Clause 22.12-3). The Development Plan (via DPO6, Subclause 4.0) is to provide "a description of how the development addresses affordable housing and housing for people with additional needs". The Development Plan includes a range of housing types to cater for a broad demographic. Further explanation of this diversity has been included in the Development Plan. Frasers' recent decision to sell land fronting Burwood Highway to Ryman Healthcare will also respond (subject to planning approval) to housing for people with additional needs.

It is acknowledged that there is a need for additional social housing in the eastern metropolitan region, including Whitehorse. To reiterate the 27 January 2015 Council report, Council will "*continue dialogue with [the developer] on provision of affordable housing, housing for people with additional needs ... and universal design.*"

Mosquito Fish are understood to be prolific in many waterways. Council would consult the Department of Environment, Land, Water and Planning should the need to address infestation of any noxious or pest species arise.

**Action:**

- Section 4.6.5, p31 of the DPR has been updated to include more explanation on how the development addresses affordable housing and housing for people with additional needs.
- The DPR and ITP have been updated to amend references to Richardson Street, where they appear, to read Richmond Street.
- Refer comments on Fulton Road wetland to Melbourne Water regarding the declared noxious fish *Gambusia holbrooki* (Mosquito Fish).



**9.1.4**  
(cont)

**2. Officer Review of Development Plan**

Item 3 of Council's resolution on 14 December 2015 states, that Council:

***Pursue necessary changes to the development plan to address its concerns concurrent with display and consideration of community feedback on the development plan.***

The significance of this major project and the need to expedite it is recognised. Officers across Council have engaged with Frasers on multiple occasions and considerable resources have been contributed by the organisation to provide relevant feedback during preparation of the Development Plan.

There are however a number of matters previously raised by officers that were not adequately addressed in the development plan prior to its display. Some of these matters have been raised by the community and are discussed above and in **Attachment 3b**. Remaining matters and those that required further clarification, have resulted in changes to the DP or are conditions of approval of the DP are outlined in detail in **Attachment 3c**. Noteworthy issues from **Attachment 3c** are highlighted below.

Open Space Network and Public Realm

In adopting the overall Masterplan for the site on 27 January 2015, Council resolved to:

***Adopt the updated draft Burwood East Master Plan and Urban Design Report, January 2015 for the former brickworks site (as shown in Attachment 1c), subject to further review of the proposed open space network to Council's satisfaction.***

The report to Council on 14 December 2016 also stated:

*Discussions with Frasers are continuing on key areas of concern in regard to future public infrastructure delivery and responsibilities including: ... The suitability and functionality of land areas identified for public open space in terms of being either floodprone ..., too small or narrow, sloping land to deal with level changes across the site and functionality of multiple, fragmented spaces.*

The suitability and functionality of all proposed open space and public realm (be it land 'contributed' under the planning scheme and *Subdivision Act 1988* or not), and future responsibility for and maintenance implications will continue to be assessed with each planning permit application as more detail on the proposed spaces becomes available. Broadly, common concerns in the proposed open spaces / public realm include:

- Absence of detailed design to fully understand the spaces and infrastructure proposed
- The boundaries between private land (inclusive of owner's corporation land), open space contribution land and other public realm have not been well defined (e.g.: the southern end of the urban plaza, land used for car parking by the RSPCA, the southern edge of the Village Green / central open space and potentially other areas)
- Location of retaining walls
- Poorly dimensioned land
- Unreasonable slope and the impact on maintenance, accessibility and usability of land
- Floodprone land
- Future responsibility and maintenance implications
- Infrastructure on filled land.

#### 9.1.4 (cont)

##### ***Proposed Open Space Contributions***

As discussed in the review of submissions, the amount and general distribution of open space is sufficient provided it satisfactorily meets the criteria for open space provision set out in Council's Open Space Strategy (2007) and in Clause 52.01 of the planning scheme. The open space assessment criteria relate to matters such as:

- The size of the land relative to its intended purpose;
- The physical condition of land;
- The potential impact of adjoining land uses on the value of the open space;
- Existing or potential biodiversity values of the land;
- How the land contributes to the wider open space network including corridor linkages;
- Accessibility of the land with consideration to any inherent constraints;
- Visual prominence of the space and accessibility from at least two access points or local roads;
- The potential of the land to accommodate a range of formal and informal recreational uses;
- Proximity to a range of transport options;
- Ongoing maintenance and management costs;
- The impact of services or easements; and
- The contribution of the land to the liveability of neighbourhoods and the enhancement of neighbourhood character and attractiveness.

Having reviewed the proposed 'open space contributions' in the LPROSP (Section 5.2 and Fig 9, p16) there is concern that some land parcels may have unreasonable constraints.

Subject to detailed design, if this is the case, unsuitable open space contributions that do not satisfactorily meet the open space assessment criteria will be rejected.

Since exhibition of the DP, Frasers has reconsidered the suitability of land along the boulevard and has deleted this land as open space contribution. It will however remain as public realm. Land parcels of potential concern are set out in **Attachment 3c**.

It is considered that the open space contribution provided in the development should be at least 10%.

##### ***Action (reiterates in part, the response to submissions above):***

- The LPROSP (Section 5.2 and Fig 9, p16), has been updated to remove linear sections of land along the boulevard as proposed open space contribution.
- Open space contribution provided in the development must be at least 10%.
- The DPR and the LPROSP have been updated to require that land contributed as public open space meets the open space assessment criteria as set out in the Whitehorse Open Space Strategy and the schedule to Clause 52.01 of the Whitehorse Planning Scheme to Council's satisfaction.
- The DPR and the LPROSP have been updated to clarify boundaries between public realm, land proposed as public open space contribution, and private land.
- Approximate finished site levels to assess the impact of the topography on the layout of the development and on the public realm need to be provided.

It is acknowledged that the two key parcels proposed as public open space contribution (the Urban Plaza and through to the Village Green / central open space) are undergoing further design development and are of interest and concern to Council. These are discussed in the two sections below.

**9.1.4**  
(cont)

***Urban Plaza and Linking Space to the Village Green***

The illustrative nature of the concepts for the urban plaza and linking space to the Village Green / central open space in the LPROSP are clearly annotated as such. The positive direction of recent discussions regarding the design process for the urban plaza is noted. The guiding principles for the urban plaza and linking space to the Village Green are set out in the DP and the adopted Masterplan.

Council's concerns regarding the transition between the urban plaza and the village green are yet to be satisfactorily addressed. This link appears to accommodate a level difference of approximately 6 metres via a series of steps, viewing terraces and ramps that switch back across the link. Concerns as previously expressed include: achieving a practical and feasible dedicated cycle path and DDA compliance through this narrow steep section, conflict with pedestrians, safe design, the slope of batters on either side, maintenance and identification of the public realm boundaries.

An updated concept plan for this transition between the urban plaza and the village green needs to accurately define this space and demonstrate how the proposed public realm infrastructure and access arrangements can be provided and result in a well-resolved, high amenity, safe and functional outcome.

In light of further design development of this space, a revised concept for the urban plaza and linking space should be prepared to Council's satisfaction.

**Action:**

- A revised concept for the urban plaza and linking space is to be prepared to Council's satisfaction.

***Village Green Retarding Basin / Wetland***

Melbourne Water's requirement for a retarding basin to be provided within the development is acknowledged, noting that the retarding basin would not however be managed by Melbourne Water. The DP currently proposes a combined retarding basin with an associated wetland treatment and sediment dry out area, visually presenting as a permanent ornamental lake planted with wetland species, and surrounded by open space (as contributed land) to form a Village Green. It is noted that the concept for the Village Green / central open space, proposed to comprise 6530 sq. metres (0.65 hectare excluding the water body), is annotated as illustrative. Concerns expressed to Frasers include:

- Steep batters in the open space
- Floodprone land (higher frequency than the modelled 100 year event) included as contributed land.
- The functionality and usability of this primary open space in the development with multiple spaces separated by the retarding basin.
- Subject to future design, structures such as steps and viewing platform
- Safety implications
- Maintenance implications
- Implications for stormwater management

The 14 December 2015 report to Council advised that Frasers had initiated discussions with Melbourne Water to locate the water treatment / wetland component of the facility into the floor of the existing Eley Road retarding basin and for this element to be maintained by Melbourne Water. This provides an opportunity to improve the appearance / amenity and function of the adjoining Melbourne Water Retarding Basin, which is still required by Melbourne Water to be fenced preventing physical public access.

#### 9.1.4 (cont)

This opportunity is generally supported. Maintenance arrangements in relation to the potential improvements have also been discussed. It is understood that Melbourne Water agree in principle with the proposal.

Regardless of the potential synergy between Melbourne Water's and the development's retarding basin, it is considered that the usability of the Village Green is significantly constrained by the proposed retarding basin and should be redesigned to achieve a more usable, larger and more functional open space by improving the design and layout of the retarding basin. A "side by side" design with a substantial area of open space next to (rather than broadly surrounding) the retarding basin should be explored. A larger space would help to offset any shortfalls with other parcels intended as open space contribution.

**Action:**

- A revised concept for the Village Green and Retarding Basin is to be prepared to Council's satisfaction.

#### Stormwater Management

Council has provided significant input to the Engineering Servicing and Stormwater Management Report, particularly in regard to stormwater management.

Sufficient information has now been provided by Frasers Property to assess the overall Drainage Strategy Plan contained in the ESSMR. However Council will still need to review the hydraulics for the site during detailed design with future planning permit applications.

Further, in any redesign of the retarding basin / wetland (discussed above), it will be necessary to properly analyse the adequacy of the stormwater network across the site.

It is reiterated that future management and maintenance of infrastructure assets is the subject of further discussion, detail and agreement and that it cannot be assumed at this stage that Council will take on these responsibilities.

**Action:**

- No further action at the concept planning stage.

#### Apartments in the Burwood Highway 'Triangle'

Concern has been raised about the representation of the apartments in the triangular parcel of land adjacent to Burwood Highway. In some diagrams the apartments seem more extensive than envisaged in the adopted Masterplan and DPO6. Minor updates have been made to the DPR to clarify and to better demonstrate the "series of" well-spaced buildings intended for the highway frontage.

**Action:**

- Updates have been made to the DPR to more clearly reflect the built form intention for the Burwood Highway 'triangle' as a "series of" well-spaced buildings in a landscaped setting.

#### Residential Design Guidelines

The Residential Design Guidelines require review to address some key concerns previously raised, including:

- Private open space in developments to ensure that a reasonable amount of secluded private open space and canopy trees are provided in detached / semi-detached housing and terraces / townhouses.
- The presentation of the urban plaza apartment buildings along all edges, including corners to the boulevard and to the plaza, so that the built form does not constrict spaces where a sense of arrival is needed. Buildings must be sited to allow reasonable space at key corners for pedestrians and sightlines, and to identify arrival points.

#### 9.1.4 (cont)

**Action:**

- The Residential Design Guidelines have been updated to include the required references in relation to: secluded private open space, communal open space in apartments, canopy tree planting, and presentation of buildings to key corners (as applicable). Refer to **Attachment 3c**.
- The overall colour and materials palette referred to in the residential guidelines is to be provided.

#### Boulevard Treatment

Threshold treatments to deter through traffic from entering the boulevard and to encourage a safer, low speed environment should not be limited to the bend in the boulevard. At this point, priority should be afforded to pedestrians through the inclusion of a 10km/h shared zone and / or a zebra crossing further deterring through movements (subject to VicRoads approval). Threshold treatments will also be needed at other points along the boulevard to encourage a low speed environment.

**Action:**

- The ITP has been updated to reference the threshold treatments proposed along the boulevard.

#### Retaining Walls

The indicative retaining wall design shown at the southern interface of the site to the RSPCA land is not supported. Although the retaining wall is proposed to be on private land it will adjoin publicly accessible space. The illustrative cross-section exhibited presents significant maintenance concerns, regardless of who maintains it. Tree establishment in this design is also queried. Noting that the interface is subject to detailed design, the previous treatment of a gabion wall or similar and trees at street level is preferred.

Frasers Property has advised that the overall development will include retaining walls to manage slope, however the location and details of these have not been provided. Primary concern will be any retaining walls located on or adjoining public land and the associated maintenance, structural integrity, safety considerations and impact on the usability of the space. Officers are unable to assess the impact of retaining walls on the development in the absence of detail at the DP stage and the preference is for retaining walls to be on private land wherever possible.

**Action:**

- The LPROSP has been updated to:
  - Delete the indicative cross section of the retaining wall shown at the southern interface of the site to the RSPCA land and to include reference to an appropriate treatment at this interface and accompanied by structural and design reports to Council's satisfaction.
  - Indicate that any retaining walls on public land or at the public interface are to be minimised and must be accompanied by a report on the structural integrity of the retaining wall/s to Council's satisfaction.
- Approximate finished site levels to assess the impact of the topography on the layout of the development and on the public realm are to be provided.

**9.1.4**  
(cont)

Community Infrastructure Assessment and Contributions

The incorrect version of the Community Infrastructure Assessment (CIA) report (Sept 2014) was provided to Council for the 14 December 2015 Council meeting. The correct version is dated October 2015. The differences between the two reports are of limited consequence, but include:

- Updated dwelling estimates from 850 - 950 dwellings to 958 dwellings;
- Updated population estimates from 1,600 - 2,000 people to 2050 people;
- Updated percentage of dwelling and population increase in a 2 km catchment of the site from 4% and 3% respectively, to 5% and 4% respectively; and
- Updated development scenario of dwelling and population estimates used in the community infrastructure assessment to reflect the above revised figures (noting that the Sept 2014 report used the lower dwelling yield in the range).

Of interest are the recommendations regarding active open space, kindergarten services and a 'multipurpose community space'. The updated assessment of community infrastructure contained in the correct version of the report has resulted in a marginal increase in demand for infrastructure provision in the development (across the categories assessed), but very little change to recommended infrastructure. The main recommendations in the assessment are as follows:

- It identifies that in addition to the passive open space already proposed, there will be sufficient demand generated by the development to warrant a financial contribution toward improvements offsite at existing nearby active open space reserves.
- It leaves open the possibility of requiring a development contribution (e.g.: in cash, land or both) toward provision of facilities for kindergarten services to address the impact of 15 additional 4 year old kindergarten enrolments / places.

It is considered appropriate that the proponent provide a contribution in line with the CIA for the impact of the proposed development on kindergarten services.

Preliminary calculations have been prepared by Council using benchmark figures for kindergarten facilities and building cost rates to apportion the cost of the infrastructure components to provide a kindergarten facility to accommodate the anticipated demand. These calculations result in an estimated contribution of \$540,000. This excludes the cost of providing car parking spaces and the value of land if Council needed to purchase a site. Appropriate contribution quantum and methodology for calculating it is being discussed with Frasers Property Australia and is proposed to be included in a separate agreement.

There is an opportunity for dialogue on kindergarten service provision in the composition of any early childhood facility incorporated into the development by the developer such as within the child care centre being contemplated by Frasers in the retail precinct. This may include the developer providing one (1) room within the proposed privately-run child care facility for sessional kindergarten, or a financial contribution (as described above) toward provision of kindergarten facilities and services elsewhere or as otherwise agreed by Council.

Equally, it is reasonable that the impact of the development on existing active open space reserves be addressed by the proponent providing a financial contribution toward improvement of nearby sporting facilities. A contribution in line with Council's assessment and the CIA report is warranted.

**9.1.4**  
(cont)

The CIA also makes reference to a 'multipurpose community space' however the references to the nature of the facility proposed at exhibition were unclear. Frasers has since clarified that *it proposes to provide a multi-purpose community facility of 90 sq. metres comprising an open format room, a kitchenette and toilet facility, located on the ground floor of an apartment building adjoining the urban plaza, or the retail centre.* Such a facility would appear to adequately meet Frasers Property demand estimates, but to be more consistent with the CIA, the facility should be at least 100 sq. metres. Management of this space is yet to be determined but it is anticipated that the space would be managed as part of the management / body corporate for the apartment building or retail area.

**Action (reiterates in part, the response to submissions above):**

- The current version of the Community Infrastructure Assessment (with updates listed) to be included in the DP.
- Council should pursue a financial contribution toward improvement of nearby active open space reserves in line with Council's assessment and the CIA report.
- Council should pursue a contribution in line with the CIA for proposed development impact for provision of kindergarten services.
- The DP has been updated to clarify that a multi-purpose community facility of 100 sq. metres comprising an open format room, a kitchenette and toilet facility is proposed on the ground floor of an apartment building adjoining the urban plaza, or in the retail centre. The space is anticipated to be managed as part of the management / body corporate for the apartment building or retail area or as otherwise agreed by Council.

Administrative Matters

Drawing inconsistencies, text clarifications, consequential updates across reports and some typographical errors have been updated in the DP.

Refer to **Attachment 3c** for further details. The updated DP drawing is shown in Figure 4 and should be read in conjunction with the updated DP documents at **Attachment 3a**.

**9.1.4**  
 (cont)

Figure 4 – Updated Development Plan drawing, July 2016



- |   |  |  |   |
|---|--|--|---|
|  Civic Space                                   |  Signalled Intersection           | <b>TYPLOGIES AND BUILDING ENVELOPES</b>  |  North |
|  Boulevard Link Road                           |  Site Interface                   |  Detached and Semi-Detached Housing    |   |
|  Shared Pedestrian and Bicycle Path Connection |  Traffic Slow Point               |  Terrace and Town Housing              |   |
|  Pedestrian Connection                         |  Dedicated Off Road Bicycle Route |  Apartment Living                      |   |
|  Improved Pedestrian Environment               |  Roundabout                       |  Apartments, Terraces and Town Housing |   |
|  Access to Plaza                               |  Non-Public Open Space            |  Retail Centre                         |   |
|   |  | <i>Open space is subject to detail design</i>  |   |



#### 9.1.4 (cont)

### **3. Statutory Assessment of Development Plan**

#### Development Plan Overlay requirements

The DPO requires that a development plan be prepared to the satisfaction of the responsible authority before a planning permit can generally be granted (refer Clause 43.04-1). The DPO6, Section 4 requires that the Development Plan must be:

- Generally in accordance with the Indicative Concept Plan for the Former Brickworks Site shown in the DPO6;
- Consistent with the vision for the site; and
- Must address principles for the site set out in the DPO6, to the satisfaction of the responsible authority.

The Development Plan must demonstrate how the vision, principles and objectives for the site will be achieved by providing specified information, to the satisfaction of the responsible authority.

In addition to the above, the Overlay requires that:

*Prior to the approval of a Development Plan, an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the responsible authority must be entered into between the owner of the Former Brickworks Site at 78 Middleborough Road, East Burwood and the responsible authority. The agreement must identify the broad obligations required by the responsible authority to be imposed by way of future agreements under Section 173 of the Planning and Environment Act 1987 between the owner of the Former Brickworks Site and the responsible authority.*

The agreement is referred to in this report as the 'overarching agreement'.

#### Decision Guidelines

The Decision Guidelines contained in the DPO6, Section 6 require that before deciding on a request to approve a Development Plan, in addition to the decision guidelines in Clause 65 of the planning scheme, the responsible authority must consider, as appropriate:

- Clause 22.11 – Burwood Heights Activity Centre Policy, Clause 22.12 – Former Brickworks Site Policy, 78 Middleborough Road, East Burwood, *Burwood Heights Activity Centre Structure Plan*, the Master Plan, the Indicative Concept Plan (Figure 1), the Building Height Plan (Figure 2) and the Housing Mix Plan (Figure 3). [NB: Figure references refer to the DPO6].
- The objectives of the zone.
- Any public comments received in response to display of the Development Plan.
- A list of specific considerations relating to assessment of the Development Plan information provided.

#### DPO6 information requirements

As noted above, the DPO6 sets out information to be provided as part of a DP. Further information has been provided that addresses most of the outstanding requirements under the DPO6.

#### Assessment

Subject to satisfactorily addressing the matters in **Attachment 3c**, officers are satisfied that the Development Plan for the Burwood East former brickworks site meets the information requirements set out under DPO6.

Having considered matters set out in the Decision Guidelines and other requirements of the DPO6, plus community feedback in response to display of the Development Plan, it is considered that the Plan satisfactorily meets the requirements of the planning scheme.

#### 9.1.4 (cont)

Further, having entered into the overarching agreement required, the Development Plan can now be considered by Council. This is discussed further below.

Subject to the conditions and changes outlined in this report and the attachments, it is therefore recommended that the Development Plan be approved.

#### **4. Other matters**

##### Overarching Agreement

There is an overarching agreement in place under Section 173 of the *Planning and Environment Act 1987* as required under the DPO, Schedule 6 (at Clause 4.0) and in accordance with Council's resolution of 27 January 2015. The Agreement sets the framework for future, more detailed agreements with the land owner/s on the delivery, ownership, management and maintenance of infrastructure as further detail on the development becomes known to enable Council to determine its position on these matters.

The agreement addresses infrastructure and related issues, specifically

- Public open space
- Roads, traffic management and transport infrastructure
- Stormwater management
- Street trees
- Asset management
- Community infrastructure considerations
- Any new community infrastructure that may be needed.

If delivered to Council standards, ongoing responsibility for public infrastructure would typically be assumed by Council. However, Council is yet to make any decision in this regard.

##### Subsidence Agreement

In view of the extent of the landfill activities undertaken on the site and proposed development of future infrastructure and dwellings on filled land, it is considered appropriate to enter into a separate Agreement under Section 173 of the *Planning and Environment Act 1987* to set up a framework to address how subsidence risk will be managed.

Due to the depth of the structural fill platform on the site and the inherent risk of settlement associated with this, management of subsidence risk is a threshold issue that needs to be resolved as a priority. It is considered that a more robust Geotechnical Framework would form part of the agreement to manage the risk and should address:

- How long subsidence should be monitored for;
- When the filled land will provide a suitable basis for residential development and related infrastructure; and
- Proposed measures for managing the risk of settlement. Such measures might include:
  - That monitoring be continued until future settlements are considered adequate and present minimal risk;
  - Extended maintenance periods prior to handover of assets;
  - A security amount related to the cost of works undertaken to fill the land and / or the cost of related stages of development.

Management of the subsidence risk including implementation and compliance with the Geotechnical Framework needs to be documented and secured in a section 173 Agreement which should be entered into prior to granting a planning permit for subdivision of the subject land.

#### 9.1.4 (cont)

### CONSULTATION

The community has had multiple opportunities to influence development of the site in reaching this stage of the planning process. Community feedback and consultation undertaken has been documented in a number of previous Council reports over more than a decade.

The DPO6, Section 5 states:

Before deciding whether to approve a Development Plan or a substantial amendment to an approved Development Plan, the responsible authority must first display the plan for public comment for a period of 14 days and must consider any comments received in response to display of the plan.

The DP was received by Council at its meeting on 14 December 2015 and subsequently placed on display from 1 - 19 February 2016, satisfying the statutory 14 day comment period required under the Development Plan Overlay. The DP was exhibited via the following:

- Notification in consecutive editions of the Whitehorse Leader
- Display of the documents at Council's service centres, libraries in the municipality, locally at the RSPCA, Eley Park and Bennettswood Neighbourhood House and on Council's web site
- A brochure distributed to local venues and to previous submitters, agencies and interested persons.
- Distribution of approx. 2,400 letters to the local area.
- Notice boards about the display on the Burwood Highway, Middleborough Road and Eley Road frontages.

Forty-seven (47) submissions (including one petition) were received and are discussed in this report and analysed in detail in **Attachment 3b**. Agency responses were received from the Environment Protection Authority and Public Transport Victoria, but not from VicRoads, Melbourne Water, the Department of Environment, Land, Water and Planning, nor from other agencies.

Future planning permit applications that are generally in accordance with an approved development plan will be exempt from the usual notice requirements under the *Planning and Environment Act 1987*.

### FINANCIAL IMPLICATIONS

Future costs to Council are potentially significant. The costs associated with consulting the community on the Development Plan and to prepare the overarching agreement will be recouped from Frasers Property Australia.

To date, Council has required limited assistance from external consultants (e.g.: planning, legal and high level engineering advice). It is acknowledged that a significant amount of internal officer time and expertise has been committed from all divisions across Council to assess the Development Plan.

Resourcing required for future planning permit approvals will be partly offset by notice exemptions in the proposed Development Plan Overlay.

#### **9.1.4** (cont)

However the ongoing internal officer resources required will be significant. For example to:

- Liaise and provide feedback on detailed design for the development and infrastructure prior to applications for approval
- Assess future planning and building applications
- Assess, approve and check infrastructure works
- Follow up compliance with approvals
- Inspect and respond to construction management issues
- Potential enforcement procedures
- Prepare future agreements
- Appropriately respond to land settlement matters
- Establish and administer any financial contributions for community infrastructure.
- Liaise on management and maintenance of public land once infrastructure is established.

It is also likely that further external consultant advice will be needed. Funding will need to be made available in subsequent budgets for these general purposes.

There will be significant future cost implications to Council if it takes ownership and / or responsibility for future maintenance and management of any public infrastructure. This would include ongoing operational budget for maintenance and management of matters such as open space, roads, drains, lighting, potentially the wetland / retarding basin, street trees, any other community infrastructure, cleansing of public spaces and waste collection, as well as capital works into the future to improve and replace public assets. Further detail on the development in subsequent stages is needed to estimate these costs and the impact on Council's budget.

Beyond a separate management body for the shopping centre (such as a body corporate) and those associated with residential development (e.g.: apartments), Frasers does not envisage having any future role in relation to public asset management in the longer term. This issue is likely to be raised in future agreements.

Infrastructure needed for the development and related existing asset upgrades will be provided or required as part of the development at Frasers' cost.

#### **POLICY IMPLICATIONS**

The Council Plan 2015 - 2019 and relevant Council strategies, such as the Burwood Heights Activity Centre Structure Plan, Whitehorse Open Space Strategy, Bicycle Strategy, Integrated Transport Strategy, Housing Strategy, Neighbourhood Character Study, Neighbourhood Activity Centre Guidelines, Community Engagement Framework, Recreation Strategy, Sustainability Strategy, Health and Wellbeing Plan, Economic Development Strategy, Streetscape Strategy (and other associated documents) have all inform Council's consideration of the Development Plan.

Relevant policies are contained in the Whitehorse Planning Scheme at Clause 22.11 (Burwood Heights Activity Centre Policy) and Clause 22.12 (Former Brickworks Site Policy).

**9.1.4**  
(cont)

**CONCLUSION**

A Development Plan has been prepared for the former brickworks site in Burwood East on behalf of Frasers Property Australia as required under Clause 43.04-1 of the DPO. Clause 5.0 of Schedule 6 to the DPO requires that the Development Plan be placed on display for public comment for a period of 14 days. Having placed the Development Plan on display this report considers the community feedback received (refer **Attachment 3b**) and assesses the Draft Development Plan against the planning scheme requirements.

Most of the outstanding matters from Council's feedback to date have now been adequately addressed in the updated Development Plan at **Attachment 3a**. As a consequence, Council's remaining requirements in order to progress the Development Plan are set out in **Attachment 3c**.

Subject to the changes and conditions outlined in this report and as shown in **Attachment 3b** and **Attachment 3c**, it is recommended that the Development Plan be approved for subsequent endorsement.

## **Engineering & Environmental**

### **9.1.5 Laneway 254 (Rear Of 8 to 18 Lake Road, Blackburn) – Declaration of Road Required for Public Use and to be Open to Public Traffic**

FILE NUMBER: 52/07/254  
ATTACHMENT

#### **SUMMARY**

*The purpose of this report is for Council to consider the written submissions received under section 223 of the Local Government Act 1989 and the report and the summary of hearings relevant to the committee of Council which heard submitters who wished to speak in support of their written submissions on Wednesday, 29 June 2016 prior to Council determining whether to declare, by resolution, that the laneway known by Council as Laneway 254 (located at the rear of 8 to 18 Lake Road, and adjacent to 40 and 42 Wellington Avenue and 2 and 2A Alandale Avenue, Blackburn) is a road that is reasonably required for public use and is to be open to public traffic.*

*It is recommended that Council declare Laneway 254 as being reasonably required for public use and open to public traffic. The suggested reasons for Council's decision (for consideration by Council) are set out in the body of the recommendation below.*

#### **RECOMMENDATION**

***That Council, having considered all submissions received under sections 207A(c) and 223 of the Local Government Act 1989 (LGA) and otherwise according to law hereby –***

- 1. In accordance with section 204(2) of the LGA (and being of the opinion that the road known by Council as Laneway 254 is 'reasonably required for public use and is to be open to public traffic' (road), hereby declares that the road is 'reasonably required for public use and is to be open to public traffic'. (The road is located at the rear of 8 to 18 Lake Road, and adjacent to 40 and 42 Wellington Avenue and 2 and 2A Alandale Avenue, Blackburn and is shown set aside or appropriated as a road on plan of subdivision LP10677 lodged at the Land Titles Office on 16 April 1925.)***
- 2. In making the declaration, Council has considered the report from the Committee that in accordance with section 223(1)(c) of the LGA had heard persons who in their written submissions had requested to be heard. A copy of the report is provided in Attachment 4b.***
- 3. Directs that written notice be given to all property owners and occupiers adjoining the road, in and around the local area and to all persons who have lodged a submission in writing of the decision of Council.***
- 4. For the purposes of paragraph 2, the reasons of Council for making the declaration are that:***
  - a) Council considers that it is acting in accordance with the functions and powers conferred on it under the LGA, having regard to its role, purposes and objectives under the LGA, particularly in relation to providing and maintaining community infrastructure in the municipal district and otherwise performing functions in connection with the peace, order and good government of the municipal district;***
  - b) Council considers that the road, based on the locality and the environment in which the road is situated and its present and future use by the local community (including relevant planning and development considerations), is reasonably required for public use and should be open to public traffic;***

### 9.1.5

(cont)

- c) ***Council considers that the opening of the road will enhance or maintain land values as well as the use, occupation and enjoyment of adjoining and other nearby properties, and is otherwise in the public interest; and***
- d) ***Council considers that there is minimal objection to the proposal and that there is otherwise a broad level of local community support for the road to be open to public traffic.***

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## BACKGROUND

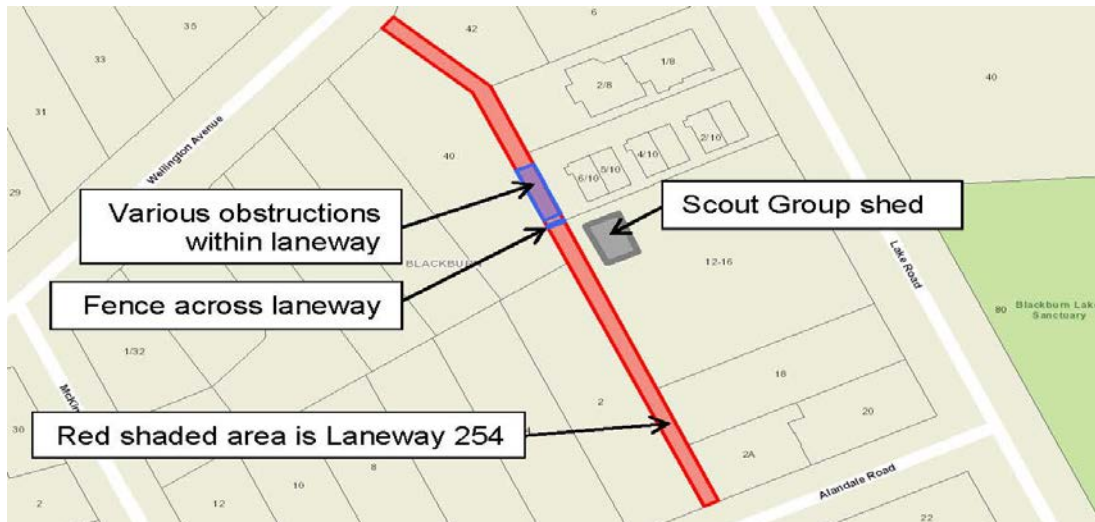
This report relates to the unconstructed laneway that is referred to and known by Council as Laneway 254 (the ***laneway*** or the ***road***). The laneway is located at the rear of 8 to 18 Lake Road, and adjacent to 40 and 42 Wellington Avenue and 2 and 2A Alandale Avenue, Blackburn and is shown set aside or appropriated as a road on plan of subdivision LP10677 lodged at the Land Titles Office on 16 April 1925.

The laneway surface is predominately a mix of gravel, soil and grass. There are also some sections that have been constructed with (what is believed to be) private concrete wheel strips. There is a standard timber paling fence across the entire width of the laneway at the boundary of 10 Lake Road and 12-16 Lake Road. There is vehicle and pedestrian access north along the laneway from Alandale Road up to the fence. There is vehicle and pedestrian access south along the laneway from Wellington Avenue up to the rear of 10 Lake Road. At the rear of 10 Lake Road there are various obstructions which prevent vehicle access, including trees and shrubs, some concrete kerbing, a disused brick incinerator and a shed type structure. There is some limited pedestrian access through this area up to the fence.

The trees and shrubs within the laneway at the rear of 10 Lake Road have been assessed by Council's Senior Arborist and the following advice has been provided. There are trees and shrubs that are considered to be environmental weeds of Whitehorse, including Ligustrum spp. (Privet) and Pittosporum undulatum (Sweet Pittosporum). These are species that invade and thrive in a natural bushland and street environment where they do not naturally occur. These weeds tend to dominate and threaten the natural balance of the remnant indigenous flora and fauna of Whitehorse. There is also a tree (Cupressus spp.). The tree displays a poor structure with a recent limb failure observed. In removing the Pittosporum adjacent to this tree would render it vulnerable to future failures. There are no associated amenity value costs associated with the removal of these trees and shrubs.

The 1<sup>st</sup>/8<sup>th</sup> Blackburn Scout Group (the ***Scout Group***) is the owner and occupier of the property at 12-16 Lake Road, Blackburn. The Scout Group has reported that they have been occupiers of the land since 1929. The Scout Group has an equipment storage shed that opens towards the laneway. The shed is not accessible from Lake Road due to the buildings and other improvements within the site.

**9.1.5**  
(cont)



The Scout Group has advised that they often have vehicles and trailers that need to access the shed. Currently the only vehicle access to the shed is along the laneway from Alandale Road. The vehicles and trailers need to either back in to the laneway or back out of the laneway as there is no room to turn around within the laneway or within the Scout Group property. The Scout Group has advised that it would be cost prohibitive to alter the building and layout of the site to provide vehicle access to the shed from Lake Road. The Scout Group considers that it is hazardous for them to back a vehicle along the laneway and has requested that the fence and other obstructions be removed from the laneway so that vehicles can drive along the full length of the laneway between Wellington Avenue and Alandale Road. This would mean that vehicles requiring access to the shed would not have to drive in reverse along the laneway and the laneway would be completely open from Alandale Road through to Wellington Avenue.

At its ordinary meeting on 18 April 2016, Council resolved to give public notice of its intention to declare the laneway known by Council as Laneway 254 as a road that is reasonably required for public use and to be open to public traffic (under section 204(2) of the Local Government Act 1989).

**DISCUSSION**

The status of the laneway is that it is classified by Council as an 'unconstructed' road. It has not been constructed to Council's standards and therefore it is not registered as a public road on Council's register of public roads under the Road Management Act 2004, although it nonetheless may be a public highway within the meaning of the Local Government Act 1989 (**LGA**) and the common law (primarily based on past usage by the public). In these circumstances, and whether or not the road is a public highway, Council assumes no responsibility for the inspection, repair or maintenance of such roads because Council's current policy is that it does not maintain unconstructed roads throughout the municipality.

However, and whether or not the laneway is already a public highway, it is still considered that the laneway is a 'road'. This is because it is and remains shown as set aside or appropriated as a road on plan of subdivision LP10677 lodged at the Land Titles Office on 16 April 1925. As such, the laneway is considered to be and remain under the discretionary care, management and control of Council. It is Council's present position that all of the properties which adjoin the road, and members of the public generally, have a lawful right to use the whole of the road. On this basis, it is considered that the road cannot, without the permission and authority of Council, be lawfully obstructed so as to limit, restrict or prevent any rights of access over the road



### **9.1.5**

(cont)

Section 204(2) of the LGA provides that, "A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic."

It follows that, if Council is ultimately able to form the view that the road is "reasonably required for public use" and should be "open to public traffic", then Council has the power to make a declaration to this effect.

Assuming the road is not already a public highway, the making of such a declaration by Council does not, of itself, make the road a public highway. This means that, in the future and if through changed circumstances, Council were to form the view that the road is no longer "reasonably required for public use" and should no longer be "open to public traffic", then Council would have the power to pass another resolution so as to give effect to this view, without the need to commence a separate statutory process to formally discontinue the road.

### **CONSULTATION**

On 1 October 2015 (and following the request of the Scout Group), Council sent a consultation letter and survey to 91 property owners and occupiers in and around the local area asking whether or not they supported a proposal to open the laneway between Wellington Avenue and Alandale Road.

A total of 42 responses were received (46% response rate), with 69% supporting the proposal, and 31% opposing the proposal.

There are 14 properties that directly abut the laneway but considerably more which are immediately adjacent to the road. The directly abutting properties are listed below:

- 40 Wellington Avenue
- 42 Wellington Avenue
- 1/8 Lake Road
- 2/8 Lake Road
- 1/10 Lake Road
- 2/10 Lake Road
- 3/10 Lake Road
- 4/10 Lake Road
- 5/10 Lake Road
- 6/10 Lake Road
- 12-16 Lake Road
- 18 Lake Road
- 2 Alandale Road
- 2A Alandale Rod

A total of 12 responses were received from the abutting property owners (86% response rate), with 3 (25%) supporting the proposal and 9 (75%) opposing the proposal.

At its ordinary meeting on 18 April 2016, Council resolved to give public notice of its intention to declare the laneway known by Council as Laneway 254 as a road that is reasonably required for public use and to be open to public traffic (under section 204(2) of the LGA). The public notice was published in the Whitehorse Leader on 25 April 2016 and sent to the property owners and occupiers in and around the local area by letter on 26 April 2016. As part of the notice, persons were advised they may make a written submission to Council under section 223 of the LGA. Those making submissions could also indicate if they wish to speak in support of their written submission (or be represented by a person on their behalf) before a Committee established by Council for this purpose.

### 9.1.5 (cont)

At the Council meeting on 18 April 2016, in accordance with section 223(1)(b)(i) of the LGA, Councillor Andrew Munroe and Councillor Denise Massoud were appointed and authorised to be members of the committee (**'the Committee'**) to hear any persons who in their written submissions under section 223 of the LGA have requested that they be heard in support of their submissions.

Following the giving of public notice and the other consultative steps taken by Council, there were two written submissions received under section 223 of the LGA in response to Council's proposal to declare the road to be reasonably required for public use and to be open to public traffic. To respect information privacy principles, copies of these submissions have separately been made available to all Councillors with their agenda papers for the Council meeting (**submissions**).

Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the LGA. However, all submissions and personal information are required to be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*.

An officer summary of the submissions, respecting information privacy principles, is provided in **Attachment 4a**. Both submitters requested to be (and were) heard in support of their submissions by the Committee. A report on the proceedings of the Committee, and a summary of the hearings of the Committee, is provided in **Attachment 4b (Committee report)**.

The Committee recommended that Council proceed with the declaration. The submissions and the Committee report, as both set out above, are provided to Council for its further consideration. If Council decides to proceed in accordance with the recommendation set out in this report, suggested reasons for the decision (for adoption by Council) are set out in the body of the recommendation.

### **FINANCIAL IMPLICATIONS**

If approval is given to open the laneway to public traffic, Council's ParksWide Department would arrange for the removal of the trees and shrubs within the laneway which would be funded from the Operational Budget.

The Scout Group has advised that it would arrange for the remaining works and pay for the cost of removing the obstructions within the laneway so that vehicle access could be provided. Subject to Council supervising and approving the works, it is recommended that Council would be prepared to accept this offer on the basis that Council would not otherwise agree to pay for the costs of removing the obstructions. The works required would include:

- Removal of brick incinerator
- Removal of section of fence across the laneway
- General removal of other materials within the laneway
- Resurfacing of the laneway consistent with the existing surface of the majority of the laneway

Council would also require that the Scout Group or contractors engaged to undertake the works have public liability insurance and be experienced and qualified to undertake the works safely.

Council would need to fund from its Operational Budget the administrative and legal costs associated with the declaration and the opening of the laneway.

### **9.1.6 Road Improvements in Linum, Laurel and Boongarry Roads, Blackburn – Declaration of a Special Charge Scheme**

FILE NUMBER: SF06/183  
ATTACHMENT

#### **SUMMARY**

*The purpose of this report is for Council to consider the submissions and the objection received in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 and to consider declaring a Special Charge Scheme under that Act for road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn, referred to in this report as the 'Linum, Laurel and Boongarry Roads'.*

*It is recommended that Council declare a Special Charge Scheme for the road improvements in the Linum, Laurel and Boongarry Roads.*

#### **RECOMMENDATION**

**That:**

- 1. Council having considered all submissions received and taken account of the objection lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 ('the LGA'), and otherwise according to law and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that the roads or any component of the roads for which it is proposed the Special Charge will be declared has not previously been constructed by way of a special rate or a special charge, hereby declares a Special Charge ('the Special Charge' or 'the Scheme') under section 163(1) of the LGA for the purposes of defraying expenses incurred or to be incurred by Council for the provision of the following road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn ('the Roads');**
  - a) To patch and then resurface the road pavement;**
  - b) To repair road edges and table drains;**
  - c) To undertake minor drainage improvements;**
  - d) To undertake an initial prune and maintenance of all street trees; and**
  - e) To undertake any ancillary works,**

**(collectively referred to as 'the proposed road improvements').**
- 2. The criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land in the area of the Scheme which, based on a combination of access benefit (as of 75%) and area (as of 25%), such land has and enjoys an abuttal to or access from the Roads (or potential to gain access from the Roads), and also having regard to;**
  - a) The area of the lands; and**
  - b) Whether the land has a direct frontage or is a corner property to the Roads.**

**All property owners that have a frontage to the Roads are allocated one (1) benefit unit and all corner properties are allocated one half (0.5) of a benefit unit.**
- 3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Whitehorse, in particular the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared.**

### 9.1.6

(cont)

4. *In making the declaration, Council has considered the report from the Committee that in accordance with section 223(1)(c) of the LGA had heard persons who in their written submissions had requested to be heard. A copy of the report is provided in Attachment 5g.*
5. *The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services in the area for which the Special Charge is declared) is \$800,000, being the estimated cost of the works to be undertaken.*
6. *The total estimated amount to be levied under the Scheme as the Special Charge is \$670,000.*
7. *The Special Charge will commence on the date of its declaration by Council, however, there will not be a liability to pay the Special Charge and the Special Charge will not become due and payable until the date on which Council awards the contract for the proposed road improvements (or such later date as is notified in writing by Council) at which time Council will send a separate 'Notice to Pay' to ratepayers, and the Special Charge will otherwise remain in force for a period of 10 years.*
8. *The area for which the Special Charge is declared is all of the land shown on the plan titled 'Properties Liable to Pay the Linum Street, Laurel Grove North and Boongarry Avenue Special Charge Scheme' set out in Attachment 5b.*
9. *The land in relation to which the Special Charge is declared is all that rateable land described in column 1 of the table titled 'Apportionment of Costs Per Property Owner – Road Improvement Special Charge Scheme – Linum Laurel and Boongarry Roads' set out in Attachment 5d.*
10. *The Special Charge is declared in accordance with the amounts set out alongside each property in the table titled 'Apportionment of Costs Per Property Owner – Road Improvement Special Charge Scheme – Linum Laurel and Boongarry Roads' set out in Attachment 5d, such amounts having respectively been assessed based on a combination of access benefit (as of 75%) and area (as of 25%) which, based on the matters otherwise set out in paragraph 2 of this declaration, a property included in the Scheme has in relation to the Roads.*
11. *The Special Charge is to be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge.*
12. *Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works, the Special Charge will be levied on the basis to the following options being given to ratepayers whereby;*
  - a) *The Special Charge may be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or*
  - b) *the Special Charge may be paid by 10 annual or 40 quarterly equal instalments (or near equal in respect of the final instalment) by the due dates fixed by Council in the notice, which are the dates fixed by the Minister and published in the Victoria Government Gazette, being the dates on which payment by instalments of rates and charges are fixed pursuant to section 167(2) of the LGA.*

### **9.1.6**

(cont)

- 13. The Special Charge does not include any component for interest costs, however interest shall be payable on all late payments at the rate prescribed under the Penalty Interest Rates Act 1983.**
- 14. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge.**
- 15. An incentive shall be given by Council under section 168 of the LGA for payment of the Special Charge before the due date for payment, being a five percent (5%) discount if the full amount of the Special Charge is made within 30 days of the Notice to Pay being issued.**
- 16. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge the value and the use, occupation and enjoyment of the properties included in the Special Charge Scheme area will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works to be provided under the Special Charge Scheme will;**
  - a) Improve vehicular access to and from the properties abutting on or accessing the Roads via the works;**
  - b) Improve safety and amenity for motorists, cyclists and pedestrians;**
  - c) Reduce wear and tear on vehicles;**
  - d) Reduce the need for future grading and associated maintenance of the Roads; and**
  - e) Enhance the amenity and character of the land and the local area.**
- 17. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is a benefit ratio of 93.125%. This is on the basis that, in the opinion of Council, community benefits are considered to exist in circumstances where the drainage works will provide tangible and direct benefits to people in the broader community in the context of the other adjoining roads and parks which Council cares for and manages in the general area.**
- 18. Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submissions and/or an objection in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision, and where appropriate, to address the specific concerns raised.**

### 9.1.6

(cont)

19. *For the purposes of paragraph 17, the reasons for the Council decision to declare the Special Charge are;*

- a) *There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners;*
- b) *Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under that Act, particularly in relation to the provision of proper, safe and suitable roads and property services in the Scheme area;*
- c) *All persons who are liable or required to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;*
- d) *the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable;*
- e) *the works proposed by the Scheme are consistent with the policies and objectives set out in the Planning Scheme for the area; and*
- f) *the works proposed for the construction of the Roads are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the Roads.*

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## BACKGROUND

This report refers to a Special Charge Scheme for road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn, referred to in this report as the '**Linum, Laurel and Boongarry Roads**' (or '**the roads**'). The subject area is shown on the plan in **Attachment 5a** and is shown on the following lodged plans of subdivision and title plan – LP 3212, LP 6550, LP 6632, LP 9844, LP 13456, LP 52938, LP 55651, LP 61294, LP 127810 and TP 683652D registered at the Office of Titles.

The Linum, Laurel and Boongarry Roads are a series of inter-connected local roads in Blackburn. The roads are sealed with asphalt, with no formal underground drainage or kerb and channel. They are located in a quiet suburban setting with an informal 'leafy' character. There is significant roadside vegetation in the area. While not having any statutory standing, the roads are in an area classified by the National Trust of Regional Landscape Significance.

The status of the roads is that they are classified by Council as 'unconstructed'. They have never been constructed to Council's standards and they are not registered on Council's Roads Register of public roads under the *Road Management Act* 2004. Accordingly, Council assumes no responsibility for the inspection, repair or maintenance of the roads. Council's policy is that it does not maintain unconstructed roads throughout the municipality.

The responsibility for the maintenance of the roads is currently with the abutting property owners. The Linum Laurel and Boongarry Road Association Incorporated ('**the Road Association**') currently manages the maintenance of the roads. The Road Association is finding it increasingly difficult to obtain contributions from property owners towards the ongoing maintenance of the roads. The Road Association has accordingly requested that Council investigate taking over the ongoing maintenance responsibility for the roads.

### 9.1.6 (cont)

Before Council would take over the responsibility for the maintenance of the roads, they would need to be constructed to an acceptable Council standard. In 1998, Council approved a strategy for unconstructed roads to introduce a program to ensure that all roads are constructed to a safe standard and adequately drained.

The Council standard for a typical road construction is for constructed kerb and channel, underground drainage and footpaths. However, implementing standard road construction in this area would result in the loss of trees and vegetation and would change the appearance of the roads. From the initial consultation conducted by Council, property owners have indicated that they want to retain the informal 'leafy' character of the road. They are also concerned that any changes may result in an increase in traffic speeds and volumes.

In order to undertake any improvement works to the roads (being a proper function of Council), it is open to Council to declare a special charge scheme under section 163 of the *Local Government Act 1989* ('**the LGA**'). A special charge scheme declaration is a statutory process where the cost of the improvement works are levied on, and shared by, those property owners who will derive a 'special benefit' from the works to be provided under the scheme.

Council at its ordinary meeting on 18 April 2016, in accordance with the provisions of section 163 of the LGA resolved to give notice of its intention to declare a Special Charge Scheme.

### DISCUSSION

The management and maintenance of these roads has been the subject of extensive consideration and discussions with the community over several years. This report recommends that Council undertake initial improvements to the roads by way of a special charge scheme levied on abutting property owners in accordance with section 163 of the LGA ('**the Special Charge**' or '**the Scheme**') and then be responsible for the ongoing maintenance of the assets that are upgraded. This proposed course of action would be a significant step forward in resolving the management and maintenance of the roads into the future. The development of the proposal is a result of extensive concept development and technical assessment by Council officers and significant consultation with the community.

It is proposed that the Special Charge be levied on land which has the potential to gain access from, or has a boundary on, any of the Linum, Laurel and Boongarry Roads. The properties proposed to be included in the Scheme are shown on the plan in **Attachment 5b**.

A concept design plan of the proposed road improvements has been prepared in consultation with the Road Association and property owners. A copy of the plan is provided in **Attachment 5c**. In summary, the proposed road improvements include:

- To patch and then resurface the road pavement;
- To repair road edges and table drains;
- To undertake minor drainage improvements;
- To undertake an initial prune and maintenance of all street trees; and
- To undertake any ancillary works,

collectively referred to in this report as the '**proposed road improvements**'.

The intention of the proposed road improvements is to maintain and enhance the character of the roads in a manner that is consistent with the National Trust Regional Landscape Significance classification, whilst upgrading the assets to a condition that is suitable for Council to take over for ongoing maintenance.

**9.1.6**  
(cont)

The proposed improvements have been developed to ensure appropriate safety for vehicles and pedestrians and to ensure that vegetation is treated sensitively and appropriately. Detailed technical assessments have been completed on road safety and vegetation aspects. The ongoing management of the roads will be carried out in consultation with property owners or any group of property owners that may form to represent the general interests of all property owners. Such a group may be the Road Association, if it is decided by the property owners that the Road Association is to continue to operate.

The estimated cost of the Scheme is \$800,000. The total amount proposed to be levied under the Scheme is \$670,000. It is proposed that Council contribute an estimated \$130,000 towards the Scheme, representing 50% of the drainage upgrade costs (being \$55,000) and, separately, the design and project management costs (being \$75,000). The Council contribution to the drainage upgrade costs is recommended considering that improved drainage in this area will benefit the surrounding local roads and reserves that are cared for and managed by Council. Accordingly, the \$55,000 Council contribution towards the Scheme is in recognition of a community benefit (which is a direct and tangible benefit derived from the Scheme for the community generally). The additional \$75,000 Council contribution is a proposed ex- gratia payment to be made by Council towards the Scheme. Council officers have accordingly calculated the benefit ratio under sections 163(2A) and (2B) of the LGA to be 93.125%. The benefit ratio is the estimated proportion of the total benefits of the Scheme (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge. Council officers have prepared a statement pursuant to sections 163(2), (2A) and (2B) of the LGA in relation to the calculation of the benefit ratio and the maximum total levy and this document is in **Attachment 5e**.

There are 86 property owners who would be required to contribute to the Special Charge Scheme. Based on Council's Special Charge Scheme Policy, the apportionment of costs amongst property owners liable to pay the Special Charge is based on a combination of access benefit (as of 75%) and area (as of 25%). All property owners that have a frontage to any of the Linum, Laurel and Boongarry Roads are allocated one (1) benefit unit and corner properties are allocated half (0.5) a benefit unit. The method of distribution of the Special Charge amongst those property owners who will be liable to pay the Special Charge, if Council proceeds with the declaration of the Special Charge, is considered to be a method which is fair and reasonable amongst all of the property owners.

The estimated cost that the property owners included in the Scheme will be liable to pay is set out in the apportionment of costs table in **Attachment 5d**.

A summary of the Attachments to this report is indicated below:

- Attachment 5a** – Layout plan of roads included in the Special Charge Scheme;
- Attachment 5b** – Layout plan of properties liable to pay the Special Charge;
- Attachment 5c** – Concept plan of proposed road improvement works;
- Attachment 5d** – Table apportionment of costs;
- Attachment 5e** – Statement pursuant to section 163(2), (2A) and (2B) of the LGA – Calculation of benefit ratio and maximum total levy;
- Attachment 5f** – Summary of submissions; and
- Attachment 5g** – Section 223 Committee report on submission hearings.



### 9.1.6 (cont)

#### CONSULTATION

There has been extensive prior consultation with the Road Association and property owners in relation to the roads and a proposed special charge scheme, which has included:

- Between August 2003 and January 2004, the Road Association surveyed property owners regarding the road reserve;
- In July 2006, Council sent an initial survey to property owners to assess interest in constructing the roads by way of a special charge scheme;
- On 8 February 2011, there was a public meeting held where further details were provided regarding special charge schemes;
- In May 2011, a further survey was sent to property owners to assess interest in a special charge scheme for road maintenance; and
- On 4 March 2013, there was a further public meeting held to provide further information to property owners.

Information regarding the current proposed Scheme was sent to all property owners on 23 November 2015. A public meeting was held on 1 December 2015 to provide property owners with additional information on the proposed Scheme. As a part of the information that was sent, property owners were requested to complete a survey and indicate whether or not they supported Council proceeding to declare the proposed Special Charge. The results of the survey are summarised below:

- 86 property owners were surveyed;
- 74 property owners responded (86% of all 86 property owners);
- 68 property owners supported the proposal (79% support from all property owners and 92% support from respondents); and
- 6 property owners did not support the proposal (7% of all property owners and 8% of respondents).

A summary of the most common comments provided by respondents to the survey are listed below:

- It is important to maintain the unique streetscape (12 comments);
- Council needs to pay more (8 comments);
- Council needs to maintain consultation with property owners and the Road Association for the ongoing management of the roads (7 comments);
- Council should pay the total cost (3 comments); and
- Disagree with cost apportionment (3 comments).

Council at its ordinary meeting on 18 April 2016, in accordance with the provisions of section 163 of the LGA resolved to give notice of its intention to declare a Special Charge Scheme for the proposed road improvements. The public notice of Council's intention to declare the Special Charge Scheme was published in the Whitehorse Leader on 25 April 2016 and sent to all affected property owners by letter on 26 April 2016. As a part of the public notice, persons were advised they may make a written submission to Council under sections 163A and 223 of the LGA. Further, any person who is required or liable to pay the Special Charge was also entitled to make a written objection under section 163B of the LGA. Written submissions and objections had to be received by Council by 5pm on 27 May 2016. Those making submissions could also indicate if they wished to speak in support of their written submission (or be represented by a person on their behalf) before a Committee established by Council for this purpose.

At the Council meeting on 18 April 2016, in accordance with section 223(1)(b)(i) of the LGA, Councillor Andrew Munroe and Councillor Denise Massoud were appointed and authorised to be members of the Committee established ('the **Committee**') to hear any persons who in their written submissions under section 223 of the LGA had requested that they be heard in support of their submissions.

### 9.1.6 (cont)

There were three submissions received in response to Council's notice of intention to declare a Special Charge Scheme. To respect information privacy principles, copies of the submissions and the objection have separately been made available to all Councillors with their agenda papers for the Council meeting ('**submissions**'). A summary of these submissions is provided in **Attachment 5f**. One of the submissions is also classed as an objection to the Scheme. Two of the submitters requested to be (and were) heard in support of their submission by the Committee. A report from the Committee is provided in **Attachment 5g**. Upon hearing and considering verbal submissions, the Committee has recommended the Special Charge Scheme proceed.

Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the LGA. However, all submissions and personal information are required to be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*.

If a decision is made by Council to declare the Scheme, following the levying of the Special Charge, any aggrieved ratepayer has a right to make an application to the Victorian Civil and Administrative Appeals Tribunal ('**VCAT**') for a review of Council's decision.

There will be further consultation with all property owners during the detailed design stage of the project.

### FINANCIAL IMPLICATIONS

Section 163 of the LGA provides for the defraying of expenses associated with road improvements undertaken as a Special Charge Scheme. The estimated costs for the project are:

- Total project cost of \$800,000;
- Council contribution of \$130,000 – includes \$55,000 drainage upgrade costs (50% of the total drainage upgrade costs) and \$75,000 design and project management costs; and
- Property owner contribution of \$670,000.

If Council decides to proceed with the Special Charge Scheme, an invitation to tender for the construction of the project will be publically advertised and administered in accordance with the LGA and Council's Procurement Policy. The cost of the project will be the total of the accepted tendered price plus any variation costs that are incurred to complete the project as well as the design and project management fees. The final costs will only be known at the completion of the project.

In the event that the final costs are less than the estimated costs, the property owners will pay a reduced amount relative to the proportion of the overall Scheme costs that they are required to pay. If the final costs are greater than the estimated costs, and the difference in costs is less than 10% of the original estimated costs, the additional costs will be paid by the property owners relative to the proportion of the overall Scheme costs that they are required to pay. If the difference in costs is greater than 10% of the original estimated costs, Council may elect to pay the variation in costs itself. Alternatively, if Council elects not to pay the variation, before the variation works can be undertaken, Council must undertake a formal variation of the Scheme in accordance with section 166 of the LGA. Council will be required to again comply with the same consultation process that it undertook to declare the Special Charge, for example, the property owners liable to pay for the variation in costs must be consulted, Council will be required to publish public notice of its intention to vary the Special Charge and Council will be required to again comply with the submissions and objections process under sections 163A, 163B and 223 of the LGA.

### 9.1.6

(cont)

The estimated amount to be levied under the Scheme is \$670,000. It is proposed that this amount be apportioned in accordance with the apportionment of costs table provided in **Attachment 5d**.

It is proposed to fund the Council contribution for the drainage upgrade, being \$55,000, from the annual Council budget allocation for drainage upgrades. The design and project management costs, being an estimated \$75,000 would be funded from Council's operational budget.

It is recommended that property owners be provided with the option to pay the Special Charge in instalments over 10 years. This is consistent with payment options for recently completed schemes. It is also recommended that Council not charge interest to cover administration costs associated with persons paying the Special Charge by instalments. However, interest will be charged for late payments in accordance with the *Penalty Interest Rates Act 1983*. It is also recommended that the Scheme include a 5% discount if the full amount is paid up front as a lump sum. This is on the basis that there will be a greater administrative cost to Council for providing instalments over a 10 year period, rather than for having the full payment up front.

The payments by property owners will be collected and administered by Council's Property and Rates Department.

Before the works can commence on a Special Charge Scheme, Council needs to undertake detailed design in consultation with the property owners, tendering and the appointment of a contractor. Therefore it is anticipated that the works could commence in the later part of 2016/2017 or 2017/2018. The works may be delayed if an application is made to VCAT for a review of Council's decision.

At the completion of the works, Council would be responsible for the cost of the ongoing maintenance of the assets that are upgraded, including the road pavement, drainage assets and street trees. The ongoing annual average cost to maintain the vegetation, including street trees, is estimated to be \$10,000 per year and the ongoing annual average cost to maintain the road and drainage assets is also estimated to be \$10,000 per year.

### **POLICY IMPLICATIONS**

There are no policy implications. The recommendation to undertake the road improvements by way of a Special Charge Scheme is consistent with Council's current policy position.

### 9.1.7 Mitcham Road and nearby local streets – Parking Proposal

FILE NUMBER: 16/78751

#### **SUMMARY**

*The purpose of this report is to consider a parking proposal to install '2-hour' parking restrictions on weekdays along both sides of Mitcham Road (between Brunswick Road/Calcutta Street and Carween Avenue/Orient Avenue) and along one side of local streets in the area.*

#### **RECOMMENDATION**

*That Council proceed with the proposal to install '2-hour, 8am to 6pm, Monday to Friday' parking restrictions in the following locations:*

- *Mitcham Road between Brunswick Road/Calcutta Street and Carween Avenue/Orient Avenue - both sides;*
- *Bullen Avenue between Percy Street and Creek Road – north side only;*
- *Creek Road between Sim Street and Ian Crescent – east side only;*
- *Garden Avenue between Creek Road and Clive Street – south side only;*
- *Lucknow Street between Mitcham Road and Haslemere Road – south side only;*
- *Percy Street between Simpson Street and Bullen Avenue – east side only;*
- *Sim Street between Mitcham Road and Clive Street – south side only;*
- *Simpson Street between Mitcham Road and eastern boundary of 13 Simpson Street – north side only;*
- *Sunshine Avenue between Creek Road and Aroona Avenue – north side only;*  
*and*
- *Windouran Drive between Mitcham Road and eastern boundary of 4 Windouran Drive – north side only.*

#### **BACKGROUND**

Council has been monitoring parking and traffic conditions and traffic safety along Mitcham Road particularly since the completion of the rail crossing removal project and the construction of the new railway station in 2013. Some changes to parking restrictions have been made in recent years, to prohibit parking either side of residential driveways to improve motorist's visibility to approaching traffic and the installation of 'No Stopping' parking prohibitions at various intersections along Mitcham Road

Notwithstanding the changes to parking already made, Council has received further concerns from the community about traffic safety along Mitcham Road in relation to residents accessing their properties, commuter parking and the speed of vehicles. To address these concerns, Council at its meeting on the 15 March 2016 resolved:

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

1. *Write to VicRoads requesting that the speed limit along Mitcham Road between Redland Drive and Carween Avenue be reduced to 50kph at all times.*
2. *Consult with residents and owners in Mitcham Road and surrounding local streets seeking their views about changing the currently unrestricted parking on both sides of Mitcham Road (Whitehorse Road to the Rangeview Shops) to 2 hour parking during weekdays and changing the currently unrestricted parking in nearby local streets (Windouran Drive, Lucknow Street, Percy Street, Simpson Street, Creek Road, Sunshine Avenue, Garden Avenue and Sim Street) to 2 hour parking during weekdays for one side of the streets*

### 9.1.7

(cont)

- 3. As part of the consultation in 2 above, advise residents and owners that resident on street parking permits exempting residents from the parking restrictions would be available if the proposal is adopted and that there is an annual fee for the permits (currently \$10 for the 1st permit (pensioners are exempt from this fee), \$50 for the 2nd permit and \$100 for the 3rd permit).**

This report provides an update on the request to Vic Roads to reduce the speed limit in Mitcham Road to 50 km/hour and the results of the consultation undertaken in accordance with Council's resolution.

#### **DISCUSSION**

In accordance with Council's resolution, VicRoads has been requested to reduce the speed limit in Mitcham Road (from Carween Avenue to Redland Drive) from 60 km/hour to 50 km/hour. VicRoads has now responded to Council's request and has advised that it has assessed the speed limit in this section of Mitcham Road taking into account the 'VicRoads Speed Zoning Guidelines. It has advised that it considers the current speed limit of 60 km/h is appropriate for this section of Mitcham Road and does not propose to change the speed limit.

Community consultation has also been completed on the proposed changes to parking restrictions in accordance with Council's resolution. All owners and occupiers in the streets where changes were proposed were provided written details of the changes and requested to complete a survey and return to Council.

The proposal is to install '2-hour, 8am to 6pm, Monday to Friday' parking restrictions in the following locations:

- Mitcham Road between Brunswick Road/Calcutta Street and Carween Avenue/Orient Avenue - both sides;
- Bullen Avenue between Percy Street and Creek Road – north side only;
- Creek Road between Sim Street and Ian Crescent – east side only;
- Garden Avenue between Creek Road and Clive Street – south side only;
- Lucknow Street between Mitcham Road and Haslemere Road – south side only;
- Percy Street between Simpson Street and Bullen Avenue – east side only;
- Sim Street between Mitcham Road and Clive Street – south side only;
- Simpson Street between Mitcham Road and eastern boundary of 13 Simpson Street – north side only;
- Sunshine Avenue between Creek Road and Aroona Avenue – north side only; and
- Windouran Drive between Mitcham Road and eastern boundary of 4 Windouran Drive – north side only.

A map of the proposed parking changes is included as Appendix 1.

#### **Community Consultation results**

Written details of the proposal and a survey form were sent to 669 owners and occupiers in the area and 175 responses were received (26% response rate). The results of the community survey indicate that the majority of Mitcham Road owner and occupier respondents (83%) support the parking proposal and the majority of owner and occupier respondents in local streets east of Mitcham Road do not support the proposal (53%). Overall, 60% of respondents supported the proposal. Details of the survey results are given below.

**9.1.7**  
(cont)

**Overall Results**

<b>Mitcham Road and other local street responses</b>							
<b>Street</b>	<b>Responses</b>	<b>Sent</b>	<b>Response Rate</b>	<b>In favour</b>	<b>%</b>	<b>Against</b>	<b>%</b>
<b>Mitcham Road</b>	63	290	22%	52	83%	11	17%
<b>Other Local Streets</b>	112	379	30%	53	47%	59	53%
<b>Overall</b>	<b>175</b>	<b>669</b>	<b>26%</b>	<b>105</b>	<b>60%</b>	<b>70</b>	<b>40%</b>

**Individual Streets Results**

<b>Individual Street responses</b>							
<b>Street</b>	<b>Responses</b>	<b>Sent</b>	<b>Response Rate</b>	<b>In favour</b>	<b>%</b>	<b>Against</b>	<b>%</b>
<b>Bullen Avenue</b>	4	9	44%	2	50%	2	50%
<b>Creek Road</b>	29	102	28%	10	34%	19	66%
<b>Garden Avenue</b>	3	4	75%	1	33%	2	67%
<b>Lucknow Street</b>	14	36	39%	9	64%	5	36%
<b>Mitcham Road</b>	63	290	22%	52	83%	11	17%
<b>Percy Street</b>							
• Brunswick to Simpson	20	127	16%	16	80%	4	20%
• Simpson to Bullen	14	40	35%	5	36%	9	64%
<b>Sim Street</b>	0	5	0%	0	0%	0	0%
<b>Simpson Street</b>	19	36	53%	5	26%	14	74%
<b>Sunshine Avenue</b>	6	11	55%	2	33%	4	67%
<b>Windouran Drive</b>	3	9	33%	3	100%	0	0%
<b>Overall</b>	<b>175</b>	<b>669</b>	<b>26%</b>	<b>105</b>	<b>60%</b>	<b>70</b>	<b>40%</b>

In addition to the above, 5 response were received from residents outside the consultation area with 2 responses in favour and 3 responses against the proposal.

The following is a summary of the main community comments received to the parking proposal in addition to indicating a direct 'for' or 'against' the proposal:

- 1<sup>st</sup> residential parking permit should be free (4 responses);
- Resident parking permits should be free (21 responses);
- A multi-level car park should be built at the Mitcham Railway Station to cater for commuter parking (19 responses);
- Council should encourage the use of public transport and not discourage on-street parking (11 responses);
- Concerns about traffic safety and parking congestion in local streets if the proposal is adopted (4 responses);
- Enforcement of existing and proposed parking restrictions is required (4 responses);
- Parking and traffic congestion along Mitcham Road has been getting worse and the installation of parking restrictions will help alleviate this (3 responses); and
- The proposal will make it safe when exiting properties along Mitcham Road. (2 responses).

**9.1.7**  
(cont)

Additional information in relation to the proposal is provided below:

- The installation of additional parking restrictions in Mitcham Road as proposed may increase vehicle speeds with fewer parked cars on the road. Increased speeds may partially be managed through enforcement of the speed limit.
- There are extensive areas along Mitcham Road where parking is currently prohibited (No Stopping) as well as some bus zones. These prohibitions have been installed over the last few years mainly at the time of the Mitcham Rail Crossing removal project and since that time on a case by case basis. The purpose of these restrictions is to ensure adequate visibility and access for cars exiting driveways onto Mitcham Road.
- There are approximately 60 unrestricted on street car spaces on both sides of Mitcham Road between Whitehorse Rd and the Rangeview shops. These parking spaces are used frequently by what appears to be commuters accessing the Mitcham Station. Parking occupancy is higher towards the station and lower towards Rangeview Shops.
- If '2-hour' parking restrictions are installed in Mitcham Road only, a transfer of parking is likely to occur into local streets mainly to the east of Mitcham Road where some streets have unrestricted parking. Most of the streets to the west of Mitcham Road are already heavily restricted with parking restrictions. The parking changes proposed include parking restrictions in nearby local streets as well as Mitcham Road.
- There are approximately 190 residential properties along Mitcham Road and approximately 140 properties in the local surrounding streets without parking restrictions. If the proposal proceeds, these 330 properties would require parking restrictions and parking permits to be exempt from these restrictions.
- If each resident in the area, along Mitcham Road and nearby streets obtained 1 parking permit, there would be approximately 330 permits to be issued. This would increase if more than 1 permit per residence was required.
- There would be an increase and cost in the management required for these additional permits, both initially and then annually.
- There would be an increase and cost to install and maintain parking signage in the street where parking restrictions are proposed.
- Additional parking restrictions in Mitcham Road and surrounding streets would require increased surveillance and enforcement which may not be available within current resourcing levels.

**CONSULTATION**

Community consultation has been completed for the proposal in accordance with Council's resolution.

**FINANCIAL IMPLICATIONS**

The estimated cost to initially implement the proposed '2-hour' parking restrictions along Mitcham Road and nearby local streets would be approximately \$5,000 which can be funded within the current operational budget. There would be ongoing maintenance costs for the signs.

**POLICY IMPLICATIONS**

Traffic and parking congestion along Mitcham Road has been reviewed in accordance with Council's Community Road Safety Strategy.

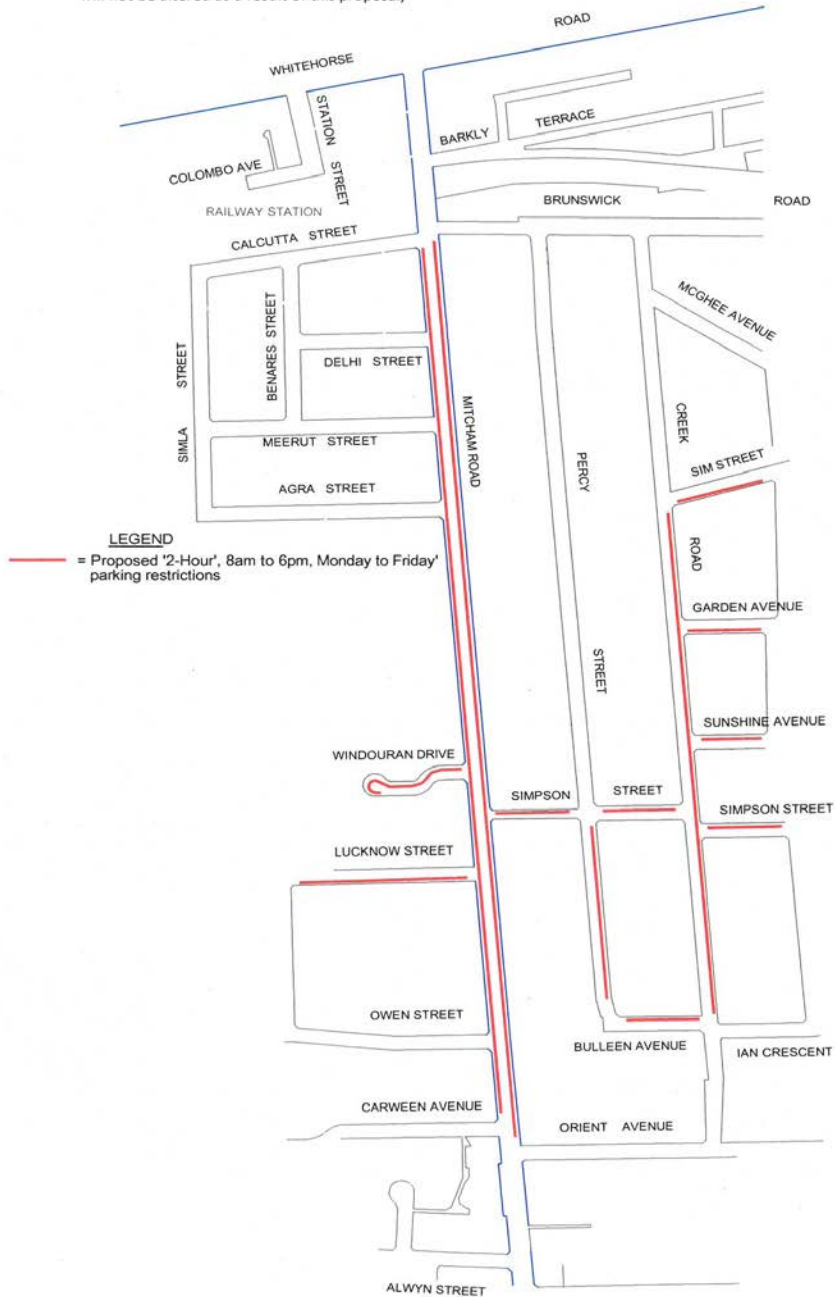
9.1.7  
(cont)

**APPENDIX 1**

ATTACHMENT 1

**PROPOSED '2-HOUR- PARKING RESTRICTIONS  
MITCHAM ROAD BETWEEN WHITEHORSE ROAD AND  
RANGEVIEW SHOPPING CENTRE AND NEARBY LOCAL STREETS**

(it should be noted that the existing 'No Stopping' parking prohibitions Bus Zones' and other permissive parking restrictions are not shown for clarity reasons and will not be altered as a result of this proposal)





## 9.2 HUMAN SERVICES

### 9.2.1 Tennis Club Leases

FILE NUMBER: 16/107327

#### SUMMARY

Council has a number of sporting club leases that have expired and are now on overhold. A new lease has been prepared for seven tennis clubs and one combined tennis and bowls club. The leases have been prepared based on a term of fifteen (15) years with no further option periods subject to sections 190 and 223 of the Local Government Act 1989.

#### RECOMMENDATION

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

1. ***In accordance with sections 190 and 223 of the Local Government Act 1989, give notice of Council's intention to lease the land known as:***
  - ***Vermont Tennis Club located at 12 Nunkeri Street Vermont,***
  - ***Eley Park Tennis Club located at 93 Eley Road Blackburn South,***
  - ***Blackburn Tennis Club located at 5 Central Road Blackburn,***
  - ***Koonung Park Tennis Club located at 99 Springfield Road Blackburn North,***
  - ***Nunawading Tennis Club located at 6 Lane Street Nunawading,***
  - ***North Box Hill Tennis Club located at 24 Elizabeth Street Box Hill North, and;***
  - ***Heatherdale Tennis Club located at 69 Purches Street Mitcham***
  - ***Vermont South Club (combined tennis and lawn bowls club) located at 30A Livingstone Road Vermont South***
2. ***For a total lease term of fifteen (15) years with no further option periods, with a proposed commencement date of 1 October 2016.***
3. ***Pursuant to section 223 (1) of the Local Government Act 1989, consider, and if required hear any submissions received in regard to the proposal to lease the land.***
4. ***Authorise the Manager of Property & Rates to give public notice, in accordance with sections 190 and 223 of the Local Government Act 1989, of Council's intention to lease the land and pursuant to section 223 (3) of the Local Government Act 1989, to carry out the administrative procedures to enable Council or the appointed committee (comprising Councillors Davenport, Bennett, and Massoud) to carry out its function under section 223 of the Local Government Act 1989. Further that the committee meet on 5 September 2016 at 5.30pm.***

#### BACKGROUND

Council adopted the 'Property Lease and Licence Policy' in 2012. There are a number of leases that have expired and are now on overhold. As part of the lease roll out approximately 30 sporting/recreation clubs across the municipality were identified as a high priority. The clubs listed within this report were identified as a high priority.

#### DISCUSSION

There are currently ten active tennis clubs and one combined tennis and bowls club operating on Council land across the municipality. In March 2015 the Bluebell Hill Tennis Club signed a new lease agreement for a nine (9) year term.

The East Burwood Tennis Club and Mitcham Tennis Club were not identified on the 'high priority' list and subsequently have not been formally presented with a draft lease agreement.

### 9.2.1

(cont)

These two tennis clubs were present during the meetings held with the other tennis clubs and aware that Council Officer's will be in contact in the near future to discuss a new lease agreement.

This report addresses the remaining seven tennis clubs and the Vermont South Club (combined tennis and bowls club) as listed below. All eight clubs outlined below currently occupy a site leased by Council. The club's current leases have expired and are currently on overhold.

Club	Current Lease (expiry date)	Current Rent
Heatherdale Tennis Club	18/11/2011	\$550 per annum (including GST)
Vermont Tennis Club	01/04/1999	\$2 per annum
Blackburn Tennis Club	18/09/2007	\$800 per annum
North Box Hill Tennis Club	01/10/1990	\$20 per annum
Koonung Park Tennis Club	18/11/2011	\$605 per annum (including GST)
Eley Park Tennis Club	19/11/2001	\$550 per annum (including GST)
Nunawading Tennis Club	01/08/2007	\$800 per annum
Vermont South Club	19/11/2011	\$605 per annum (including GST)

Officers presented the tennis clubs with a draft lease agreement and draft maintenance schedule based on Council's standard template for review at two meetings/forums on 28 and 29 April 2015. A separate meeting was held for the Vermont South Club on 13 May 2015.

All Clubs were given the opportunity to make comment on the draft lease agreement and maintenance schedule. The majority of the tennis clubs outlined similar concerns during the negotiation process which included:

1. Length of term (9 years) is not long enough.
2. Rental fees are too high.
3. Termination clause. Clubs were concerned with the ability for Council and/or the Club to terminate the lease with 12 months' notice. (Clubs see this as a threat to longevity of occupying the site).
4. Roles and responsibilities of maintenance within the premise.
5. Discrimination clause.

Council officers addressed the majority of the clubs concerns via these meetings and subsequent correspondence. However, the seven tennis clubs (excluding the Vermont South Club) continued to oppose the discrimination clause.

Further communication was required regarding the discrimination clause. Council officers agreed to add a special condition outlining the process clubs would need to follow if they received a complaint of this nature including a letter from the Chief Executive Officer as part of the lease agreement. In June 2016, all clubs agreed to the draft lease with the inclusion of the special condition around the discrimination clause.

As per Council's *Property Lease and Licence Policy* the clubs were presented with 'land and building' rental fees at their initial meetings. Clubs raised concerns around the proposed rent and all clubs agreed it was too high. The *Property Lease and Licence Policy* allows for discounted rental fees to provide a phasing in period for the clubs to manage the new fee structure.

## **9.2.1**

(cont)

Council Officers considered all feedback on the fees and it was determined to charge clubs for the land only. As such the new rent is calculated on 10 cents per square metre of land which is a lower rate than first presented to the Clubs. The rent will be phased in over three years with an increase of not more than 33% of the new rental in the first year and not more than 66% of the new rental in the second year. In the third year the full new rental will apply. Refer Appendix 1 for more details of the fees for each club.

### **Governance Requirements**

In accordance with sections 190 and 223 of the *Local Government Act 1989*, if Council desires to enter into a lease for 10 or more years (including option periods) it must give public notice of its intention to lease land.

Pursuant to section 223 (1) of the *Local Government Act 1989*, Council will consider and, if required, hear any submissions received in regard to the proposal to lease the land.

Key processes that are proposed if endorsed by Council are:

- Saturday 23 July 2016: Public Notice advertisement (In The Age newspaper and on Council's website)
- Monday 22 August 2016: Public submissions close
- Monday 19 September 2016: Report to Council for consideration.

### **CONSULTATION**

Tennis Clubs and the Vermont South Club have been consulted as part of the lease preparations through a series of meetings and correspondence over the past 12 months.

A public notice advertising Council's intention to lease the properties for a period of fifteen (15) years with no further options will be placed in the Saturday edition of The Age on Saturday 23 July, 2016.

The public notice gives the general public 28 days from the date of the notice to make a written submission. Any person making a submission and requesting to be heard in support of their written submission is entitled to appear in person, or may be represented by a person acting on their behalf.

### **FINANCIAL IMPLICATIONS**

The rental fees over the fifteen (15) year term for each respective club lease is outlined in Appendix 1.

The estimated cost associated with administering the process outlined in Section 190 of the *Local Government Act* is \$15,000 + GST.

### **POLICY IMPLICATIONS**

Council Property Lease and Licence Policy (April 2012)  
*Local Government Act* (1989)

**9.2.1**  
 (cont)

**Appendix 1**

Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
40	\$560	\$580	\$600	\$625	\$650
00	\$520	\$540	\$560	\$580	\$600
00	\$520	\$540	\$560	\$580	\$600
15	\$430	\$445	\$460	\$475	\$495
35	\$660	\$685	\$710	\$735	\$765
50	\$570	\$590	\$610	\$635	\$660
45	\$460	\$475	\$495	\$515	\$535
100	\$1150	\$1200	\$1250	\$1300	\$1350

## **9.2.2 Whitehorse Community Grants 2016/2017 - Tender Evaluation Contract (15037)– Provision of Family Youth & Children’s Support and Counselling Services**

FILE NUMBER: SF16/181

### **SUMMARY**

*This report presents the recommendations from the tender panel in regard to the received tendered submissions for the provision of Family Youth & Children’s Support and Counselling Services*

### **RECOMMENDATION**

***That Council, endorse the recommendation of the tender panel, for the Whitehorse Community Grants Contract 15037, for the Provision of Family Youth & Children’s Support and Counselling Services in regard to the conforming tender submission received from EACH LTD for the amount of \$1,049,821 (including GST) for a four year Partnership tender under the Whitehorse Community Grants Program.***

### **BACKGROUND**

Council at its meeting on 15 February 2016 resolved to let one four-year tender under the Community Grants Program, for the provision of family youth and children’s support and counselling services.

### **DISCUSSION**

Tenders for the provision of “*Family Youth and Children’s Services Support and Counselling Services*” in Whitehorse, were advertised in The Age newspaper on Saturday 21 May 2016 and closed on Wednesday 8 June 2016

The tenders were evaluated against the following criteria:

- Range of services being offered under the program by the tenderer.
- Experience of the tenderer in providing similar programs and services.
- Qualifications and experience of the key individuals who will be providing the program.
- Systems and processes in place to ensure the provision of services only to people who live, work or attend school in Whitehorse, from a Whitehorse location (or locations) and demonstrating local knowledge and connections to the Whitehorse community.
- Occupational Health & Safety (Pass/Fail).
- Equal Opportunity (Pass/Fail).
- The financial amount of providing the service was not a consideration, as Council detailed the funding available for each of the four years, in the specification.

Tender 15037 is for the delivery of Family Youth and Children Support and Counselling services. The tender covers programs for young people (up to age 25 years) and includes outreach support; peer skills development; leadership programs; children’s programs for specific age ranges; parenting support; individual and family support and counselling (including group work).

Six tender submissions were received and the officer tender assessment panel shortlisted two tender submissions based on their responses to the questions and whether or not they conformed to the tender specification. Two organisations were subsequently invited to attend an interview to present to the tender panel. The interview presentations were held on Monday 27 June.

**9.2.2**  
(cont)

As a consequence of the above process, the officer tender assessment panel's recommendation is to award the contract to EACH Ltd who is considered by the tender assessment panel, to have the capacity and experience to provide the best quality of service to the Whitehorse community as well as being good value for money.

EACH Ltd has an existing strong relationship with Whitehorse City Council and the local community, as they are the organisation that was awarded the tender four years ago. Over the past four years Council officers have been impressed with their level of professionalism and high quality of service delivery to the Whitehorse community. As has been the case over the past four years, EACH Ltd will ensure that the programs provided will be branded as being Whitehorse City Council funded and supported.

The contract 15037 for the Provision of Family Youth & Children's Support and Counselling Services will commence on 1<sup>st</sup> November 2016.

**CONSULTATION**

The tenders were advertised according to Council's Procurement Policy, in The Age newspaper on Saturday 21 May 2015. All tenders were requested to be conforming tenders.

**FINANCIAL IMPLICATIONS**

The tender is a fixed price tender, with the tender documents detailing the budgeted amount to be allocated over the four year period. Payments will be made in accordance with the table below:

<b>Payment Dates</b>	<b>Instalment Amounts INCLUDING GST</b>	<b>Total Relevant Financial Year INCLUDING GST</b>
On Signing	\$56,592.00	
28 February 2017	\$56,592.00	
30 June 2017	\$56,592.00	\$169,776.00
31 December 2017	\$129,903.00	
30 June 2018	\$129,903.00	\$259,806.00
31 December 2018	\$132,501.00	
30 June 2019	\$132,501.00	\$265,002.00
31 December 2019	\$135,151.00	
30 June 2020	\$135,151.00	\$270,302.00
30 October 2020	\$84,935.00	\$84,935.00
<b>TOTAL</b>	<b>\$1,049,821.00</b>	<b>\$1,049,821.00</b>

**POLICY IMPLICATIONS**

The Whitehorse Community Grants Contract 15037, for the Provision of Family Youth & Children's Support and Counselling Services, was advertised, assessed and recommended in line with Council's Procurement Policy. The program links with the Whitehorse Council Plan and Council's long term vision and goals.

### 9.2.3 Whitehorse Community Grants – 2016/2017 Financial Year

FILE NUMBER: SF60018

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#### **SUMMARY**

*This report presents the Whitehorse Community Grant recommendations for the 2016/2017 financial year, as determined by the Councillor Assessment Panel, which comprised of: Cr Philip Daw (Mayor), Cr Raylene Carr, Cr Sharon Ellis, Cr Helen Harris and Cr Denise Massoud.*

#### **RECOMMENDATION**

***That Council, allocates the 2016/2017 Whitehorse Community Grants in accordance with Appendix A Cash Grants (Annual Grants Non Partnership), Appendix B (Partnership Grants Non-Tendered and Tendered), Appendix C (Discount Support Hall Hire) and Appendix D (Discount Support Free Tipping) as recommended by the Councillor Assessment Panel.***

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#### **BACKGROUND**

Whitehorse City Council supports not-for-profit community groups and organisations to provide a wide range of services, programs and activities to the Whitehorse community through its Community Grants program.

For the 2016/2017 financial year, the Whitehorse Community Grants Program received applications from 186 community groups, for both cash and discount support grants, with cash grant requests totaling \$1,050,478. The Cash Grant requests were \$211,060 over the budget allocation of \$839,418.

The Councillor Assessment Panel met on Wednesday 8 June 2016 to consider the community grants applications and subsequently to determine the recommendations which are included as *Appendix A* to this report (Annual Cash Grants Non Partnership).

#### **DISCUSSION**

The Community Grants program is divided into five separate components:

1. Cash Grants Annual Non-Partnership (Minor Grants Up to \$5,000 & Major Grants \$5001 to \$20,000);
2. Cash Grants: Partnership Funding – Non Tendered;
3. Cash Grants: Partnership Funding – Tendered;
4. Discount Support (Hall Hire) and
5. Discount Support (Free Tipping).

#### **Cash Grants - Annual Non-Partnership**

Annual Cash Grants (Minor Grants Up to \$5,000 & Major Grants \$5001 to \$20,000) were considered by the councillor panel on 8 June, 2016 and the Panel recommendations are shown in *Appendix A*.

The councillor panel recommendations amount to a total of \$147,515, which is \$10,989 under the budget allocation of \$158,504 for the 2016/2017 financial year. The unallocated financial resources will be available for community grant applications received by Council during the 2016/2017 financial year. These applications will be subject to the standard application and review process and will be endorsed by the Mayor.

### 9.2.3

(cont)

#### **Cash Grants - Partnership Funding**

Four year Non-Tendered Partnership Funding was introduced by Council in 2012 for identified community based organisations that provide on-going, established, recognised services within the Whitehorse community. All current four year Non-Tendered Partnership Funding agreements expire on 30 June 2016.

Four year Tendered Partnership funding agreements (Contracts for Service) were also entered into with four community organisations. Three of these four contracts expire on 30 June 2016 and the fourth expires on 30 October 2016.

Council at its meeting on 15 February 2016 resolved to extend funding agreements with 16 community organisations (non-tendered and tendered) while a review of the Community Grants program is being undertaken.

An exception to this was the four-year tender for the Provision of Family Youth and Children's Support and Counselling Services. *Refer Appendix B.*

Therefore, Partnership Funding (Tendered and Non-Tendered) for the 2016/2017 financial year will be as follows (*refer Appendix B*):

#### **1. Partnership Funding:**

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

#### **2. Partnership Funding - Tendered**

In regard to the Provision of the Family Youth and Children's Support and Counselling Services tender, these tenders closed at 3 pm on the 8 June 2016. A separate Council Report in regard to this matter will be presented in the July 2016 cycle to coincide with Council consideration of the Community Grants recommended by the Councillor Panel.

#### **Discount Support Hall Hire**

Discount Support relates to discounted hall hire charges at Council owned and operated venues. If community groups meet the criteria, Discount Support Hall Hire is automatically granted. Groups applying for a discount on hall hire charges have already been notified in writing of their success or otherwise and this information is included in *Appendix C*. Discount Support Hall Hire recommendations currently total \$260,723.

Further applications for Discount Support Hall Hire will be received by Council as the year progresses and approved, if the groups meet the criteria. There are three levels of discount support based on group type: 90% for seniors groups, 75% for service clubs and 50% for all other organisations. Discount Support Hall Hire also includes the option of one free hall hire fundraising event each year, per organisation, with many groups taking advantage of this option.



**9.2.3**  
 (cont)

**Discount Support Free Tipping**

Council also offers discount support to not for profit community groups for free tipping at Council's Recycling and Waste Centre. A nominal amount of \$130 has been allocated to each free tipping pass. Each trailer load of waste is weighed and the actual cost based on the tonnage rate applied, is recorded against the Community Grants Program. A total of 259 tipping passes are recommended for the 2016/2017 financial year and the groups are listed in *Appendix D* with an estimated cost to Council of \$33,670. Please note, all free tipping passes issued are not necessarily used.

All community groups receiving cash grants will be required to complete funding & service agreements prior to the release of any cash grants.

**FINANCIAL IMPLICATIONS**

The Overall Community Grant Budget For the 2016/2017 financial year is shown below:

<b>2016/2017 Financial Year – Cash and Discount Support</b>	<b>TOTAL GRANTS BUDGET</b>
Cash Grants (Annual, Partnership Non-Tendered & Partnership Tender)	\$839,418
Discount Support Hall Hire (Further applications can be made during year)	\$260,723
Discount Support Free Tipping	\$33,670
<b>TOTAL</b>	<b>\$1,133,811</b>

The Cash Grant Budget for the 2016/2017 financial year is shown below:

<b>2016/2017 Financial Year – Cash Grants</b>	<b>CASH GRANT BUDGET</b>
Partnership - Non Tendered	\$449,359
Four Year Partnership - Tendered (2016-2017 Year)	\$231,555
Non-Partnership Grants (Annual Cash Grants - Minor and Major Grants considered by Councillor Panel )	\$158,504
<b>CASH GRANTS BUDGET</b>	<b>\$839,418</b>

As detailed above, the Cash Grant recommendations by the Councillor Panel totalled \$147,515 which is \$10,989 under the budget allocation of \$158,504.

As in previous years, the unallocated amount of \$10,989 will be available for allocation during the financial year should any further requests for community grants come into Council and be assessed as being appropriate to receive a community grant by the Mayor.

The community grant amounts in this report do not include GST.

**CONSULTATION**

The 2016/2017 Community Grants were advertised extensively within the municipality: the Whitehorse News, on Council's web site, in Councillor Columns and via press releases.

**POLICY IMPLICATIONS**

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

**9.2.3**  
 (cont)

**APPENDIX A – ANNUAL CASH GRANTS (NON PARTNERSHIP)**

<b>Organisation Name</b>	<b>2016/2017 Councillor Panel Recommendations ANNUAL CASH GRANTS (NON- PARTNERSHIP)</b>
Arts Access Victoria and Burke and Beyond	\$5,500
Ashburton United Soccer Club	\$4,000
Australia Chinese Dancers Association Inc	\$600
Australia Sri Lanka Catholic Association	\$500
Blackburn Pre-School Centre	\$1,000
Boroondara Stroke Support Group Inc	\$1,000
Box Hill Chorale Society	\$2,000
Box Hill City Band	\$1,000
Box Hill Community Information & Support (Box Hill Citizen's Advice Bureau)	\$10,600
Box Hill Historical Society	\$900
Box Hill Italian Senior Citizen's Club	\$500
Box Hill Miniature Steam Railway Society Inc	\$1,495
Box Hill Senior Citizen's Club	\$1,200
Box Hill U3A	\$1,500
Buckanbe Park Advisory Committee	\$2,350
Cancer Patients Foundation (Box Hill Hospital)	\$4,000
Carrington Health	\$2,038
Centre for Holistic Health	\$2,000
Chinese Health Foundation	\$2,000
Circolo Pensionati Italiani-Nunawading	\$1,200
City of Whitehorse Band	\$500
Combined Probus Club of Burwood East	\$500
Combined Probus Club of Burwood Inc	\$500
Combined Probus Club of Whitehorse	\$500
Communities Council on Ethnic Issues	\$1,500
Cootamundra Walk Advisory Committee	\$500
Designer Art Shop Association (known as Alcove Art Shop)	\$1,500
Dr Stanley Cochrane Memorial Kindergarten Inc	\$1,000
East Burwood Pre School	\$1,000
Eastern Emergency Relief Network (& Warehouse)	\$8,715
Eastern Volunteer Resource Centre	\$4,538
Family Access Network	\$20,000
Florence Road Pre School Centre	\$1,000
Forest Hill Uniting Church Monday Companions (Older Adults Group)	\$500
Greek Orthodox Community of Box Hill and Districts	\$1,400
Guides - 3rd Box Hill Extreme Guides	\$1,000
Hamro Nepali Pathshala Inc	\$1,000

**9.2.3**  
 (cont)

<b>Organisation Name</b>	<b>2016/2017 Councillor Panel Recommendations ANNUAL CASH GRANTS (NON- PARTNERSHIP)</b>
Hispanic Society of Victoria Inc	\$90
Inclusive Music Theatre Incorporated	\$1,215
Indochinese Elderly in the Eastern Suburbs Inc	\$1,000
Jing Song Senior Chinese Men's Inc	\$1,000
Joiningthedots International	\$1,000
Kolo Ukrainian Playgroup	\$500
Ladies Probus Club of Blackburn South	\$800
Ladies Probus Club of Box Hill South	\$800
Life Activities Club of Whitehorse	\$1,000
LINC Whitehorse	\$582
Lions Club of South Vermont	\$1,000
Little Hippos Playgroup	\$500
Living Streams Community Care	\$1,000
Melbourne Bipolar Network, Inc	\$1,000
Melbourne Chinese U3A	\$500
Melbourne Numismatic Society Inc.	\$500
Multiple Sclerosis Ltd & Multiple Sclerosis Ltd Singers	\$1,840
Nadrasca	\$3,500
Nieuw Holland Social Club Inc.	\$550
NLEC Community Care Inc	\$500
Nunawading Hungarian Senior Citizen's Club Inc.	\$600
Nunawading Toy Library	\$500
People with Multiple Sclerosis Vic Inc	\$1,500
Peranakan Association Australia Inc	\$500
Probus Club of Blackburn Central Inc.	\$800
Probus Club of Mont Albert Inc	\$800
Scouts Australia Vic Branch - 1st Mont Albert Scout Group	\$500
Scouts Australia Vic Branch - 1st/ 8th Blackburn South Scout Group	\$500
Scouts Australia Vic Branch - 6th Box Hill Hellenic Scouts	\$500
Scouts Australia Vic Branch - 9th Box Hill Scout Group	\$500
Senior Citizen's Club of Nunawading	\$1,500
Senior Citizens of the Greek Community of Forest Hill	\$1,400
St Francis Xavier Autumn Friendship Club (St Francis Xavier Church)	\$500
St John Ambulance (Vic) Inc - Whitehorse Division	\$1,000
Taiwanese Business Association of Melbourne Inc	\$9,225
Taralye - The Advisory Council for Children with Impaired Hearing (Vic)	\$1,428
Timorese Taiwan Alumni Association Inc	\$500

**9.2.3**  
 (cont)

<b>Organisation Name</b>	<b>2016/2017 Councillor Panel Recommendations ANNUAL CASH GRANTS (NON- PARTNERSHIP)</b>
U3A Nunawading Inc.	\$1,000
Victoria Hua Xin Chinese Women's Association	\$749
Victorian Skateboard Association	\$5,000
Whitehorse Arts Association	\$1,000
Whitehorse Chinese Senior YouYi Friendship Club	\$1,000
Whitehorse Day Club	\$600
Whitehorse Friends for Reconciliation	\$2,500
Whitehorse Historical Society Inc.	\$1,500
Whitehorse Orchestra	\$1,000
Whitehorse Toastmasters Club Inc	\$500
Yarran Dheran Advisory Committee	\$500
<b>Total ANNUAL CASH GRANTS (NON PARTNERSHIP)</b>	<b>\$147,515</b>

**APPENDIX B – CASH GRANTS – PARTNERSHIP (NON TENDERED & TENDERED)**

<b>Organisation Name</b>	<b>2016/2017 PARTNERSHIP NON TENDERED</b>
Asian Business Association of Whitehorse Inc	\$22,960
Avenue @ Eley Neighbourhood House	\$35,703
Bennettswood Neighbourhood House	\$28,815
Box Hill South Neighbourhood House	\$28,815
Burwood Neighbourhood House	\$28,815
Clota Cottage Neighbourhood House Inc	\$28,815
Kerrimuir Neighbourhood House	\$28,815
Koonung Cottage Community House	\$28,815
Louise Multicultural Centre	\$25,945
Mitcham Community House	\$35,703
Vermont South Community House	\$35,703
Whitehorse Community Chest Inc.	\$13,665
Whitehorse Pre School Association	\$29,735
Mitcham Community House - Family Violence Program for Women	\$16,646
Family Access Network - Life Skills Program for Young Men and Women	\$35,244
Uniting Care - East Burwood Centre - Emergency Relief Co-Ordination & Provision	\$25,165
<b>PARTNERSHIP NON TENDERED</b>	<b>\$449,359</b>
	<b>2016/2017 PARTNERSHIP TENDERED</b>
Tender 15037 – Provision of Family Support & Counselling Services	\$231,555
<b>TOTAL PARTNERSHIP – NON TENDERED &amp; TENDERED</b>	<b>\$680,914</b>

**9.2.3**  
 (cont)

**APPENDIX C – DISCOUNT SUPPORT HALL HIRE**

<b>Organisation Name</b>	<b>Discount Support Hall Hire 2016</b>
Alcoholics Anonymous (Box Hill Branch)	\$1,507
Alkira Centre - Box Hill	\$341
Australian Quilters Association Inc	\$3,679
Australian Red Cross - Blackburn Unit	\$1,124
Australian Woodturning Exhibition (Whitehorse Wood turners)	\$3,409
Babirra Music Theatre Inc	\$20,000
Blackburn Primary School	\$2,274
Box Hill Art Group Inc	\$10,412
Box Hill Auxiliary for Aurora School	\$374
Box Hill Ballet Association Incorp.	\$8,617
Box Hill Chorale Society	\$2,636
Box Hill Clayworkers	\$4,227
Box Hill Community Gardens Inc	\$127
Box Hill Hand Spinners and Weavers	\$6,239
Box Hill Historical Society	\$451
Box Hill Life Drawing Group	\$348
Box Hill Russian Senior Citizen's Club	\$3,139
Box Hill South Pre School	\$934
Brotherhood Karyas Olympou	\$1,108
Cake Decorators Association of Vic Inc	\$93
Circolo Pensionati Italiani-Nunawading	\$2,030
City of Whitehorse Band (LATE APPLICATION)	\$1,900
Combined Probus Club of Blackburn South	\$1,882
Combined Probus Club of Whitehorse	\$1,624
Communities Council on Ethnic Issues	\$242
Community of Cypriots of the Eastern Suburbs Elderly Citizens Club	\$7,258
Contemporary Women Painters	\$2,149
Designer Art Shop Association (known as Alcove Art Shop)	\$679
Eastern & Mountain District Radio Club Inc	\$1,555
Eastern Districts Aquarium Society	\$2,078
Eastern Health Mental Health Alliance	\$1,035
Eastern Suburbs Scale Modelling Club	\$475
Eley Park Football Club	\$2,376
Greek & Cypriot Elderly Citizen's Club of Whitehorse & District	\$8,364
Greek Elderly Citizens Club of Nunawading	\$6,273
Hand Tool Preservation Society	\$278
Heritage Roses in Australia Inc. (Greater Melbourne Group)	\$246
Hispanic Society of Victoria Inc	\$964
Inclusive Music Theatre Incorporated	\$1,900

**9.2.3**  
 (cont)

<b>Organisation Name</b>	<b>Discount Support Hall Hire 2016</b>
Kerrimuir Primary School	\$2,149
Knitting for the Needy	\$375
Korean Society of Victoria	\$1,264
Ladies Probus Club of Vermont South	\$832
Marquetry Society of Victoria	\$788
Melbourne Ai-Yue Choir	\$1,555
Melbourne Children's Chinese Choir	\$2,107
Melbourne Chinese Choir	\$1,226
Melbourne Chinese U3A	\$3,198
Melbourne Numismatic Society Inc.	\$255
Melbourne Taiwanese Ladies Association	\$1,370
Morris Register of Victoria	\$690
Nadrasca	\$375
Neami National	\$140
Needlework and Tapestry Guild of Victoria	\$4,675
Nova Music Theatre Inc	\$20,000
Nunawading Hungarian Senior Citizen's Club Inc.	\$7,792
Orchid Species Society of Victoria	\$868
Papermakers of Victoria	\$296
Perwira Indonesian Society of Victoria	\$5,596
Polish Senior Citizen's Club of Doncaster	\$7,560
Pope Road Kindergarten	\$2,016
Probus Club of Forest Hill Inc	\$1,513
Probus Club of Mitcham Nunawading Inc	\$3,078
R&S Chrysler Valiant Car Club of Victoria	\$451
Roberts McCubbin Primary School	\$661
Rotary Club of Box Hill	\$2,136
Rotary Club of Box Hill Central	\$1,900
Scouts Australia Vic Branch - 1st/ 8th Blackburn South Scout Group	\$830
Senior Citizen's Club of Nunawading	\$5,670
Senior Citizens of the Greek Community of Forest Hill	\$18,066
St Andrews Greek Orthodox Elderly Citizen's Club	\$5,643
Taiwanese Women's Dancing Group	\$1,882
The Boite Vic Inc. (Surrey Music Café)	\$2,475
The Hong Kong Club Inc	\$1,025
Tungaru Victorian Association	\$2,274
U3A Nunawading Inc.	\$20,000
Vermont Floral Art Group	\$1,045
Vermont Garden Club	\$789
Vermont Primary School	\$1,100
Victorian Bulb Society Inc	\$1,218

**9.2.3**  
 (cont)

<b>Organisation Name</b>	<b>Discount Support Hall Hire 2016</b>
Wado Ryu Karate	\$3,140
Whitehorse Cyclists	\$262
Whitehorse Orchestra	\$3,306
Whitehorse Pioneer Football Club	\$2,785
	\$260,723

**APPENDIX D – DISCOUNT SUPPORT FREE TIPPING**

<b>Organisation Name</b>	<b>Free Tipping 2016/2017 (Individual Pass is valued at \$130)</b>
Alkira Centre - Box Hill	\$1,560
Burwood Community Gardens	\$520
Doncare (Whitehorse Opportunity Shops)	\$3,120
East Burwood Pre School	\$520
Eastern Emergency Relief Network (& Warehouse)	\$5,200
LINC Whitehorse	\$3,120
Lions Club of Blackburn North	\$1,300
Lions Club of Mitcham Inc	\$1,560
Lions Club of South Vermont	\$1,300
Nunawading Community Gardens Inc	\$1,300
Rotary Club of Mitcham - Rotary Clothesline Opportunity Shop	\$1,560
Rotary Farmers Market	\$1,560
Rotary Recycle Opportunity Shop	\$1,560
Royal Society for the Prevention of Cruelty to Animals	\$6,760
Scouts Australia Vic Branch - 1st Bennettswood Scout Group	\$260
Scouts Australia Vic Branch - 1st Mont Albert Scout Group	\$520
Scouts Australia Vic Branch - 1st/ 8th Blackburn South Scout Group	\$520
Scouts Australia Vic Branch - 9th Box Hill Scout Group	\$520
Taralye - The Advisory Council for Children with Impaired Hearing (Vic)	\$520
Whitehorse Arts Association	\$390
	\$33,670

## 9.2.4 Whitehorse Centre

FILE NUMBER: 15/180178  
ATTACHMENTS

### **SUMMARY**

The Whitehorse Centre Community Opinion and Research Report documents the research, consultation and findings from the community consultation conducted by JWS Research on the three options proposed for the future of the Whitehorse Centre. The three options are:

Option A    *Redevelopment of the Whitehorse Centre based upon the 2015 Whitehorse Centre Business Case*

Option B    *Undertake essential works (approx. an indexed \$7m+) to the existing centre to continue its operation for another 8 -10 years before a potential closure of the centre*

Option C    *Closure and demolition of the existing centre within the next 2 years*

This report recommends releasing the JWS Research Report – The Future of the Whitehorse Centre Community Opinion and Research Report to the public. The JWS Research Report found extensive community support for the provision of art and cultural services offered through the Whitehorse Centre and this report recommends the retention of the Whitehorse Centre and dismisses the option of closure and demolition (Option C). This report also acknowledges that the JWS Report found a majority quantitative support for the complete redevelopment of the Whitehorse Centre (Option A).

The report recommends the preparation of detailed assessments to ensure that the newly elected Council will have current building and precinct information to make an informed decision between Options A & B for the future of the Whitehorse Centre. The detailed assessments include:

- Facility Asset and Services Condition Assessment
- Site Assessment of the Civic Precinct
- Car Parking Review/Analysis Report for the civic, library and Walker Park precincts

The report for the newly elected Council will establish a project plan, governance structure, stakeholder management requirements and timeline for both options by April 2017. This report also details urgent repair works to the centre to be undertaken immediately. The newly elected Council will consider the future of the Whitehorse Centre.

### **RECOMMENDATION**

#### **That Council:**

- 1. Make public the JWS Research Report - The Future of The Whitehorse Centre Community Opinion and Research Report**
- 2. Endorse the JWS Community Opinion and Research Report findings that show extensive community support for the retention of the Whitehorse Centre and its arts and cultural service provision and dismisses Option C, that being the closure and demolition of the Whitehorse Centre (Option C)**
- 3. Acknowledge the JWS Community Opinion and Research Report findings that identify a minority quantitative support to undertake essential works to the existing centre with a potential closure in 8-10 years (Option B)**



**9.2.4**  
(cont)

- 4. Acknowledge the JWS Community Opinion and Research Report findings that identify a majority quantitative support by those who participated in the 600 person telephone survey and the 1292 responses received via the hardcopy /on-line survey to support the redevelopment of the Whitehorse Centre (Option A)**
- 5. Authorise the Chief Executive Officer to undertake a detailed facility and site assessment for the purpose of providing a final report to Council by April 2017 for both Option A and Option B including the following information:**
  - a) Facility Asset and Services Condition Assessment**
  - b) Car Parking Review/Analysis Report for the civic, library and Walker Park precincts**
  - c) Site Assessment of the Precinct**
  - d) Manage urgent repair works to be undertaken to the roof and fire services at the Whitehorse Centre**
  - e) Establish a project plan, governance structure, stakeholder management requirements and timeline for both options for inclusion**
  - f) In a final report for the newly elected Council by April 2017.**

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The Whitehorse Centre, located on the Nunawading Civic Precinct, is Council's performing arts facility. This Centre provides performing arts opportunities and professional function services to the Whitehorse community and beyond. A feature of the centre is its capacity to host Council's major festival events. Within the natural amphitheatre of the precinct the Whitehorse Centre soundshell has provided an ideal setting for a capacity audience to come together and celebrate important civic events.

**2016 CONSULTATION AND RESEARCH FINDINGS**

Council contracted JWS Research to consult the community on three options proposed for the future of the Whitehorse Centre. The three options are:

- Option A     Redevelopment of the Whitehorse Centre based upon the 2015 Whitehorse Centre Business Case
- Option B     Undertake essential works (approx. an indexed \$7m+) to the existing centre to continue its operation for another 8 -10 years before a potential closure of the centre
- Option C     Closure and demolition of the existing centre within the next 2 years

## **9.2.4** (cont)

### Communications Plan

The community consultation period on the future of the Whitehorse Centre was undertaken during March/April 2016. The following communication plan was implemented to engage with the community:

- Three Mayoral letters were issued to the stakeholders of the Whitehorse Centre including clients, residents in a 300 metre radius of the centre, patrons and arts organisations – approximately 5000 letters were issued on each occasion
- Whitehorse News ran feature articles in the February, March and April 2016 editions
- Council updates ran in the Whitehorse Leader following the Council resolution from late December 2015 until mid-April 2016
- Media releases were issued on the Whitehorse Centre Business Case and consultation
- Enews notifications were issued from the Whitehorse Centre, Whitehorse Artspace and the Box Hill Community Arts Centre – issued to approx. 3500 people
- An article on the Whitehorse Centre featured in the Aqualink Magazine – issued to approximately 2500 people
- On hold messages advising of the consultation ran on the Council phone system from February to April 2016
- The Whitehorse Centre Business Case, associated reports and information on how to contribute to the consultation were available on Council and the Whitehorse Centre websites.

### Research Methodology

Council contracted JWS Research to consult with the community and analyse the response to the proposed three options. JWS Research is an independent organisation that conducts research for federal, state and local Government as well as the private sector. The comprehensive research findings implemented by JWS Research involved many varying aspects that sought to take into account the breadth of views across the Whitehorse community. Councillors met with JWS Research on two occasions prior to the finalisation of the research methodology. While the research methods that were adopted were wide ranging, the research findings from this consultation presented relatively consistent results. JWS Research managed and conducted the following:

- Qualitative research: six focus group sessions were conducted with a representative mix of Whitehorse residents to understand opinions and attitudes towards the three options. In two of the sessions regular users and those who live within 300 metres of the centre were randomly selected for consultation.
- Quantitative research: a telephone survey of randomly selected 600 Whitehorse residents was conducted to understand the opinions and attitudes towards the three options
- Quantitative research: an on-line and hardcopy survey was available during the consultation period for anyone to complete and submit to understand the opinions and attitudes towards the three options
- Qualitative research: public submissions were received as feedback to understand the opinions and attitudes towards the three options
- Qualitative research: ten interviews with a random selection of Whitehorse Centre clients were undertaken to understand opinions and attitudes towards the three options

**9.2.4**  
(cont)

Research Profile

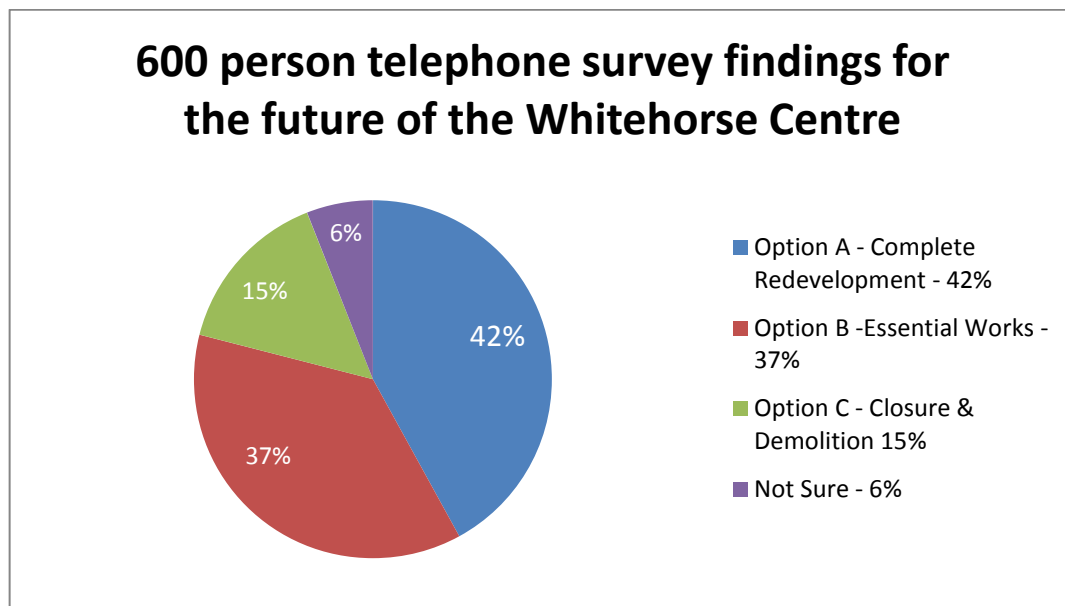
The findings from the JWS Research are produced from the following participation statistics:

- JWS Research conducted a telephone interview/survey of 600 randomly selected Whitehorse residents. Of the 600 Whitehorse residents:
  - 85% owned their property (Whitehorse ratepayer)
  - 73% had lived in Whitehorse for longer than 10 years
  - 7 out of 10 people (or a member of their household) had been to the Whitehorse Centre and/or festival held on the precinct
  - 52% women and 48% men
- JWS Research received 1292 submissions (807 online and 495 hardcopy) of the same survey that was completed by the 600 telephone respondents. Of these 1292 submissions:
  - 1142 responses (88%) identified as Whitehorse residents
  - 93% owned their property (Whitehorse ratepayer)
  - 88% had lived in Whitehorse for longer than 10 years
  - 9 out of 10 people (or a member of their household) had been to the Whitehorse Centre and/or festival held on the precinct
  - 39% women and 61% men
- JWS Research analysed the 123 written hardcopy submissions received from business, centre attendees and the general community.
- JWS Research conducted ten in-depth interviews with Whitehorse Centre theatre and function clients
- JWS Research conducted six focus group sessions with approximately with 8 to 9 people approximately in each group

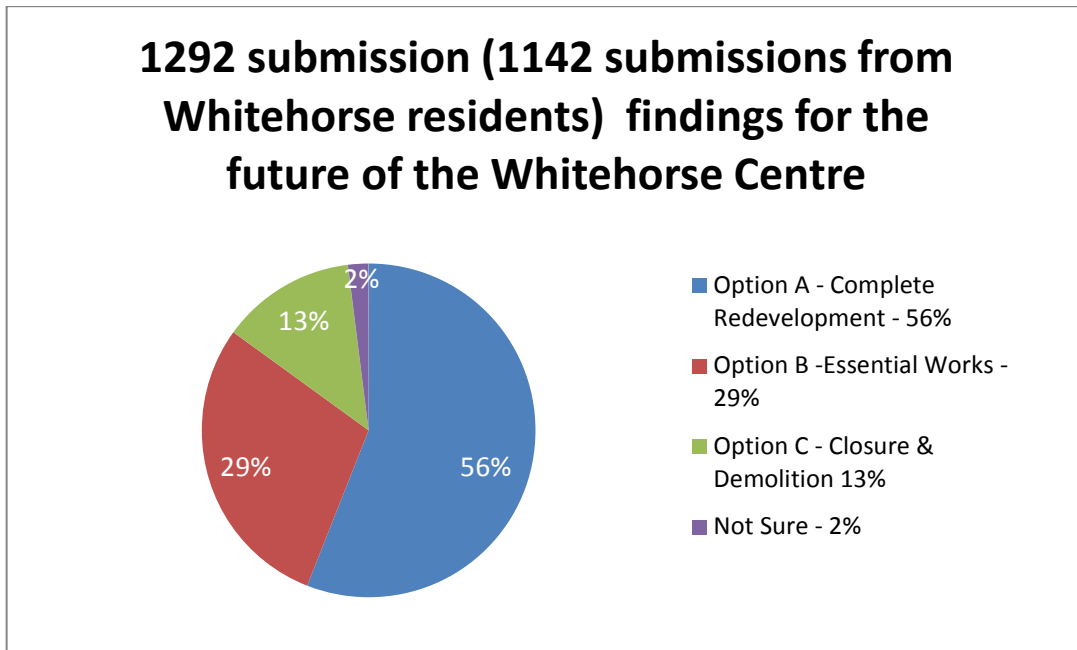
Key Findings

Quantitative Statistical Findings

Results shown are 'considered preferences' after consideration of arguments for/against redevelopment.



**9.2.4**  
(cont)



Qualitative Findings

Those in support of Option A see the potential widespread benefits that a redeveloped centre holds and this is a major factor driving their support for Option A. These benefits include:

- Community Benefit
- Cultural Benefits
- Societal Benefits
- Quality of Life Benefits

Those in support of Option B view things largely through an economic lens making project cost a major factor when considering their preferred option that lead to the perspective that the project cost is too big for the number of future users (with future users viewed as the same as current rather than a broader group). Respondents believed the cost of the deck car park is excessive.

With a lack of support for Option C, preferences for Option A or Option B are split and are generally dependent on how stakeholders use the Whitehorse Centre. From a client perspective it was identified that theatre users are more in favour of Option A and function and event users Option B.

JWS Consultation Research Outcomes

There is little community support identified in the research for Option C, thus it is recommended this option is dismissed. This leads to a decision between Option A and Option B:

- Opinions are somewhat divided with more overall support towards Option A in the telephone and self-select survey (hardcopy/online).
- Centre clients and written submissions are evenly split in their preference between Option A and option B.

## 9.2.4

(cont)

### Those in support of Option A:

- Appreciate the range of benefits the redevelopment will bring to the broader community
- Display some concern around the proposed cost especially the deck car park

### Those in support of Option B:

- See the cost of Option A, particularly those surrounding the proposed car park, is seen as so large it is not justifiable.
- Are looking to be convinced that the benefits of the project will outweigh the cost, and that there is a real community need for the project.

JWS Research identified there are solid grounds to move forward with Option A. However, given the divide in opinion between Option A and Option B there is potential for some community concern regardless of which option is chosen. A focus of this concern is the cost of the car parking.

The JWS Whitehorse Centre Community Opinion and Research Report and its companion Report of Detailed Findings Research are attached. **(Attachment 6A and 6B)**

### **ADDITIONAL ON-GRADE CAR PARKING ASSESSMENT - JUNE 2016**

The JWS Research Report identified that the cost of a three level deck car park was of significant concern by respondents in the community research, irrespective of their preference for Options A and B. In response to this in June 2016 Council contracted a traffic management company, Salt3, to conduct additional work for an on-grade car parking solution for the site. This work is a high-level conceptual plan offering an alternate option. **(Attachment 6c)**

This concept plan looked at utilising the existing paved area east of Humphreys Avenue, as well as the area to the west of the Police Station, whilst retaining the existing open space north of the current car park configuration providing a net increase of car spaces (48 of those spaces located in Walker Park). Salt3 have advised the following assessment of the plan:

#### Benefits of concept

- Improved pedestrian connection and visibility between the Whitehorse Centre and Walker Park
- Improved circulation within the site and encouraging the use of signals
- Retention of existing open space north of the car park
- Opportunity for large loading vehicles to access and circulate through the site
- Removes existing 'round-a-bout' along Humphreys Avenue and provides a more straightforward arrangement

#### Considerations with concept

- Increase in parking provision is likely to result in an increase in traffic movements at the site access

The estimated cost of this concept parking layout is \$2m. Council notes further additional work would be required to examine parking, traffic and pedestrian management for the Civic and Walker Park Precincts and assess with the increased car parking capacity the traffic flow implications for access and egress to site.

**9.2.4**  
(cont)

**PROPOSED FACILITY AND SITE ASSESSMENT SERVICES**

The JWS Research Report identified the positive community support for the services undertaken through the Whitehorse Centre and the value the community places on its retention. If the closure and demolition of the centre is dismissed as an option it indicates the service provision offered by the centre should be retained irrespective of Council's final decision on the potential redevelopment of the centre. It is recommended to conduct facility and site assessments coordinated by a Project Manager in the primary areas of:

- Facility Asset and Services Condition Assessment
- Site Assessment of the Civic Precinct
- Car Parking Review/Analysis Report for the Civic, Library and Walker Park Precincts

In considering the full cost implications of Options A and B the following detailed facility asset, services condition and site assessment is required:

- Detailed Facility Asset and Services Condition Assessment.  
Approximate cost \$200K. (Option A - cost \$50-100k)
- Car Parking Review/Analysis and Report.  
Approximate cost \$50-100k (required for both options and includes the civic, library and Walker Park precincts)
- Site Assessment.  
Approximate cost \$75-125k (required for both options)
- Preparation of Project Plan  
Approximate cost \$100k (required for both options)

The total cost is \$425-525k for assessment of both Option A and Option B  
Please find attached for the full scope of works for both options. **(Attachment 6d)**

**URGENT MAINTENANCE WORKS**

If the intent is to retain the services of the Whitehorse Centre until the final Council resolution of Option A or B there are immediate works that must be undertaken in the current financial year to ensure the centre remains in operation. These include:

- Renew turret cladding on all sides and turret roof cladding – currently experiencing significant leaking onto stage posing health and safety risks. (Estimated cost \$300K)
- Renewal of facility fire services lines and reposition hydrant – have recently experienced flooding in facility due to old fire service line breakage. (Estimated cost \$50k)

Work is also required to coordinate the project plan including project timelines, stakeholder management and governance arrangements to ensure Council are informed to consider the final outcome on the future development of the Whitehorse Centre by April 2017.

**9.2.4**  
(cont)

**FINANCIAL IMPLICATIONS**

Officers recommend that further detailed assessment of Option A and Option B be undertaken at a cost of \$425-525k. This will enable the newly elected Council to assess the cost implications of both options and proceed to a preferred option, allowing funds to be allocated in the 2017/2018 budget cycle.

The urgent maintenance works required in the 2016/2017 to be completed are estimated to be approximately \$350K+GST.

The funds for these works will be sourced from Council reserves.

**WHITEHORSE CENTRE BUSINESS CASE ENQUIRIES**

Council made the Whitehorse Centre Business Case and associated reports publicly available from the 14 December 2015 and invited enquiries. In total 21 people made enquiries and a response was provided by either the authors of the Business Case, Williams Ross Architect Consortium or Council Officers. A copy of the enquiries and responses are attached. A full copy of the comprehensive Whitehorse Centre Business Case is listed on Council's website under the 14 December 2015 Council meeting minutes and attachments. <http://www.whitehorse.vic.gov.au/Agendas-Minutes-2015.html> (**Attachment 6e**)

**9.2.4**  
(cont)

## **WHITEHORSE CENTRE** **RESEARCH HISTORY 2016 - 2010**

Council has been investigating the future of the Whitehorse Centre since 2010. The following identifies the research history overview from 2016 to 2010 when the project commenced:

2016	Community consultation conducted by JWS Research
2015	<p>A comprehensive Business Case of the Whitehorse Centre was completed by Williams Ross Architect Consortium and released to the public after community consultation was completed earlier in the same year</p> <p>With the release of the Whitehorse Centre Business Case in December Council engaged JWS Research to consult with the community on three possible options for the future of the Whitehorse Centre</p> <ul style="list-style-type: none"><li>- Complete redevelopment</li><li>- Essential Works</li><li>- Closure and demolition of the existing Centre</li></ul>
2014-2013	Williams Ross Architect Consortium conducted a market analysis to determine a comprehensive business case and concept plan design for a redevelopment on the Whitehorse Centre. Williams Ross Architect Consortium briefed Council at regular intervals for the duration of this period.
2012	<p>In March Council noted the SGL Whitehorse Centre Feasibility Study Report and deferred endorsing the facility components pending a meeting with Councillors and Officers</p> <p>In April Council noted the outcomes of a meeting on the Whitehorse Centre redevelopment options and approved the SGL Whitehorse Centre Feasibility Study Report. It further allocated a sum to develop a concept plan and business case for the future of the centre</p> <p>In December Council appointed the Williams Ross Architect Consortium to develop a business case and concept plans for the future of the Whitehorse Centre</p>
2011	<p>In July Council resolved to note the draft Whitehorse Centre Feasibility Study and defer endorsement until undertaking a further study on the feasibility of a regional facility and seek interest from the Eastern Regional Councils</p> <p>In September the Mayor issued a letter to the Eastern Region Council seeking their in-principle support to request federal funding for a regional facility. Two of the then nine Councils supported this funding proposal.</p> <p>In November the Melbourne Eastern Regional Development Association released a Report recommending the preferred location for a large scale events facility in Melbourne's east is in the Yarra Valley</p>
2010	In August Council contracted the SGL Group and Outside the Square Consulting to conduct a feasibility study on the Whitehorse Centre and complete the Whitehorse Arts & Cultural Strategy



**9.2.4**  
 (cont)

**WHITEHORSE CENTRE FUTURE OPTIONS**

On the release of the comprehensive Business Case for a redeveloped Whitehorse Centre two other potential options were identified for its future and these three options are outlined in this section of the report.

In 2016 an independent company, JWS Research, undertook community consultation on the three options:

**OPTION A: REDEVELOPMENT BASED UPON THE 2015 BUSINESS CASE**

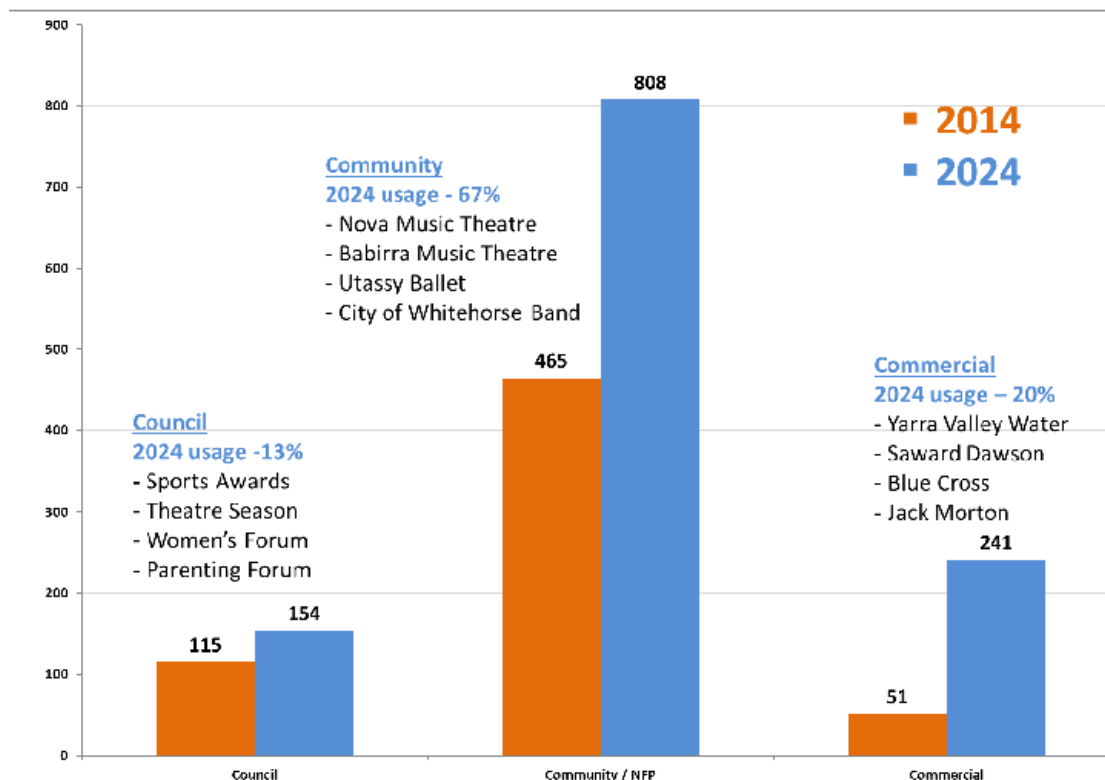
A proposed redevelopment of the centre is based upon the market research outcomes by the SGL Group Feasibility Study and the market testing and research outcomes of the Williams Ross Architects Consortium Whitehorse Centre Business Case. Both of these independently commissioned and conducted studies concluded consistent outcomes for functional space requirements (facility size and capacity needs) for Council’s performing arts and function services.

**Booking Comparison**

If the centre is to be redeveloped a booking comparison has been undertaken to compare the existing venue usage to that of a redeveloped facility. The result is an increase to Community, Council and Commercial bookings. The greatest growth is seen in community bookings for the centre. The projected usage in 2024 is:

- 67% Community use – theatre, classes, function bookings
- 13% Council use – including the public community programs
- 20% Commercial use – assisting to offset subsidised community use

**Proposed Redevelopment – booking comparison 2014 to 2024**

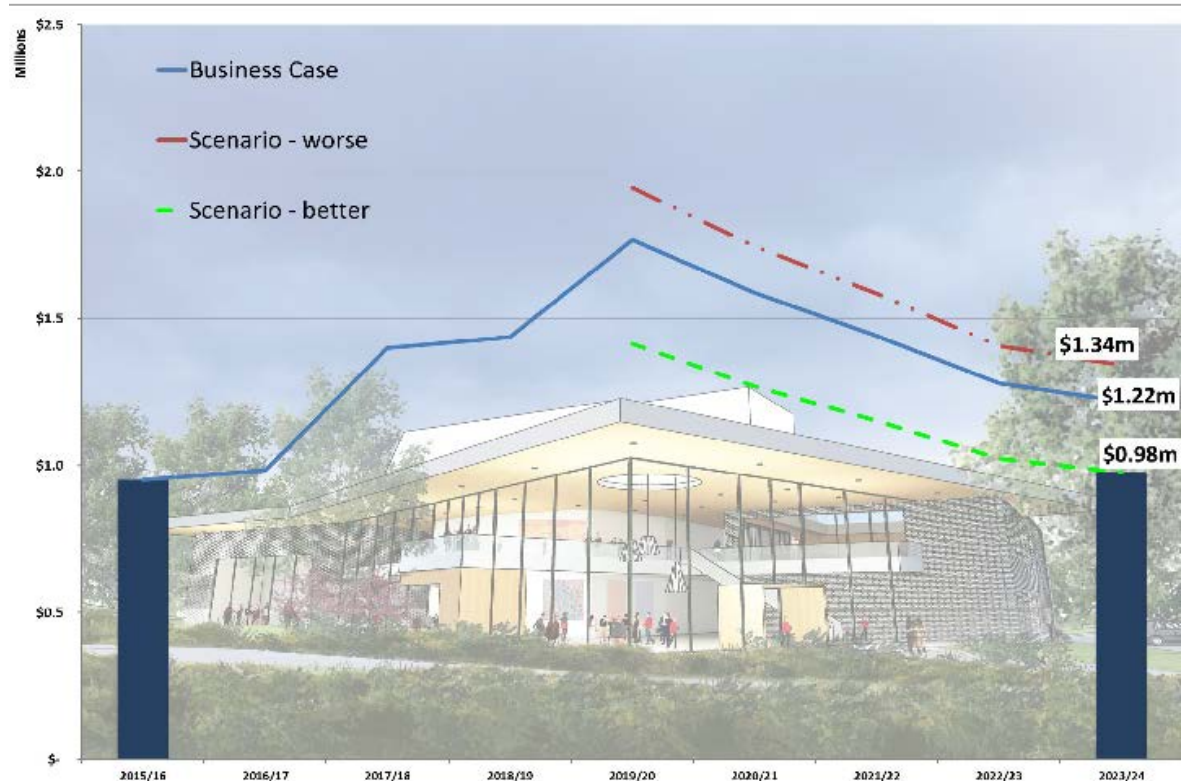


**9.2.4**  
 (cont)

**Council Annual Operating Subsidy for the Whitehorse Centre**

Council has also examined a best and worst case operational scenarios in the graph below based upon the commissioned business case. The Business Case provided a fiscally responsible conservative projection for the Whitehorse Centre. Based on this conservative outlook Council has projected a 10% worst case scenario and a 20% best case scenario to indicate alternate scenarios in 2023/2024.

**Council Annual Subsidy – Redevelopment (EXCLUDING DEPRECIATION)**



The annual operating subsidy scenario graph indicates that once the redeveloped centre has re-established itself in the fifth year of operation the annual subsidy is similar to the 2015/2016 operating subsidy for the Whitehorse Centre but has an increased booking usage as identified in the previous booking comparison graph. The outcome shown in the better scenario option (green line) is an operational subsidy reduction to the Business Case projection and a reduction to the current budgeted 2015/16 annual operating subsidy.

To understand the Council subsidy of the centre it is important to note that the Whitehorse Centre hire charges for Not-For-Profit Organisations are subsidised by Council to assist community use and access to the centre. Additionally Whitehorse community groups who fulfil Council's Discount Support Grants Program criteria also have access to further subsidised support by Council.

The patron ticket prices for the theatre and music season and midweek matinee program is also subsidised by Council to provide arts and cultural opportunities in the local area.

## 9.2.4

(cont)

### Redevelopment Funding

Preliminary long-term financial modelling was undertaken during preparation of the 2015/16 Budget. This was based on a scenario of Council proceeding with the Nunawading Community Hub project and the Whitehorse Centre Option A - complete redevelopment. The funding model of these two projects would approximately assume:

- 46% would be drawn from existing reserves and realise funds from asset sales
- 31% from long-term loans
- 21% over a five year period from rates surplus
- 2% would be sought through as yet unidentified grants or other income sources.

This modelling demonstrated a capacity to fund the Whitehorse Centre Redevelopment Business Case.

### **OPTION B: ESSENTIAL WORKS TO EXISTING CENTRE TO REMAIN OPEN FOR 8-10 YEARS**

There comes a point in the life of a building when it either needs a major redevelopment or closure. Investing more community funds in keeping an ageing, no-longer adequate facility operating may be a poor use of funds.<sup>4</sup>

Further work has been undertaken recently on the existing building and its capacity to meet the functional needs of the theatre and function services. These works have included:

- Understanding the useful working life of the centre
- The ability of the centre to provide appropriate service levels for performing arts and function services

Any additional building work outlined in this option does not improve the size or capacity of the centre; it will not resolve the issues around accessibility and access to areas of the centre. Any works to improve access would require major structural changes to the centre and professional advice has indicated this would require the entire centre to be compliant to current day Building Code of Australia. The objective of the essential works within this option is to keep the centre operational to a standard that currently exists for users of the centre.

As an asset, the building degradation condition is currently identified as poor. It has been assessed that if \$5.8 million dollars is spent over the next five years (indexed to approximately \$7m+ during the course of the works) it would extend the useful life of the building for another 8 -10 years. At that point (40 years old) the building may no longer effectively meet the needs of centre users, provide appropriate working conditions or be competitive to other performing arts and function centres and Council would most likely need to consider the likely closure of the centre, alter the services available and continue to increase the operating subsidy.

A structural analysis of the centre was completed in September 2015. The report concludes there were elements of the building fabric including external cladding, roof sheets and gutters/downpipes all showing wear after 30 years. These elements must be addressed if the centre is to remain open. The report concludes that the existing structural condition is generally sound in its current form.

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<sup>4</sup> Whitehorse Centre Business Case – Project Overview

### 9.2.4 (cont)

Significant concern surrounds the condition of the roof which is judged as poor and needs a full replacement within the next two years. If this is not to occur and there is a major leak the centre would be immediately closed. The roof sheet throughout has deteriorated with age. The roof sheet currently:

- Shows general deterioration following years of exposure to weather elements
- A number of penetrations through the roof sheet and 'retrofit' flashing
- Generally appears to be near the end of service life
- The roof fall was very flat in some areas and does not assist roof drainage to the main roof and the assumption is water ponding due to the presence of mould on the roof sheet.<sup>5</sup>

#### Limited Upgrade Potential

In October 2015 Marshall Day Entertech, technical performing art specialist and part of the Williams Ross consulting consortium, also provided additional information on the technical infrastructure of the existing facility. Marshall Day Entertech identify changes to industry standards for performance equipment and systems since the initial opening have not served the building well and a number of elements including cabling infrastructure, structural rigging loads and backstage amenities require attention. The report notes the centre requires maintenance and infrastructure upgrades to operate effectively and to comply with current building code and legislative requirements if changes were implemented.

A technical upgrade will go part of the way to addressing technical equipment deficiency with the existing centre although it is unable to resolve many of the functional limitations and constraints inherent in the design and capacity of the centre and the expectation of what a performing arts centre should provide now and into the future.

Due to structural requirements, operational impact or functional relations with other spaces, substantial elements of a refurbishment of the centre would be very challenging to address in any partial or staged refurbishment. These include:

- Any increases to the theatre audience capacity or changes to sightlines
- Changes to the proscenium height and width
- Improvements to the stage and stage wing size
- Increases in the fly tower structural loading
- Increases to the fly tower height and counterweight fly system drift
- Improvements to the orchestra pit size and access and lid system
- Replacement of the ageing technical cabling infrastructure
- Code compliance with Universal Access requirements
- Code compliance in the lighting bridge headroom
- Provision of access to fly tower
- Improvement in internal and external sound insulation
- Control of building services noise and vibration in the theatre
- Control of rain noise in the theatre.<sup>6</sup>

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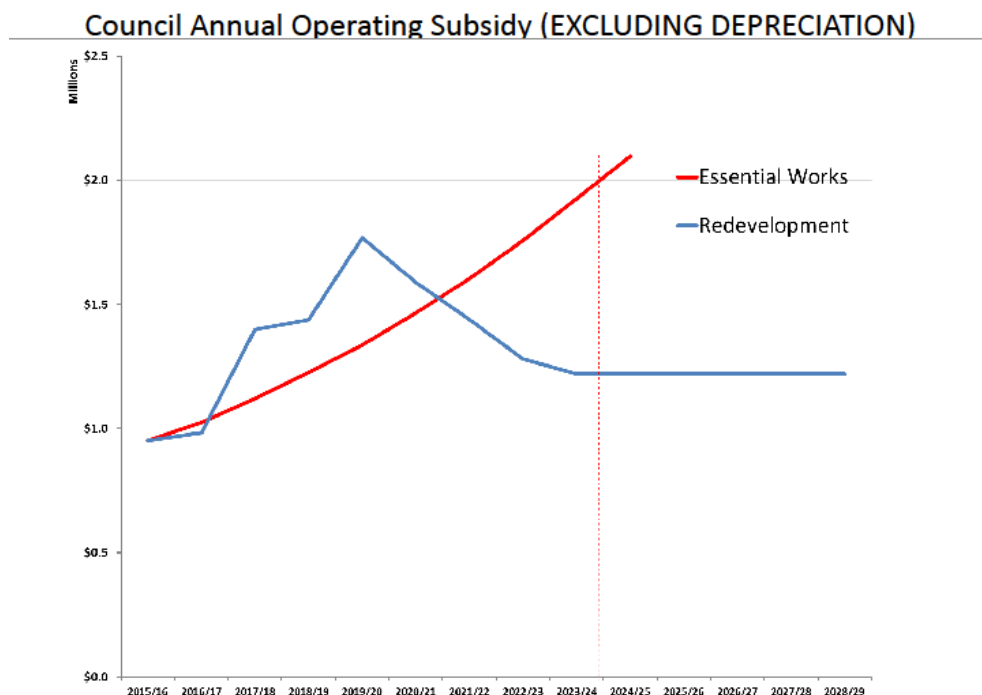
<sup>5</sup> Kersulting Engineers and Managers – Project Advice Notice

<sup>6</sup> Marshall Day Entertech – Whitehorse Centre Venue Infrastructure and Design Report

**9.2.4**  
 (cont)

If the essential works can only maintain the existing building without improvement there is a projected decline in usage over the next 8-10 years. It is forecast there would be an increasing cost to operate the centre during this period. The operational subsidy is compared in the graph below with a redeveloped centre. In the next graph:

- **Option A** - the blue line is a redeveloped centre sees an initial increase to subsidy during building works and the establishment period of a redeveloped centre. After this point the subsidy would decline and be similar to the existing centre's subsidy but with increased usage of the facility.
- **Option B** - the red line is the existing centre sees an increasing subsidy as the building ages and becomes less functional for users until its potential closure



**OPTION C: CLOSURE OF THE WHITEHORSE CENTRE WITHIN 2 YEARS**

This option of 'doing nothing' will lead to the closure of the Whitehorse Centre within the next 2 years.

The Whitehorse Centre is large and complex facility and as such requires a broad range of maintenance activities annually to ensure that the facility is safe and functional. As a 30 year old building it has never undergone major works and has reached a time where maintenance activities at the centre are resulting in increased annual expenditure. A portion of the annual maintenance expenditure at the Whitehorse Centre is a result of completing legislative maintenance visits such as building essential safety measure maintenance and air conditioning plant maintenance. In addition to legislative maintenance, Council performs regular asset maintenance such as pest control and security/CCTV systems maintenance. The centre has approximately 75 Legislative Essential Fire Services Systems Checks annually and a series of both planned and reactive maintenance works each year. In the period of May 2015-2016 there were 150 visits.

A substantial investment of millions of dollars as outlined in Option B will extend the working life of the existing building for 8-10 years with continuing constraints with accessibility, no improvements to capacity and functionality before its closure.

#### **9.2.4** (cont)

If Council chose not to continue re-investing capital and maintenance funds into an ageing centre there will be critical failures that would immediately close the centre. For example, it has been determined the roof should be replaced within the next two years as there is a risk of increasing and unmanageable leaks. The cladding to the theatre turret may dislodge in an extreme weather event and the centre would be immediately closed. The air conditioning unit is nearing the end of working its life and its failure would close the centre as it could not operate without a working ventilation system. With no building improvements the centre will no longer provide clients the assurance their booking would proceed under this option.

This option presents the costs to Council of the demolition of the existing building and returning the site to parkland. The costs of these works are estimated to be \$2+ million.

With this closure, alternate arrangements for Council's festivals program that currently runs from the Whitehorse Centre would increase operational costs to these events.

#### **Previous Project History**

*This following section of the report outlines in further detail the history of the Whitehorse Centre project from the most recent three options being considered for the future of the centre to the inception of the project back in 2010.*

#### **December 2015:**

At the 14 December Ordinary Council Meeting, the Council resolution was:

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

- 1. *Make publicly available the Whitehorse Centre Business Case.***
- 2. *Release the quarantined funds allocated in the 2015/16 budget for Whitehorse Centre project works. Appoint JWS Research to undertake a research project to consult with the community between late February and May 2016 on the following three options:***
  - a) *A redevelopment of the Whitehorse Centre based upon the Whitehorse Centre business Case;***
  - b) *Undertake essential works to the existing centre (approx. \$7m+) to continue its operation for another 8-10 years before a potential closure of the centre;***
  - c) *Closure of the existing centre within the next 2 years.***
- 3. *The research will assess specifically the following:***
  - *Awareness, attendance and community support of the current centre***
  - *Perceived values and benefits of a new performing arts centre***
  - *Questions, concerns and hesitations to a new performing arts centre***
  - *Level of support for a new performing arts centre and reasons for this***
  - *Profile of the most receptive to and opposed to the development***
  - *Information needs and expectations of the community to the new centre***
  - *Community response in support or opposition to the closure of the centre***
- 4. *Receive the JWS Research Report on the findings of the consultation in mid - 2016 for Council consideration.***

#### 9.2.4 (cont)

**May 2015:** the draft findings and concepts designs developed for a potential redevelopment of the Whitehorse Centre were released to the community for public consultation.

From Monday 4 May to Friday 29 May 2015 findings of the project were released for public consultation. The consultation plan included;

- A twelve page brochure outlining the project which could also be downloaded from Council and the Whitehorse Centre websites
- 5096 letters to patrons, clients, stakeholders and local residents within a 300m radius of the Whitehorse Centre
- 1027 electronic E-news emailed to patrons
- *Leader* advertisement (Council Update) for the 4 weeks during consultation period
- On-hold phone messages during May on Council's phone system
- Distribution of project brochure collateral to key Council sites
- Displays on the Council and Whitehorse Centre websites (with advice on translation services)
- Advertised consultation in the *Asian Press*
- Two drop-in information sessions
- Large scale plans displayed in the Council building (civic centre foyer)
- Hardcopy surveys which were also available in Chinese

The survey findings from the May 2015 consultation identified the following feedback for the proposed redevelopment:

- A total of 619 people directly provided feedback during the consultation process. This included 559 on-line/hard copy surveys and submissions or letters directly to Council. In addition, a petition with 106 signatures requesting an alternative plan for the car park was received
- Of the 559 survey responses the key findings include:
  - Over 73% of respondents either strongly agreed or agreed that the Council has an important role in providing cultural facilities and that the Whitehorse Centre is a valued asset.
  - Over 50% strongly agreed or agreed that the centre required redevelopment and 37% of respondents disagreed or strongly disagreed that the centre requires redevelopment.
  - 78% of the survey respondents are residents of the City of Whitehorse.
  - 26% highly supported the redevelopment as currently proposed, 18% supported the proposal and 10% somewhat supported the proposal. 45% do not support the proposal. Less than 1% had no opinion.
  - 56% of respondents indicated that the redevelopment was an important project for the City of Whitehorse.
  - 35% of respondents had attended an event at the Whitehorse Centre.

The deck car park located directly opposite the Whitehorse Centre was identified by local residents to be a serious concern due to its proximity to residential properties. In June 2015, as an immediate response to these concerns a letter from the Mayor was issued to residents in a 300 metre radius of the centre to remove the deck car parking option near the northern boundary fence line. The alternate car park position at the rear of the Nunawading Police Station remains an option and further car parking investigation would be undertaken.

## **9.2.4** (cont)

### **2013-2014 Whitehorse Centre Business Case - Williams Ross Architects**

Williams Ross Architects Consortium was engaged by Council to conduct the following works:

- Complete market testing and needs analysis for performing arts and function services for the Whitehorse Centre
- Identify the ability of the existing centre to provide these appropriate service levels for performing arts and function services
- Produce a Business Case for a redeveloped centre
- Determine the capital and recurrent costs of a redeveloped facility
- Develop concept designs of a redeveloped facility

#### **Williams Ross Architects Consortium Consultation:**

Williams Ross Architect Consortium reviewed previous documentation, conducted building and site analysis and consulted with user stakeholders, to determine the needs of users and respond with a suite of building components to meet the identified need. Consultation included:

- 59 surveys of existing hirers, local arts and cultural groups and local business
- 37 interviews with local and Melbourne based arts groups, commercial artists, entertainment producers, event organisers, Arts Victoria, Performing Arts Centre Managers, Councillors and Council Officers

#### **Existing Centre**

Since opening in 1986 the Whitehorse Centre has had regular maintenance and minor refurbishments and improvements undertaken to enable a level of service delivery to the community.

The Whitehorse Centre was built in an era when energy efficiency, environmental sustainability and universal design were not as developed as current standards. The centre lacks basic disability access to areas and does not meet current disability access standards, is ageing and will cost increasingly more to maintain. Investigation has shown that it is not practical or cost-effective to upgrade and extend the existing centre based on the future business planning needs.

Building standards and community expectations have changed so much that many aspects of the centre would not comply if today's codes were applied. Examples of building limitations<sup>7</sup>:

- The Waratah Room has no natural day light, and no external outlook. Its poor condition compared to other centres means it is not attracting as many users. Its capacity is relatively small, so larger events go elsewhere.
- The foyer is exceptionally small for larger events. The theatre, functions and rehearsal rooms all open off the one small space. By today's standards the existing foyer of 162 square metres should be increased to 506 square metres to accommodate the users of the theatre and adjacent rooms.
- The centre lacks disability access in many places including toilet facilities not complying, administration offices (inadequate workstations, circulation), door circulation spaces, all backstage areas, orchestra pit, technical areas, and insufficient accessible seating positions and locations.

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<sup>7</sup> Whitehorse Centre Business Case – Project Overview



## 9.2.4

(cont)

- There are insufficient toilet facilities for the number of patrons and the accessible toilets do not meet current standards.
- The poor condition of the soundshell makes it less than satisfactory for functions or events. It has limited natural daylight and does not have disability access. Its height is less than desirable for the sort of events it holds and has limited capacity and limitations for festivals. The scale of current day events was not conceived during its design 30 years ago.
- Backstage facilities are inadequate, especially for large community groups. For instance, there are only two dressing rooms, neither having disability access. Existing facilities are 312 square metres versus recommend 732 square metres.
- The centre needs repairs to some deteriorating building fabric and plant, which are at the end of their working life. Estimated costs for the next five years are projected to be approximately \$7 million+ (indexed cost). These costs are purely for maintenance and renewal works and will have marginal impact of the centre's hiring potential. These works will also not increase capacity, improve functionality or improve disability access of the centre.
- When compared with the recommended facilities needed to serve the demonstrated future use as identified in the Business Case, the existing centre is only 38% of the recommended facility area (existing 2390m<sup>2</sup> versus recommended 6365m<sup>2</sup>).

These conditions have been confirmed by a physical access audit that was completed in 2012 and a Building Code of Australia audit was completed in 2007.

### Key Benefits

The outcome of the research and consultation identified that the centre is well regarded by the community. The Whitehorse Centre Business Case identified benefits of an enhanced facility/range of facilities that include:

- 1) A demonstrated demand for a larger seating capacity (circa 580-600 seats) for the main auditorium (and increased stage size) that will make it more economic for hirers
- 2) A studio theatre (circa 200 seats) would enable smaller scale works to be staged. It would support local organisations who prefer a more intimate and lower cost theatre and also provide an excellent space for youth activities
- 3) Multiple activities would occur simultaneously improving access and utilisation on current levels
- 4) The ability to cater for larger functions was seen as an important aspect of a redevelopment to broaden the use for community and local businesses
- 5) Retain and improve the soundshell capability to meet the needs of the community festival season
- 6) The activity mix of a redeveloped centre remains a high proportion of community use and is projected to be 67%.

## 9.2.4

(cont)

### Key Findings

Key findings were consistent across both consultant reports, the former SGL Report & the Williams Ross Architects Business Case. The functional space findings include:

#### Functional Spaces

- 1) Main Theatre – seating capacity of 580-600 seats & increased stage size
- 2) Studio Theatre – a 200 seat (approx.) black box theatre space
- 3) Function Room - capacity of 300 dinner style seating and divisible into 3 spaces
- 4) Soundshell -integrated into the centre enabling an effective and efficient festival site
- 5) Foyer space – size critical to the success of venue
- 6) Studio space - demand shown for increased studio space

#### Car Parking

- Existing total of on-site car parks – 378 spaces
- Additional parking required – 175-200 spaces approximately
- New site total approx. – 553-578 spaces approximately

### Municipal Performing Arts Centre

A Municipal Performing Arts Centre is usually the “peak” performing arts facility in its area providing:

- The highest level of technical capability
- A higher level of functionality and amenity
- Provides a professional theatre experience for participants

Comparison between a municipal performing arts centre and school theatres is a case of ‘apples and ‘oranges’ as:

- A school theatre is usually just one theatre and not always with full capability
- A school theatre does not provide the full range of necessary support facilities as they use adjacent classrooms

The proposed Whitehorse Centre includes five facilities / support facilities:

1. Main theatre
  2. Studio theatre
  3. Sound shell
  4. Studio space
  5. Function room
- \* as well as car parking provision<sup>8</sup>

### Retention of Existing Building

To meet the function space requirements of the proposed centre the consultants reviewed the existing centre in engineering, theatrical and functional terms and determined:

- Little of the existing building could be retained without substantial alteration or reconstruction due to required Building Code upgrades
- The building services and theatrical infrastructure would have to be entirely replaced
- Many existing spaces are functionally compromised and several required spaces are simply not provided.

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<sup>8</sup> Whitehorse Centre Business Case – Part C



**9.2.4**  
(cont)

**16 April 2012:** at the Ordinary Council Meeting, the Whitehorse Centre Feasibility Study Report was presented to Council. The resolution was:

***That Council:***

1. ***Note the outcomes of the meeting held on the 28 March 2012 comprising the Mayor Cr. Lane, Cr. Daw, Cr. Pemberton, CEO and relevant staff, as per the Council resolution on the 19 March 2012, to discuss the Whitehorse Centre facility redevelopment options and;***
  - a) ***Approve the SGL Whitehorse Centre Feasibility Study report and allocate a sum of \$150,000 to the 2012/13 Budget to further develop a concept plan for the Whitehorse Centre and in addition;***
  - b) ***Develop a Business Case for an expanded Whitehorse Centre Performing Arts/Function Centre at the Civic Precinct to determine the needs and financial costs of a theatre (of around 600 seats with the capability of future expansion, if required) that may be additional to the existing theatre, and expanded convention capability. The brief for the business case to include (but not be limited to) the matters below and as further detailed in the specification for the brief:***
    - ***Number, size and type of performing/audience spaces***
    - ***Function and conferencing size, seating, break-out capacity***
    - ***Required car parking and associated infrastructure for scale of redevelopment***
    - ***Impact on the site, precinct and residential amenity***
    - ***Financial analysis of options and staging***
    - ***Impact on centre business financial operations***
    - ***Impact on capital and recurrent budgets***
    - ***Risk management***
  - c) ***Establish a working group of Councillors comprising the Mayor, Cr Pemberton and Cr Daw, the CEO and relevant staff to develop the Business Case Brief***
  - d) ***Approve a 2012/2013 budget allocation of \$100,000 towards implementing and completing the business case and report to Council***

**19 March 2012:** at the Ordinary Council Meeting, the Whitehorse Centre Feasibility Study Progress Report was presented to Council. The resolution was:

***That Council:***

1. ***Note the Draft Whitehorse Centre Study Progress Report presented to Council in July 2011.***
2. ***Defer considering endorsing the Whitehorse Centre facility components as outlined in the July report until a meeting of the Councillor Lane (Mayor), Councillors Daw and Pemberton, Whitehorse Chief Executive Officer and relevant staff be convened to determine how a staged approach to developing and constructing an expanded Whitehorse Centre could be implemented.***
3. ***That this matter comes up for discussion at the next Council meeting (16 April 2012).***

#### **9.2.4**

(cont)

**November 2011:** the Melbourne East Regional Development Association released the report. "An audit and market assessment of arts, cultural and meeting venues in eastern Melbourne". The report recommends "that the preferred location for a large scale (particularly events and functions) facility in Melbourne's east is the Yarra Valley".

**29 September 2011:** a letter from the Mayor was issued to the then Eastern Region Councils seeking their in-principle support to request federal funding. Two of the then nine Councils supported this funding proposal.

**18 July 2011:** at the Ordinary Council Meeting, the Draft Whitehorse Centre Feasibility Study Progress Report was presented to Council. The resolution was:

***That Council:***

- 1. Note and commend the work to date on the draft Whitehorse Feasibility Study**
- 2. Defer endorsement and approval to proceed to the next stage until:**
  - a) Council undertakes a further study on the feasibility study of a regional facility as per the details in the report under "Regional Facility Study and Indicative Costing", subject to seeking, with RDA Melbourne East support, federal funding of \$162,000 to undertake the further study**
  - b) Eastern Region Councils and Regional Development Australia Melbourne East have been consulted seeking their interest on a joint cooperative venture for a Regional Performing Arts Facility and Convention Centre in the City of Whitehorse, based on a regional approach**
- 3. Further seek opportunities for joint Local Government, Federal RDA, and State Government funding for building the facility and operating/maintaining**
- 4. Establish a Council steering group for this project comprising Crs Daw and Pemberton and relevant Council officers**

**August 2010:** Council contracted consultants, the SGL Group and Outside the Square Consulting to conduct the Whitehorse Arts and Cultural Strategy and the Whitehorse Centre Feasibility Study. The feasibility study identified the future requirements and development opportunities for the Whitehorse Centre.

The consultation undertaken by SGL Group and Outside the Square Consulting included:

- 500 person, randomly selected and independent of Council telephone survey
- 200 Whitehorse Centre user surveys
- 22 arts and cultural group surveys
- 18 focus group sessions
- 11 stakeholder interviews
- Demographic review / operation review of the centre / facility bench marking

## 9.2.4

(cont)

In 2011 the SGL Feasibility Study identified the following outcomes<sup>10</sup>:

- The Whitehorse Centre is a highly valued community asset and is integral to the provision of performing arts within the City of Whitehorse.
- The architectural review of the precinct and the centre identified that the precinct lacks a sense of identity for the municipality's performing arts centrepiece.
- The structural review of the facility confirmed that the building is generally of sound structural condition. The extensive market research and consultation however identified that the facility is functionally and design-wise out-dated and 'tired'. It is in need of redevelopment and expansion to meet the ongoing demands of a municipal performance and function venue.
- The facility at 28 years is reaching its optimum lifecycle capacity in terms of both its efficiency and effectiveness and current benchmarks for facilities of this type. The functionality of a number of key areas within the facility is poor, impacting on the programming opportunities, visitor experience and ongoing sustainability of the centre.
- Based on market testing the functional spaces required for a redeveloped centre are:
  1. Main Theatre – seating capacity of 580-600 seats & increased stage size
  2. Studio Area – 3 to 4 rehearsal/presentation spaces
  3. Function Room - capacity of 470-600 persons and divisible into 3 spaces
  4. Soundshell -integrated into the centre enabling an effective and efficient festival site
  5. Foyer space – size critical to the success of venue
- Given the significant refurbishment required there may be the "tipping point" between refurbishment and total rebuild of a purpose built performing arts and functions facility to meet the needs of the Whitehorse community for the next thirty years and beyond.

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### **CONSULTATION 2010 TO PRESENT DAY**

From 2010-2015 Council commissioned two research and consultation projects on the proposed Whitehorse Centre redevelopment with two independent consultants both concluding similar project recommendations. In 2016 Council commissioned JWS Research to consult with the community on the three options considered for the future of the Whitehorse Centre.

Well over *3500 people* have contributed over the past six years to the consultation and this does not include the hundreds of people represented by specific users groups.

### **POLICY IMPLICATIONS**

The provision of a performing arts centre and its possible redevelopment supports Council's Vision (2013-2023), Council Plan (2015-2019) and Arts & Cultural Strategy (2014-2022).

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<sup>10</sup> The Draft Whitehorse Centre Feasibility Study 2011

<sup>11</sup> The Draft Whitehorse Centre Feasibility Study 2011

## 9.3 CORPORATE SERVICES

### 9.3.1 Return and Adoption of 2016 General Valuation

FILE NUMBER: SF14/874

#### SUMMARY

Statutory valuations enable Council to equitably apportion their annual rate yield to individual ratepayers. The Valuation of Land Act 1960 requires all Victorian councils to re-value all property within their municipal district every two years. This report presents to Council for adoption, the recently completed 2016 General Valuation. This valuation will be used to apportion rating liabilities in the 2016/17 and 2017/18 financial years.

#### RECOMMENDATION

**That Council receive and adopt the return of the 2016 General Valuation for all rateable and non- rateable leviable properties within the City of Whitehorse, subject to the final certification of the General Valuation by the Valuer-General Victoria, as shown below:**

**70,354 rateable assessments with total valuations of:**

<b>Site Value</b>	<b>\$ 47,395,569,000</b>
<b>Capital Improved Value</b>	<b>\$ 63,681,851,500</b>
<b>Net Annual Value</b>	<b>\$ 3,293,645,000</b>

**836 non-rateable leviable assessments with total valuations of:**

<b>Site Value</b>	<b>\$ 2,232,016,500</b>
<b>Capital Improved Value</b>	<b>\$ 2,479,371,500</b>
<b>Net Annual Value</b>	<b>\$ 137,685,025</b>

#### BACKGROUND

Council resolved at its meeting on 16 February 2015 to cause a General Valuation of all rateable and non-rateable leviable land within the City of Whitehorse to be made as at 1 January 2016 and returned before 30 June 2016.

Please note that non-rateable leviable land means non-rateable properties that are required to pay the Fire Services Property levy (FSPL) in accordance with the *Fire Services Property Levy Act 2012*.

Council's appointed independent Valuers, Matheson Stephen Valuations, have completed the 2016 General Valuation of all rateable and non-rateable properties within Whitehorse.

The 2016 General Valuation was completed in accordance with the *Valuer-General Victoria's (VGV) "2016 Valuation Best Practice Specification Guidelines"*.

VGV is the State Government authority responsible under the *Valuation of Land Act 1960* for auditing and certifying all General Valuations within Victoria. The auditing process involves five stages, with certification being undertaken by VGV at completion of each stage.

All stages of the 2016 General Valuation have been completed and submitted to VGV, with VGV having certified Stages 1, 2, 3 and 4.

At the time of writing, Whitehorse Council was waiting on certification of Stage 5; however, it is important to note that Stage 5 is the overall confirmation of Stages 1 to 4 and is not expected to amend the adopted General Valuation totals.

**9.3.1**  
 (cont)

Council is compelled to use the 2016 General Valuation for Council rating purposes from 1 July 2016 until 30 June 2018.

Additionally the valuations will be used as the basis for the Fire Service Property Levy and State Land Tax.

**DISCUSSION**

The valuation return comprises 70,354 rateable valuation assessments and 836 non-rateable leviable valuation assessments.

The rateable valuations include 33 properties classified as "Recreational Land", pursuant to the *Cultural and Recreational Lands Act 1963*. Whilst these properties are considered rateable, their cultural and recreational uses qualify them for a charge in lieu of rates.

Non-rateable leviable valuation assessments are now returned as part of the General Valuation due to the requirements of the *Fire Services Property Levy Act 2014*.

Council's database has an additional 245 assessments that are classified as non-rateable non-leviable assessments. Whilst these assessments have been valued, they are not subject to VGV certification requirements, and are not formally part of the return of the General Valuation.

The Council's valuation totals are summarised as follows:

	<b>Number of Assessments</b>	<b>Site Value</b>	<b>Capital Improved Value</b>	<b>Net Annual Value</b>
Rateable assessments	70,354	\$47,395,569,000	\$63,681,851,500	\$ 3,293,645,000
Non-rateable leviable assessments (required for the FSPL)	836	\$ 2,232,016,500	\$ 2,479,371,500	\$ 137,685,025
<b>General Valuation Total</b>	<b>71,190</b>	<b>\$49,627,585,500</b>	<b>\$66,161,223,000</b>	<b>\$ 3,431,330,025</b>
Non-rateable non-leviable assessments	245	\$ 874,851,000	\$ 1,040,113,500	\$ 60,471,800
<b>All Valuations Total</b>	<b>71,435</b>	<b>\$50,502,436,500</b>	<b>\$67,201,336,500</b>	<b>\$ 3,491,801,825</b>

The above terms are explained below:

- **Rateable** - Subject to council rates and used in council budget.
- **Non-rateable leviable** - Not subject to council rates but subject to the FSPL.
- **Non-rateable non-leviable** - Not subject to council rates or the FSPL.

In accordance with Section 157 of the *Local Government Act 1989*, Whitehorse City Council use Capital Improved Value (CIV) as its system of valuation rate base.

The overall increase to the rateable CIV, between the 2016 and the final 2014 valuation total is 31.3%.

Residential properties have an average increase in CIV of 32.6%, commercial properties an average increase of 20.5%, industrial properties an average increase of 16.9% and cultural and recreational properties an average increase of 30.6%.



**9.3.1**  
(cont)

The 31.3% increase in rateable valuation total will **not** increase the rate revenue received by Council; however, a redistribution of the rate burden amongst properties will occur. This redistribution is caused by the valuation movement variations between property groupings and individual properties.

Declaration by the Minister for Environment, Land, Water and Planning that the General Valuation is generally true and correct completes all necessary steps to enable the 2016 valuation to be used for rating purposes for the 2016/17 and 2017/18 financial years.

Due to administrative processes at VGV the Ministers declaration is expected to occur after Council resolves to adopt the 2016 General Valuation.

As Stages 1 to 4 of the revaluation have been approved by VGV in accordance with the *2016 Valuation Best Practice Specification Guidelines*, the above mentioned valuation totals are unlikely to be amended.

The 2016/17 draft budget was based their being a total rateable CIV of \$63,681,851,500.

The 2016 level valuations will appear on the 2016/17 Valuation and Rates notices in August 2016 and any ratepayers who feel that the valuations assigned to their property are incorrect have a two month objection period in accordance with the *Valuation of Land Act 1960*. This objection period commences from the delivery date shown on the Valuation and Rate notice.

**FINANCIAL IMPLICATIONS**

There will be no increase in revenue to Council as a result of the new general valuation.

The cost of Council undertaking the 2016 Revaluation inclusive of contractor costs and software licence fees has been \$441,893 (GST exclusive). Prior to the end of the calendar year the State Revenue Office, via VGV, will purchase the General Valuation at an estimated purchase price of \$238,000 (GST exclusive) based on 50% of Councils cost plus a management fee.

### 9.3.2 Supplementary Valuation Return: May to June 2016

FILE NUMBER: SF14/549

#### SUMMARY

*This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.*

#### RECOMMENDATION

**That Council:**

- 1. Note and accept the supplementary valuations undertaken during the period commencing 01 May to 30 June 2016.**
- 2. Authorise the rate records being adjusted to take account of the supplementary valuations returned.**

#### BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 18 May 2015 states the following:

*"The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:*

- The return of the general valuation and any supplementary valuations."*

This report relates to supplementary valuations undertaken by Council in accordance with the *Valuation of Land Act 1960* for the period from 01 May 2016 to 30 June 2016.

Supplementary valuations are conducted regularly throughout the financial year to maintain the equity and accuracy of Council's rating valuation base.

Supplementary valuations are primarily due to construction, subdivision and/or planning activities.

Two supplementary valuation batches were completed between 01 May 2016 and 30 June 2016. Refer Table #1

Table # 1: Supplementary Valuation Batches completed between 01 May 2016 and 30 June 2016

Supplementary Valuation Reference (Batch #)	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
WH14.30	4	\$ 2,118,500	\$ 4,982,000	\$ 375,550
WH14.31	9	\$37,816,000	\$67,761,000	\$3,497,300
Supplementary Valuations Total	15	\$39,934,500	\$72,743,000	\$3,872,850

NB: Supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports. This is because non-rateable properties may incur a Fire Service Property levy in accordance with the Fire Services Property Levy Act 2012.

**9.3.2**  
 (cont)

**CONSULTATION**

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*.

All supplementary valuations contained in this report have been undertaken in accordance with the 2014 Valuation Best Practice guidelines.

**FINANCIAL IMPLICATIONS**

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is a decrease of \$649,000.

A summary of Council's valuation totals for all rateable properties and non-rateable properties is set out below in Table #2, Table #3 and Table #4.

Table #2: Valuation Totals as at 01 May 2016

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	70,361	\$32,414,307,500	\$48,510,975,000	\$ 2,547,985,025
Non-Rateable	1,079	\$2,449,427,500	\$2,860,801,500	\$166,578,050
<i>Municipal Total</i>	<i>71,440</i>	<i>\$34,863,735,000</i>	<i>\$51,371,776,500</i>	<i>\$2,714,563,075</i>

Table#3 Change to valuation totals due to supplementary valuations from 01 May 2016 to 30 June 2016

Supplementary Valuations	Assessments within Supplementary Valuation Batches	Change to Site Value	Change to CIV	Change to NAV
	15	(\$45,000)	(\$649,000)	\$76,000

Table #4: Valuation Totals as at 30 June 2016

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	70,354	\$32,414,588,000	\$48,507,941,500	\$ 2,547,920,025
New Non Rateable	1,081	\$2,451,102,000	\$2,863,186,000	\$166,819,050
<i>New Municipal Total</i>	<i>71,435</i>	<i>\$34,863,690,000</i>	<i>\$51,371,127,500</i>	<i>\$2,714,639,075</i>

**9.3.3 Delegated Decisions – May 2016**

FILE NUMBER: SF 13/1527#02

*The following activity was undertaken by officers under delegated authority during May 2016.*

**RECOMMENDATION**

***That the report of decisions made by officers under Instruments of Delegation for the month of May 2016 be noted.***

DELEGATION	FUNCTION	Number for May 2015	Number for May 2016
Planning and Environment Act 1987  Telecommunications Act 1997 Subdivision Act 1988 Gaming Control Act 1991	- Delegated decisions	154	117
	- Strategic Planning Decisions	Nil	2
		Nil	Nil
		41	32
		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	85	89
Liquor Control Reform Act 1998	Objections and prosecutions	Nil	Nil
Food Act 1984  Public Health & Wellbeing Act 2008	- Food Act orders	4	1
	- Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	12	10
Other delegations	CEO signed contracts between \$150,000 - \$500,000	Nil	1
	Property Sales and leases	8	13
	Documents to which Council seal affixed	1	2
	Vendor Payments	1238	1419
	Parking Amendments	2	11
	Parking Infringements written off (not able to be collected)	322	299

\*The number is very high due to exempting matters sitting at Infringements Court in order to maintain system

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS MAY 2016**

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
123	12-05-16	Application Lapsed	464 Whitehorse Rd, Mitcham	Springfield	Use as a Restricted Recreation Facility	Business
20	04-05-16	CMP Approved	19 Irving Ave, Box Hill	Elgar	CMP - Construction of a seven storey building plus one level of basement for dwellings and a reduction in the car parking requirements	CMP Process
143	02-05-16	CMP Approved	12 Little St, Box Hill South	Riversdale	Amendment to Planning Permit WH/2012/143 (Issued for the construction of one (1) double storey dwelling to the rear of the existing dwelling) for modifications to the approval layout of Dwelling 2 (52 Begonia Street)	Permit Amendment
339	17-05-16	CMP Approved	12 Jaques Grv, Forest Hill	Morack	Construction of two dwellings with two lot subdivision	Multiple Dwellings
999	02-05-16	CMP Approved	1045 Whitehorse Rd, Box Hill	Elgar	Development comprising the construction of four storey apartment plus basement building comprising 40 dwellings, reduction in car parking requirement an alteration and access to a Road Zone, Category 1	Multiple Dwellings
11	18-05-16	Delegate Approval - S72 Amendment	31 Ashley St, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Permit Amendment
74	06-05-16	Delegate Approval - S72 Amendment	15 Warnes Rd, Mitcham	Springfield	Construction of three double-storey dwellings	Permit Amendment
179	30-05-16	Delegate Approval - S72 Amendment	13 Edwards St, Burwood	Riversdale	Development of land for four (4) dwellings	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
337	18-05-16	Delegate Approval - S72 Amendment	11 Milton Cres, Box Hill South	Riversdale	Construction of five (5) double storey dwellings and a reduction in the standard car parking requirement	Permit Amendment
384	18-05-16	Delegate Approval - S72 Amendment	16 Karen St, Box Hill North	Elgar	Development of the land for two (2) dwellings comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling	Permit Amendment
459	30-05-16	Delegate Approval - S72 Amendment	1 Hopetoun Pde, Box Hill	Elgar	Amendment to plans under Permit WH/2013/459 including reduction in front setback from 11.5 to 8.5 metres, increase in building height from 6.8 to 7.5 metres, relocation of bicycle and waste storage facilities, minor internal rearrangements to floor space and external building materials.	Permit Amendment
512	18-05-16	Delegate Approval - S72 Amendment	34 Dorking Rd, Box Hill	Elgar	Construction of 221 bed residential aged care facility and ancillary adult day over three levels plus basement in two stages	Residential (Other)
549	06-05-16	Delegate Approval - S72 Amendment	42 Surrey Rd, Blackburn North	Central	The construction of two (2) dwellings	Permit Amendment
584	30-05-16	Delegate Approval - S72 Amendment	1/54 McIntyre St, Burwood	Riversdale	Amendment to endorsed plan to permit WH/2010/584 to alter the single carport for Dwelling 1 to a double carport	Permit Amendment
622	16-05-16	Delegate Approval - S72 Amendment	22 Beverley Cres, Blackburn	Central	Construction two double storey dwellings	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
759	30-05-16	Delegate Approval - S72 Amendment	287 Canterbury Rd, Forest Hill	Springfield	Amendment to plans endorsed as part of WH/2013/759 to alter the approved signage	Permit Amendment
774	16-05-16	Delegate Approval - S72 Amendment	313 Middleborough Rd, Box Hill South	Riversdale	Use and development of the land for restricted retail premises and food and drink premises, creation of access to a road in a Road Zone, Category 1, display of advertising signage (including internally illuminated major promotion pylon sign and floodlit signs), reduction of car parking and waiver of loading and unloading facilities for the food and drink premises.	Permit Amendment
807	17-05-16	Delegate Approval - S72 Amendment	12 Salisbury Ave, Blackburn	Central	Construction of three (3) double storey dwellings	Permit Amendment
821	13-05-16	Delegate Approval - S72 Amendment	9 Manniche Ave, Mont AlbertNorth	Elgar	Amendment to Planning Permit WH/2014/821 (issued for the construction of two double storey dwellings and the removal of trees) to change ground floor internal layouts and subsequent changes to ground floor windows	Permit Amendment
857	18-05-16	Delegate Approval - S72 Amendment	17 Main St, Blackburn	Central	Amendment to Planning Permit WH/2015/857 (Issued for Buildings and works to construct a carport and roller door unit to the rear of the property) to construct a freestanding carport	Permit Amendment

App. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
869	13-05-16	Delegate Approval - S72 Amendment	75-79 Terrara Rd, Vermont South	Morack	Construction of a new dwelling in a Heritage Overlay 80 and construction and use of a dwelling in a Public Acquisition Overlay	Permit Amendment
881	13-05-16	Delegate Approval - S72 Amendment	104 Husband Rd, Forest Hill	Morack	Construction of one (1) single storey dwelling to the rear of the existing dwelling	Permit Amendment
962	06-05-16	Delegate Approval - S72 Amendment	10 Sutton Pde, Mont AlbertNorth	Elgar	Construction of three (3) dwellings	Permit Amendment
11671	30-05-16	Delegate Approval - S72 Amendment	9-23 Jolimont Rd, Forest Hill	Morack	Extend existing nursing home for high level aged care beds	Permit Amendment
2	31-05-16	Delegate NOD Issued	764 Canterbury Rd, Surrey Hills	Riversdale	Use and development of land for a child care centre, alteration of access to a road in a Road Zone, Category 1 and to display business identification signage	Child Care Centre
173	27-05-16	Delegate NOD Issued	18 Koroit St, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
613	13-05-16	Delegate NOD Issued	23 Farleigh Ave, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
630	27-05-16	Delegate NOD Issued	36 David St, Box Hill South	Riversdale	Construction of a new double storey dwelling at the front of an existing double storey dwelling	Multiple Dwellings
795	19-05-16	Delegate NOD Issued	5 Willcyrus St, Surrey Hills	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
816	20-05-16	Delegate NOD Issued	6/86 Victoria Cres, Mont Albert	Elgar	Buildings and works to extend the existing dwelling, including the construction of a sunroom, verandah and decking	Permit Amendment
858	19-05-16	Delegate NOD Issued	26 Sweetland Rd, Box Hill	Elgar	Construction of three double storey dwellings	Multiple Dwellings
861	16-05-16	Delegate NOD Issued	34 Murray Drv, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings



Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
891	23-05-16	Delegate NOD Issued	14 Peter St, Box Hill North	Elgar	Construction of two (2) double storey side by side dwellings	Multiple Dwellings
1018	19-05-16	Delegate NOD Issued	30 Melrose St, Mont Albert North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
1171	16-05-16	Delegate NOD Issued	28 Junction Rd, Blackburn North	Central	Amendment to Planning Permit WH/2014/1171 (Issued for buildings and works to construct a double storey dwelling to the rear of the existing dwelling) for modifications to the design and layout of the garage and car space to Dwelling 2	Permit Amendment
41	19-05-16	Delegate Permit Issued	64/457-467 Canterbury Rd, Vermont	Springfield	An enclosed verandah on a lot less than 500m <sup>2</sup>	Residential (Other)
52	27-05-16	Delegate Permit Issued	85 Victoria Cres, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
75	16-05-16	Delegate Permit Issued	579 Middleborough Rd, Box Hill North	Elgar	Display of one (1) pylon business identification sign	Advertising Sign
77	16-05-16	Delegate Permit Issued	17 Main St, Blackburn	Central	Buildings and works (construction of a bay window) in a Neighbourhood Character Overlay Schedule 1	Residential (Other)
110	13-05-16	Delegate Permit Issued	35 Cornuta Wlk, Vermont South	Morack	Works to externally alter an existing dwelling within a Heritage Overlay for the installation of canvas blinds	Heritage
111	20-05-16	Delegate Permit Issued	1/56 Laburnum St, Blackburn	Central	Alterations & additions to existing single storey dwelling in an SLO 2	Single Dwelling < 300m <sup>2</sup>
119	24-05-16	Delegate Permit Issued	16 Deane St, Blackburn North	Central	Construction of two double storey units with double garages	Multiple Dwellings
136	16-05-16	Delegate Permit Issued	1 Alpha Crt, Mitcham	Springfield	Removal of trees 7 & 8	Special Landscape Area

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
166	13-05-16	Delegate Permit Issued	4 Heatherdale Rd, Mitcham	Springfield	Temporary use and buildings and works for a car park, site offices and works area for Heatherdale Railway Station, for the Heatherdale Road level crossing grade separation	Residential (Other)
198	23-05-16	Delegate Permit Issued	4 Anthony Cres, Box Hill North	Elgar	2 lot subdivision	Subdivision
199	23-05-16	Delegate Permit Issued	2 Anthony Cres, Box Hill North	Elgar	2 lot subdivision	Subdivision
262	17-05-16	Delegate Permit Issued	412 Middleborough Rd, Blackburn	Central	4 lot subdivision	Subdivision
264	13-05-16	Delegate Permit Issued	810-812 Whitehorse Rd, Box Hill	Elgar	Upgrade to existing monument signs	Advertising Sign
267	06-05-16	Delegate Permit Issued	62 Burwood Hwy, Burwood	Riversdale	Alterations and additions to convenience restaurant, signage, reconfiguration of the existing car park and reduction in car parking requirements	Business
271	30-05-16	Delegate Permit Issued	13 Edwards St, Burwood	Riversdale	4 lot subdivision	Subdivision
283	24-05-16	Delegate Permit Issued	1119 Riversdale Rd, Surrey Hills	Riversdale	Reduction in standard car parking requirement for a medical centre (Physiotherapy)	VicSmart - General Application
289	23-05-16	Delegate Permit Issued	314 Springvale Rd, Forest Hill	Springfield	4 lot subdivision	Subdivision
291	25-05-16	Delegate Permit Issued	5/2-4 Joseph St, Blackburn North	Central	To change use to a recreation facility (fitness centre)	Industrial
292	06-05-16	Delegate Permit Issued	9 Barter Cres, Forest Hill	Morack	Construction three double storey dwellings	Multiple Dwellings
299	16-05-16	Delegate Permit Issued	160 Springvale Rd, Nunawading	Springfield	Liquor license	Liquor Licence

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
355	12-05-16	Delegate Permit Issued	Shop 68/1 Main St, Box Hill	Elgar	Use of land for the sale and consumption of liquor (for a restaurant use)	Business
359	13-05-16	Delegate Permit Issued	930 Whitehorse Rd, Box Hill	Elgar	Works to modify the facade of the existing building.	VicSmart - General Application
364	11-05-16	Delegate Permit Issued	35 Clydesdale St, Box Hill	Elgar	Demolition of shed	VicSmart - General Application
365	05-05-16	Delegate Permit Issued	40 South Pde, Blackburn	Central	Construction of a 2 storey dwelling	VicSmart - General Application
368	17-05-16	Delegate Permit Issued	34 Margaret St, Box Hill	Elgar	2 lot subdivision	Subdivision
369	17-05-16	Delegate Permit Issued	23 Milton St, Nunawading	Springfield	2 lot subdivision	Subdivision
370	16-05-16	Delegate Permit Issued	47 Efron St, Nunawading	Springfield	2 lot subdivision	Subdivision
371	16-05-16	Delegate Permit Issued	1 Culwell Ave, Mitcham	Springfield	2 lot subdivision	Subdivision
373	10-05-16	Delegate Permit Issued	1 Hill St, Blackburn	Central	Removal of one (1) tree in the Significant Landscape Overlay	VicSmart - General Application
377	16-05-16	Delegate Permit Issued	11 Windermere Crt, Blackburn	Central	Removal of one (1) tree	VicSmart - General Application
384	23-05-16	Delegate Permit Issued	257 Elgar Rd, Surrey Hills	Riversdale	3 lot subdivision	Subdivision
385	19-05-16	Delegate Permit Issued	2A Boongarry Ave, Blackburn	Central	Removal of one tree	VicSmart - General Application
393	23-05-16	Delegate Permit Issued	48 Begonia St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
394	27-05-16	Delegate Permit Issued	6-8 Wellington Rd, Box Hill	Elgar	83 lot subdivision	Subdivision
395	30-05-16	Delegate Permit Issued	9 Delany Ave, Burwood	Riversdale	3 lot subdivision	Subdivision
400	24-05-16	Delegate Permit Issued	930 Whitehorse Rd, Box Hill	Elgar	Works to alter the north and west facades of the existing commercial building	VicSmart - General Application
401	23-05-16	Delegate Permit Issued	17 Spence St, Burwood	Riversdale	2 lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
404	27-05-16	Delegate Permit Issued	13 Cornfield Grv, Box Hill South	Riversdale	2 lot subdivision	Subdivision
406	24-05-16	Delegate Permit Issued	17 Fisher St, Forest Hill	Springfield	2 lot subdivision	Subdivision
407	30-05-16	Delegate Permit Issued	25 Kingsley Cres, Mont Albert	Elgar	2 lot subdivision	Subdivision
418	31-05-16	Delegate Permit Issued	3 Talbett St, Burwood	Riversdale	3 lot subdivision in 2 stages	Subdivision
419	27-05-16	Delegate Permit Issued	1/26 Primula St, Blackburn North	Central	2 lot subdivision	Subdivision
420	27-05-16	Delegate Permit Issued	71 Thames St, Box Hill	Elgar	8 lot subdivision	Subdivision
423	27-05-16	Delegate Permit Issued	98 Lake Rd, Blackburn	Central	The pruning of one (1) tree	VicSmart - General Application
432	27-05-16	Delegate Permit Issued	18 Killara St, Box Hill North	Elgar	2 lot subdivision	Subdivision
434	27-05-16	Delegate Permit Issued	34 Church St, Mitcham	Springfield	2 lot subdivision	Subdivision
435	27-05-16	Delegate Permit Issued	28 Sweetland Rd, Box Hill	Elgar	6 lot subdivision	Subdivision
444	31-05-16	Delegate Permit Issued	1/61 Kenmare St, Mont AlbertNorth	Elgar	2 lot subdivision	Subdivision
445	31-05-16	Delegate Permit Issued	1/952 Station St, Box Hill North	Elgar	2 lot subdivision	Subdivision
448	31-05-16	Delegate Permit Issued	45 Milton St, Nunawading	Springfield	2 lot subdivision	Subdivision
539	06-05-16	Delegate Permit Issued	14 Wridgway Ave, Burwood	Riversdale	Construction four double storey dwellings	Multiple Dwellings
542	13-05-16	Delegate Permit Issued	1 Sylvan Crt, Forest Hill	Morack	Construction of two (2) double storey side by side dwellings	Multiple Dwellings
586	05-05-16	Delegate Permit Issued	47 Percy St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
632	16-05-16	Delegate Permit Issued	45 Combarton St, Box Hill	Elgar	Partial demolition and alterations to the existing dwelling and demolition of an outbuilding for the purpose of buildings and works to construct an extension and the construction of a domestic swimming pool	Heritage
691	05-05-16	Delegate Permit Issued	32 Roberts Ave, Box Hill South	Riversdale	Construction of four double storey dwellings	Multiple Dwellings
703	06-05-16	Delegate Permit Issued	368 Burwood Hwy, Burwood	Riversdale	Construction of a four (4) storey apartment building comprising 24 dwellings	Multiple Dwellings
781	06-05-16	Delegate Permit Issued	13 Rothsay Ave, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
849	13-05-16	Delegate Permit Issued	87 Koonung Rd, Blackburn North	Central	Construction of two double storey dwellings	Multiple Dwellings
850	27-05-16	Delegate Permit Issued	1 Wren Close Nunawading	Springfield	Construction of two (2) double storey dwellings	Multiple Dwellings
908	24-05-16	Delegate Permit Issued	50 Barkly Trc, Mitcham	Springfield	2 lot subdivision	Subdivision
913	11-05-16	Delegate Permit Issued	25 Dalmor Ave, Mitcham	Springfield	Buildings and works associated with an extension and alterations to the existing dwelling and removal of three (3) trees	Special Landscape Area
937	27-05-16	Delegate Permit Issued	23 Morley Cres, Box Hill North	Elgar	The construction of three (3) double storey dwellings and associated buildings and works within a Special Building Overlay	Multiple Dwellings
947	06-05-16	Delegate Permit Issued	1 Williamson Rd, Mont Albert North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
955	13-05-16	Delegate Permit Issued	15 Kinkora Rd, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings
966	06-05-16	Delegate Permit Issued	18 Lilac Crt, Blackburn North	Central	Construction of two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1015	16-05-16	Delegate Permit Issued	43-47 Ashmore Rd, Forest Hill	Morack	Construction of six double storey dwellings	Multiple Dwellings
1043	27-05-16	Delegate Permit Issued	75 Glenburnie Rd, Vermont	Springfield	Buildings and works to construction an outbuilding and the removal of one (1) protected tree	Special Landscape Area
1049	27-05-16	Delegate Permit Issued	4 Katupna Crt, Vermont South	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
1071	05-05-16	Delegate Permit Issued	1/266 Elgar Rd, Box Hill South	Riversdale	Alterations and additions to the existing dwelling and addition of a carport	Residential (Other)
1082	05-05-16	Delegate Permit Issued	41 McDowall St, Mitcham	Springfield	Construction of five double storey units	Multiple Dwellings
1132	13-05-16	Delegate Permit Issued	22 Jeffery St, Blackburn	Central	Buildings and works to construct a replacement carport and garage within 4 metres of a protected tree	Special Landscape Area
1162	02-05-16	Delegate Permit Issued	43 Katrina St, Blackburn North	Central	Construction of a double storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Multiple Dwellings
1164	27-05-16	Delegate Permit Issued	266 Middleborough Rd, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
1166	16-05-16	Delegate Permit Issued	181 Springfield Rd, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
1173	27-05-16	Delegate Permit Issued	313 Middleborough Rd, Box Hill South	Riversdale	Use of land for the sale and consumption of liquor and reduction in car parking requirements under Clause 52.06 (for a restaurant use)	Liquor Licence

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
30	17-05-16	Delegate Refusal Issued	431-439 Burwood Hwy, Vermont South	Morack	Construction of a part 5, part 6, part 7 storey building comprising 137 dwellings plus two levels of basement parking and a cafe use, a reduction in car parking requirements, and a waiver of loading/unloading vehicle requirements.	Multiple Dwellings
250	16-05-16	Delegate Refusal Issued	12 McComas Grv, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
443	30-05-16	Delegate Refusal Issued	12 Halley St, Blackburn	Central	Front fence 2.0m high and upgrade and new crossover	VicSmart - General Application
520	09-05-16	Delegate Refusal Issued	52 Bishop St, Box Hill	Elgar	Construction of six double storey dwellings and associated reduction in car parking requirements	Multiple Dwellings
914	31-05-16	Delegate Refusal Issued	89 Koonung Rd, Blackburn North	Central	Construction of three double storey dwellings	Multiple Dwellings
309	20-05-16	No Permit Required	13-15 Masons Rd, Blackburn	Central	Proposed opening and closing roof in an SLO 2 and SBO	Special Building Overlay
216	25-05-16	Withdrawn	9-25 Jolimont Rd, Forest Hill	Morack	Tree Removal in an aged care facility	Native Vegetation Removal

**BUILDING DISPENSATIONS/APPLICATIONS MAY 2016**

Address	Date	Ward	Result
10 Dobell Street, Blackburn South	11-05-16	Central	Consent Granted R415
12 Esdale Street, Blackburn	10-05-16	Central	Consent Granted R420
12 Mahala Court, Blackburn South	04-05-16	Central	Consent Granted R416
14 Wardle Close, Blackburn South	05-05-16	Central	Consent Granted R409
17 Larch Street, Blackburn	16-05-16	Central	Consent Granted R424
2 Kathleen Street, Blackburn North	10-05-16	Central	Consent Granted R414, R411
20 Agnew Street, Blackburn South	23-05-16	Central	Consent Granted R424
23 Amery Avenue, Blackburn	02-05-16	Central	Consent Granted R414
24 Brendale Avenue, Blackburn North	13-05-16	Central	Consent Granted R409
26 Fuchsia Street, Blackburn	18-05-16	Central	Consent Granted R415
40 Morrie Crescent, Blackburn North	27-05-16	Central	Consent Granted R424
45 Koonung Road, Blackburn North	16-05-16	Central	Consent Granted R424
65 Edinburgh Road, Blackburn South	06-05-16	Central	Consent Granted R424
8 Claude Court, Blackburn South	27-05-16	Central	Consent Granted R414
85 Hawthorn Road, Forest Hill	10-05-16	Central	Consent Granted R427

**BUILDING DISPENSATIONS/APPLICATIONS MAY 2016 (Cont)**

Address	Date	Ward	Result
11 Jasmine Court, Blackburn South	16-05-16	Central	Consent Refused R414
14 Ernest Street, Blackburn	27-05-16	Central	Consent Refused R424
2 Kathleen Street, Blackburn North	10-05-16	Central	Consent Refused R409
20 Mitchell Street, Blackburn North	16-05-16	Central	Consent Refused R424
24 Brendale Avenue, Blackburn North	13-05-16	Central	Consent Refused R415
31 Pakenham Street, Blackburn	27-05-16	Central	Consent Refused R424
5 Marilyn Court, Blackburn North	25-05-16	Central	Consent Refused R409
173-175 Whitehorse Road, Blackburn	12-05-16	Central	Withdrawn R604
725 Canterbury Road, Surrey Hills	13-05-16	Elgar	Amendment Approved R409
103 Victoria Crescent, Mont Albert	16-05-16	Elgar	Consent Granted R414
12 Blenheim Avenue, Mont Albert	10-05-16	Elgar	Consent Granted R410
132 Dorking Road, Box Hill North	16-05-16	Elgar	Consent Granted R409, R415
19 Garden Street, Box Hill North	25-05-16	Elgar	Consent Granted R424
27 Heathfield Rise, Box Hill North	16-05-16	Elgar	Consent Granted R409
27 Valda Avenue, Mont Albert North	05-05-16	Elgar	Consent Granted R414
3 Charles Street, Surrey Hills	11-05-16	Elgar	Consent Granted R424
34A Rostrevor Parade, Mont Albert North	10-05-16	Elgar	Consent Granted R424
49 Brougham Street, Box Hill	12-05-16	Elgar	Consent Granted R409
5 Irving Avenue, Box Hill	05-05-16	Elgar	Consent Granted R604
57 Victoria Crescent, Mont Albert	23-05-16	Elgar	Consent Granted R427
643 Elgar Road, Mont Albert North	19-05-16	Elgar	Consent Granted R424
65 Mersey Street, Box Hill North	10-05-16	Elgar	Consent Granted R414
65 Peter Street, Box Hill North	16-05-16	Elgar	Consent Granted R424
6-8 Wellington Road, Box Hill	19-05-16	Elgar	Consent Granted R513
7 Irving Avenue, Box Hill	05-05-16	Elgar	Consent Granted R604
7 Kenmare Street, Mont Albert North	23-05-16	Elgar	Consent Granted R415
8 Moselle Street, Mont Albert North	11-05-16	Elgar	Consent Granted R426
9 Graham Place, Box Hill	11-05-16	Elgar	Consent Granted R424
13 McColl Road, Mont Albert North	10-05-16	Elgar	Consent Refused R414
27 Valda Avenue, Mont Albert North	18-05-16	Elgar	Consent Refused R410
65 Mersey Street, Box Hill North	10-05-16	Elgar	Consent Refused R415
9 Graham Place, Box Hill	11-05-16	Elgar	Consent Refused R415
395 Middleborough Road, Box Hill	18-05-16	Elgar	Expired R604
14 Jolimont Road, Forest Hill	06-05-16	Morack	Consent Granted R424
2 Sarah Court, Vermont	12-05-16	Morack	Consent Granted R409
27 Beddoe Road, Vermont	30-05-16	Morack	Consent Granted R411, R414
28 Ansett Crescent, Forest Hill	04-05-16	Morack	Consent Granted R424
28 Ansett Crescent, Forest Hill	04-05-16	Morack	Consent Granted R411
6 Tweed Street, Vermont	05-05-16	Morack	Consent Granted R414
27 Ireland Street, Burwood	25-05-16	Riversdale	Amendment Approved R427
1 Iris Street, Burwood	10-05-16	Riversdale	Consent Granted R409
13 Venice Street, Box Hill South	20-05-16	Riversdale	Consent Granted R424
30 Begonia Street, Box Hill South	23-05-16	Riversdale	Consent Granted R427
34 Russell Street, Surrey Hills	18-05-16	Riversdale	Consent Granted R411
34 Russell Street, Surrey Hills	18-05-16	Riversdale	Consent Granted R409



**BUILDING DISPENSATIONS/APPLICATIONS MAY 2016 (Cont)**

Address	Date	Ward	Result
46 Roberts Avenue, Box Hill South	18-05-16	Riversdale	Consent Granted R417, R415
51 Jenner Street, Blackburn South	30-05-16	Riversdale	Consent Granted R411
8 Bermuda Drive, Blackburn South	10-05-16	Riversdale	Consent Granted R411
18 Daniel Street, Burwood	24-05-16	Riversdale	Consent Refused R418
2 Sparks Avenue, Burwood	04-05-16	Riversdale	Consent Refused R424
20 Sycamore Street, Box Hill South	02-05-16	Riversdale	Consent Refused R409
2B Russell Street, Surrey Hills	05-05-16	Riversdale	Consent Refused R411
46 Roberts Avenue, Box Hill South	18-05-16	Riversdale	Consent Refused R409, R418
46 Roberts Avenue, Box Hill South	18-05-16	Riversdale	Consent Refused R414
51 Jenner Street, Blackburn South	30-05-16	Riversdale	Consent Refused R415
207-207A Elgar Road, Surrey Hills	06-05-16	Riversdale	Expired R604
1 Ferris Avenue, Mitcham	25-05-16	Springfield	Consent Granted R409
113 Mount Pleasant Road, Nunawading	30-05-16	Springfield	Consent Granted R411
113 Mount Pleasant Road, Nunawading	30-05-16	Springfield	Consent Granted R409
1B Burnett Street, Mitcham	27-05-16	Springfield	Consent Granted R427
20 Menin Road, Nunawading	02-05-16	Springfield	Consent Granted R411
20 Menin Road, Nunawading	27-05-16	Springfield	Consent Granted R414
25 Simpson Street, Mitcham	16-05-16	Springfield	Consent Granted R414
280-284 Whitehorse Road, Nunawading	27-05-16	Springfield	Consent Granted R604
30 Carinya Road, Vermont	11-05-16	Springfield	Consent Granted R411, R414
39 Toomey Street, Vermont	04-05-16	Springfield	Consent Granted R414
5 Mardion Drive, Nunawading	10-05-16	Springfield	Consent Granted R424
45 Somers Street, Mitcham	30-05-16	Springfield	Consent Refused R414, R409

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – MAY 2016**

*Under the Planning and Environment Act 1987*

Nil

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION MAY 2016**

Contract	Service
Contract 15027	Placement and Maintenance of Speed Observation Trailers

**REGISTER OF PROPERTY DOCUMENTS EXECUTED MAY 2016**

<b>Property Address</b>	<b>Document Type</b>	<b>Document Detail</b>
<b>Leases</b>		
Bluebell Hill Tennis Club Inc - 18 Harding Street Surrey Hills	Lease	Landlord (expires 31/03/2025)
10 Nurlendi Road, Vermont	Deed of Termination of Lease and Sub-Lease	Vermont Pre School
11 Chaucer Street, Box Hill South	Residential Tenancy Agreement	Landlord (expires 21/05/2017)
Room 1, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/12/2016)
Room 4, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/12/2016)
Room 5, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/12/2016)
14-18 Station Street, Mitcham - Mitcham Senior Citizens	Deed of Renewal and Variation	Lessee (expires 1/4/2019)
49 Murray Drive Burwood	Exempt-Charitable	Ministers residence
Ground 353 Whitehorse Road Nunawading 3131	Property Now Rateable	MIND relocated from ground floor to first floor
First Floor 353 Whitehorse Road Nunawading 3131	Exempt-Charitable	MIND relocated from ground floor to first floor
Cafe, 853 Whitehorse Road Box Hill	Exempt-Public Purpose	Café now operated by Box Hill Tafe for public purpose
Cafe, 465 Elgar Road Mont Albert	Exempt-Public Purpose	Café now operated by Box Hill Tafe for public purpose
Cafe, 466 Elgar Road Box Hill	Exempt-Public Purpose	Café now operated by Box Hill Tafe for public purpose

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – MAY 2016**

Instrument of Sub-Delegation – CEO to staff (Council resolution 10-05-16)  
 Instrument of Delegation – Council to Staff (Council resolution 16-05-16)

**PARKING RESTRICTIONS APPROVED BY DELEGATION MAY 2016**

**Address:** **Glenice Avenue, Blackburn South:** from Eley Road to Hastings Avenue – west side

**Previously:** 32 unrestricted parking spaces

**Now:** 32 '1-Hour, 8am to 6pm, Monday to Friday and 8am to 1pm, Saturday' parking spaces

**Address:** **Neil Court, Blackburn South:** from Eley Road to 17 Neil Court – west side

**Previously:** 12 'Unrestricted' parking spaces

**Now:** 12 '1-Hour, 8am to 6pm, Monday to Friday and 8am to 1pm, Saturday' parking spaces

**Address:** **Hasting Avenue, Blackburn South:** from Glenice Avenue to Eley Road – west side

**Previously:** 18 'Unrestricted' parking spaces

**Now:** 18 '1-Hour, 8am to 6pm, Monday to Friday and 8am to 1pm, Saturday' parking spaces

**Address:** **Derby Street, Blackburn:** from Salisbury Avenue to Pakenham Street – north side

**Previously:** 14 'Unrestricted' parking spaces

**Now:** 14 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Brunswick Road, Mitcham:** from 36m east of Mitcham Road to 59m east of Mitcham Road – north side

**Previously:** 4 unrestricted parking spaces

**Now:** 4 '2-Hour, 9am to 6pm, Monday to Saturday' parking spaces

**Address:** **Junction Road, Nunawading:** from 152 Junction Road to 156 Junction Road – south side

**Previously:** 6 'Unrestricted' parking spaces

**Now:** 6 '2-Hour, 9am to 6pm, Monday to Friday' parking spaces

**Address:** **Charles Street, Nunawading:** from 28m south of Junction Road to 36m south of Junction Road – east side

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

**Now:** 2 '2-Hour, 9am to 6pm, Monday to Friday' parking spaces

**Address:** **Florence Road, Surrey Hills:** from 33 Florence Road to Scottsdale Street – east side

**Previously:** 20 'Unrestricted' parking spaces

**Now:** 20 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Irving Avenue, Box Hill:** from eastern boundary of 19 Irving Avenue to western boundary of 19 Irving Avenue – south side

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

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

**Address:** **Whitehorse Road service road, Mitcham:** from 10m west of McGlone Street to western boundary of 470 Whitehorse Road – south side

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

**Now:** 1 'P5-Minute, 8am to 9pm, Monday to Friday' parking space

**Address:** **McGlone Street, Mitcham:** from 30m south of Whitehorse Road to 10m south of Whitehorse Road – west side

**Previously:** 4 'Loading Zone, 7am to 6pm, Monday to Friday' parking spaces

**Now:** 4 unrestricted parking spaces

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING MAY 2016**

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
03.05.2016	\$4,374.98	1	EFC
05.05.2016	\$2,318.25	12	EFC
05.05.2016	\$55,835.85	42	CHQ
05.05.2016	\$15,552.27	1	EFT
05.05.2016	\$279,109.82	39	EFT
11.05.2016	\$6,580.00	1	EFT
12.05.2016	\$2,195.48	10	EFC
12.05.2016	\$43,697.24	40	CHQ
12.05.2016	\$1,835,659.25	312	EFT
18.05.2016	\$343.77	1	EFC
19.05.2016	\$3,798.00	8	EFC
19.05.2016	\$68,165.28	40	CHQ
19.05.2016	\$355,613.30	44	EFT
20.05.2016	\$1,500.00	1	CHQ
26.05.2016	\$13,906.56	16	EFC
26.05.2016	\$4,456,623.47	405	EFT
26.05.2016	\$4,456,880.11	405	EFT
26.05.2016	\$289,154.57	40	CHQ
27.05.2016	\$4,000.00	1	EFC
<b>Monthly Leases</b>	\$73,000.00		<b>DD</b>
<b>GROSS</b>	\$11,968,308.20	1419	
<b>CANCELLED PAYMENTS</b>	-\$4,458,088.47	-409	
<b>NETT</b>	\$7,510,219.73	1010	

**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)

**RECOMMENDATION**

*That the record of Reports by delegates be received and noted.*

**10.2 Recommendations from the Special Committee of Council Meeting of 11 July 2016.**

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
27-06-16 5.15-6.05pm	<b>Special Councillor Briefing Burvale Site</b>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	(ACEO) T Wilkinson J Green, P Warner, (AGMHS) T Johnson, P Smith, A De Fazio, S Freud, K Marriott, P McAleer	Nil	Nil
27-06-16 6.30-7.00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• Whitehorse Amendment C172 Part 2</li> <li>• Adoption of Whitehorse Cycling Strategy 2016</li> <li>• Adoption of the Proposed Budget 2016/17 &amp; Draft Strategic Resource Plan 2016-2020</li> <li>• Special Council Meeting – Councillor Code of Conduct</li> <li>• Electronic Invoice Delivery</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	(ACEO) T Wilkinson J Green, P Warner, (AGMHS) T Johnson, P Smith, A De Fazio, S Freud, R Sheehan	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
11-07-16 5.00 -6.00pm	<b>Whitehorse Centre Consultation Outcomes</b>	Cr Daw (Mayor & Chairperson), Cr Bennett, Cr Carr, Cr Chong AM, Cr Ellis, Cr Harris OAM, Cr Massoud - (arrived at 5.15pm) Cr Munroe, Cr Stennett	N Duff, J Green, P Warner, T Wilkinson, P Smith, S Freud, A De Fazio, B Morrison, S Price, D Logan, S Freud	Nil	Nil
11-07-16 6.30-8.20pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>• Future of Whitehorse Centre</li> <li>• Capital Works</li> <li>• Special committee /other business motions</li> <li>• Draft Council Agenda 18 July 2016</li> </ul>	Cr Daw (Mayor & Chairperson), Cr Bennett, Cr Carr, Cr Chong AM, Cr Davenport, Cr Ellis, Cr Harris OAM, Cr Massoud, Cr Munroe, Cr Stennett	N Duff, J Green, P Warner, T Wilkinson, P Smith, S Freud, A De Fazio, R Sheehan, K Marriott, P McAleer, A Egan, V McClean, I Goodes, S Kinsey, D Logan, B Morrison, S Price, D Seddon, T Peak	Nil	Nil

**RECOMMENDATION**

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

**11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

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

**12 CONFIDENTIAL REPORTS**

**12.1 City of Whitehorse Scholarships 2016**

**13. CLOSE MEETING**