



# City of Whitehorse

## MINUTES

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### Ordinary Council Meeting

Held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 19 September 2016**

at 7.00pm

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

**Ms Noelene Duff**  
Chief Executive Officer

## TABLE OF CONTENTS

<b>1</b>	<b>PRAYER .....</b>	<b>3</b>
<b>2</b>	<b>WELCOME AND APOLOGIES .....</b>	<b>3</b>
<b>3</b>	<b>DISCLOSURE OF CONFLICT OF INTERESTS .....</b>	<b>3</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....</b>	<b>3</b>
<b>5</b>	<b>RESPONSES TO QUESTIONS .....</b>	<b>4</b>
<b>6</b>	<b>NOTICES OF MOTION .....</b>	<b>4</b>
<b>7</b>	<b>PETITIONS .....</b>	<b>4</b>
<b>8</b>	<b>URGENT BUSINESS .....</b>	<b>4</b>
<b>9</b>	<b>COUNCIL REPORTS .....</b>	<b>5</b>
<b>9.1</b>	<b>CITY DEVELOPMENT .....</b>	<b>5</b>
	<b>STATUTORY PLANNING</b>	
9.1.1	9-13 FRANKCOM STREET, BLACKBURN (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) – THE CONSTRUCTION OF 24 DWELLINGS COMPRISING FOUR TOWNHOUSE BUILDINGS (TWO AT THREE STOREY & TWO AT FOUR STOREY) AND A THREE STOREY APARTMENT BUILDING WITH BASEMENT CAR PARKING, AND REDUCTION IN CAR PARKING .....	5
9.1.2	845-851 WHITEHORSE ROAD, BOX HILL (LOT 5 PS 434842D) – BUILDINGS AND WORKS TO CONSTRUCT A MIXED-USE HIGH DENSITY DEVELOPMENT COMPRISING THREE TOWERS (37 STOREYS – T1, 30 STOREYS – T2 AND 17 STOREYS – T3) USE OF THE LAND FOR ACCOMMODATION, RESIDENTIAL HOTEL (150 ROOMS), FOOD AND DRINK PREMISES, SHOP AND RESTRICTED RECREATION FACILITY (GYMNASIUM), ASSOCIATED REDUCTION IN THE CAR PARKING REQUIREMENTS OF CLAUSE 45.09 AND ALTERATION OF ACCESS TO A ROAD ZONE, CATEGORY 1 .....	24
	<b>STRATEGIC PLANNING</b>	
9.1.3	STRATEGIC PLANNING UPDATE .....	52
9.1.4	AMENDMENT C188 TO THE WHITEHORSE PLANNING SCHEME – APPLICATION OF HERITAGE OVERLAY TO 65 ESDALE STREET, NUNAWADING .....	59
9.1.5	DRAFT BOX HILL BUILT FORM GUIDELINES AND AMENDMENT C175 TO THE WHITEHORSE PLANNING SCHEME .....	64
	<b>ENGINEERING AND ENVIRONMENTAL</b>	
9.1.6	TENDER EVALUATION REPORT – CONTRACT 15047 – CREST GROVE, NUNAWADING - ROAD RECONSTRUCTION .....	76
9.1.7	TENDER EVALUATION REPORT – BOX HILL SKATE PARK EXTENSION .....	78
9.1.8	TENDER EVALUATION REPORT – CONTRACT 15052 - MELBOURNE WATER PIPE TRACK SHARED PATH CONSTRUCTION SECTION 1 - HIGHBURY ROAD TO BALLANTYNE STREET, BURWOOD EAST .....	80
<b>9.2</b>	<b>INFRASTRUCTURE .....</b>	<b>82</b>
9.2.1	TENDER EVALUATION REPORT (CONTRACT 15035) MECHANICAL PLANT MAINTENANCE SERVICES .....	82
9.2.2	TENDER EVALUATION REPORT (CONTRACT 15025) SUPPLY AND INSTALLATION OF STANDBY GENERATOR – CIVIC CENTRE AND NUNAWADING LIBRARY .....	85
9.2.3	TENDER EVALUATION REPORT (CONTRACT 15042) PROVISION OF CONTRACT WEED CONTROL SERVICES .....	88
9.2.4	TENDER EVALUATION REPORT (CONTRACT 15040) WALKER PARK DRAINAGE & IRRIGATION INSTALLATION .....	90
9.2.5	TENDER EVALUATION REPORT (CONTRACT 15028) PROVISION OF INSPECTION TESTING AND MAINTENANCE OF PORTABLE AND FIXED FIRE PROTECTION EQUIPMENT .....	92
9.2.6	TENDER EVALUATION REPORT (CONTRACT 15030) PROVISION OF ARCHITECTURAL SERVICES FOR CONSTRUCTION OF NUNAWADING COMMUNITY HUB .....	95

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<b>9.3</b>	<b>HUMAN SERVICES .....</b>	<b>101</b>
9.3.1	CHILD SAFE STANDARDS.....	101
9.3.2	MUNICIPAL EARLY YEARS PLAN 2014-2018 IMPLEMENTATION REPORT 2016.....	111
9.3.3	MUNICIPAL YOUTH PLAN 2014-2018 IMPLEMENTATION REPORT 2016.....	114
9.3.4	ELGAR PARK MASTER PLAN .....	118
<b>9.4</b>	<b>CORPORATE REPORTS.....</b>	<b>122</b>
9.4.1	DELEGATED DECISIONS – JULY 2016.....	122
9.4.2	LEASE COUNCIL LAND.....	143
9.4.3	ADOPTION OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987 .....	149
9.4.4	MEETING CYCLE JANUARY TO JUNE 2017 .....	153
<b>10</b>	<b>REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS.....</b>	<b>156</b>
10.1	REPORTS BY DELEGATES.....	156
10.2	RECOMMENDATION FROM THE SPECIAL COMMITTEE OF COUNCIL MEETING OF 12 SEPTEMBER 2016 .....	156
10.3	RECORD OF ASSEMBLY OF COUNCILLORS .....	157
<b>11</b>	<b>REPORTS ON CONFERENCES/SEMINARS ATTENDANCE.....</b>	<b>158</b>
<b>12</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>159</b>
12.1	TENDER EVALUATION REPORT (CONTRACT CT5183) PROVISION OF PAVEMENT CRACK SEALING SERVICES.....	159
12.2	BLACKBURN ROAD GRADE SEPARATION PROJECT COMPULSORY ACQUISITION OF AN EASEMENT OVER COUNCIL OWNED LAND .....	159
<b>13</b>	<b>CLOSE MEETING .....</b>	<b>159</b>

Meeting opened at 7.00pm

Present: Cr Daw (Mayor), Cr Bennett, Cr Carr, Cr Chong AM, Cr Davenport,  
Cr Ellis, Cr Massoud, Cr Munroe, Cr Stennett

## **1 PRAYER**

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

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

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

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

**Amen.**

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

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

## **2 WELCOME AND APOLOGIES**

The Mayor welcomed all

APOLOGIES:

Cr Harris has previously sought and been granted leave of absence for the Ordinary Council Meeting 19 September 2016.

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

None disclosed

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

Minutes of the Ordinary Council Meeting 15 August 2016, Confidential Ordinary Council Meeting 15 August 2016.

### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Bennett

***That the minutes of the Ordinary Council Meeting 15 August 2016, Confidential Ordinary Council Meeting 15 August 2016 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## **5 RESPONSES TO QUESTIONS**

### **5.1 Mr Blair Barker**

Submitted two questions in relation to Item 9.3.4 Elgar Park Master Plan and Item 9.1.2 845 - 851 Whitehorse Road, Box Hill.

The Chief Executive Officer Ms Noelene Duff responded to the questions on behalf of Council.

### **5.2 Mr William Orange**

Submitted a question in relation to Item 9.1.2 845 – 851 Whitehorse Road, Box Hill.

The Chief Executive Officer Ms Noelene Duff responded to the question on behalf of Council.

## **6 NOTICES OF MOTION**

Nil

## **7 PETITIONS**

Nil

## **8 URGENT BUSINESS**

Nil

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 9-13 Frankcom Street, Blackburn (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) – The construction of 24 dwellings comprising four townhouse buildings (Two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking**

FILE NUMBER: WH/2015/1052  
ATTACHMENT

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#### **SUMMARY**

*This application was advertised, and a total of 20 objections (from 18 objector properties) were received. The objections raised issues with neighbourhood character, traffic and parking, flooding, loss of vegetation, and impacts on amenity. A Consultation Forum was held on Thursday, 28 April 2016 chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions..*

#### **RECOMMENDATION**

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

- A. *Being the Responsible Authority, having caused Application WH/2015/1052 for 9-13 Frankcom Street, BLACKBURN (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of 24 dwellings comprising four townhouse buildings (two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking is acceptable and should be supported.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 9-13 Frankcom Street, BLACKBURN (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) for the construction of 24 dwellings comprising four townhouse buildings (two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking, subject to the following conditions:***
  - 1. *Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall 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 submitted received on 3/12/2015 and landscape plans received on 9/12/2015, but modified to show:***
    - a) *The requirements of Melbourne Water in accordance with Conditions 20 to 31.***
    - b) *Minimum setback of all walls to the north eastern boundary to comply with Standard B17 (Side and Rear Setbacks) of Clause 55 of the Whitehorse Planning Scheme, with no reduction to any other setbacks.***
    - c) *First, second, and third floor balconies to be setback a minimum of 4.5 metres from the north eastern boundary.***

**9.1.1**  
(cont)

- d) *Reconfiguration of Apartments 11 and 17 to replicate the balcony and cladding treatment detail of Apartment 4 directly below to provide a strong vertical articulation through the centre of the building on the south eastern elevation.*
- e) *Review material and colour finishes to the south eastern elevation to provide for improved articulation of the building mass and to the give the appearance of two distinct building forms.*
- f) *Glass balustrading on the northern elevation of the elevated walkway on the first and second floor in the area of the lift and stairwell to be raised to a minimum height of 1.7m above finished floor level and utilising opaque glass to prevent overlooking of the south facing balconies of Townhouses 3 and 4.*
- g) *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 6 and 8 to be annotated on the development and landscape plans.*
- h) *Development plans to reflect all sustainability features indicated in the Sustainability Management Statement. Where features cannot be visually shown, include a notes table providing details of the requirements (that is, energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc) and in accordance with the amended Sustainability Management Statement required under Condition 11.*
- i) *The proposed circulation roadway ramp width is to be widened to comply with Australian Standard AS 2890.1 section 2.5 and figure 2.8.*
- j) *The vertical headroom at the entry point and throughout the car park is to be a minimum of 2.2m throughout the parking area, which is to be demonstrated by the provision of a longitudinal section.*
- k) *The proposed car stacker make and model are required to be nominated on the proposed layout plans and the stacker parking spaces are required to provide a minimum 1.8m of clear headroom.*
- l) *Convex mirrors are to be installed internally within the development's parking area to improve the available sight distance at Town House 3 and 4's garages.*
- m) *Location of services/roof plant, and details of screening.*
- n) *Details of all external cladding colours, textures, finishes, and materials.*
- o) *A Waste Management Plan in accordance with Condition 3.*
- p) *A Tree Management Plan in accordance with Condition 7.*
- q) *A Parking Management Plan in accordance with Condition 13.*
- r) *An amended Landscape Plan in accordance with Condition 4, including the following:*
  - i. *Location of Tree 36 – Pinus radiata to be shown*

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

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

**9.1.1**  
(cont)

3. *Prior to the commencement of development, an amended Waste Management Plan. The changes must be prepared and submitted to Council for approval. This plan is to be to the satisfaction of the Responsible Authority and must provide for:*
- a) *Explanation of how the collection vehicles will negotiate Frankcom Street and the development considering back-up movement of collection vehicles is to be limited to positioning not general movement.*
  - b) *Swept path diagrams to prove collection vehicle movements entering and leaving the development site in a forward direction.*

*Once submitted and approved the Waste Management Plan will form part of the documents for the planning permit.*

4. *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. This plan when endorsed shall form part of this permit. This plan shall show -*

- \* *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
- \* *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
- \* *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
  - *Providing a complete garden scheme,*
  - *Softening the building bulk,*
  - *Providing some upper canopy for landscape perspective,*
  - *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
- \* *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
- \* *The proposed design features such as paths, paving, lawn and mulch.*
- \* *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

5. *Landscaping in accordance with an approved Landscape Plan must be completed before the building is occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*



**9.1.1**  
(cont)

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 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 9 – Melaleuca styphelioides – 2.6 metre radius from the centre of the tree base.***
  - ii. ***Tree 10 – Eucalyptus saligna – 7.2 metre radius from the centre of the tree base.***
  - iii. ***Tree 11 – Eucalyptus saligna – 9.6 metre radius from the centre of the tree base.***
  - iv. ***Tree 19 – Corymbia maculata – 7.8 metre radius from the centre of the tree base.***
  - v. ***Tree 34 – Macadamia integrifolia – 3 metre radius from the centre of the tree base.***
  - vi. ***Tree 36 – Pinus radiata – 8.4 metre radius from the centre of the tree base.***
  - vii. ***Tree 37 – Corymbia citriodora – 3.5 metre radius from the centre of the tree base.***
  - viii. ***Tree 39 – Corymbia maculata – 3.1 metre radius from the centre of the tree base.***
  - ix. ***Tree 41 – Corymbia maculata – 5.2 metre radius from the centre of the tree base.***
  - x. ***Tree 43 – Corymbia maculata – 4.3 metre radius from the centre of the tree base.***
  - xi. ***Tree 49 – Corymbia maculata – 4.9 metre radius from the centre of the tree base.***
  - xii. ***Tree 57 – Ficus macrophylla – 5 metre radius from the centre of the tree base.***
- b) ***Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:***
- i. ***Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.***
  - ii. ***Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.***
  - iii. ***Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering 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. ***No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.***
  - vii. ***Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.***
  - viii. ***Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in***

**9.1.1**  
(cont)

*accordance with the above requirements at all other times.*

7. *A Tree Management Plan (TMP) written in accordance with AS 4970-2009 or all trees nominated for retention detailing how they will be protected pre, during and post construction. It must also detail all the works (including soil level changes) proposed within the TPZ and SRZ to the satisfaction of the Responsible Authority.*
8. *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) *All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not encroach or alter the existing ground level or topography of the lands within greater than 10% of the 7.8m TPZ of Tree 19 – Corymbia maculate.*
  - b) *For Tree 9 – Melaleuca styphelioides, no roots are to be cut or damaged during any part of the construction process.*
9. *The existing street tree must not be removed or damaged unless with the further written consent of the Responsible Authority. Tree protection fencing must be erected prior to any demolition and commencement of any buildings and works.*
10. *Prior to the commencement of buildings or works on the land, a Construction Management Plan (CMP), detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.*

*The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans.*

*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.*

*The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.*

*The CMP must include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them existing the designated property so as to prevent any grease, oil, mud, clay or other substances to fall or run off a vehicle onto a road, or into any drain under the road.*

*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*

**9.1.1**  
(cont)

***Construction Management Plan.***

11. ***Prior to the commencement of use and development, a Sustainability Management Statement must be provided to the satisfaction of and approved by the Responsible Authority. Once approved the requirements of the plan must be met.***
12. ***All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.***
13. ***Prior to the commencement of the development a Parking Management Plan is to be submitted to the satisfaction of the Responsible Authority, and must provide for:***
  - a) ***Designate parking spaces to individual dwellings.***
  - b) ***Detail the signing and line marking of parking spaces.***
  - c) ***Detail any access controls to the parking area.***

***Once submitted and approved the Parking Management Plan will form part of the documents for the planning permit.***

14. ***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 must be properly constructed, surfaced and drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.***

**Assets**

15. ***All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***
16. ***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.***
17. ***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.***
18. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
19. ***"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."***

**Melbourne Water**

20. ***The buildings/dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level of 83.35m to Australian Height Datum (AHD).***

**9.1.1**  
(cont)

21. *The entry/exit driveway of the basement car park must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level of 83.35m to AHD.*
22. *All external doors, windows, vents and openings to the basement car park must be constructed a minimum of 300mm above the applicable flood level of 83.35m to AHD with exception of any basement entry/exit that is protected by an apex.*
23. *All new development must be contained above the 82.35m natural surface contour.*
24. *The basement must be fully tanked and must use flood resistant materials to protect the basement from flooding as the basement shall be within 1.0m depth of water during a 1 in 100 year storm event.*
25. *No fill is to be placed outside the building footprint.*
26. *A cut and fill balance exercise must be achieved to enable no loss of flood storage.*
27. *Prior to the commencement of works, a Flood Response Plan must be submitted to the Responsible Authority and Melbourne Water by an accredited risk management professional.*
28. *Prior to the commencement of works, the landowner/s must enter into a Section 173 Agreement, with Council and Melbourne Water that is attached to the title. All costs associated with the creation of the agreement must be borne by the permit holder. The agreement must be registered on title and run with the land, and must, to the satisfaction of the Responsible Authority and Melbourne Water:*
  - a) *Indemnifying Melbourne Water against any loss or damages associated with flooding;*
  - b) *Identify and inform future land owners of the potential flood impacts/risks associated with shared outdoor recreation area located at the rear of the property with natural ground surface levels below the applicable 1 in 100 year flood level as this area shall be subject to flooding for the lessor more frequent flood events; and*
  - c) *Ensure that the required Flood Response Plan is attached as an appendix to the Section 173 Agreement.*
29. *Plans must be amended and submitted to Melbourne Water addressing conditions 19-25 in metres & to Australian Height Datum.*
30. *Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways*
31. *Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to Australian Height Datum must be submitted to Melbourne Water. The plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.*

**Equipment on roof**

32. *No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
33. *The plant and equipment proposed on the roof of the building must be*

**9.1.1**  
(cont)

*screened in a manner to compliment the appearance of the building to the satisfaction of the Responsible Authority.*

**Expiry**

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

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

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

**PERMIT NOTES:**

**Assets**

- i. 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.**
  - ii. 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.**
  - iii. 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.**
  - iv. 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.**
  - v. 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.**
  - vi. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.**
  - vii. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.**
  - viii. 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**
  - ix. No trees are permitted to be planted within the easement on the eastern boundary of the property.**
  - x. No fill is permitted within the easement on the eastern boundary.**
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

**9.1.1**  
(cont)

**COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Carr.

***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2015/1052 for 9 Frankcom Street, BLACKBURN (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of 24 dwellings comprising four townhouse buildings (two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking is unacceptable and should be refused.***
- B. *Issue a Notice of Decision to Refuse to Grant a Permit under the Whitehorse Planning Scheme to the land described as 9-13 Frankcom Street, BLACKBURN (LOT 12 LP 7479, LOT 10 LP 7479, LOT 11 LP 7479) for the construction of 24 dwellings comprising four townhouse buildings (two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking, subject to the following grounds:***

***The proposal:***

- ***Is considered to be an overdevelopment of the site***
- ***Will create excessive overlooking of the adjoining properties.***
- ***Does not meet the objectives of the Special Building Overlay and will result in unacceptable flooding.***
- ***Will result in excessive off-site carparking and does not meet the requirements of Clause 52.06 (carparking)***
- ***Will result in unacceptable vehicle movements and excessive traffic in a neighbourhood street with limited opportunity for turning of residential vehicles, waste trucks and emergency services vehicles.***

**CARRIED**

A division was called

**Division**

**For**

Cr Bennett  
Cr Carr  
Cr Daw  
Cr Ellis  
Cr Massoud  
Cr Stennett

**Against**

Cr Chong  
Cr Davenport  
Cr Munroe

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

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## MELWAYS REFERENCE 47 H/J9

The map displays the following streets and landmarks:

- Streets:** Whitehorse Rd, Downing Street, Frankcom Street, Elm Street.
- Landmarks:** Blackburn railway station, Blackburn tram stop.
- Shaded Areas:** Several parcels are shaded in grey, including parcels 1, 13, 3/3, 5, 7, 12, 14, 16, 16A, 18, 20, 11/18, 11/19, 11/20, 11/21, 11/22, 11/23, 11/24, 11/25, 11/26, 11/27, 11/28, 11/29, 11/30, 11/31, 11/32, 11/33, 11/34, 11/35, 11/36, 11/37, 11/38, 11/39, 11/40, 11/41, 11/42, 11/43, 11/44, 11/45, 11/46, 11/47, 11/48, 11/49, 11/50, 11/51, 11/52, 11/53, 11/54, 11/55, 11/56, 11/57, 11/58, 11/59, 11/60, 11/61, 11/62, 11/63, 11/64, 11/65, 11/66, 11/67, 11/68, 11/69, 11/70, 11/71, 11/72, 11/73, 11/74, 11/75, 11/76, 11/77, 11/78, 11/79, 11/80, 11/81, 11/82, 11/83, 11/84, 11/85, 11/86, 11/87, 11/88, 11/89, 11/90, 11/91, 11/92, 11/93, 11/94, 11/95, 11/96, 11/97, 11/98, 11/99, 11/100.

		Subject site		18 Objector Properties (2 outside of map) 1 tenant of subject site shown hashed	 <b>North</b>
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### **9.1.1**

(cont)

## **BACKGROUND**

### **The Site and Surrounds**

The subject site comprises of two lots at the southern end of Frankcom Street on the east side of the road. The site is irregular in shape with frontage to Frankcom Street of 61.4m, a north eastern boundary of 56.6m, an eastern boundary of 52.9m, and an overall area of approximately 3262m<sup>2</sup>. The site has a fall of approximately 8m diagonally across the site from the north/western corner to a gully and then rises back up approximately 2m to the south eastern corner. A 4.5m wide easement runs diagonally across the site from the east to the south west at the lowest point of the site. The sites are currently occupied by two dwellings, with assorted outbuildings, with the lower portion of the site (south eastern corner) being substantially vegetated with a mixture of mature trees and shrubs.

Frankcom Street is a dead end road on the south side of Whitehorse Road with no court bowl or T-head. Frankcom Street is approximately 180m in length and terminates at the Lilydale-Belgrave train line. Access to and from Frankcom Street is left in from Whitehorse Road and left out only. The rail line is separated from the southern boundary of the property by a parcel of land approximately 3m in width.

Built form in Frankcom Street consists of a mixture of single and double storey dwellings and multi-dwelling developments.

The subject site abuts lots to the east at 16, 18 and 20 Downing Street. These properties generally sit lower than the subject land. 16 Downing Street has been subdivided and is currently under development for two double storey dwellings. 18 and 20 Downing Street are occupied by single storey dwellings.

### **Planning Controls**

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Substantial Change Area. The Substantial Change Area is expected to make a significant contribution to increases in housing stock. The Local Planning Policies have also identified the site being located in Garden Suburban Precinct 13.

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the minimum distances between trees and buildings/hard surfaces and suggested design responses for hard surface areas close to retained trees.

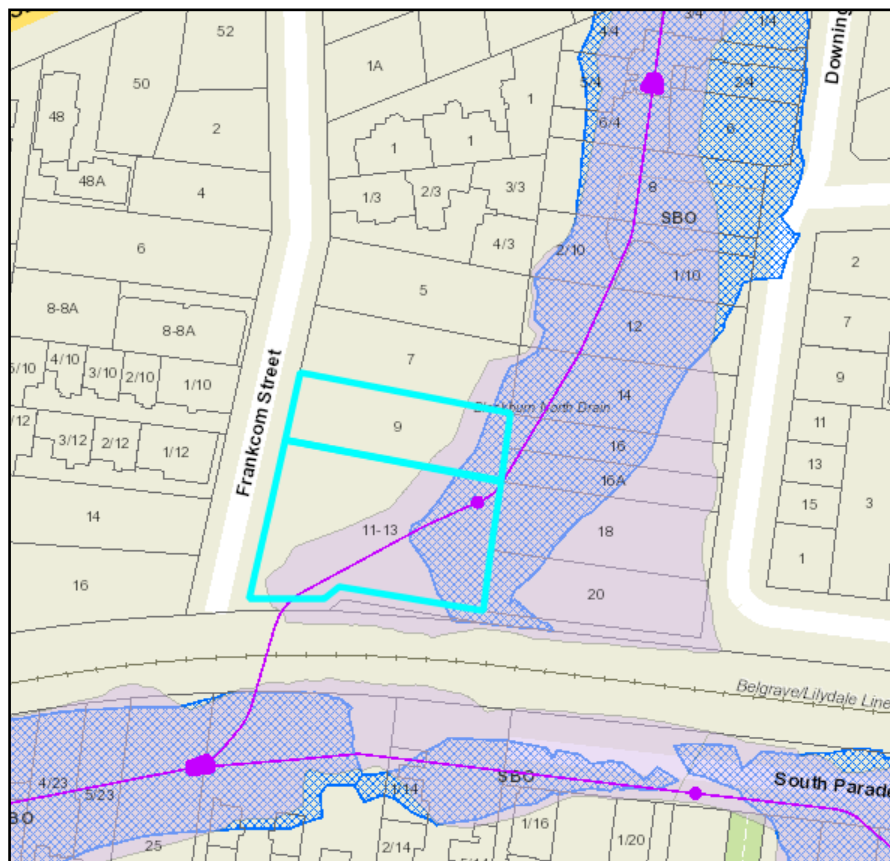
A permit is required under Clause 32.07-4 (Residential Growth Zone) to construct two or more dwellings on a lot. The relevant purposes of Clause 32.07 includes to provide housing at increased densities in buildings up to and including four storey buildings, and to encourage a diversity of housing types in locations offering good access to services and transport. Schedule 2 to the zone varies a number of the standards in Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme (ResCode).



### 9.1.1

(cont)

Clause 44.05 (Special Building Overlay) seeks to identify areas liable to inundation by overland flows from the urban drainage system. The purpose of the overlay also seeks to ensure that development maintains free passage and temporary storage of floor waters, minimises flood damage, and is compatible with flood hazard and location drainage conditions. The works associated with the proposed development are largely outside of the portion of the site affected by the Melbourne Water Special Building Overlay as gazetted in the Whitehorse Planning Scheme (i.e. triggers a planning permit), however Melbourne Water's 1 in 100 year flooding for Underground drains (which sit outside Planning Scheme controls) extends further into the site. This is illustrated in the map below:



Legend: Blue is extent of SBO  
Mauve is non- statutory 1 in 100 year Mapping (Melbourne Water)  
Purple is Melbourne Water Drain and Pits

Clause 52.06 (Car parking) seeks to ensure the provision of an appropriate number and the efficient use of car parking spaces that are of a high standard, creates a safe environment for users, and enables easy and efficient use without adversely affecting the amenity of the locality. A permit is required to reduce the number of car spaces by waiving the visitor parking requirement.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

### **9.1.1**

(cont)

#### **PROPOSAL**

The development proposes the construction of 24 dwellings in the form of four attached townhouse buildings (two at three storey and two at four storey) and a three storey apartment building containing 20 dwellings with a rooftop deck. The two built forms will be linked by a shared basement, accessed by a single crossover from Frankcom Street. A central courtyard will run south west to north east between the two built forms at ground level. Access to the communal open space on the southern side of the site will be provided by a walkway through the apartment building and by lift access to the basement.

Due to site constraints relating to the fall of the land and Melbourne Water requirements the development is to be sited to the north western area of the site. Also due to the fall of the land the basement in parts will be above ground and constituting a fourth storey.

The townhouses will comprise of two three bedroom dwellings, and two four bedroom with two study dwellings. The apartments will comprise of 18 two bedroom dwellings and two three bedroom dwellings.

The basement comprises eight at grade resident car spaces for the four townhouses and 22 spaces for the apartments, 15 of which will be provided in car stackers. No visitor parking spaces are proposed. The basement also contains resident storage areas, refuse storage, bicycle racks, laundry, lift and stairwells.

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Frankcom Street frontages. Following the advertising period 20 objections were received from 18 objector properties.

The issues raised are summarised as follows:

##### Neighbourhood Character/Built Form

- Height
- Bulk
- Four storey doesn't fit with the scale of the street
- Doubling of the existing number of dwellings.
- Altering the quiet nature of the leafy street

##### Traffic/Parking

- Narrow dead-end street and impact of vehicles from 24 dwellings
- Inadequate visitor parking
- Existing on street parking already impacts vehicle movements (no additional capacity)
- Rubbish collection
- Intersection to Whitehorse Road
- Potential overflow of parking problems into Downing Street.

##### Vegetation

- Potential removal of a large number of trees
- Loss of native trees
- Impact of loss of trees on bird/wild life

### **9.1.1**

(cont)

#### Flooding

- Property is located in a Melbourne Water Flood Zone
- Potential impact on water flow in the event of a flood
- Fences should be wire to let flood water flow
- Rail track works blocked an existing pipe

#### Amenity

- Privacy/Overlooking
- Don't want playground/BBQ equipment in landscaping area.
  - Danger to children during flood
  - Noise
  - Privacy
- Noise
  - Construction
  - Traffic
  - Additional Dwellings

#### Other

- Soil removal will expose underground bacteria
- Air Pollution

### **Consultation Forum**

A Consultation Forum was held on 28 April 2016 by Councillor Munroe. Approximately 15 objectors, a Council Officer, the Applicant, the landowner, and their Transport Engineer attended the meeting.

The items listed above were discussed however no consensus was reached.

### **Referrals**

#### **External**

##### Melbourne Water

The proposal was referred to Melbourne Water who offered no objection to the issue of a permit, subject to conditions being included on any approval issued. It should be noted that Melbourne Water will not support the building to be located below the 83.35 AHD, which has the effect of confining the proposal to the north western side of the site.

##### Vic Track

Vic Track were notified of the application under Section 52 and advised that they have no objection to the proposal.

#### **Internal**

##### Engineering and Environmental Services Department

- Transport Engineer

The proposal was referred to Council's Transport Engineers, who offered no objection to the proposal subject to the inclusion of conditions on any approval issued.

### 9.1.1

(cont)

With regards to the waiver of the visitor parking requirement under Clause 52.06 Council's Transport Engineers stated that they had no objection to the waiver based on the length of site frontage to the street which will be able to accommodate up to eight vehicles and are satisfied with the traffic counts provided in the applicant's Traffic Engineering Assessment. The traffic report demonstrated that there are 31 on-street car spaces in Frankcom Street with an occupancy of 26% during weekday business hours, with five vacant spots in front of the subject site, and 42% occupancy for weeknight/weekend with three vacant spots in front of the subject site.

- Waste Engineer

The proposal was referred to Engineering and Environmental Services who require waste management to be managed internally on site by private collection. A revised waste management plan can be required by conditions on any approval issued.

- Assets Engineer

The proposal was referred to Council's Assets Engineers and subject to Melbourne Water approval and inclusion of conditions on any approval issued there is no objection to the proposal.

#### Planning Arborist

The proposal was referred to Council's Planning Arborist and subject to the inclusion of conditions on any approval issued there is no objection. Council's Planning Arborist is concerned that the applicant is looking to retain trees that the applicant's arborist has deemed as being of poor in either health or structure and has requested that a Tree Management Plan be a requirement of any approval.

## **DISCUSSION**

### ***State and Local Planning Policy***

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

Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which substantial change is expected to occur. The clause also identifies the site as being in Neighbourhood Character Precinct Garden Suburban 13 in the *Whitehorse Neighbourhood Character Study 2014*. Within the precinct properties in the substantial change area with good access to train stations at Laburnum and Blackburn will accommodate more dwellings with more compact siting, while retaining space for landscaping, including large trees.

### ***Design and Built Form***

The development proposes the construction of 24 dwellings in the form of four attached townhouse buildings (two at three storey and two at four storey) and a three storey apartment building containing 20 dwellings with a rooftop deck. This proposal is the first with an apartment form within Frankcom Street, since the new zoning was introduced in 2014, and it is considered that the proposal will set a residential growth bench mark in terms of consistency with the preferred character of the area, and responsiveness to the unique constraints and context of the site.

### **9.1.1**

(cont)

With a mixture of three and four storey building forms, and a maximum building height of 14.15 metres to the north east corner of the building (excluding the centrally located roof top deck) the proposal is considered to be consistent with the preferred height guidelines of Garden Suburban Precinct 13 and the Clause 32.07 – Residential Growth Zone.

As the site has a wide frontage to Frankcom Street the applicant has sought to provide a range of staggered and angled setbacks to the frontage, with setbacks ranging between 3.6 to 13 metres. The adjoining property to the north east has a front setback of 8.35m and setbacks in Frankcom Street range between 7.4 to 15 metres. The newer medium density developments in the street have front setbacks of 8.3 to 8.6 metres. Proposed Townhouse 3 which abuts the neighbouring property has a minimum setback of 9.3 metres, with a ground level deck encroaching to a minimum of approximately 5.7 metres.

The approach of providing a staggered building form at a variety of setbacks to the street is considered to be an appropriate design response, as it provides a balance between utilising the developable portion of the site and providing a sense of rhythm and movement in the streetscape. The built form is also divided into two distinct components, which provides another visual break to Frankcom Street, thereby reducing any perceived dominance of the proposal on the streetscape. This approach provides for a number of landscaping opportunities within the front setback, and creates effective northern orientation for the townhouses.

It is recommended that a number of changes be undertaken to ensure the built form and setbacks are acceptable in the garden suburban setting, as follows:

- Side setbacks to the north boundary to be fully compliant with Standard B17 (Side and Rear Setbacks) of ResCode (Clause 55 of the Whitehorse Planning Scheme), with first and second floor balconies to be setback a minimum of 4.5 metres from the northern boundary to provide for future equitable development opportunities for the adjacent property.
- Provide a visual break in the appearance of the south eastern façade of the apartment building, through the incorporation of a change in cladding finishes and strong vertical material detailing in the centre of the building. This can include reconfiguration of Apartments 11 and 17 to replicate the balcony detailing of Apartment 4 directly below. This will provide for a strong vertical break of long horizontal form of this elevation when viewed from the south east better articulating this long extent of building form.

Subject to the above changes which are listed in conditions for approval, the proposed setbacks and articulation will result in an acceptable built form presentation to the street and adjoining properties.

The application proposes a building site coverage of 43%, which meets the maximum 60% site coverage required to satisfy Standard B8. The application proposes permeability of 44%, which meets the minimum of 20% required to satisfy Standard B9

### ***Car Parking and Traffic***

The application proposes a double garage within the basement with direct access to private lifts for all four townhouses. An additional 22 spaces will be provided within the basement for the apartments, with separate lift access to a communal walkway at each level. Whilst the provision complies with Clause 52.06 (Car Parking) in terms of resident spaces for dwellings, the applicant is seeking to waive the requirement for visitor parking, which in this case is four spaces. As the proposal will involve the removal of one of the existing crossings, an additional on street parking space will become available.

### **9.1.1**

(cont)

The application has been accompanied by a Traffic Engineering Assessment, which has been reviewed by Council's Transport Engineers, who were satisfied that sufficient on street parking directly front the property was available to accommodate visitor demand.

Council's Transport Engineers advised that the level of traffic generated from the development is unlikely to significantly impact the local road network including nearby intersections.

#### ***Offsite Amenity***

- Overlooking

The apartments are to be sited greater than 9 metres from the south eastern boundary to properties facing Downing Street, therefore satisfying the requirements of Standard B22 (Overlooking) of Rescode.

The north facing balconies of Townhouses 3 and 4 are proposed to be screened to a height of 1.7 metres on their eastern edges. In addition requiring the balconies to be a minimum of 4.5 metres from the common boundary as previously discussed will enable the adjoining property to be redeveloped in the future without necessarily having to screen all south west facing windows and balconies.

- Overshadowing

The application includes shadow diagrams which demonstrate compliance with the overshadowing objective of Clause 55.

#### ***Onsite Amenity***

- Secluded private open space (SPOS).

The townhouses all have open space and balconies with areas totalling greater than 40 square metres required by Standard B28 and all have minimum dimensions of 5 metres clear of the basement footprint at ground level. Whilst the open space areas for Townhouses 1 and 2 are open to the street, this is considered to be acceptable given that the site is located adjacent to the end of a no through road, which will be subjected to limited vehicle and pedestrian movement. The orientation of the decks and balconies for the townhouses will provide for surveillance of the street.

All the apartment balconies accessible from living rooms have a minimum dimension of 2 metres, and whilst all apartments have balconies or decks equalling a minimum of 8 square metres, not all have this minimum area in one balcony. Given the large amount of communal open space areas proposed this is considered to be an acceptable outcome.

- Overlooking

Dwellings 3 and 4 have south east facing balconies directly opposite the communal elevated walkway for the apartments. Whilst the applicant has provided louvered screening to the corners it is considered that a condition of any approval should require the frosted/opaque/translucent glass balustrading in the walkway to be raised in height to 1.7m.

### **9.1.1**

(cont)

#### ***Landscaping***

The subject sites contain a significant amount of vegetation, particularly in the southern and eastern portions of the properties. A total of 63 trees/large shrubs have been identified, 50 of which are located within the subject sites, with the remainder in neighbouring properties or the road reserve. A large number of these trees are weed species, and of the remaining trees only 11 are of sufficient size and condition to be suitable for retention. Three of these trees are in the area of the proposed works and cannot be retained. The subject sites and immediately surrounding properties are not affected by any tree protection controls.

The submitted landscape plan includes the provision of 18 canopy trees capable of reaching a height of greater than 8 metres, with a total of over 1400 trees, shrubs, ground covers, and climbers to be planted, in addition to the retention of 8 of the existing trees. This new planting will be spread throughout the site including the Frankcom Street frontage, north eastern and eastern boundaries, containerised planting between the townhouses and the apartments, rooftop garden, and the 'Residents Parkland' to the south eastern side of the site.

In the short term there will be a loss of most of the vegetation on the site, the majority of which are weed species, or in fair to poor health. In the longer term the landscaping that forms part of the proposal will see the regeneration of the landscape tree canopy over the sites with a mixture of native and exotic species. Thereby providing replacement habitat opportunities for birds and wildlife. This is consistent with preferred Neighbourhood Character Objectives to maintain and enhance garden settings. By virtue of the sites' flooding constraints this proposal contains far greater areas of landscaping than would typically be expected or provided by developments within substantial change areas.

#### ***Special Building Overlay***

The building footprint has been sited outside of the area affected by the Special Building Overlay and the Applicant has worked with Melbourne Water Corporation to site the building above their identified applicable flood level. Melbourne Water has not objected to the proposal and have provided detailed permit conditions. The application documentation included a statement from a Hydraulic Engineer, and Cut and Fill Balancing Modelling to demonstrate to Melbourne Water's satisfaction that sufficient unencumbered land remains available for the passage of water in a storm event.

As a large portion of the site is not being developed, provision has been made for the passage and storage of storm water. Subject to meeting the requirements of Melbourne Water and Council's Asset Engineers it is considered that the proposal will satisfy the purpose of the overlay.

#### ***Issues raised by objectors not previously addressed.***

*Effect on the character of the area from doubling the number of dwellings in the street* – The site is located in a substantial change area, which is reflected in its zoning and the proposal is consistent with both the preferred character of the area as expressed by the zone and local planning policy. Whilst the proposal is the first of this type and scale in Frankcom Street, the entirety of Frankcom Street is located in a Residential Growth Zone and there is an expectation densities within the street will change over time.

*Rubbish collection* – Council's Engineering and Environmental Services Engineers do not support waste collection from the street and require the Waste Management Plan to be modified to show on site collection from within the basement, and the provision of swept path diagrams. Waste collection is to be by private contractor. Conditions to this effect can be placed on any approval issued.

### **9.1.1**

(cont)

*Increase in noise* - It is anticipated that any noise from the occupants of the dwellings will be typical of residential uses in the area. All proposed noise sources, such as mechanical plant, are away from bedrooms of immediately adjacent existing dwellings and are required to comply with Standard B24 (Noise impacts), and emissions must continue to comply with EPA regulations.

Noise during the construction period is considered reasonable in association with the development of residential land for residential purposes, will be for a limited time frame, and must comply with relevant EPA regulations. A condition requiring the provision of a Construction Management Plan will be included on any approval issued.

*Playground/BBQ equipment in the landscaping area* - The south western portion of the site is to be landscaped for use as communal open space. This area is for use by residents and their guests only, and is not a public park. Making this area an attractive, functional and accessible space is seen as a positive addition for residents. This area will be maintained by the owners corporation.

A comprehensive landscape plan has been included as part of the proposal and Melbourne Water has not objected to the inclusion of these facilities in this area. In the event of heavy rain that is likely to precede a flood event it is not expected that residents will be outside using this area.

*Pollution/Bacteria* – The site is not known or expected to have contaminated soils having been used for residential purposes for approximately 70 years (Title details indicate that the land was subdivided in the late 1920's).

### **CONCLUSION**

The proposal for the construction of 24 dwellings comprising townhouse buildings (two at three storey & two at four storey) and a three storey apartment building with basement car parking, and reduction in car parking is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone, Schedule 2 and Clause 55, ResCode.

The proposal is considered to be consistent with the sites location in a Residential Growth Zone, which seeks to provide for increased housing densities. The design of the proposal strikes a satisfactory balance between addressing unique site constraints, in terms of a large portion of the site being undevelopable, providing space for landscaping, and articulated building forms when viewed from the street and adjoining properties.

A total of 20 objections were received as a result of public notice and the issues raised have been discussed as required.

It is considered that the application should be approved.

### **ATTACHMENT**

1 A3 Advertised Plans



**9.1.2 845-851 Whitehorse Road, BOX HILL (LOT 5 PS 434842D) – Buildings and works to construct a mixed-use high density development comprising three towers (37 storeys – T1, 30 storeys – T2 and 17 storeys – T3) use of the land for accommodation, residential hotel (150 rooms), food and drink premises, shop and restricted recreation facility (gymnasium), associated reduction in the car parking requirements of Clause 45.09 and alteration of access to a Road Zone, Category 1.**

FILE NUMBER: WH/2014/1223  
ATTACHMENT

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**SUMMARY**

*This application was advertised, and a total of 1 objection was received. The objection raised issues with height of the tower facing Wellington Road, setbacks of the northern tower to the property to the north, wind, car parking, and traffic congestion.*

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

**COUNCIL RESOLUTION**

Moved by Cr Chong, Seconded by Cr Davenport.

**That Council:**

- A. Being the Responsible Authority, is of the opinion that the granting of a Notice of Decision to Grant a Planning Permit for buildings and works to construct a building comprising three towers of 17 storeys, 30 storeys and 37 storeys, including accommodation, residential hotel (150 rooms), food and drink premises, shop, restricted recreation facility (gymnasium), associated reduction of car parking requirements and alteration of access to a Road Zone – Category 1 is acceptable and should be supported.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 845-851 Whitehorse Road, BOX HILL (LOT 5 PS 434842D) for buildings and works to construct a building comprising three towers of 17 storeys, 30 storeys and 37 storeys, including accommodation, residential hotel (150 rooms), food and drink premises, shop, restricted recreation facility (gymnasium), associated reduction of car parking requirements and alteration of access to a Road Zone – Category 1, subject to the following conditions:**
  - 1. Before the use and 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 but modified to show:**
    - a) A minimum of seven (7) apartments (on level 1 of the northern tower or an equivalent quantity at an alternative location) to be clearly designated as being for social / affordable housing.**
    - b) Corridor widths to be increased to a minimum of 1500mm, with 1800mm at apartment entries and 2100mm at lift lobbies.**
    - c) Deletion of inboard studies with the additional floor space to be incorporated into living areas.**

## **9.1.2**

(cont)

- d) Provision of plans detailing works, treatments and finishes for treatment of and/or reinstatement of Council Land within Wellington Road including, but not limited to, provision of vehicular access to the site through the road closure, maintenance/replacement of pedestrian and cyclist infrastructure/linkages, relocation of the existing power pole, potential provision for hotel drop off zone, new landscaping and tree planting, and impact upon existing on street parking spaces in accordance with Condition 38.*
- e) The provision and location of a minimum of two car share spaces to be made available to building residents, staff and the public.*
- f) The provision of a minimum of 500 on site car parking spaces.*
- g) The provision and location of two showers and associated change rooms to be provided for staff of the various uses.*
- h) Provision of some of the bicycle parking hoops in front of the entrances to the café, gymnasium and retail areas.*
- i) The access aisle width in the south-east corner of each car park level to be increased to 6.4 metres, in-line with the rest of the car park. Storage cages along the eastern wall to be relocated to the mezzanine level.*
- j) Demonstrate that a minimum 4.5 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- k) A pedestrian sight triangle to be provided on the south side of the entry/exit off Wellington Road, as this will be a high volume pedestrian area with its proximity to the hotel lobby entrance.*
- l) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.*
- m) Details of how 'back-of-house' access to the gymnasium, restaurant tenancies and café will be provided for deliveries and waste management.*
- n) Provision of access to toilet facilities for all commercial tenancies.*
- o) Location of grease pits and exhaust flues serving all of the food and drink premises and connection point for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- p) Development plans updated to include all of the relevant requirements of the Windtech Report in accordance with Condition 14.*
- q) Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 24.*
- r) Development plans to reflect requirements of the Acoustics Logic Assessment in accordance with Condition 47.*
- s) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road and Wellington Road. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- t) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of*

## **9.1.2**

(cont)

*the Responsible Authority.*

- u) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 20. 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.).*
- v) The following reports to be amended as required will form part of the endorsed documentation:*
  - i. Detailed Engineering Design Drawings for treatment of land within the Wellington Road and Whitehorse Road reserves in accordance with Condition 38.*
  - ii. Traffic Impact Assessment in accordance with Condition 25*
  - iii. Parking Management Plan in accordance with Condition 27.*
  - iv. Green Travel Plan in accordance with Condition 28*
  - v. Landscape Plan in accordance with Condition 9.*
  - vi. Landscaping Maintenance Plan in accordance with Condition 11.*
  - vii. Amended Sustainability Management Plan in accordance with Condition 20.*
  - viii. Art Strategy in accordance with Condition 23.*
  - ix. Lighting Strategy in accordance with Condition 24.*
  - x. Amended Acoustic Report in accordance with Condition 47.*

*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.*
- 3. The use of the land for accommodation, food and drink premises and the restricted recreation facility (gymnasium), as approved, must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.*
- 4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The garden and recreational areas , including the swimming pool and gardens at Level 6, must be available for use by all residents, hotel guests and employees.*
- 6. The original architect (Plus Architecture) must be utilised for any future amendments to the plans and retained during the construction process in order to maintain the consistency and quality of the approved building.*

### **Affordable Housing**

- 7. A minimum of seven (7) dwellings within the development are to be donated to a registered housing association to the satisfaction of the Responsible*

## **9.1.2**

(cont)

### ***Authority.***

- 8. Prior to the commencement of buildings and works the owner of the land must enter into an agreement with Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:**
  - a) Upon registration of the plan of subdivision for the development, the title to seven (7) dwellings is to be donated to a registered housing association/provider to the satisfaction of the Responsible Authority to be used for the purpose of providing affordable housing;**
  - b) The dwellings are to be made available to rent to a tenant who (unless with the further written consent of the Responsible Authority):**
    - i. Would qualify as an eligible tenant under the Victorian Community Housing Federation criteria (or equivalent).**
  - c) The dwellings must be made available to rent at a rate that is at least 25 per cent below the market value rent (as determined by a licenced valuer every three years).**
  - d) That all dwellings will at all times be managed and tenanted in accordance with the relevant performance standards set pursuant to Section 94 of the Housing Act 1983 (Vic) or other applicable legislation, as amended from time to time.**
  - e) The cost of preparing and registering the agreement is to be paid by the permit holder.**

### **Landscaping**

- 9. No building or works are to be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan shall show:**
  - Details of all street frontage features and footpath areas from the building façade to the kerbs of Whitehorse Road and Wellington Road. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.**
  - Nomination of all proposed services.**
  - Details of all containerised planting infrastructure.**
  - Demonstration that the garden areas on level 6 are capable of holding the deep root zone of the tree sizes shown, with details for the protection of trees during windy weather conditions.**
  - Play equipment or playable elements such as sculptures for children residing or visiting the building.**
  - Cross section of proposed swimming pool.**
  - A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

## **9.1.2**

(cont)

- 10. The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas 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.**
- 11. Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:**
  - a) Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.**
  - b) Details of the ongoing maintenance procedures to ensure that the garden areas at Level 6 remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:**
    - i. Irrigation frequency and delivery method.**
    - ii. Drainage.**
    - iii. Pruning and mulching.**
- 12. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Whitehorse Road and Wellington Road frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.**
- 13. No street tree may be removed without the prior written consent of the Responsible Authority.**

### **Wind Report**

- 14. Prior to the commencement of the development, the following modifications are to be made to the development in accordance with the Windtech Report, dated 4 August 2015 and the supplementary report dated 7 June 2016, including:**
  - a) The removal of the full-height impermeable screens along the northern aspect of the north-east corner balconies of the low-rise tower (Tower 3) on levels 1 to 13.**
  - b) The removal of the full height impermeable screens along the northern aspect of the north-eastern corner balconies of the low-rise tower (Tower 3) on levels 1 to 13.**
  - c) The removal of the full height impermeable screens along the southern aspect of the south-east corner balconies of the low rise tower (Tower 3) on levels 6 to 16. The full height impermeable screens along the southern aspect of the south-west corner of Tower 3 to be retained up to level 4.**

## **9.1.2**

(cont)

- d) *In addition to the treatments proposed for Level 6 in Figure 7 of the 4 August 2016 report, further treatments will be required as a result of the taper cross-section of Tower 3 allowing winds to side-stream onto the northern terrace area. These treatments include:*
    - *2m high porous screens (approximately 40%) along the north-eastern corner of the central terrace area.*
    - *Inclusion of densely foliating evergreen trees along the northern terrace area between Towers 1 and 3. Trees should be capable of growing up to a height of 3 metres with a canopy width of up to 3 metres.*
  - e) *The inclusion of full-height impermeable screen along the northern aspect of the north-eastern corner balconies on levels 9 to 17 of Tower 1.*
  - f) *The inclusion of impermeable balustrades along all northern corner balconies on levels 7 to 29 of Tower 2.*
15. *The recommendations of the wind report must be implemented such that:*
- a) *There is no cost to the Responsible Authority,*
  - b) *Not rely on the provision of street trees for wind mitigation.*
  - c) *There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.*
  - d) *Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.*

### **Building Services**

16. *The development 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.*
17. *All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, telecommunication facilities, 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.*
18. *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.*
19. *Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.*

**9.1.2**  
(cont)

**Environmentally Sustainable Development**

- 20. Prior to the commencement of any buildings or works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

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

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

- 21. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.**
- 22. 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.**

**Art Strategy**

- 23. Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the western façade of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:**

- a) To activate the western façade of the building and facilitate pedestrian activity at this interface,**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials,**
- c) To display appropriate content.**

**The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.**

## **9.1.2**

(cont)

*The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.*

### **Lighting Strategy**

- 24. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Wellington Road, Whitehorse Road, and the pedestrian laneway to the north, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.**

*All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.*

*This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.*

### **Car Parking & Traffic**

- 25. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:**

- a) Wellington Road, and Whitehorse Road.**
- b) The intersections of:**
  - i. Wellington and Whitehorse Road.**
  - ii. Whitehorse and Nelson Road.**
  - iii. Whitehorse and Station Street.**
  - iv. Whitehorse and Elgar Road.**
- c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.**

- 26. 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 must be maintained to the satisfaction of the Responsible Authority.**

- 27. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.**

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

- a) Allocation of spaces generally in accordance with table on Page 2 of letter from Cardno dated 16 August 2016 (total of 500 spaces), including the provision of 51 car spaces dedicated to visitors.**
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- c) Allocation of a short term visitor drop off/pick up/taxi zone within the basement car park, and details as to how this space will be managed to allow access and advise residents and customers as to its location.**



## **9.1.2**

(cont)

- d) Allocation of all parking spaces (except short term, visitor, disabled, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.*
- e) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.*
- f) Allocation of bicycle spaces to tenancies and visitors.*
- g) Provision of some of the bicycle parking hoops in front of the entrances to the café, gymnasium and retail areas.*
- h) As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles. Currently, all bicycle parking spaces will be provided in the form of 'Ned Kelly' style wall hanging system.*
- i) Location and face of bicycle parking signs in accordance with Clause 52.34-5.*
- j) Signage for car and bicycle parking spaces.*
- k) Line marking of car parking spaces.*
- l) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- m) Details of the car share scheme.*
- n) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
- o) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- p) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
- q) STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- r) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
- s) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*

*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.*

### **Green Travel Plan**

- 28. The measures and actions contained within the Green Travel Plan must be implemented and actioned by the Owners Corporation to the satisfaction of the Responsible Authority.*

## **9.1.2**

(cont)

### **Car Share**

29. *A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.*

### **Loading/unloading**

30. *The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of the Wellington Road southern court bowl.*

### **Waste Management Plan**

31. *The requirements of the endorsed Waste Management Plan, forming part of this permit, must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.*

### **Construction Management Plan**

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

*The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans.*

*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.*

*The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.*

*The CMP must include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them existing the designated property so as to prevent any grease, oil, mud, clay or other substances to fall or run off a vehicle onto a road, or into any drain under the road.*

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

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

## **9.1.2**

(cont)

### **Drainage and assets**

33. *All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
34. *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.*
35. *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.*
36. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
37. *The Applicant/Owner must 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.*

### **Alterations/Reinstatement of Assets**

38. *Prior to the commencement of works detailed engineering drawing must be prepared to the satisfaction of the Responsible Authority detailing works and treatments that are to take place within the Wellington Road reserve addressing the following:*
  - a) *Any modification to the existing cul-de-sac to accommodate access to the site.*
  - b) *Finished levels that maintain appropriate interface levels to surrounding land for safe and functional pedestrian movements.*
  - c) *Maintenance/replacement of pedestrian and cyclist infrastructure and/or linkages.*
  - d) *Existing assets in the road reserve including the existing power pole.*
  - e) *Potential provision for hotel drop off zone.*
  - f) *Impact upon existing on street parking spaces.*
  - g) *Consideration of landscaping and public realm treatment requirements of other conditions of this permit.*
  - h) *Design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment*
39. *Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement conditions.*

### **9.1.2**

(cont)

- 40. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.**
- 41. If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.**
- 42. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works.**

#### **Amenity**

- 43. The amenity of the area must not be detrimentally affected by the use or development, through:**
  - a) Transportation of materials, goods or commodities to or from the land,**
  - b) Appearance of any building, works or materials,**
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,**
  - d) In any other way.**
- 44. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 45. All food and drink premises must be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.**
- 46. The deliveries to the commercial tenancies must occur between the following hours:**
  - a) 7.00am to 10.00pm Monday to Saturday.**
  - b) 9.00am to 10.00pm Sundays and Public Holidays**

#### **Acoustic Treatment**

- 47. Prior to the commencement of the development, an updated Acoustic Assessment prepared by Acoustic Logic referencing the approved plans must be submitted to, and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**

## **9.1.2**

(cont)

- 48. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development has been constructed in accordance with the updated Acoustic Assessment.**

### **VicRoads**

- 49. The existing redundant vehicle crossing, on Whitehorse Road, must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the occupation of the buildings hereby approved.**
- 50. The proposed development requires the reinstatement of disused crossovers to kerb and channel and nature strip. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.**

### **Public Transport Victoria**

- 51. The Green Travel Plan, prepared by Cardno dated 17th December 2014, must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents/owners, to the satisfaction of the Responsible Authority**

### **Expiry**

- 52. 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.**
  - c) The gymnasium, shop, accommodation and food and drink premises use have not commenced within one year of the completion 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**

#### **Engineering and Assets**

- 1. 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.**
- 2. 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.**

### **9.1.2**

(cont)

3. *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. The developer is requested to provide existing levels on the surrounding road reserve and footpath areas to show how exiting and entering the development will be undertaken with the proposed floor levels shown on the plans.*
4. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.*

#### **Street Trees**

5. *Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.*

#### **DDA Access**

6. *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 or managed by Whitehorse City Council as may be applicable.*

#### **Property**

7. *This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Wellington Road noting that the existing cul-de-sac in Wellington Road may need to be modified to accommodate access to the underground car park. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.*

#### **Car Parking Approval**

8. *Car parking in association with the food and drink premises, gymnasium and residential hotel has been assessed to be to Council's satisfaction.*

#### **Car Parking**

9. *Residents of this development and their visitors will not be eligible for Residential Parking Permits.*
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

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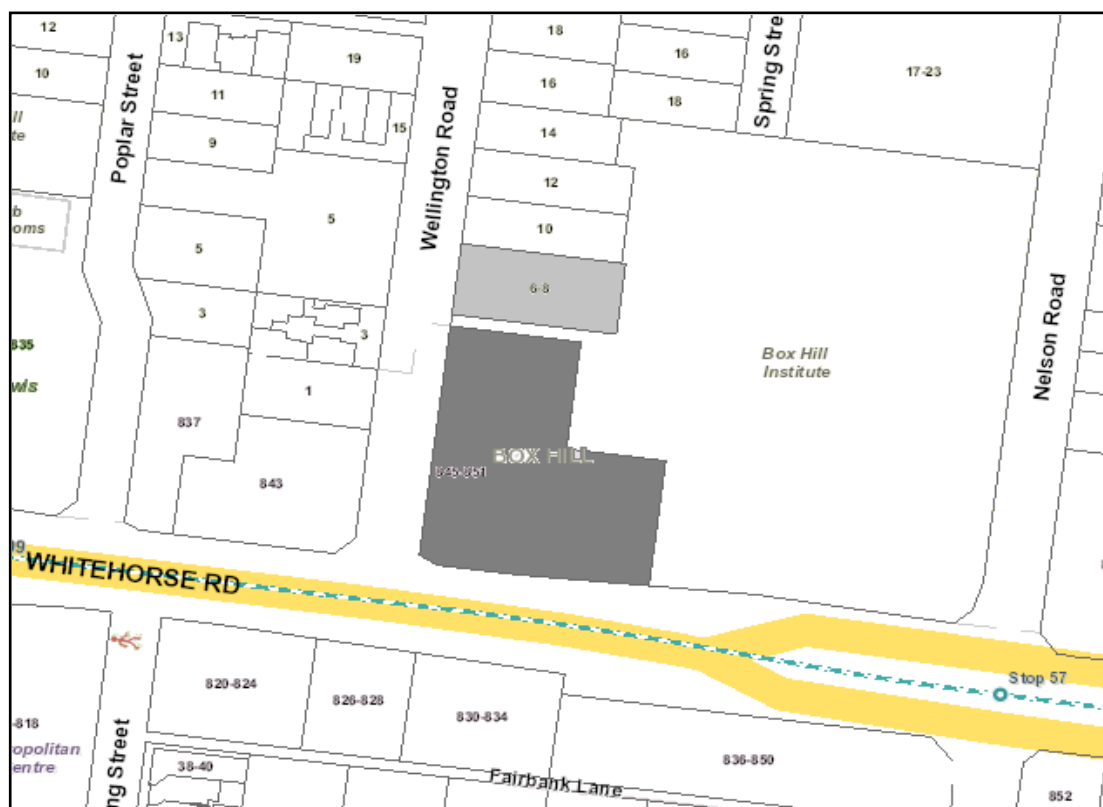
**CARRIED UNANIMOUSLY**

## 9.1.2

(cont)

MELWAYS REFERENCE 47 B/C9

Applicant:	Blueprint
Zoning:	Commercial 2 Zone
Overlays:	Clause 45.09 Parking Overlay
Relevant Clauses:	Clause 11 Settlement
	Clause 12 Environment and Landscape Values
	Clause 15 Built Environment and Heritage
	Clause 17 Economic Development
	Clause 18 Transport
	Clause 19 Infrastructure
	Clause 21.05 Environment
	Clause 21.06 Housing
	Clause 21.07 Economic Development
	Clause 22.06 Activity Centres
	Clause 22.07 Box Hill Central Activities Area
	Clause 34.02 Commercial 2 Zone
	Clause 52.06 Car Parking
	Clause 52.07 Loading and Unloading of Vehicles
	Clause 52.29 Access to Road Zone, Category 1
	Clause 52.34 Bicycle Facilities
	Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys
	Clause 52.36 Integrated Public Transport Planning
	Clause 65 Decision Guidelines
Ward:	Elgar



		Subject site		1 Objector Property	North
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## 9.1.2

(cont)

### BACKGROUND

#### History

A number of permits were issued in 2001 and 2002 for the use of the land for restricted retail, signage, and for building and works associated with a convenience restaurant.

Ministerial Amendment C165 gazetted on 11 September 2014 introduced a site specific exclusion and an associated incorporated document for the subject site. This incorporated document (dated April 2014) specifies that, 'a permit may be granted for use of the land for the purpose of accommodation'. This allows the applicant to make application for a proposal that includes dwellings, which would otherwise be prohibited, under the provisions of the Commercial 2 Zone.

The Explanatory report associated with Planning Scheme Amendment C165 that saw the introduction of the site-specific control outlined the amendment was required, *'to facilitate a planning permit application for the use of the site for a higher density residential outcome consistent with the vision, land use mix and strategies identified for the Box Hill Central Activities Area'*.

#### The Site and Surrounds

The subject site is located on the north-east corner of Wellington Road and Whitehorse Road in Box Hill. It is 'L' in shape with a frontage to Whitehorse Road (south) of 71 metres, a frontage to Wellington Road (west) of 74 metres and an overall area of 4,268 square metres.

The site is occupied by an elevated single storey Spotlight (restricted retail premises) building which is serviced by an undercroft car park comprising 128 spaces, accessible via a crossover to Wellington Road. A Convenience Restaurant (KFC) building occupies a pad site in the south-east corner of the site, accessible via two existing crossovers on Whitehorse Road which provides for one-way vehicle circulation.

The site has a fall of approximately 4.5 metres from the east to the west. Existing easements traverse parts of the site including an easement marked as 'road R5', which facilitated the widening of Whitehorse Road as part of the previous redevelopment of the site.

In terms of the immediate interfaces:

- A 3.56m wide laneway, that forms part of the Box Hill Institute TAFE landholding, extends along the east and part of the north boundary. Further north, at 6 Wellington Road, is a nine-storey apartment with ground level cafe building currently under construction.
- To the east is the Box Hill TAFE Nelson Campus. The building is generally two-storeys in height with a four-storey component in proximity to its western boundary. The at-grade car parking is to the north-west and adjoins sections of the subject site's common boundaries.
- Whitehorse Road to the south, is classified as a 'Road Zone – Category 1', and within the vicinity of the site contains two lanes of traffic in either direction, separated by a central median containing tram tracks.
- Wellington Road to the west is a local road with a north-south alignment and operates as a no-through road due to traffic management treatment installed west of the site, comprising a landscaped area including pedestrian and bicycle paths.
- To the south of the site, opposite Whitehorse Road, is a number of three to four storey office buildings. Construction of the land at 836-850 Whitehorse Road (on the south west corner of Nelson Road) is currently underway for a mixed use development comprising two towers at 26 and 36 storeys approved by Planning Permit WH/2014/763.



### **9.1.2**

(cont)

The site is located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The Box Hill Metropolitan Activity Centre (MAC) provides retail, education, office, civic, medical, community facilities, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities. It is strategically located along the Melbourne to Lilydale and Belgrave rail line, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs. The Box Hill Train Station and Bus Interchange are located approximately 800 metres by pedestrian routes to the south-east of the subject site.

Box Hill Gardens are located 300 metres to the north-east of the subject site, and Kingsley Gardens are located 350 metres to the west. Surrey Park, located approximately 950 metres to the south of the site, includes both formal and informal recreation activities.

The Box Hill MAC is experiencing significant redevelopment, with the following sites in the vicinity of the subject land either approved, under construction, or completed:

- 836 Whitehorse Road - two towers of 36 storeys and 26 storeys
- 913 Whitehorse Road – Tax office of 20 storeys
- 545 Station Street – Box Hill Tower ("Sky One") of 34 storeys
- 12-14 Nelson Road – part 19 and 20 storeys

### **Planning Controls**

#### **Commercial 2 Zone.**

The site is within the Commercial 2 Zone. The purpose of the zone encourages commercial areas for offices and industries, bulky goods retailing, other retail uses and associated business and commercial services. Permits are required as follows:

- Use of the land for a 'Food and Drink Premises' is a section 1 use provided the leasable floor area does not exceed 100 square metres. As the proposed café within the development is 127 square metres, a permit is required.
- Use of the land for the purpose of 'Residential Hotel' and 'Shop' (including retail premises) are section 2 uses (permit required).
- Use of the land for the purpose of a 'Restricted Recreation Facility' (Gymnasium) is unspecified in the table of uses at Clause 34.02-1 and is therefore a section 2 use (permit required).
- 'Accommodation' is a section 2 permit required use due to Amendment C165.

Amendment C186 which seeks to rezone a number of sites within Box Hill from Commercial 2 to Commercial 1, including the subject site, is currently with the Minister awaiting approval. The implication of this for the current application is that the accommodation components of the application will go from being prohibited to being a permit required use due to the residential component having more than 2m of frontage at ground level. The retail components of the proposal will go from being a permit required use to being as of right.

#### **Clause 45.09 (Car Parking)**

A permit is required under Clause 45.09 (Parking Overlay, Schedule 1) to reduce the car parking requirements.

#### **Clause 52.29 (Land Adjacent to a Road Zone Category 1)**

A permit is required under Clause 52.29 to alter the access arrangements to Whitehorse Road which includes the removal of the existing access points.

## **9.1.2**

(cont)

### **PROPOSAL**

It is proposed to construct a mixed-use development comprising three separate towers of 30 to 37 storeys (T1), 25 to 30 storeys (T2) and 17 storeys (T3) above two basement levels. The proposed towers incorporate a podium of between approximately 19-21 metres (6 storeys). The key features of the proposal includes:

- The development incorporates a range of residential land uses including a hotel of 150 rooms and 517 apartments. The proposed commercial uses include retail, office, food and drink premises (café) and restricted recreation facility (gym). The hotel is integrated within podium of T1.
- The apartments proposed within the development include a mix of one, one plus study, two and three bedroom apartments.
- The car park levels and podium (located behind the 'active' uses) contain a total of 495 (to be increased to 500) car parking spaces and 583 bicycle parking spaces together with other services, including 6 cubic metres of private storage per apartment.
- A large rooftop communal open space area is contained at Level 6 (being the roof top of the podium) and connects the three tower forms.
- The architectural response incorporates a range of materials and finishes, including extensive glazed elements, applied finishes in white and grey tones and perforated metal cladding.
- The maximum overall height is approximately 117.1 metres (AHD 195.4) to roof parapet of T1 on the corner of Whitehorse and Wellington Roads (excluding the lift over run at AHD 198.4). The approved maximum height of the development under construction at 850 Whitehorse Road is 116.75 metres (AHD 205) to the lift over run.
- Vehicle access is provided by a two-way crossover on Wellington Road on the southern court bowl, which is connected to Whitehorse Road.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting two large notices, one each to the Whitehorse Road and Wellington Road Street frontages. Following the advertising period 1 objection was received.

The issues raised in the objection are summarised as follows:

- Tower facing Wellington Road should only be allowed up to 10 storeys high.
- Setbacks of the northern tower to the property at 6-8 Wellington Road are insufficient.
- Strong winds between the proposed 3 towers will impact nearby residents.
- On site car parking reduction and an increase in local traffic congestion is not acceptable.

#### **Referrals**

##### **External**

##### Vic Roads

The application was referred to Vic Roads (under S55 of the *Planning and Environment Act*) who advise that they do not object to the proposal subject to the inclusion of a condition on any approval issued.

### **9.1.2**

(cont)

It should be noted that Vic Roads objected to an earlier version of the plans which had direct access from Whitehorse Road, and will not support access to/from the proposal from Whitehorse Road. This means that vehicular access will need to be obtained from the southern end of Wellington Road. The southern end of the court bowl only provides vehicular access to two other properties being the BP Petrol Station and the Student Accommodation building opposite to the west (1 Wellington Road, Box Hill).

#### Public Transport Victoria

The application was referred to the Director of Public Transport under S55 of the Planning and Environment Act who advise that they do not object to the proposal subject to the inclusion of a condition on any approval issued.

#### **Internal**

##### Engineering and Environmental Services Department

- Transport Engineer

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

- Waste Engineer

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

- Assets Engineer

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

- Design and Construction Engineer

The proposal was referred to Council's Design and Construction Team who require further information to be provided with regards to works within Council land. A condition of any approval can require detailed design drawings and landscaping plans for works within the Wellington and Whitehorse Road reserves to be submitted for approval.

##### ESD Advisor

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

##### Urban Design

The proposal was reviewed on a number of occasions by MGS Architects on behalf of Council with feedback provided verbally to both Council Officers and the Applicant's design team. These meetings led to the amended plans advertised as part of this proposal. Subject to the inclusion of conditions on any approval issued Council's Urban Design Consultant does not object to the proposal.

##### Strategic Planning

The proposal was reviewed by Council's Strategic Planners who do not object to the proposal.

### **9.1.2**

(cont)

#### Landscape Architect

The proposal was referred to Council's Landscape Architect who requires further information about the public realm treatment, and a more detailed planting plan. This can be addressed by way of condition on any approval issued.

#### Property and Rates

The proposal was referred to Council's Property and Rates Department who do not object subject to the inclusion of a note on any approval issued.

#### ParksWide

The proposal was referred to ParksWide who do not object to the proposal and recommend removal of the existing juvenile street trees and their replacement at the completion of construction. This can be addressed by way of condition on any approval issued and would compliment the requirements for detailed drawings for the public realm and road reserve treatment required by Council's Transport Engineers, Design and Construction Officers, and Council's Landscape Architect.

### **DISCUSSION**

#### **Consistency with State and Local Planning Policies**

*Plan Melbourne – The Metropolitan Planning Strategy* identifies Box Hill as a major regional centre and amongst Melbourne's largest centres of activity with a wide variety of uses and functions including commercial, retail, housing, highly specialized personal services, education, government and tourism. State policies encourage the intensification of Box Hill as a commercial and employment hub, supported by one of Melbourne's biggest transport interchanges.

Clause 16 (Housing) of the State planning policy framework also strongly advocates the need to provide substantial new housing (in a diversity of housing types) ensuring developments are integrated with infrastructure and services. Higher density housing is to be located in or close to activity centres, employment corridors and public transport. Such new development is to match changing demand by widening housing choice, and improving affordability.

Clause 17 (Economic development) further encourages development which meets community needs for office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities within existing or planned activity centres.

Clause 18 (Transport) has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways. Clause 18.02-1 promotes the use of sustainable personal transport, including walking and cycling whilst Clause 18.02-5 requires that an adequate supply of car parking is provided, that is appropriately designed and located to protect amenity of residential precincts.

Clause 19.01 (Renewable energy) promotes renewable energy use in development and Clause 19.03-05 seeks to minimise waste and encourage recycling within new development.

## 9.1.2

(cont)

In terms of State planning policy, the subject site represents a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre, its frontages to Whitehorse Road and Wellington Road and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities.

### Local Planning Policy Framework

Clause 21.06 (Housing), notes that the City of Whitehorse is under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. The Box Hill Metropolitan Activity Centre is identified to accommodate increased housing growth while providing high levels of amenity for residents. In this regard the proposal meets the policy objectives and will contribute to the overall diversity of housing in the area, including a mix of one, two and three bedroom tenures and short-term hotel accommodation. The applicant has also agreed to include a component of 'affordable housing' which will comprise seven dwellings within the residential component of the building. This will also achieve the objective of Clause 16.01-5 (Housing affordability), which seeks to, *'deliver more affordable housing closer to jobs, transport and services'*.

Council's *Housing Strategy 2014* identifies areas of substantial, natural and limited growth. The subject site is included within a Substantial Change area which will provide for housing growth with increased densities, in accordance with the *Box Hill Transit City Activity Centre Structure Plan 2007* (Box Hill Structure Plan).

Clause 21.07 (Economic Development), identifies Box Hill as a Central Activities Area (CAA), which provides significant opportunities for investment in terms of retail, public transport, entertainment and higher density residential development. Although the overall use of the site is largely residential, it does introduce an office component of 177 square metres, a food and drink premises of 131 square metres, and a shop at 138 square metres at ground floor level. The hotel component will meet the demand for a recognised need for short stay hotel accommodation and provides a synergy with the recent approval at 850 Whitehorse Road Box Hill, which also incorporates hotel rooms.

Clause 22.06 (Activity Centres Policy) includes objectives to ensure that new development maintains and enhances the role of the activity centre as a community focus and to improve the appearance and amenity of the activity centre.

Clause 22.07 (Box Hill Central Activities Area Policy), expands upon Clause 22.06 in providing policy direction relating to open spaces, pedestrian mobility and bicycle spaces, road traffic management, car parking, land use mix and built form. The policy further seeks to implement the Box Hill Structure Plan. The vision for the Centre is that *'Box Hill will be sustainable, safe and accessible to all. It will be a distinctive, vibrant, diverse, inclusive, participatory, caring and healthy community where you live, work and enjoy – day and night'*. The subject site is located within Activity Precinct D (Hospital and western TAFE Precinct) and Built Form Precinct F (Major Development Precinct).

Precinct D (Hospital and western TAFE Precinct) is identified for:

- *Growth and enhancement of educational and medical institutions and support for related businesses and services, plus high density residential (including student housing).*

## 9.1.2

(cont)

Precinct F (Major Development Precinct) seeks to achieve the following:

- *Major Development Precinct: Taller buildings permitted, enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.*

The subject site and its immediate environs are earmarked for major development with taller buildings and increased densities. Precinct F is the only precinct within the Box Hill MAC where no specific preferred or maximum height limit applies. This area therefore represents a significant opportunity to deliver the proposed mixed-use development without impacting on the amenity of any residential neighbourhood or identified key public open space.

### **Design and Built Form**

The applicants Urban Context Report, identifies how the site acts as a '*gateway into central Box Hill from the west*' and is sufficiently large enough to accommodate multiple tower building forms with significant spacing in between whilst also addressing both street frontages and the adjacent privately owned laneway. The height and scale of the proposal is consistent with the recently approved development opposite Whitehorse Road at 850 Whitehorse Road which consists of two towers at 26 and 36 levels. These two significant developments enhance the pronounced 'gateway' effect into the Box Hill Activity Centre.

The building form will include a podium that extends along the Whitehorse Road and Wellington Road frontages for five to six storeys (varying the height between 19 and 21 metres), generally adopting a zero setback to the streets as encouraged by the Precinct Guidelines. The podium has three distinctly different architectural treatments to each of the towers, which serves to break up the building bulk, provides for finer grade detailing of the streetscape, and provides for a clear sense of address to each of the towers.

The ground floor of the podium provides for commercial activities to activate both street frontages, with extensive use of glazed elements at the ground level to provide for pedestrian surveillance. This has been extended to the northern laneway (owned by Box Hill TAFE) which is currently used as a pedestrian thoroughfare, where the building has been setback 4 metres from the property boundary to facilitate a wider laneway and to provide for commercial uses (office and café) to activate this area.

The tower heights are varied providing for transition down to the north and the east, from the tallest tower (T1) which is sited on the most robust (least sensitive) part of the site being the corner to Whitehorse and Wellington Roads.

The proposed development is not considered to have any unacceptable adverse impact on any existing significant landmarks, views or vistas. As discussed above, the development incorporates three distinct tower forms with the massing and articulation of each tower carefully considered to ensure that they present a contemporary yet slender form. The proposal, together with the new development at 850 Whitehorse Road will mark a key entrance point into the Box Hill Metropolitan Activity Centre.

Services required by the proposal are generally contained within the rear section of the podium levels within the building and concealed from view, save for the substation which faces the Wellington Road streetscape.

## **9.1.2**

(cont)

### **Amenity**

#### Overlooking and access to Light

The towers provide sufficient spacing to provide for equitable sharing of light and outlook. In this regard, the proposal provides for clear spacing of approximately 10 metres between the northern tower (T3) and the corner tower (T1), and approximately 16 metres between the two tower forms fronting Whitehorse Road. The respective windows and balconies to Levels 6-17 of T2 are setback a minimum of 4.5 metres from the northern and eastern boundaries where there is an interface with the adjacent TAFE site. Above level 17, the setback to these boundaries increases to a minimum of 8 metres to the building edge. This creates an 'equitable development' outcome for future buildings on the TAFE site which in turn avoids the need for overlooking screening devices. The northern tower (T3) is setback more than 9 metres from the residential development under construction, at 6-8 Wellington Road, therefore limiting any potential overlooking impacts and also removing the need for screening devices.

#### Overshadowing

The proposed building will cast shadows to the south across Whitehorse Road and to some commercial frontages. The shadow diagrams (9am to 3pm on September 22<sup>nd</sup>) demonstrate that the shadow implications are acceptable, having regard to the preferred built form character and streetscape vision for the site and the surrounding area. The proposed development does not result in any shadow being cast onto any key public open space or other spaces identified in the Structure Plan.

The equinox shadows do not extend to established residential areas to the south. There are minor shadow impacts to the existing residential units on Wellington Road west of the site around 9am, however this is not considered to result in any unreasonable detrimental impact.

#### Energy 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 Statement 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 to the submitted ESD Management Plan.

#### Wind

Wind tunnel testing has been undertaken by Windtech Consultants to determine wind conditions around the site. The report recommends a number of design changes which will be addressed by conditions of the permit.

## **9.1.2**

(cont)

### **Internal Amenity**

The development will deliver a good level of internal amenity to future occupants of the residential apartments given:

- The separation achieved between towers at a minimum of 10 metres to provide the apartments (and hotel rooms) with a satisfactory outlook. The separation will ensure for appropriate daylight and sunlight and a sense of 'space' between the tower forms.
- The internal layout of floors are designed to respond to the features of the site, including the interface with the two roads and the opportunity for a northern outlook. Wherever possible, apartments are sited with a northern, eastern or western aspect with a solely southerly orientation limited to a small number of apartments within the upper podium fronting Whitehorse Road.
- Privacy between apartments, in particular balcony locations and separation have been addressed.
- Alternate lift and stair access linking all floor levels including the car parking is provided.
- Each apartment is afforded with generous storage areas within the secured car parking areas.
- All habitable rooms have direct access to daylight and ventilation. It is noted the orientation of the site has resulted in a significant proportion of the proposed dwellings being oriented northwards, where maximum solar access is available.
- The dwellings include a mix of one, two and three bedroom dwellings. The indicative furniture layouts demonstrate that there are a range of layout options possible for the rooms.
- Each apartment is afforded an area of private open space in the form of a balcony or terrace that all achieve an area greater than 8 square metres in size. The areas of private open space are further supplemented by the rooftop communal open space at level 6. The rooftop space comprises a number of landscaped areas including mounded grass areas, curved seats alongside raised planter boxes and other communal furniture and a swimming pool.

### **Landscaping/Urban Art**

The application includes a landscape concept plan which shows landscaping in the form of garden areas and within the rooftop terrace/communal open space at Level 6. It is considered that the Level 6 podium open space requires additional infrastructure to cater for a range of recreational purposes. The proposed development does not include recreation space for children, and it is therefore recommended that play equipment or playable elements such as sculpture or seating elements are included within this open space, as listed in conditions for any approval.

The concept plan also shows integrated street tree plantings and planter boxes within the public realm along the Whitehorse Road and Wellington Road frontages, which will provide some softening and visual interest to the facade as viewed from the roads. This addition of street planting will require additional Council approval. As the proposal will necessitate works within the road reserves, for both landscaping as discussed above and to achieve vehicular access from the southern court bowl on Wellington Road, it is recommended that a condition be included in any approval issued requiring the provision and approval of detailed design drawings of treatments within the Wellington Road reserve and to back of kerb to Whitehorse Road.



## 9.1.2

(cont)

As the proposal includes an element of integrated urban art to the ground level western facade to ensure that the art work is appropriate to the building form and consistent with the relevant planning and urban design principles, it is recommended that Council impose an Integrated Art Plan. This will require Council Officers with experience in both planning and art to approve the artwork before it is installed. These representatives must ensure that the art installation will assist in activating the western elevation (Wellington Road), including a level of engagement from the ground level. A condition will require an Integrated Art Plan to be submitted for approval to the satisfaction of the Responsible Authority.

### Uses

As discussed above the site is currently within a Commercial 2 Zone, however it is proposed to be rezoned Commercial 1 Zone under Amendment C186. It is noted that the use of the land for retail (including food and drink premises) and office within the proposed Commercial 1 Zone are as-of-right, and no limitation is required on operating hours, although a general amenity condition will be included on the permit. However before the building is constructed, consideration must be given to the infrastructure associated with food and drink premises, such as flues and a grease trap and connection point for emptying the grease trap, so that these can be incorporated into the built form, and this will form a condition of approval.

Planning approval is required for the residential uses. The provision of ground level lobby areas is acceptable, as these provide for a sense of address and street presentation to the residential uses. The hotel lobby in particular will be an active frontage that is consistent with the purpose and strategic aims of the proposed Commercial 1 Zone.

### Car Parking, Traffic & Access

The applicant has agreed to an additional five car parking spaces. This will increase the total number of car spaces to 500. The proposed car parking provision is as follows:

Level	Car Parking Provision	Motorcycle Parking Provision
<b>Basement 2</b>	108 spaces (incl. 18 tandem spaces)	-
<b>Basement 1</b>	101 spaces (incl. 14 tandem spaces)	-
<b>Ground</b>	27 spaces (incl. 8 tandem spaces)	10 spaces
<b>Mezzanine</b>	-	-
<b>Level 1</b>	43 spaces (incl. 6 tandem spaces)	-
<b>Level 2</b>	60 spaces (incl. 14 tandem spaces & 1 accessible space)	-
<b>Level 3</b>	53 spaces (incl. 6 tandem spaces & 1 accessible space)	-
<b>Level 4</b>	53 spaces (incl. 6 tandem spaces & 1 accessible space)	-
<b>Level 5</b>	55 spaces (incl. 6 tandem spaces & 1 accessible space)	-
<b>Total</b>	<b>500 spaces (incl. 78 tandem spaces &amp; 4 accessible spaces)</b>	<b>10 spaces</b>

## 9.1.2

(cont)

The proposal would generate the following parking requirement under Clause 45.09.

Use	Size / Number	Car Parking Rate Clause 45.09 Rate	Car Parking Demand
<b>Dwellings</b>	261 x one bedroom	0.5 spaces per dwelling	131 spaces
	230 x two bedroom	0.75	172 Spaces
	26 x three bedroom	1 space per dwelling	26 spaces
	517 dwellings (visitor)	0.2 spaces per dwelling for first 5 dwellings, and 0.1 spaces thereafter per dwelling	52 spaces
<b>Hotel</b>	150 rooms	0.5 spaces per room	75 spaces
<b>Retail</b>	136sqm (2 tenancies)	3.5 spaces / 100sqm	4 spaces (incl. 2 staff spaces & 2 short term customer spaces shared with residential visitor pool of spaces)
<b>Café</b>	131sqm	3.5 spaces / 100sqm	4 spaces (incl. 1 staff space & 3 short term customer spaces shared with residential visitor pool of spaces)
<b>Office</b>	177sqm	2 spaces / 100sqm	3 spaces
<b>Gymnasium</b>	61 patrons	0.8 spaces per patron, and 0.5 space per 100sqm (staff)	53 spaces
			Total 520 spaces

The applicant's Transport Engineer sought the application of a lower empirical rate of 0.06 spaces per dwelling for visitor parking, based off other approvals for 545 Station Street and 850 Whitehorse Road.

The applicant's Transport Engineer has advised if two (2) spaces were allocated to car share spaces, and 150 spaces were allocated to two bedroom dwellings this would result in a provision of 0.65 spaces per two bedroom dwelling, which is higher than the 0.5 per dwelling that was approved at 850 Whitehorse Road. Council's Transport Engineers have advised that this acceptable. Acceptance of this variation to Clause 45.09 will bring the total number of car spaces required to 500.

As outlined in the table above this proposal is fully compliant with the Box Hill Parking Overlay rates for visitor parking. The proposal also provides for 10 motorcycle parking spaces.

The applicant has advised that they are willing to provide two share cars and associated car spaces. This can be addressed by way of permit conditions of any approval.

## 9.1.2

(cont)

In addition to the above the proposal makes provision for 583 bicycle parking spaces, and even though some of these spaces will need to be used to relocate storage cages to improve vehicle circulation, the provision will remain well in excess of the 190 bicycle spaces required by Clause 52.34 of the Whitehorse Planning Scheme.

In terms of traffic generation, as Wellington Road is a cul de sac, vehicles will only be able to enter and exit from Wellington Road to Whitehorse Road. Due to the construction/layout of Whitehorse Road at this location vehicles will only be able to turn left into and left out of Wellington Road. U-turns if required will need to take place at appropriate locations on Whitehorse Road. The proposal has been referred to Vic Roads who have offered no objection. Council's Transport Engineers have requested additional information about traffic generation which is addressed by condition on any approval issued.

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

- *Tower facing Wellington Road should only allow up to 10 storeys high.*

The proposal provides for a transitioning of height down from the corner of the Wellington and Whitehorse Road as you head north. T1 steps down from 37 storeys at the corner to 30 storeys at its northern edge. T3 has a maximum height of 17 storeys and the adjacent development at 6-8 Wellington Road has height of 9 storeys. T3 is setback from Wellington Road generally in line with 6-8 Wellington Road. Above the 10<sup>th</sup> floor T3 also has a setback of 4.5 metres from the Wellington Road frontage to break up its appearance in the streetscape and reduce its visibility from within the pedestrian realm.

- *Setbacks of the northern tower to the property at 6-8 Wellington Road.*

The 9 storey building at 6-8 Wellington Road has a setback to the pedestrian thoroughfare owned by TAFE of a maximum of 1.2 metres. The proposed north tower has been setback from the northern boundary by 4 metres to provide for an overall separation between the developments of 9.06 metres. This distance is consistent with urban design principals of equitable development whereby adjoining properties contribute to the provision of setbacks to create a distance of 9 metres between apartment forms to eliminate the need for overlooking screening, and providing access to light and air.

Whilst there is an encroaching awning within the 4 metre setback at the ground level, this provides a sense of shelter and address for pedestrians to assist with the activation of this area, which is already used as a pedestrian thoroughfare. Council's Urban Design Consultant advised that the separation distance is satisfactory.

It should also be noted that 6-8 Wellington Road has focused its orientation to the north and located its services and lift cores on the southern boundary thereby limiting the number of apartments that have direct interface with the proposed development on the subject site.

- *Strong winds between the proposed 3 towers will impact nearby residents.*

The applicant has provided a wind assessment by a suitably qualified consultant demonstrating that, subject to inclusion of treatment devices and further wind tunnel testing, that wind conditions in pedestrian environments will be appropriately mitigated.

## **9.1.2**

(cont)

### **CONCLUSION**

The proposal for construction of a building comprising three towers of 17 storeys, 30 storeys and 37 storeys, including accommodation, residential hotel (150 rooms), food and drink premises, shop, restricted recreation facility (gymnasium), associated reduction of car parking requirements and alteration of access to a Road Zone – Category 1 is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the site specific ministerial amendment, the current Commercial 2 Zone, and proposed Commercial 1 Zoning.

In addition to making a contribution to meeting Whitehorse's future housing needs, the proposal provides for a mixture of uses consistent with the sites commercial zoning and local policies applicable for the Box Hill MAC. The building has been designed to respond to the site's varying interfaces, to provide a high level of amenity for future residents and hotel guests, and to activate the street frontages. The proposal provides community benefits in the form of the hotel (to meet the needs of the local business community), provision of seven affordable dwellings to be given to a registered housing provider, activation of the pedestrian thoroughfare to the sites northern boundary, and car share spaces.

A total of 1 objection was received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

### **ATTACHMENT**

- 1      Architecture Plans

## Strategic Planning

### 9.1.3 Strategic Planning Update

FILE NUMBER: SF10/90

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#### **SUMMARY**

*This report outlines progress with key strategic planning projects from September 2016 to date. The report recommends that this update report be acknowledged.*

#### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Davenport

***That Council acknowledge the report on progress of Strategic Planning projects.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Council's Strategic Planning Unit undertakes a range of projects that respond to the strategic planning needs of Whitehorse, updates the Whitehorse Planning Scheme and manages projects to proactively plan for future improvement, development opportunities and protection of important features and places within the City.

#### **DISCUSSION**

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 21 March 2016.

#### ***Key planning scheme amendments and their status include:***

##### C153 – 15 – 31 Hay Street, Box Hill South

This amendment proposed to rezone land at 15 – 31 Hay Street in Box Hill South from Special Use Zone 1 and Public Use Zone 1 to a combination of General Residential Zone and Residential Growth Zone, concurrently with a planning permit for multiple dwellings, a retirement village, a food and drink premises (café), shop and associated buildings and works on the land. Following initial consideration at its meeting of 16 February 2015 where Council resolved to adopt the amendment, at its meeting on 16 March 2015 Council subsequently rescinded its decision and resolved to abandon the amendment.

The owner of the land subsequently lodged an appeal with the Victorian Civil and Administrative Tribunal seeking a declaration that Council, as the Planning Authority, must submit the adopted Amendment to the Minister. The matter was heard by the Tribunal in August 2015 and an order was made on 12 October 2015 directing Council to submit the amendment to the Minister for Planning for approval. The amendment was approved by the Minister for Planning and subsequently gazetted with changes on 19 May 2016, however the planning permit application was refused.

### **9.1.3**

(cont)

#### C157 – Whitehorse Heritage Review 2012

The amendment proposes to introduce heritage overlays to 32 new heritage places identified as part of the 2012 Whitehorse Heritage Review. The heritage places consist of 29 individual places and 3 precincts. Exhibition of the amendment closed 3 November 2014 and a Panel hearing was held 23 - 27 March 2015. The Panel report and recommendations were considered by Council at its meeting of 20 July 2015. Having considered the independent Panel report to the amendment, Council adopted Part 1 of the amendment comprising 27 places and removed four of the heritage places (including the Burvale Hotel/Motel in Vermont South) from the amendment. Part 2 of the amendment comprising the former ATV-0 television studios in Forest Hill was deferred to allow further investigation into the Panel's recommendations for this property, but was subsequently considered by Council at its meeting on 18 July 2016 where the heritage overlay was adopted for the site.

Part 1 of the amendment was submitted to the Minister for Planning for approval on 2 September 2015 and was gazetted on 4 August 2016 with changes including approval of a heritage overlay on the Burvale Hotel/Motel site. Part 2 of the Amendment is still awaiting approval by the Minister for Planning.

#### C172 (Parts 1 and 2) – Post 1945 Heritage Places

Amendment C172 implements the Post 1945 Heritage Study by applying the heritage overlay to 27 heritage places including four (4) precincts and 23 individual places. Following exhibition, at its meeting of 14 December 2015 Council resolved to split the amendment into two parts. Amendment C172, Part 1 was adopted with changes including the removal of eight (8) places from the amendment. Part 1, consisting of seven (7) individual places, was gazetted on 14 April 2016. Amendment C172, Part 2, consisting of 12 places, was referred to an independent Planning Panel for consideration. At its meeting of 27 June 2016 Council considered the Panel's report and adopted Part 2 with changes. Part 2 is awaiting approval by the Minister for Planning.

#### C177 – Whitehorse Planning Scheme Review Implementation – Stage 1

The Whitehorse Planning Scheme Review 2014 identified a number of changes to the Scheme that would help strengthen and improve its operation and its use to guide the assessment of development applications in the City. This amendment seeks to progress a number of minor corrections and updates to the Scheme. The amendment was gazetted on 14 July 2016 with additional changes to the wording in the schedules to the Residential Growth and General Residential Zones.

#### C181 – Vegetation Protection Overlay (VPO5)

Council adopted the Significant Tree Study, Stage 3 at its meeting on 22 June 2015 and subsequently resolved to proceed with a planning scheme amendment to introduce a Vegetation Protection Overlay (VPO5) to 31 private properties across the municipality. Following exhibition of the amendment and the subsequent independent panel hearing, Council considered the panel report at its meeting on 18 April 2016 and adopted the amendment subject to changes. The amendment was approved by the Minister for Planning and gazetted on 25 August 2016.

#### C182 – 217 - 223 Burwood Highway, Burwood East

The amendment seeks to rezone 217 and 219 - 223 Burwood Highway from the Residential Growth Zone to the Mixed Use Zone. The amendment was exhibited in November / December 2015. At its meeting on 1 February 2016, Council considered the submissions and resolved to request an independent planning panel to consider the amendment. The panel hearing was held in April 2016. Council considered the panel report and adopted the amendment at its meeting on 27 June 2016, then submitted the amendment to the Minister for Planning for approval on 4 July 2016.

### **9.1.3**

(cont)

#### C186 – Rezoning of remaining Commercial 2 Zone properties in Box Hill Activity Centre

At its meeting on 15 February 2016, Council resolved to request an amendment under Section 20(2) of the *Planning and Environment Act 1987* (allowing for exemption from the normal amendment notification) to rezone 10 properties in the Box Hill Structure Plan area that are zoned Commercial 2. The rezoning of these properties to either the Commercial 1 Zone or the Mixed Use Zone rectifies identified inconsistencies between the land uses encouraged by the Structure Plan and the land uses allowed under the Commercial 2 Zone that currently applies to the land parcels. Council considered a report on the submissions received during the exhibition period on 15 August 2016 and as none of the submissions objected to the proposed rezoning, Council adopted the amendment. The amendment has been submitted to the Minister for Planning for approval.

#### C187 and C188 – 65 Esdale Street, Nunawading

Amendment C187 seeks to apply an interim Heritage Overlay to 65 Esdale Street. Nunawading until 30 December 2016. Under delegation a request was made to approve the amendment under section 20(4) of the *Planning and Environment Act 1987*, without exhibition. The Minister for Planning adopted and approved the amendment on 11 August 2016.

Concurrent Amendment C188 seeks to apply the Heritage Overlay to the site on a permanent basis. Under delegation, a request was made to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to permanently introduce the Heritage Overlay. The amendment was exhibited 23 June 2016 to 26 July 2016. With the only objecting submission being withdrawn, a separate report to adopt the amendment will be considered by Council.

#### C189 – Corrections amendment

The Whitehorse Planning Scheme is regularly reviewed and updated. Typically this will occur as part of a formal review of the planning scheme as required under the *Planning and Environment Act 1987* and subsequent to Council's review of the Council Plan as required under the *Local Government Act 1989* (refer amendment C177 above).

However there are minor errors, updates and anomalies that can be dealt with as required. Amendment C189 proposes 59 corrections which include rezoning land that has been incorrectly zoned, removing the Vegetation Protection Overlay from properties where trees have been removed and minor amendments to maps, ordinance or incorporated documents to correct errors or anomalies. The request for authorisation has been submitted under delegation and seeks to prepare and exhibit the amendment under Section 20(2) of the *Planning and Environment Act 1987*, which given the nature of the amendment, is proposed to involve limited notification to affected landowners and to prescribed ministers. Should submissions be received during exhibition of the amendment that cannot be addressed, a report will be prepared for Council to consider the submissions and if necessary, to refer them to an independent panel.

#### **Activity Centres**

Officers continue to liaise with the DELWP regarding implementation of actions from adopted structure plans and urban design framework plans. A monitoring framework for implementation of the plans has also been established and is periodically updated.

### **9.1.3**

(cont)

#### Burwood Heights Activity Centre

The Development Plan Overlay (DPO) that currently applies to the former brickworks site at 78 Middleborough Road, Burwood East requires that a development plan be prepared to Council's satisfaction before planning permits can generally be granted for the development. A draft development plan prepared by the land owner, Frasers Property Australia, for this significant redevelopment site was lodged with Council in October 2015 for consideration. The development plan builds on and provides more detail than the Masterplan for the 20.5 hectare site adopted in January 2015 and will guide future planning permit applications for each stage of this major development and assessment of those applications.

In accordance with Council's decision of 14 December 2015 and the requirements of the DPO, the draft development plan was placed on display from 1 February to 19 February 2016 for public comment. Forty-seven (47) submissions were received. A report assessing the draft development plan and reviewing the community feedback was considered by Council at its meeting on 18 July 2016. Council resolved to approve the development plan subject to a number of conditions. Prior to approval of the Plan, Council 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.

#### Box Hill Metropolitan Activity Centre (MAC)

Actions relating to the Box Hill MAC are aligned with the Box Hill Structure Plan and other strategic documents and include:

- Urban design, landscape and strategic planning advice on major developments;
- Engagement with relevant departments across the organisation and external stakeholders to progress the Structure Plan;
- Preparation of planning scheme amendments to progressively implement the Structure Plan and other strategies; and
- Undertaking further studies and guidelines to support implementation of the Structure Plan. Currently this includes:
  - Preparation of Built Form Guidelines to give clearer direction on outcomes envisaged for Precinct F and Precinct C within the Structure Plan. The Guidelines will be the subject of a separate report to Council including a planning scheme amendment proposal (Amendment C175) to implement the Guidelines.
  - Preparation of Public Realm Treatment Guidelines for Box Hill to provide a strategic vision for treatment of the public realm in response to new development in areas of the MAC that are experiencing rapid change. The Guidelines will be informed by the Box Hill Urban and Landscape Design Guidelines that were developed in 2010 for the core of Box Hill and are intended to assist in the coordinated delivery of a higher quality public realm and streetscape environment as development progresses.

#### Nunawading Activity Centre

Amendment C155 to rezone the former Daniel Robertson brickworks site at 56 – 74 Station Street, Nunawading from Industrial 1 Zone to Residential Growth Zone and Mixed Use Zone and to introduce an Environmental Audit Overlay and the Development Plan Overlay (DPO) to the site was gazetted on 10 March 2016. As required under the DPO, a development plan has been lodged with Council for consideration. The development plan will be the subject of a future report to Council to seek approval to display the plan for community comment.



### **9.1.3**

(cont)

#### ***Built Environment Awards Program (BEAP)***

The Built Environment Program advocates for good planning and design outcomes including building, landscape and urban design projects, and recognises the people who contribute towards them. The Program consists of an Awards event and Educational event on alternate years.

The Educational event held during Sustainability Week in April 2016, on 'Clever Design of Small(ish) Spaces, profiled highly functional and sustainable homes which are modest in size and resource use as exemplified by last year's Built Environment Award winner in Blackburn in the Single House Project – New Dwelling category. Ian Lovell from Concept to Completion and Melissa Bright from MAKE architecture presented a range of exemplar projects to an audience of approximately one hundred people.

The next Built Environmental Awards event will be held in mid-2017 with the nomination period expected to commence in October 2016. Previous award winners are listed on Council's web site at <http://www.whitehorse.vic.gov.au/Built-Environment-Awards.html>

#### ***Heritage***

##### Heritage Assistance Fund:

The Fund provides grants up to \$1,000 to eligible owners and occupiers to assist with the ongoing maintenance of their heritage properties. Applications for the 2016/2017 round of funding closed on 16 September 2016 and will be considered by the Heritage Steering Committee in October / November 2016.

##### Heritage Adviser:

Council's Heritage Advisor continues to provide specialist advice to the Strategic Planning Unit. Responsibilities of the Advisor include responding to planning application referrals from the Statutory Planning Unit, liaising with the community and other departments of Council on heritage matters, undertaking heritage investigations and helping to assess Heritage Assistance Fund applications. The Heritage Advisor has prepared an annual report for consideration by Council.

#### ***Other Major Projects***

##### Whitehorse Tree Study

Trees are the most significant determinant of the character of the various areas within the City of Whitehorse, with tree canopy covering a significant proportion of the municipality. Tree preservation and regeneration is therefore vitally important within the city, not only aesthetically, but also for its role in reducing the urban heat island effect and providing habitat for wildlife.

Council has undertaken a municipal-wide tree study, which was a key initiative in the 2015/2016 budget. The Study investigated the importance of vegetation, in particular tree cover, to the municipality, examined the existing strategic framework for vegetation controls and scoped options to protect and enhance tree canopy, as development and future growth inevitably occurs over time. The project focussed on trees on private land, rather than on Council and other public land which is managed in a variety of other ways.

Community consultation for the project included an initial community workshop on 4 February 2016 and broader consultation on the draft options report during April / May 2016.

Council adopted the Whitehorse Tree Study Options and Recommendations Report on 18 July 2016. An amendment to the Planning Scheme will be prepared to implement the recommendations in the Report.

### **9.1.3**

(cont)

#### Urban Realm Vision

The Urban Realm Vision (URV) was endorsed by Council's Executive in February 2016 and a publicly available Summary Document was produced. The URV is a collaborative project within Council that is intended to provide a strong strategic direction in the planning, design, development, activation and management of the public realm across the municipality. The urban realm is defined as any part of the built or natural environment which is available to the public.

The URV is a response to the rate of change being experienced in parts of the City of Whitehorse and the need for a coordinated approach to managing change. The URV ensures that the many contributors to the urban realm are on the same page regarding current best practice and evolving urban realm delivery requirements. The URV supports high-level Council collaboration and coordination that will guide improvements in the public realm in a consistent, rational, economic and inspiring way.

The URV was launched within the organisation to raise awareness of the project. The launch, held on 21 June 2016, included a screening of the documentary *Project Wild Thing* and was attended by approximately 50 staff members across the organisation.

As part of the process in developing the URV, a number of 'spin-off' projects emerged in 2015 which have helped to inform the URV and achieve some of the project objectives. An Activation Project Working Group is convened through the Strategic Planning Unit to facilitate projects. *The Neighbourhood Project* (discussed below) is the current focus of the Group.

The process of undertaking the URV and the 'spin-off' projects has increased awareness of the importance of urban design, place activation and place making being incorporated into existing projects across the organisation earlier and in a more integrated way.

#### The Neighbourhood Project

The City of Whitehorse was selected as one of three metropolitan Councils as part of the Neighbourhood Project; a pilot project which is a practical program to make community-led placemaking easier for councils and communities. Led by CoDesign Studio with support from the Myer Foundation, it is part of the Resilient Melbourne Strategy and is a yearlong program of mentoring, training and funding to facilitate the delivery of three projects by the community. The Neighbourhood Project *Ideas Competition* is in progress.

#### **State Government Projects**

##### Healesville Freeway Reservation

The current state government gave an election undertaking for the Healesville Freeway corridor in Whitehorse to be open space. It is proposed that land in the reserve that is currently owned by VicRoads will be transferred to the Crown and managed by Parks Victoria as open space. As part of this process, the Department of Environment, Land, Water and Planning (DELWP) has commenced preparation of an Establishment Plan to guide the development of the reservation. The Establishment Plan will provide the strategic justification for the development of community recreation opportunities along the corridor and an off-road shared trail network. There are a number of stakeholders adjoining the reservation that have an interest in particular land parcels for future community and recreation purposes.

DELWP held an inception meeting with key stakeholders in May 2016 and has established a Stakeholder Reference Group (SRG) with Whitehorse City Council represented by the Morack Ward Councillors. The purpose of the SRG is "to help manage and coordinate the conduct of the project" The SRG has met four times on 29 June, 13 July, 2 August and 23 August 2016.

### 9.1.3

(cont)

Broader community consultation on the project is being undertaken during September by DELWP through CoDesign Studio, including:

- Three targeted pop-up engagement conversations at key locations
- Use of consultation tools such as a project flyer, post cards to capture the community's ideas, mapping and voting on possible land use images
- A drop in session at Vermont Secondary College
- An online survey.

#### Managing Residential Development Advisory Committee

The Minister for Planning appointed the Managing Residential Development Advisory Committee to consider the application of zones that provide for residential development (residential, commercial, mixed use etc). Council officers prepared a submission to the Advisory Committee based on the Committee's Terms of Reference. Submissions were due on 14 March 2016. The Advisory Committee conducted public hearings on 17 days in a 5 week period in April and May 2016, with Council officers presenting a verbal submission on 11 May 2016. A number of resident groups and residents also presented to the Committee. The Advisory Committee was expected to submit its issues and options report(s) to the Minister by mid July 2016. Council is yet to receive any advice on the outcome of the hearings.

#### Environmentally Sustainable Development

The Minister for Planning approved the Environmentally Sustainable Development Local Planning Policy for the Whitehorse, Moreland, Port Phillip, Stonnington, Banyule and Yarra Planning Schemes in November 2015. In the Minister's approval letter, it was specified that each council will be required to review the effectiveness of the policy in 12 months and provide a written report to the Department. DELWP has commenced discussions with all six council's to determine a framework to monitor and review the policy, and that outlines data proposed to be captured.

### **CONSULTATION**

Community consultation is an integral part of all strategic planning projects. The level and type of consultation will be extensive and varied, depending on the nature and complexity of each project. While community consultation adds to the depth of projects it can also extend their timeframe in some instances.

This update report on strategic planning projects is prepared every six (6) months covering periods ending in March and September. This is followed by a summary in the Whitehorse News on a selection of projects of interest to the community.

### **FINANCIAL IMPLICATIONS**

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes eg: panel hearings etc. Adequate funding for the projects has been provided in the recurrent budget.

### **POLICY IMPLICATIONS**

The undertaking of strategic planning projects is consistent with the *Council Plan 2015 – 2019* in terms of project outcomes and the consultation involved.

### **CONCLUSION**

The report provides an update on key strategic planning projects. It is recommended that Council acknowledge the report.

#### **9.1.4 Amendment C188 to the Whitehorse Planning Scheme – Application of Heritage Overlay to 65 Esdale Street, Nunawading**

FILE NUMBER: SF16/806  
ATTACHMENT

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##### **SUMMARY**

*Amendment C188 to apply the Heritage Overlay to 65 Esdale Street, Nunawading was on exhibition from 23 June 2016 to 26 July 2016. A total of 3 submissions were received and were all resolved. It is recommended that the Amendment, be adopted by Council and referred to the Minister for Planning for approval.*

##### **RECOMMENDATION**

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

- A. Adopt Amendment C188 as exhibited.***
- B. Submit the adopted Amendment to the Minister for Planning for approval with the appropriate fee.***
- C. Advise all submitters of Council's decision.***

##### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Munroe.

###### ***That Council resolve to:***

- A. Revise the C188 Heritage Overlay Map to cover part of the property containing the existing dwelling located at 65 Esdale Street, Nunawading;***
- B. Adopt Amendment C188, incorporating the change above;***
- C. Submit the adopted Amendment to the Minister for Planning for approval with the appropriate fee;***
- D. Advise all submitters of Council's decision.***

**CARRIED**

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### 9.1.4 (cont)



Figure 1 – Subject Land

#### BACKGROUND

The property at 65 Esdale Street, Nunawading (refer Figure 1) was initially identified in the Whitehorse Heritage Review 2001 (by Andrew Ward), and then included in an updated list of potential heritage properties in the Whitehorse Heritage Review 2012 (by Coleman Architects). It was subsequently incorporated into a survey of potential Post-1945 heritage properties as part of the Whitehorse Post 1945 Heritage Study (by Built Heritage).

The property was sold by the original owners in early 2015. A planning application (WH/2015/1023) for this site was lodged with Council on 25 November 2015 seeking permission to construct three double storey dwellings. The application was advertised on 8 January 2016 (3 objections received). One of the objections raised an issue relating to the dwelling's heritage significance and as per Council's current process, the application was referred to the Strategic Planning Unit for review. This application (WH/2015/1023) has subsequently been withdrawn on 16 August 2016. A new planning application (WH/2016/731) for the site was lodged with Council on 12 August 2016 seeking permission to construct two double storey dwellings and retain the existing dwelling.

While the house at 65 Esdale Street was included in the master-list of places for the Post-1945 Heritage Study, it was initially considered a lower priority for further research because the architectural attribution had not yet been confirmed. It was later confirmed to be the house of an architectural draftsman, although it was not known if he designed the house himself. Following a detailed investigation, a full Statement of Significance was prepared on 13 April 2016 for 65 Esdale Street, Nunawading and is included in the Attachments. This investigation established that the designer was a qualified architect and that he did design the house himself. The place is significant as a notable example of a hard-edged modernist style. There are few notable examples of this style in the City of Whitehorse.

Council advised the landowner of the identified significance of the building.

#### **9.1.4**

(cont)

#### ***Whitehorse Post 1945 Heritage Study***

Council engaged Built Heritage Pty. Ltd. to prepare a Heritage Study for Post-1945 architecture within Whitehorse. The Study:

- Included a thematic assessment of Post-1945 development;
- Identified all Post-1945 places of potential heritage significance; and
- Assessed and documented post-war heritage places considered a high priority for inclusion in a future HO, either as individual heritage places or as heritage precincts.

As part of the study, each of the identified places was given a score out of 10 to assist in filtering the list to identify the higher priority places for further assessment (for budget reasons). The ranking was a preliminary assessment based on easily available information to provide an initial shortlist, rather than a definitive ranking of the assessed properties.

The Draft Study was noted by Council on 16 March 2015 and Council subsequently sought authorisation from the Minister for Planning to prepare and exhibit planning scheme Amendment C172 to introduce a permanent HO on the first round of properties identified in the Draft Study. Those places which formed the first round were those which scored 9 and 10 (and in some cases, 8 out of 10). The property at 65 Esdale Street was scored 7 out of 10 and was therefore not included in the detailed heritage investigation of places that ultimately formed Amendment C172.

On 14 December 2015, Council resolved to split Amendment C172 into two parts. Amendment C172 (Part 1) included seven places that were referred to the Minister for Planning for approval (and was approved and came into effect on 14 April 2016), and eight places for which heritage protection had been sought were abandoned. Amendment C172 (Part 2) referred 12 places to an independent planning panel for its consideration.

On 27 June 2016 the independent panel report was considered and Council resolved to: adopt the final version of the Whitehorse Post-1945 Heritage Study). Subsequently, part two of Amendment C172 was submitted to the Minister for Planning for approval on 11 July 2016.

#### ***Proposal***

Amendment C188 proposes to introduce permanent heritage protection to 65 Esdale Street, Nunawading. The dwelling was identified in the City of Whitehorse Post 1945 Heritage Study Master List. This recommended place has been identified as being important in contributing to Whitehorse's heritage and needing long term protection against demolition. It is considered that protection can only be properly achieved through the introduction of a Heritage Overlay.

Specifically, the Amendment proposes to modify the schedule to Clause 43.01 Heritage Overlay to add one new place and amend the planning scheme map to apply the Heritage Overlay to the site.

#### **DISCUSSION**

Council sought to apply an interim Heritage Overlay (HO) to the property at 65 Esdale Street, Nunawading as there was an imminent and known threat to the place arising from a planning permit application. Under delegation on 14 April 2016 a request was made to the Minister for Planning to approve Amendment C187 under section 20 (4) of the Planning and Environment Act 1987, without exhibition, to apply the Heritage Overlay to the property at 65 Esdale Street, Nunawading on an interim basis and to seek authorisation to prepare and exhibit Amendment C188 to permanently introduce the heritage controls.

#### **9.1.4**

(cont)

The Department of Environment, Land, Water and Planning (DELWP) advised in writing on 27 July 2016 that the Minister for Planning decided to approve Amendment C187 to apply an interim heritage control to 65 Esdale Street, Nunawading until 30 December 2016.

DWELP advised in writing that Amendment C188 was granted authorisation to prepare an amendment for full exhibition on 16 May 2016. Amendment C188 was formally exhibited between 23 June and 26 July 2016. Council received 3 submissions during the exhibition period (23 June 2016 to 26 July 2016), from the following:

##### **Submission 1 – 67 Esdale Street**

Submission 1 outlined the property owners' objection to the planning permit for 65 Esdale Street, Nunawading (WH/2015/1023). The objection was referred to the Town Planner of the application and will be dealt with through the statutory planning process.

##### **Direction**

As the submission did not relate to the proposed amendment, no further action is required.

##### **Submission 2 – 69 Esdale Street**

Submission 2 supported the proposal to apply the Heritage Overlay to 65 Esdale Street, Nunawading. The submitters had an interest in modern architecture and were reassured to see the necessary actions being taken by Council in pursuing heritage controls.

##### **Direction**

No further action required.

##### **Submission 3 – 72 Esdale Street**

Submission 3 initially provided an objection to the amendment as they did not agree with the heritage citation's Statement of Significance. They disputed the criteria used in the assessment and the significance of the property. Additionally, they believed that the dwelling did not fit within the streetscape and supported the redevelopment of the site.

Council Officers opened a dialogue with the submitters to discuss their concerns and to explain the rationale of the Statement of Significance criterion. Council Officers also discussed with the submitters the Whitehorse Neighbourhood Character Study 2014 and the architectural characteristics of the precinct which 65 Esdale Street, Nunawading is contained within.

Following discussions with Council Officers, the submitters advised in writing that they withdrew their objection to the amendment.

##### **Direction**

As the submission has been withdrawn, no further action is required.

##### **Recommendation**

It is considered that all submissions made to the amendment have been resolved; therefore approval can be sought without the need for an independent panel hearing.

## **9.1.4**

(cont)

### **CONSULTATION**

#### **Public Notice**

Amendment C188 was formally exhibited between 23 June 2016 and 26 July 2016. Notice was sent to all affected properties, properties adjoining and opposite the subject site, the National Trust, Whitehorse Historical Society, relevant Ministers and referral authorities. Notice of the amendment was also published in the Government Gazette on 23 June 2016 and in the Whitehorse Leader on 20 June 2016. Council received 3 submissions during the exhibition period and these are discussed above.

### **POLICY IMPLICATIONS**

The application of the Heritage Overlay to the site will meet the following strategic direction in the *Council Plan 2015 - 2019*:

*Strategic Direction 2 – Maintain and enhance our built environment to ensure a liveable and sustainable city.*

Applying the Heritage Overlay to the site will support and promote the preservation of a significant heritage property and allow for the dwelling to be conserved for future generations.

### **FINANCIAL IMPLICATIONS**

Council will be required to pay a fee of \$798 to the Department of Environment, Land, Water and Planning if it wishes to seek approval of the amendment. There are also ongoing costs associated with the assessment of planning permit applications associated with the introduction of the planning controls if the amendment is approved. There is adequate funding in the current budget for these purposes.

### **CONCLUSION**

Amendment C188 seeks to apply the Heritage Overlay to 65 Esdale Street, Nunawading on a permanent basis. As Council has received no submissions that object to the Amendment, it is recommended that this Amendment be adopted by Council and forwarded to the Minister for Planning for approval.

### **ATTACHMENT**

- 1 Whitehorse C188 Instruction Sheet Approval
- 2 Whitehorse C188 Explanatory Report Approval
- 3 Whitehorse C188 43-01 Approval
- 4 Whitehorse C188 001hoMap02 Approval
- 5 Whitehorse C188 65 Esdale Street Nunawading Heritage Citation Approval Final



### **9.1.5 Draft Box Hill Built Form Guidelines and Amendment C175 to the Whitehorse Planning Scheme**

FILE NUMBER: SF16/342  
ATTACHMENT

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#### **SUMMARY**

*The Box Hill Transit City Activity Centre Structure Plan (June 2007) is the primary guiding document in relation to the planning and management of the Box Hill Metropolitan Activity Centre. A need has been identified in the Structure Plan in relation to built form guidance and controls in the Major Development Precinct. Hansen Consultants were therefore engaged to prepare built form guidelines and planning controls for the centre based on a detailed study of the area.*

*This report sets out some of the key findings and directions of the draft Box Hill Built Form Guidelines and notes that a planning scheme amendment will be required to implement the proposed rezoning and built form controls outlined in the draft Guidelines. This report recommends that consultation on the draft Guidelines and statutory exhibition of the Planning Scheme Amendment occur concurrently and therefore seeks Council's endorsement of the draft Guidelines for consultation purposes, and endorsement to implement its findings via a planning scheme amendment.*

#### **COUNCIL RESOLUTION**

Moved by Cr Chong, Seconded by Cr Bennett.

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

- A. Endorse the draft Box Hill Built Form Guidelines 2016 as shown in Attachment 1 for the purposes of community consultation.***
- B. Seek authorisation from the Minister for Planning to prepare and exhibit Amendment C175 to the Whitehorse Planning Scheme to implement the Box Hill Built Form Guidelines 2016, and rezone land within central Box Hill broadly as identified in the Box Hill Transit City Activity Centre Structure Plan 2007.***
- C. Undertake community consultation on the draft Guidelines and statutory exhibition of Amendment C175 concurrently as outlined in the Consultation section of this report.***
- D. Authorise Council officers to prepare relevant amendment documents to give effect to item B.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Box Hill is designated as a Metropolitan Activity Centre (MAC) under current state policy and the draft refresh of the metropolitan planning strategy, Plan Melbourne. Through both designations, Box Hill is confirmed to be the focus of substantial development and investment.

The *Box Hill Transit City Activity Centre Structure Plan* (June 2007) (the Structure Plan) is the primary guiding document for Council, stakeholders and the community seeking to ensure coordination in development and enhancement of the centre to the year 2030. It is also a document that identifies improvements and opportunities for the government sector (Federal, State and Council) as well as for the private sector to lead.

### 9.1.5

(cont)

The Box Hill MAC has scope to accommodate substantial growth, as well as the potential for improved amenity to support this growth. Other parties including private and public health and education providers and private developers are also aware of the advantage of investing in the centre, with development interest at record levels.

The Structure Plan identifies a number of precincts within Box Hill to guide implementation, namely Activity Precincts and Built Form Precincts. The Activity Precincts define preferred land use activities, while the Built Form Precincts define the preferred built form outcomes by area. The boundaries for the Activity and Built Form precincts do not correspond. This is because some activities can occur across the built form precincts. For example, residential uses are recommended within areas of low-rise housing as well as in areas where larger apartment buildings are appropriate.

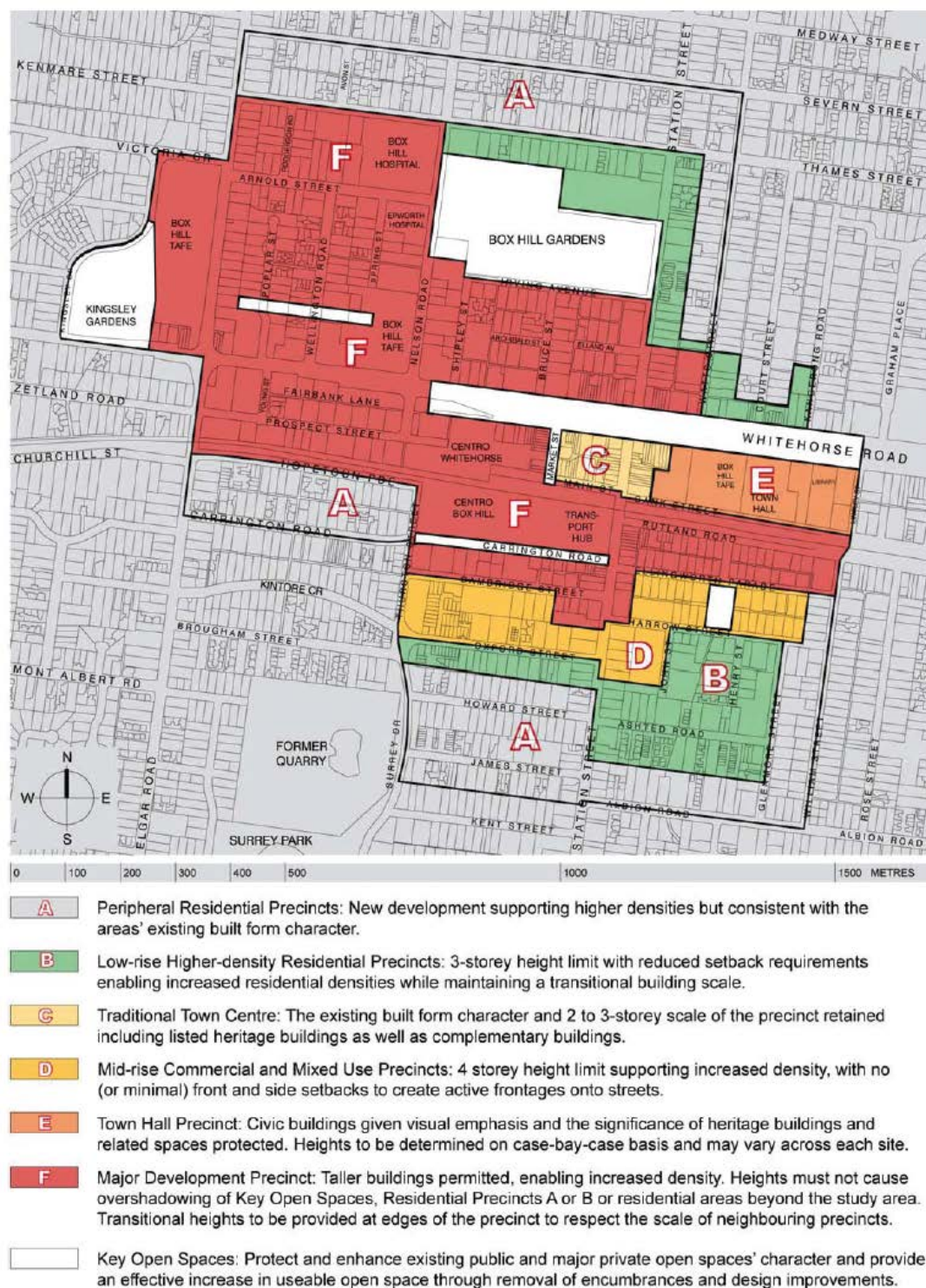
Overall, officers are satisfied with the Structure Plan and its operation. However, a need has been identified in relation to the Built Form Precincts map. While the map provides some guidance, it requires more detail on the outcomes sought, particularly in Built Form Precinct F. Built form outcomes in this area are desired as follows:

*“Major Development Precinct: Taller buildings permitted enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts” (page 58).*

The size and diversity of activities within Built Form Precinct F and its interface with other built form precincts means that more guidance than what is currently provided above is sought on its potential built form outcomes. In addition, principles around the transition of built form across the activity centre, and between different precincts is required. For example, how to achieve a transition between core and edge/interface areas within the centre between different precincts, and around its perimeter to areas outside the Box Hill MAC.

Proposals were therefore sought for a consultant to prepare Built Form Guidelines for Box Hill MAC, focusing on Built Form Precincts F and C in the current Structure Plan (see Map 1). Built Form Precinct C is also to be included in this study due to its relationship to Precinct F and the character and heritage values of Precinct C as the traditional town centre. The purpose of this project is to provide more detailed information and guidance on preferred future built form outcomes in central Box Hill to improve planning certainty for the community and developers. Infrastructure provision and use are outside the scope of the Guidelines and would be related, but separate considerations, when planning permit applications are lodged with Council for assessment. It is intended that this work will form the basis of a Design and Development Overlay (DDO) for the centre, incorporating built form objectives from both the Built Form Guidelines and the Structure Plan as relevant.

## 9.1.5 (cont)



**Map 1 – Box Hill Structure Plan Built Form Precincts**

### 9.1.5

(cont)

In conjunction with the Built Form Guidelines and DDO, the rezoning of land as recommended by the Structure Plan is proposed. With the introduction of the new residential zones in 2014, many sites in central Box Hill have been zoned as Residential Growth Zone, however these sites are located in an area designated for a greater level of change in built form and use than currently allowed under that zone.

#### DISCUSSION

Draft Built Form Guidelines have been prepared for the Box Hill MAC. The Draft Guidelines include the following key directions for the urban form in Box Hill:

1. No reliance on a singular vertical protection, or 'gateway' designation on a particular site to announce the arrival point into Box Hill Major Activity Centre from the western approach.
2. Acknowledgement of the Box Hill traditional town centre as the soft urban 'core' without diminishing its potential for growth.
3. Clearly defined roles and characters of distinctive precincts.
4. Encourage a range of building scales and types to reinforce the natural topography and urban structure ambition.
5. Enhanced amenity and permeability of existing key open spaces through successful management of development interface.

Figure 1 illustrates the Urban Design Objectives for the Proposed Built Form Controls.

#### Urban Design Objectives for Built Form Controls

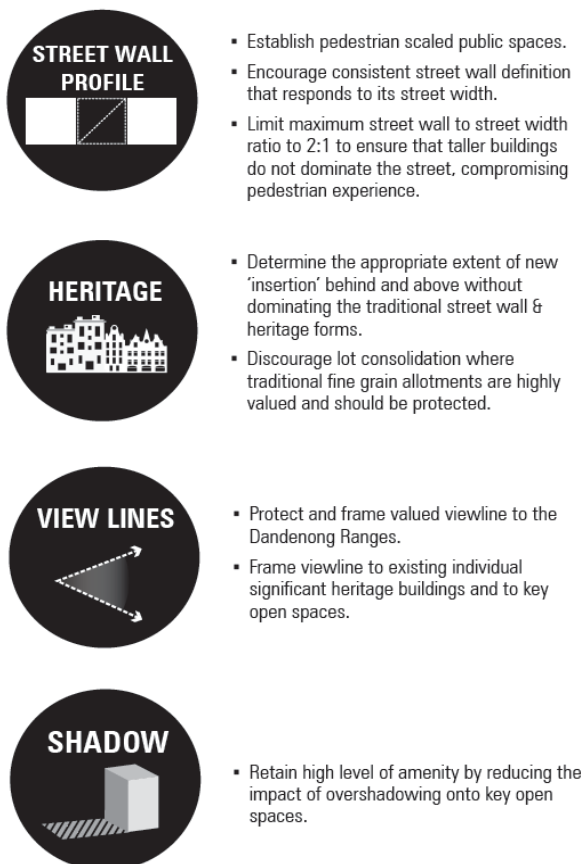


Figure 1 – Urban Design Objectives of Proposed Controls

## 9.1.5

(cont)

Map 2 illustrates the sub precincts within Precincts C and F. Figure 2 provides a Summary of the Built Form Controls for each Sub Precinct.

Sub- Precincts	Preferred Maximum Heights *	Street Wall *
C/ F1 Traditional Town Centre	8 storey	1-2 storey/ traditional street wall
F2 Station Street	12 - 15 storey	5 storey (north) 10 storey (south)
F3 Rutland Road, Watts Street & Carrington Road	10 - 12 storey	10 storey
F4 Whitehorse Road, Centro & Prospect Street	20 storey	5 storey
F5 Whitehorse Road West	30 storey	5 storey ground level setbacks to Elgar Road
F6 TAFE & Hospital	15 storey	n/a ground level setbacks
F7 Garden Infill	12 storey	10 storey ground level setbacks
F8 Box Hill Gardens	10 storey	4 storey
F9 Kingsley Gardens	8 storey	n/a ground level setbacks

**Note:**

Building heights have been measured based on the following:

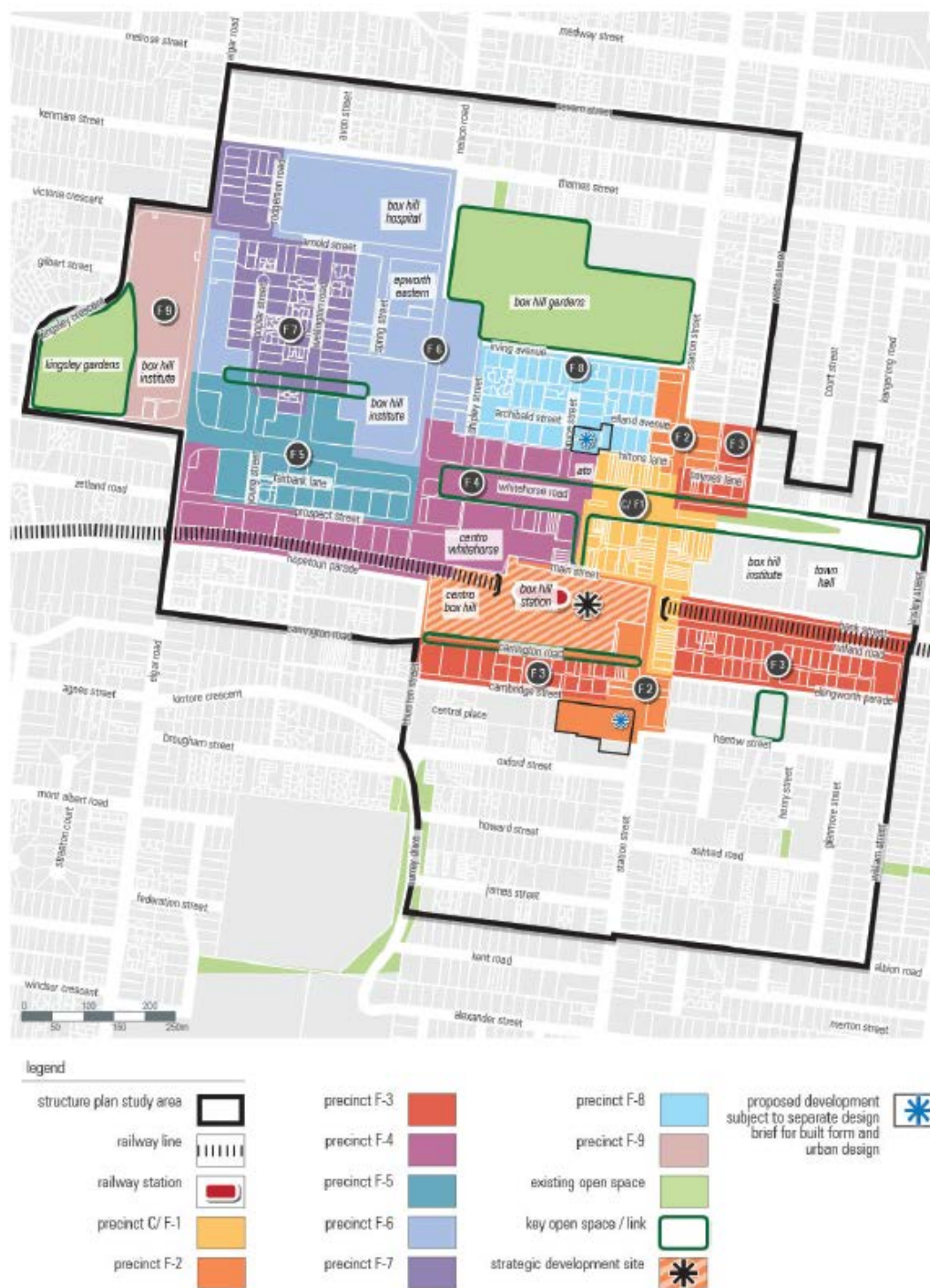
- Retail/ Commercial: 4.5m floor to ceiling height
- Residential: 3.0m floor to ceiling height

**\* Refer to Section 5: Sub-Precinct Guidelines for more information**

**Figure 2 – Summary of Sub Precinct Built Form Controls**



## 9.1.5 (cont)



**Map 2 – Sub Precinct Boundaries**

### 9.1.5

(cont)

The Draft Built Form Guidelines considers guidelines for:

- Street frontages;
- Weather protection, awning and verandahs;
- Architecture and building articulation;
- Pedestrian access;
- Vehicle access;
- Building depths;
- Building separation;
- Overshadowing; and
- Landscaping

Of particular importance in the Box Hill MAC, overshadowing of pedestrian links (including Whitehorse Road) has been a key consideration. Shadow diagram analysis undertaken by the consultants acknowledge overshadowing by existing development (the Australian Tax Office building) but demonstrates that future development will not overshadow the historical core (Precinct C/F1) due to the width of Whitehorse Road, the proposed setback above the street wall and the allotment width and orientation in the core precinct. The proposed height of 8 storeys in the historical core will not cause overshadowing of Market Street and Main Street Mall and specifically the draft Guidelines state that “buildings must not cast additional overshadow on key open spaces and plaza (as shown on page 24) between 11am-2pm on 22 June” (page 34).

Additionally, another key guideline relates to building separation which has been considered in the preparation of the Guidelines. The purpose of the proposed setbacks for each precinct is to allow each building to achieve adequate access to daylight and ventilation and to create proportional streetscapes and massing scale in keeping with the desired character for each precinct. Building separation also maximises visual relief, reduces overshadowing on lower levels and allows the provision of increased landscaping. Page 33 of the Guidelines includes a Table outlining the proposed building separation distances and they are also cross referenced in each precinct.

#### **Planning controls in the Box Hill MAC**

Land use zoning in the Box Hill MAC has evolved over time to meet the needs of the centre. Existing zones include Residential Growth Zone, Commercial 1 and 2 Zones, Public Use Zones and Public Park and Recreation Zone. Overlays present within the area include Heritage, Special Building, Car Parking and Vegetation Protection Overlays.

Development in Box Hill MAC is subject to the Structure Plan which was adopted by Council on 18 June 2007. Clause 22.07 (Box Hill Metropolitan Activity Centre) of the Whitehorse Planning Scheme includes objectives and policy for the whole centre, and diagrams from the Structure Plan relating to land use precincts and heights.

Over the past six years the Structure Plan has been effective at communicating Council's vision for Box Hill MAC, however a gap in detailed built form guidance has been identified, particularly in Precinct F. In terms of built form, the Structure Plan identifies the central core of Box Hill as a Major Development Precinct with “taller buildings permitted, enabling increased density”. Lack of detail on what this might mean has led to conflicting interpretations between planning permit applicants, Council and the community. Clarification on the built form expectation for this area in particular is required, however the proposed planning controls will also seek to implement built form objectives for areas outside the Major Development Precinct consistent with what is envisaged in the Structure Plan.

### **9.1.5**

(cont)

It is also proposed that Council rezone a number of sites in the Major Development Precinct and to the south of the centre as part of this project. These sites are identified in the Structure Plan to be rezoned in the future, and it makes sense to do this concurrently with introducing new built form controls. The need to rezone some of these sites has been heightened following the introduction of the new residential zones which is perceived as limiting the development potential of a number of sites in the Major Development Precinct to four storeys as specified in the Residential Growth Zone objectives. This is not viewed as appropriate in an area already being developed in excess of this height based on its strategic and locational attributes.

#### **Planning options for the Box Hill MAC**

A number of planning tools are available to implement Council's vision for Box Hill as articulated in the Structure Plan, via the Whitehorse Planning Scheme. These are discussed in more detail below.

#### **Activity Centre Zone**

The Activity Centre Zone (ACZ) is designed to be used in large activity centres in metropolitan Melbourne, as well as selected other locations. To be eligible for the ACZ, an adopted structure plan or other significant strategic work must be in place for the centre. The ACZ then implements strategic directions defined in these plans and encourages a wide range of uses and developments in the centre. Accordingly, Box Hill would be in a strong position to implement the ACZ.

An ACZ would allow Council to tailor its land use and development objectives and would have all controls for Box Hill in one place. It would also give Council the ability to exempt applications from notice and review. However, whilst there is a Structure Plan in place, considerable work would be involved in determining what sort of uses would be permissible in particular locations, and exemptions from notice and review may cause concern amongst the community.

The most significant consideration in selecting a conventional rezoning and DDO option compared to the ACZ is the perceived costs versus benefits in pursuing an ACZ. The community and applicants are familiar with the existing zoning regime in Box Hill, and with the exception of the anomalies identified previously, officers are satisfied that zoning in the centre reflects the directions in the Structure Plan. As built form guidance is the only issue of concern, officers do not consider that there is a need to 'start from scratch' with an ACZ.

#### **Design and Development Overlay (Clause 43.02)**

Design and Development Overlays (DDOs) have been applied to other centres in Whitehorse, most recently Mitcham and Blackburn. This tool implements controls on built form and the built environment using performance-based requirements. The advantage of this provision is that broad guidelines can be set for development. However, it also means that Council is only able to control built form rather than use (if only implementing a DDO relative to the ACZ). Given the current limited built form controls in Box Hill MAC, some applicants may also view it as an unnecessary development control.

#### **Rezoning – Mixed Use Zone and Commercial 1 (as appropriate)**

The Mixed Use Zone (MUZ) encourages a range of residential, commercial, industrial and other uses. The Commercial 1 Zone (C1Z) aims to create vibrant, mixed use commercial centres for retail, office, business, entertainment and community uses, with complementary residential uses.



### **9.1.5**

(cont)

The Structure Plan proposed rezoning some parcels of land to Mixed Use or Priority Development Zones. However, the Priority Development Zone is no longer available to implement, and therefore these sites, which are currently zoned Residential Growth Zone in many cases, will need to be re-assessed to evaluate the most appropriate zoning. Additional guidance would also be required on built form outcomes. Amendment C186 proposes to rezone the remaining C2Z sites in Box Hill to the MUZ and the C1Z. This amendment is currently with the Minister for Planning for approval.

It is worth noting that the MUZ and C1Z can be refined through a schedule. However, what can be defined within those schedules is limited. For example, within the MUZ, the schedule can only set overall objectives and a maximum building height for the whole area. More detailed requirements such as setbacks and site coverage are only able to be specified for developments subject to Clauses 54 and 55 of the Whitehorse Planning Scheme, that is, single dwellings and developments of less than five storeys in height. This means that relatively few developments in Box Hill MAC would be bounded by the detailed elements in the schedules.

#### **Preferred Rezoning Option – Mixed Use Zone and Commercial 1 (as appropriate) and DDO**

It is possible to combine a MUZ or C1Z rezoning and implementation of a DDO to implement the draft Guidelines. This is the preferred option as it utilises existing provisions which the community and planners are familiar with, and enables a tailored built form control that does not interfere with land use zoning. It should be noted however, that the preferred rezoning option will mean that uses are unable to be tailored as they may be under the ACZ.

Areas primarily north of Whitehorse Road are generally proposed to be rezoned to the MUZ or a commercial zone (as appropriate). Similarly, areas generally along the southern edge of Precinct F are proposed to be rezoned to the MUZ or a commercial zone (as appropriate).

#### **Local Planning Policy – Clause 22.07 (Box Hill Metropolitan Activity Centre)**

Clause 22.07 of the Whitehorse Planning Scheme provides additional guidance about development in Box Hill. It is proposed that in conjunction with the rezoning and DDO, information about the Built Form Guidelines be added into this local policy.

### **CONSULTATION**

The proposed land use and built form controls will be based upon two pieces of strategic work; the draft Box Hill Built Form Guidelines and the existing Structure Plan.

A planning scheme amendment would be required to implement the proposed rezoning and built form controls into the Whitehorse Planning Scheme. Should Council resolve to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C175, consultation will be required as part of the planning scheme amendment process.

Given the rate of development in central Box Hill, it is recommended that consultation on the draft Built Form Guidelines and statutory exhibition of the Planning Scheme Amendment occur concurrently. This will result in a more efficient outcome where changes can be made to both documents at the same time.

Based on the consultation undertaken during the preparation of the Structure Plan, it is proposed that the land use zoning changes will be based on what was proposed in that document. This in effect implements item two of Council's resolution of 18 June 2007 (see discussion in the next section). The DDO will be based on the Box Hill Built Form Guidelines which will incorporate additional thinking regarding built form in Box Hill where the Structure Plan is silent.

### **9.1.5**

(cont)

The following section outlines the consultation which was undertaken on the Structure Plan, and that proposed for the Box Hill Built Form Guidelines and Amendment C175.

#### **Exhibition of the current Structure Plan**

Preparation of the Structure Plan commenced in mid-2004 and included consultation with stakeholders, the broader community and three (3) project reference groups which were involved at key points. Background research included 11 working papers and a consolidated Issues and Opportunities paper released in September 2005.

The draft Structure Plan was placed on public display between 27 November and 18 December 2006 and included the following:

- Project bulletin to 14,000 households / businesses.
- Notices in the local paper, Whitehorse News and Down to Business newsletter.
- A marquee in the Box Hill Mall on Saturday 2 December 2006.
- A community meeting and display at the Box Hill Town Hall on Wednesday 6 December 2006.
- Display of the draft Structure Plan at service centres, local venues, libraries and on the Whitehorse City Council website.
- A lunch-time contact session at Centro Whitehorse.
- Meetings with Elgar Contact and the Box Hill Retailer's breakfast group.

A total of 52 written submissions were received during the display period and feedback was also recorded from the community meeting and the marquee in the mall. Following review of the submissions, Council resolved on 18 June 2007 to:

1. *Adopt the Box Hill Transit City Activity Centre Structure Plan as shown in Attachment 1B.*
2. *Being the Planning Authority, seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whitehorse Planning Scheme to give effect to recommendations from the Box Hill Transit City Activity Centre Structure Plan.*
3. *Note the valuable contribution to the structure planning project by all participants on the Partnership, Stakeholder Reference and Study Coordination Groups.*

#### **Proposed Exhibition of the Draft Built Form Guidelines and Amendment C175**

Given the rate of development in central Box Hill, it is recommended that consultation on the draft Built Form Guidelines and Planning Scheme Amendment occur concurrently. This will result in a more efficient outcome where changes can be made to both documents at the same time.

Under the *Planning and Environment Act 1987* consultation is required as part of the planning scheme amendment process. This statutory requirement is for:

- Notice in the Whitehorse Leader newspaper and Victoria Government Gazette about Amendment C175.
- Information about the amendment on the Whitehorse City Council and Box Hill websites.
- Copies of amendment documents at Council Service Centres and Libraries within the City of Whitehorse.
- Letters to all owners and occupiers of land within the Box Hill MAC and immediately adjoining.
- Letters to relevant Ministers.

### 9.1.5

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It is proposed that the statutory requirements be complemented by consultation seeking the community's feedback about the draft Box Hill Built Form Guidelines. This will include:

- A Council Information sheet about Amendment C175 and the draft Box Hill Built Form Guidelines (available in English and Mandarin).
- Notice in the Whitehorse Leader newspaper about Amendment C175 and the draft Built Form Guidelines.
- Information about Amendment C175 and the draft Built Form Guidelines on the Whitehorse City Council and Box Hill websites.
- Copies of the Amendment and the draft Built Form Guidelines documents at Council Service Centres and Libraries within the City of Whitehorse.
- Letters to all owners and occupiers within the Box Hill MAC and immediately adjoining about Amendment C175 and the draft Built Form Guidelines.
- Letters to relevant Ministers about Amendment C175 and the draft Built Form Guidelines.

In addition to notification, it is also proposed to hold one Box Hill stakeholder presentation and discussion workshop with trader representatives, representatives from Centro, Victoria Police, Epworth Hospital, Box Hill Hospital and Box Hill TAFE, and two community drop in sessions, with one in Box Hill Mall on a weekend, and another at Box Hill Town Hall after hours on a weeknight.

The preparation of the draft Built Form Guidelines so far has been guided by Council's project manager and a project working group. This working group is comprised of senior officers from Statutory and Strategic Planning, and Investment and Economic Development. An internal stakeholder workshop was also conducted with officers from key Council departments including Statutory and Strategic Planning, Investment and Economic Development and Engineering and Environmental Services (Design and Construction and Transport teams).

### POLICY IMPLICATIONS

This strategic work and subsequent planning scheme amendment is consistent with the *Planning and Environment Act 1987*, State and Local Planning Policy and Strategic Direction 2 in the Council Plan 2015-2019 which seeks to "*maintain and enhance our built environment to ensure a liveable and sustainable city*" (page 11).

The draft Box Hill Built Form Guidelines will provide much needed direction in relation to the built form outcomes sought by Council and the community in the major development precinct of the centre. This work will complement the Structure Plan and give statutory strength to the objectives within both the new and previous work through new provisions in the Whitehorse Planning Scheme.

### FINANCIAL IMPLICATIONS

Funding for the completion of the draft Built Form Guidelines was obtained during the 2016/2017 budget process. This budget also provided for the preparation of the planning scheme amendment documentation necessary to introduce a DDO into the Whitehorse Planning Scheme.

The undertaking of the proposed community consultation will involve costs associated with officer involvement and publicity. These costs, and those associated with the planning scheme amendment process (including statutory fees and advertising) and possible panel hearing, will be borne by the existing operational budget.

### **9.1.5**

(cont)

There would also be ongoing costs to assess planning permit applications associated with the introduction of the planning controls if the amendment is approved. However, it is considered that this cost would be neutral against the current assessment process which requires significant negotiation with applicants due to the limited certainty provided by the current planning controls.

### **CONCLUSION**

The preparation of the draft Box Hill Built Form Guidelines fills a critical need in the Box Hill Structure Plan in relation to built form expectations in the major development precinct of the centre. The Built Form Guidelines have been prepared through a detailed process of analysis and its recommendations are based on well-established urban design principles.

With the completion of the draft Built Form Guidelines it is now appropriate to test its recommendations through a program of community consultation. The findings of this consultation phase will be used to refine the document and subsequent planning scheme provisions proposed. By exhibiting the draft document and associated planning controls concurrently, Council will be able to get feedback on both elements at the same time, before deciding whether to adopt the draft Built Form Guidelines and proceed with changes to the Whitehorse Planning Scheme.

### **ATTACHMENT**

- 1 Draft Box Hill Built Form Guidelines an Amendment C175 to the Whitehorse Planning Scheme

## Engineering and Environmental

### 9.1.6 Tender Evaluation Report – Contract 15047 – Crest Grove, Nunawading - Road Reconstruction

FILE NUMBER: SF16/456

#### SUMMARY

*To consider tenders received for the road reconstruction of Crest Grove, Nunawading and to recommend the acceptance of the tender received from The Trustee for The Centofanti Unit Trust, trading as Metro Asphalt Pty Ltd, for the amount of \$448,016.67 including GST and to consider the overall project expenditure..*

#### COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Carr.

***That Council accept the tender and sign the formal contract document for Contract 15047 Crest Grove, Nunawading - Road Reconstruction received from The Trustee for The Centofanti Unit Trust (ABN 27 593 149 786), of 11 – 13 Spencer Street, Thomastown, Victoria 3074, trading as Metro Asphalt Pty Ltd, for the tendered amount of \$448,016.67 including GST; as part of the total expected project expenditure of \$537,620 including GST (\$488,745 excluding GST).***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

The contract is for the road reconstruction of Crest Grove, Nunawading. The project is included in the 2016/2017 Capital Works Program.

The initial scope for the project was the reconstruction of Crest Grove between Springfield Road and Alern Court. During the detailed design process, it was found that the extent of works would need to extend to Bader Avenue. In addition to these works, it was determined that it would be financially beneficial to include the resurfacing of the southern section of Crest Grove from Bader Avenue to the end and Meringer Court.

The reconstruction works are required as a result of the diminished integrity and poor condition of the road pavement indicating that it has reached the end of its serviceable life. Additional works will be undertaken to provide improved drainage along the road.

The works under this contract include the removal and reconstruction of the concrete kerb and channel, reconstruction of concrete driveways, profiling, asphalt resurfacing, installation of drainage, reinstatement and ancillary works.

#### DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 2 July 2016 and were closed on Wednesday 27 July 2016. A total of nine tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderers experience in provision of similar services;
- Quality of Tenderers Work;
- Resources dedicated to this project;
- Availability of tenderer to complete the works; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

### 9.1.6

(cont)

Metro Asphalt Pty Ltd is the recommended tenderer for the contract. They have successfully completed similar road reconstruction projects for Moreland City Council and Whittlesea City Council.

The tender received from Metro Asphalt Pty Ltd is considered to provide the best value for money for this Contract.

### CONSULTATION

The project has been developed in consultation with City Works. All relevant service authorities have been advised of the works.

All residents in Crest Grove and intersecting streets will be advised in writing of the proposed works and expected impacts of construction before works commence.

The preferred tenderer's business viability has been considered.

### FINANCIAL IMPLICATIONS

	<b>Budget</b>	<b>Expenditure</b>
Capital Works Funding Account No. T109 Crest Grove, Nunawading Road Reconstruction	\$ 348,000	
<b>Total Budget</b>	<b>\$ 348,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$ 448,017
Less GST		-\$ 40,728
Net cost to Council		\$ 407,289
Plus Contingencies		\$ 40,728
Plus Project Management Fees		\$ 40,728
<b>Total Expenditure</b>		<b>\$ 488,745</b>

It is proposed to fund the estimated shortfall from Capital Works Funding Account T103 – Local Roads Rehabilitation / Resheet Program.

### 9.1.7 Tender Evaluation Report – Box Hill Skate Park Extension

FILE NUMBER: SF16/459

#### SUMMARY

*To consider tenders received for the extension of the Box Hill Skate Park and to recommend the acceptance of the tender received from The Brown Family Trust, trading as Independent Concrete Constructions Pty Ltd, for the amount of \$1,252,070.93, including GST and to consider the overall project expenditure.*

#### COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Davenport.

***That Council accept the tender and sign the formal contract document for Contract 15048 Box Hill Skate Park Extension received from The Brown Family Trust (ABN 88 917 575 791), of 685 Burke Road, Camberwell, Victoria, 3124, trading as Independent Concrete Constructions Pty Ltd, for the tendered amount of \$1,252,070.93, including GST; as part of the total expected project expenditure of \$1,468,721, including GST (\$1,335,201 excluding GST).***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

The project is included in the adopted 2016/2017 Council Capital Works Budget.

The Box Hill Skate Park was originally constructed by Council in 2005. The facility is extremely popular with the community and is very well used. There has been feedback received from a number of visitors over the years requesting the facility be enlarged to cater for a broader range of users and to accommodate differing levels of ability.

The design for the extension of the facility has been developed in consultation with the community to improve accessibility and provide elements that can be used by visitors with a wider variety of skills, including beginners.

The proposed extension work includes part demolition of some of the existing facility, earthworks, concrete pavements, steelwork, drainage, fencing, furniture, shelter structures, landscaping and energy efficient LED lights.

The project is planned to be constructed across the 2016/2017 and 2017/2018 financial years. Works are scheduled to commence in March 2017 and be completed by the end of September 2017. The existing facility will be temporarily closed during construction.

#### DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 9 July 2016 and were closed on Wednesday 3 August 2016. A total of three tenders were received.

The tenders were evaluated against the following criteria:

- The Tender offer;
- Demonstrated experience in the provision of similar services;
- Quality of work;
- Availability of Tenderer to complete the Works; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The recommended tenderer, Independent Concrete Constructions Pty Ltd has extensive experience in these types of works. They have successfully delivered a number of similar skate park projects for South Gippsland Shire Council, Moonee Valley City Council and

### 9.1.7

(cont)

Boroondara City Council. They are a well-resourced company for this type of work and have an acceptable Occupational Health and Safety policy.

The tender received from Independent Concrete Constructions Pty Ltd is considered to provide the best value for money for this Contract.

### CONSULTATION

The design for the project was developed in consultation with the community including speaking to local residents and users of the facility, newspaper articles, as well as a public consultation meeting. All relevant Council departments were also consulted during the design and project development.

A notice will be erected on site prior to the works commencing notifying users that the facility will be temporarily closed for approximately five months during construction.

The preferred tenderer's business viability has been considered.

### FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No. <b>T461</b> Box Hill Skate Park Extension (2016/2017)	\$ 700,000	
Capital Works Funding Account No. <b>U461</b> Box Hill Skate Park Extension (2017/2018)	\$ 700,000	
<b>Total Budget</b>	<b>\$ 1,400,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$ 1,252,071
Less GST		-\$ 113,825
Net cost to Council		\$ 1,138,246
Plus Contingencies		\$ 113,825
Plus Project Management Fee		\$ 68,295
<b>Subtotal</b>		<b>\$ 1,320,366</b>
Plus Commitment to Date		\$ 14,835
<b>Total Expenditure</b>		<b>\$ 1,335,201</b>



### **9.1.8 Tender Evaluation Report – Contract 15052 - Melbourne Water Pipe Track Shared Path Construction Section 1 - Highbury Road to Ballantyne Street, Burwood East**

FILE NUMBER: SF16/627

#### **SUMMARY**

*To consider tenders received for the construction of a shared path in the Melbourne Water pipe track between Highbury Road and Ballantyne Street, Burwood East and to recommend the acceptance of the tender received from V.Crete Concrete Contractors Pty Ltd, for the amount of \$427,710.69, including GST and to consider the overall project expenditure.*

#### **COUNCIL RESOLUTION**

Moved by Cr Bennett, Seconded by Cr Carr.

***That Council accept the tender and sign the formal contract document for Contract 15052 Melbourne Water Pipe Track Shared Path Construction Section 1 (Highbury Road to Ballantyne Street, Burwood East) received from V.Crete Concrete Contractors Pty Ltd (ABN 40 055 492 683), of 2/146 Northbourne Road, Campbellfield, Victoria 3061, for the tendered amount of \$427,710.69, including GST; as part of the total expected project expenditure of \$529,179 including GST (\$481,072 excluding GST).***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

This project is included in the adopted 2016/2017 Council Capital Works Budget.

Whitehorse City Council is committed to providing safe and accessible facilities for the community to fully participate in healthy and enjoyable recreational activities. Council promotes walking and cycling as a key activity in improving health, wellbeing and environmental sustainability.

A shared path within the Melbourne Water pipe track reservation is listed as a 'Priority Regional Trail Connection' in the Melbourne East Regional Sport and Recreation Strategy and is a high priority project within the Whitehorse Cycling Strategy 2016. VicRoads has also identified the path as part of the larger 'Chirnside Park to Mordialloc Strategic Cycling Corridor'.

The project addresses a clear gap within the network of off-road shared use paths within Whitehorse and the wider eastern region. Ultimately the pipe track path will connect with other existing and planned off-road paths to allow cyclists and pedestrians to travel throughout a significant portion of the eastern and south eastern metropolitan region and to wider areas of Melbourne.

Council has set targets within its Whitehorse Cycling Strategy 2016 to nearly double the number of people cycling within the community by 2026. A separate target is to more than double the number of female cyclists. Providing safe and convenient off-road facilities, such as the pipe track path, is seen as key to reaching our targets.

It is proposed to construct the path in sections, subject to available funding. The first section that is proposed to be constructed in 2016/2017 is the section from Highbury Road to Ballantyne Street, Burwood East.

The scope of works is to construct a 3 metre wide concrete path and associated access treatments at intersecting roads. The path will be constructed in accordance with the requirements of the relevant standards and guidelines for shared paths. Signs will also be provided to ensure path users can navigate their way along the path and to destinations near the path. The path will be constructed and maintained in accordance with the agreement that has been executed between Council and Melbourne Water.

## 9.1.8

(cont)

### DISCUSSION

Tenders were invited on 9 July 2016 and were closed on 3 August 2016. A total of thirteen tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderers Experience;
- Quality of Work;
- Available Resources;
- Availability of Tenderer; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

V.Crete Concrete Contractors Pty Ltd is the recommended tenderer for the contract. They have successfully completed similar projects for Manningham City Council, Banyule City Council and Bayside City Council. They also completed a road reconstruction for Whitehorse City Council in the 2014/2015 financial year.

The tender received from V.Crete Concrete Contractors Pty Ltd is considered to be the best value for money for this contract.

### CONSULTATION

Significant community engagement activities were recently undertaken regarding shared use cycle paths and other cycling matters, as part of the development of the Whitehorse Cycling Strategy. There is very high support for the completion of this project from residents, visitors and professional stakeholders.

The project was developed in consultation with all the relevant Council departments. There was also consultation with external stakeholders including Melbourne Water, Yarra Valley Water, VicRoads and Sport and Recreation Victoria.

All residents abutting the pipe track where the path is proposed to be constructed have been advised of the forthcoming project and construction in this financial year. There will be further notice provided in advance of the construction works.

The preferred tenderer's business viability has been considered.

### FINANCIAL IMPLICATIONS

		<b>Budget</b>	<b>Expenditure</b>
Capital Works Funding Account No. T217	Pipe	\$ 180,000	
Track Shared Path Stage 1B			
Capital Works Funding Account No. T218	Pipe	\$ 140,000	
Track Shared Path Stage 1C			
Capital Works Funding Account No. T219	Pipe	\$ 160,000	
Track Shared Path Stage 1A			
<b>Total Budget</b>		<b>\$ 480,000</b>	
Preferred tenderer's lump sum offer (including GST)			\$ 427,711
Less GST			- \$ 38,883
Net cost to Council			\$ 388,828
Plus Contingencies			\$ 38,883
Plus Project Management Fee			\$ 38,883
<b>Sub Total</b>			<b>\$ 466,594</b>
Plus Expenditure to date (T217)			\$ 14,478
<b>Total Expenditure</b>			<b>\$ 481,072</b>

## PROCEDURAL MOTION

Moved by Cr Munroe, Seconded by Cr Davenport.

***That report items 9.2.1, 9.2.2, 9.2.3, 9.2.4 and 9.2.5 be considered together and the recommendations adopted.***

**CARRIED UNANIMOUSLY**

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation Report (Contract 15035) Mechanical Plant Maintenance Services

FILE NUMBER: SF16/178

#### SUMMARY

Of Council's 375 Buildings and structures 95 have mechanical plant and equipment. Maintenance of this plant is currently delivered by an external mechanical services contractor. Tenders have been received for the provision of Mechanical Plant Maintenance Services throughout Council's building portfolio. The current contract expires on 1 December 2016. This contract is comprised of 2 parts:

- Part 1 - Primary Contractor for routine and reactive maintenance services.
- Part 2 - Secondary Support Contractor - will involve some routine servicing, quoting on new work / major projects using tendered rates. Provision of specialist advice, and support for reactive works as and when required though out the contract term.

It is recommended that Council establish of a preferred supplier panel of Mechanical Services providers and the acceptance of tenders received from Illingworth Industries Pty Ltd trading as RKH Air Conditioning Services and Total Air Services (Vic) Pty Ltd. The contract will be based on a schedule of rates for labour and materials for a fixed 3 year term commencing on 1<sup>st</sup> December 2016 with a 1 x 2 year extension option, subject to satisfactory performance.

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Davenport.

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

1. ***Accept the tender and sign the formal contract document for Contract 15035 for Mechanical Plant Maintenance Services, on a schedule of rates basis and fixed prices, for the initial contract term of three (3) years commencing on 1 December 2016 from:***

- ***Illingworth Industries Pty Ltd trading as RKH Air Conditioning Services, (ABN 604 055 503), Factory 2, 31 Peel Street, Eltham 3095***
- ***Total Air Services (Vic) Pty Ltd, (ABN 75 106 506 101), Factory 2, 256 Bolton Street, Eltham Victoria 3095***

***For the estimated cost of \$2,190,785 including GST***

2. ***Authorise the Chief Executive Officer to award a 2 year extension of this contract, subject to a review of each Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term, in accordance with the contract provisions.***

**CARRIED UNANIMOUSLY**

## **9.2.1**

(cont)

### **BACKGROUND**

Council manages 375 buildings and structures and 95 of these include mechanical plant. The supply of ongoing services to inspect service and maintain all mechanical plant and associated items in buildings fitted with air conditioning services is critical to ensure buildings are safe and fit for use. Council's Asset Management Policy requires the sustainable management of assets as paramount to ensuring optimum asset life and acceptable infrastructure service levels are achieved. The contract works are necessary to ensure Council meets its Asset Management obligations and satisfies Australian Standards- AS 3666, 1668, 5601 and National Construction Codes (NCC) requirements for management of mechanical plant. This contract has adopted the recommended schedules as outlined in the application manual DA19 produced by The Australian Institute of Refrigeration, Air-conditioning and Heating (AIRAH). Items of plant to be serviced under this contract include Air Handling Units, Chillers, and Heating Hot Water Boilers, Exhaust Fans, Air-conditioning Control Systems and Circulation Pump Sets.

### **DISCUSSION**

It is intended to let a 3 year fixed term contract, with one 2 year extension option, to replace the current maintenance contract which has reached the end of its term. A contract specification based on a prescribed set of best practice inspection, testing and maintenance standards, developed for the current contract, has been reviewed and updated to ensure it meets current requirements. It is intended to commence a new contract in December 2016.

The nature of the contract will involve:

- Scheduled inspection, testing and servicing of nominated plant items with an estimated replacement value in excess of \$7,000,000
- Reactive maintenance and
- The planned replacement and/or upgrade of plant items that have reached the end of their economic life

Tenders for the service were publicly advertised in The Age newspaper on Saturday 9th July 2016 and closed on Wednesday 3rd August 2016. 15 tenders were received.

The tenders were evaluated against the following criteria:

- a) Tender offer
- b) Experience with similar service contracts
- c) Management and Reporting Systems
- d) Evidence of capacity to meet the response times including out of hours call outs
- e) Experience with Essential Safety Measures
- f) Record of providing services that support environmental sustainability

Occupational Health & Safety, Equal Employment Opportunity policies and Business viability were assessed on a Pass/Fail basis.

A comprehensive evaluation of tenders has been conducted based on the hourly rates provided for scheduled maintenance activities per facility, nominated margins on estimated material supply costs and an estimate of the amount of time required to undertake reactive maintenance works using the hourly rates.

Of the 15 tenders received the 2 most competitive tenders were interviewed following a preliminary assessment of all tenders against the nominated selection criteria.

## 9.2.1

(cont)

RKH Air Conditioning Services are known to be a reputable, reliable and experienced company capable of undertaking the works outlined in the contract documentations and has extensive experience in the provision of Mechanical Plant Maintenance Services. RKH Air Conditioning Services is Council's current provider of Mechanical Plant Maintenance Services and has submitted the best overall value tender of all tenders received.

Total Air Services (Vic) Pty Ltd have managed similar size contracts for other Councils, scored highly against the selection criteria, subsequent tender interview and had the most competitive tender offer.

This contract will be divided into two parts:

- Part 1 - Primary Contractor for routine and reactive maintenance services.
- Part 2 - Secondary Support Contractor - will involve some routine servicing, quoting on new work / major projects using tendered rates. Provision of specialist advice, and support for reactive works as and when required though out the contract term.

RKH Air Conditioning Services will be contracted to undertake Part 1 of the contract. Total Air Services (Vic) Pty Ltd will be contracted to undertake Part 2 of the contract.

The contract scope will be adjusted to include the servicing of additional plant items acquired by Council during the term of the contract.

### CONSULTATION

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

### FINANCIAL IMPLICATIONS

Funding for this contract will be drawn from Built Infrastructure - Facilities Maintenance annual operational budgets and appropriate Capital Works accounts. The estimated total expenditure is consistent with the current costs for services under contract.

	Budget	Expenditure
Estimated Funding over three (3) years:	\$1,991,622	
<b>Est. total funding</b>	<b>\$1,991,622</b>	
Year 1 (2016/17) Capital & Operational Budgets	\$663,874	
Year 2 (2017/18) Capital & Operational Budgets	\$663,874	
Year 3 (2018/19) Capital & Operational Budgets	\$663,874	
<b>Est. total funding</b>	<b>\$1,991,622</b>	
Preferred Tenderer(s) estimated contract cost (3 years)		\$1,991,622
<b>Est. total expenditure (inc. GST)</b>		<b>\$2,190,785</b>
GST		\$199,163
<b>Est. net cost to Council</b>		<b>\$1,991,622</b>

## **9.2.2 Tender Evaluation Report (Contract 15025) Supply and Installation of Standby Generator – Civic Centre and Nunawading Library**

FILE NUMBER: SF16/115047

### **SUMMARY**

*The provision of a continuous power supply to the Civic Centre and Whitehorse Manningham Nunawading Branch Library has been identified as a vital component of Councils Business Continuity Strategy. Tenders have been received for the supply and installation of a standby generator to supply the Civic Centre and Whitehorse Manningham Nunawading Branch Library with power in the event of an extended power outage. It is recommended that the tender received from Ace Electrical Infrastructure Pty Ltd is accepted, and to consider the overall project expenditure.*

### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Davenport.

***That Council accept the tender and sign the formal contract document for Contract 15025 for the supply and installation of standby generator at the Civic centre received from Ace Electrical Infrastructure Pty Ltd (ABN (87 159 022 143), 18 Brisbane Street, Eltham Vic 3095, for the tendered amount of \$295,487, including GST; as part of the total expected project expenditure of \$556,146 including GST.***

**CARRIED UNANIMOUSLY**

### **BACKGROUND**

Council has a Business Continuity Strategy which identifies vital sites to Council's operations. In October 2014 a collaborative report between the Capital Works and Compliance Departments was presented to Council's EMT outlining the short comings of the existing emergency power arrangements at Civic Centre and Whitehorse Manningham Nunawading Branch Library. The report recommended an upgrade of the existing emergency power supply to allow for normal business functions to continue in the event of an extended period of mains power failure.

The new generator will supply power to all Civic Centre and Whitehorse Manningham Nunawading Branch Library buildings and plant in the event of a power outage.

This project will be delivered by Council's Built Infrastructure Department. Key components of the project are the supply and installation of a 605kVA diesel generator set and manufacture and installation of a new emergency power control system to connect the generator to the Civic Centre and Nunawading Branch Library electrical system.

Associated work to be undertaken includes:

- Removal of existing 30 year old generator and reinstatement of space to storage;
- Construction of new area for generator system, including concrete pad, installation of façade (including roof) to the generator module;
- Removal of existing and redundant generator cabling, switchgear and equipment;
- Upgrading of switchboards to remove old change over circuits and relays;
- Integration of current solar system to shut down while generator is operating. This is a requirement of United Energy;
- Installation of Building Automation Systems (BAS) and incorporate existing Air Conditioning BAS to one system;
- Installation of system meters and sub switchboard upgrades; and
- Installation of new supply, control and data cabling throughout the Civic Centre.

## **9.2.2**

(cont)

The control system for the generator will be added to the buildings comprehensive Building Automation System (BAS) which can be managed and monitored remotely. In addition, the generator system design and selection have allowed some capacity to cater for future power demand to both the Civic Centre Office and Whitehorse Manningham Nunawading Branch Library.

Following the completion of this project the entire Civic Centre and Whitehorse Manningham Nunawading Branch Library will have full operating power available during any power outage. The main Council building services and Whitehorse Manningham Nunawading Branch Library will be able to operate as normal during the event of a power supply failure.

All lighting, information technology's servers, microwave links and other related equipment will function as normal. The project will require the removal of the current complex arrangement of limited emergency supply circuits. The existing generator is 30 year old has reached the end of its useful life and will be removed and disposed of as part of this contract.

The site for the new generator will be on the east side of the Whitehorse Manningham Nunawading Branch Library and be housed behind a roofed façade that will complement the surrounding structures including the bike shelter.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 9<sup>th</sup> July, 2016 and closed on Tuesday 9<sup>th</sup> August, 2016. Four tenders were received.

An information session was conducted on Wednesday 20<sup>th</sup> July, 2016 at the Civic Centre with a walkthrough of the site. All contractors that tendered were at the information session.

The tenders were evaluated against the following criteria:

- Tender Offer;
- Demonstrated Knowledge of similar projects;
- Management of Site;
- Available Resources; and

Occupational Health & Safety, Equal Opportunity policies and business viability were assessed on a Pass/Fail basis.

The tenderers were;

1. Ace Electrical Infrastructure Pty Ltd;
2. Elec-Trix Contractors Pty Ltd (t/a Laser Electrics);
3. Kane & Co Electrical Contractors Pty Ltd (with bid from JCB Generators Australia); and
4. Macfarlane Generators Pty Ltd

Ace Electrical Infrastructure Pty Ltd who are a subsidiary of the Ace Contractors Group Pty Ltd have demonstrated it can provide the resources and equipment required for this installation in a timely manner and will provide all required on-site support and project management. The tender received from Ace Electrical Infrastructure Pty Ltd is considered to provide the best overall value for this Contract. Tenderers provided three different manufactured generator units and the evaluation panel were able to compare the alternates. Ace Electrical Infrastructure have tendered with supplying the preferred Caterpillar (CAT) 605 KVA generator. The modular unit fits all the specified requirements. Council's independent technical advisor, BRT Consulting Engineers, have confirmed that the Caterpillar (CAT) 605 KVA generator meets all the project requirements and is a well-supported product and used extensively throughout Australia in similar applications.

## 9.2.2

(cont)

### CONSULTATION

Following extensive consultation and review in conjunction with Councils Emergency Planning and Business Continuity Committees, United Energy and Electrical Engineers the project was nominated and approved for inclusion in the Capital Works Program.

Reference checks were completed with Ace Electrical Infrastructure Pty Ltd customers having completed similar projects recently were returned favourable and confirmed it has the required expertise and project management approach and have demonstrated that they have the financial capability to successfully deliver this project.

### FINANCIAL IMPLICATIONS

	<b>Budget</b>	<b>Expenditure</b>
Capital Works Funding Account No. T521	\$575,000	
<b>Total Budget</b>	<b>\$575,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$295,487
Less GST		\$26,862
Net cost to Council		\$268,625
Plus Contingencies		\$55,000
Alterations to surround		\$26,000
Upgrade of existing DDC systems		\$10,000
Upgrade to sub electrical switchboards		\$100,000
Plus Project Management Fee (10% of total project cost ex GST)		\$45,962
<b>Total Expenditure (ex GST)</b>		<b>\$505,587</b>



### **9.2.3 Tender Evaluation Report (Contract 15042) Provision of Contract Weed Control Services**

FILE NUMBER: SF16/12867

#### **SUMMARY**

*Council manages and maintains 590 hectares of open space, landscaped areas in road reservations and footpath pavements.*

*Tenders have been received for the provision of Contract Weed Control Services for road reserves, landscape features, parks and reserves throughout the municipality. The contract is based on a schedule of rates plus consumables basis and will apply for a fixed five year term plus 1 year option. A number of companies have been assessed as suitably qualified to undertake a range of weed control activities.*

#### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Davenport.

***That Council accept the tenders received from:***

- 1. Telamo Pty Ltd A.B.N. 43 088 081 869 of 11 Rowling Street Plumpton Victoria 3335 trading as "Rays Weeds Spraying Service" for Garden Beds, Items 6, 7 & 8, Block Items 15 & 16, Broadleaf Items 1, 2 & 4, Hard Surfaces Items 9-14 and Grass Cutting Items 17, 18 & 19.***
- 2. Harricks Services Pty Ltd A.B.N. 83 088 248 088 of 818 Warburton Hwy Seville Vic 3139 trading as "Wipe Out Vegetation Management" for Garden Beds, Items 6, 7 & 8, Block Items 15 & 16, Broadleaf Items 1, 2 & 4, Hard Surfaces Items 9-14 and Grass Cutting Items 17, 18 & 19.***
- 3. Landlinks Environmental Services P/L A.B.N. 53 078 936 151 of 100 Morbey Rd Gembrook 3783 Vic PO Box 277 Gembrook 3783 or Garden Beds, Items 6, 7 & 8, Block Items 15 & 16, and Broadleaf Items 1, 2 & 4.***
- 4. Herbert Group Holdings Pty Ltd A.B.N 80 602 813 454, 1/375 Bayswater road Bayswater PO Box 204 Bayswater 3153 trading as "Herbert Contractors" for Grass Cutting Items 17, 18 & 19 and Hard Surfaces Items 9-14***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Council manages and maintains a geographic area of 64 square kilometres with 611 kilometres sealed roads, 1,182 kilometres foot paths kerb & channel, 30.8 kilometres constructed laneways, 18 kilometres unconstructed laneways, 86 kilometres of sealed paths, 95 kilometres of gravel paths & trails, and 590 hectares of Open Space comprised of parks, bushland reserves, landscaped gardens, recreation reserves, community centres together with tree-lined residential streetscapes i.e. shops, centre mediums, outer separators and traffic management devices (TMD's). The ParksWide Department maintains these open space and horticultural assets through a combination of in-house resources and specialist contractors.

Legislation requires Council to control a range of weed types and as such, maintenance programs have been developed to meet this requirement. The use of herbicide is a common method employed by industry professionals to control environmental, noxious and general weeds within open space. Minor and small scale weed control works are undertaken by ParksWide Department staff however bulk volume and large area weed control works are outsourced to specialist weed control contractors.

This contract is for the provision of weed control services to Council's entire open space network and the provision of mowing, brush cutting and slashing services to open space, nature strips and laneways.

### **9.2.3**

(cont)

On review of the scope of works Items 3 (Margin costs) & 5 (Chemical application using spreader) are not being considered. Item 5 - Chemical application will be carried out by existing Council staff.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 7 May 2016 and were closed on Thursday 26 May 2016. 11 tenders were received.

Each Tender was required to submit a price and methodology against the following Tender Items:

1. Chemical treatment of broadleaf weeds in parks, reserves and road reserves, across the municipality (Items 1, 2 & 4).
2. Chemical weed treatment of garden beds, fence lines and pathways in parks & reserves. (Items 6, 7 & 8).
3. Chemical weed treatment on hard & soft surfaces in road reserve/laneways, car parks, shopping areas, and garden beds installed in shopping areas from property line to property line across the municipality. (Items 9-14).
4. Chemical weed treatment on both hard & soft surfaces in road reserve/laneways from property line to property line for Blocks 1&2 - municipality north & south of Canterbury Road. (Items 15 & 16).
5. Grass cutting to supply operator and plant to mow with tractors, ride-ons in open space, nature strips works to include hand mower, brushcutter, and spraying of footpaths and edges crossovers edges and gutter edge. (Items 17,18 & 19).

Each Tender Item was evaluated against the following criteria:

- Financial benefit to Council
- Qualifications and Experience of Key Staff
- Capacity to provide the services
- Management, Documents & Procedures

Occupational Health and Safety and Equal Employment Opportunity policies were assessed on a Pass/Fail basis.

Following the evaluation process, four tenders have been recommended as preferred contractors to provide the best financial benefit to Council and allow flexibility of work being undertaken in accordance with scheduled operational maintenance requirements.

### **CONSULTATION**

All relevant service units within the ParksWide and City Works Departments have been consulted in the tendering and recommendation of these contractors.

### **FINANCIAL IMPLICATIONS**

The contract for the Provision of Contract Weed Control Services is based on an agreed Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The expected average annual expenditure under this contract over the initial contract term is \$225,000, including GST per annum. It is anticipated that the annual expenditure over the next five years of the contract term will be of a similar magnitude plus CPI adjustments.

The costs incurred under this contract will be charged to the relevant recurrent budgets within ParksWide and City Works Departments.

## **9.2.4 Tender Evaluation Report (Contract 15040) Walker Park Drainage & Irrigation Installation**

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### **SUMMARY**

*Council officers have identified that the sub surface drainage and irrigation system at Walker Park are not operating to an acceptable standard. This has compromised the quality and condition of the turf on the oval.*

*Tenders have been received for Walker Park Drainage and Irrigation Installation and to recommend the acceptance of the tender received from SJM Group Pty Ltd, trading as SJM Turf and Civil Pty Ltd, for the amount of \$322,486.01, including GST and to consider the overall project expenditure.*

### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Davenport.

***That Council accept the tender and sign the formal contract document for Contract 15040 for the Walker Park Drainage and Irrigation Installation received from SJM Group Pty Ltd (ABN 52 209 761 854), of 255 Payne Rd, Beaconsfield, Vic, 3807, trading as SJM Turf and Civil Pty Ltd, for the tendered amount of \$322,486.01, including GST; as part of the total expected project expenditure of \$532,550.81, including GST.***

**CARRIED UNANIMOUSLY**

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Walker Park is located on Whitehorse Road, Nunawading and is currently allocated to Mitcham Cricket Club during the summer season and Mitcham Football Club in the winter Season.

The ground at Walker Park is heavily utilised by the tenant clubs throughout the year and is regularly utilised by casual users and school groups. There is an existing irrigation system that is designed for irrigation heads that by the current standards create a safety concern for the players due to the size of the irrigation heads on the surface. The ground has had issues with drainage over a period of time and this has had an adverse effect on the playability of the ground, especially during the winter season. The proposed works will include removing the top 40mm from the surface, installation of a new irrigation system that will be linked to Council's Central Control System, installation of an extensive drainage system followed by sand capping of the ground. The ground will then be laid with instant turf with warm season couch grass. The instant turf supply is separate from this contract as it is a specialised component of the project.

These works will allow for a safer and more playable surface for all users year round.

The works are scheduled to start in September 2016 and be completed by the start of January 2017. The ground will be required to be closed until April 1, 2017 to allow the turf grass to establish and provide a suitable playing surface.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday July 16 and were closed on Wednesday August 3. Six tenders were received.

The tenders were evaluated against the following criteria:

- The tender offer
- The tenders demonstrated knowledge and experience in delivering similar projects
- The capacity of the tender to undertake the works
- The available resources of the tenderer for the works; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

## 9.2.4

(cont)

SJM Turf and Civil Pty Ltd has submitted the price of \$322,486.01 Inc. GST. SJM Turf and Civil Pty Ltd have clearly demonstrated a very good level of knowledge and experience relating to similar projects. They have completed similar projects for other Councils and Golf courses.

SJM Turf and Civil Pty Ltd have demonstrated that it has the capacity and resources to perform the works as per the specification, within the specified timeframes and has the appropriate OH&S systems and EEO policy in place to undertake the contract submitted.

The tender received from SJM Turf and Civil Pty Ltd is considered to provide the best value for money for this Contract.

### CONSULTATION

ParksWide Department and Parks, Planning and Recreation Unit have consulted extensively with the Mitcham Cricket Club and the Mitcham Football Club who are the tenants at Walker Park. The clubs are fully supportive of the proposed project and the timeframes.

The preferred tenderer's business viability has been considered.

### FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No.(10 T458 6708)	\$ 490,000	
<b>Total Budget</b>	<b>\$ 490,000</b>	
Preferred tenderer's lump sum offer (including GST)		\$ 322,486.01
Less GST		-\$ 29,316.91
Net cost to Council		\$ 293,169.10
Plus Contingencies		\$ 29,316
Plus Project Management Fee		\$ 5,000
Plus Instant Turf		\$ 131,652
Plus Turf Establishment Costs		\$ 25,000
<b>Total Expenditure</b>		<b>\$ 484,137.10</b>

## **9.2.5 Tender Evaluation Report (Contract 15028) Provision of Inspection Testing and Maintenance of Portable and Fixed Fire Protection Equipment**

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### **SUMMARY**

*Council is required by building regulations to comply with statutory requirements to inspect facilities fitted with Essential Safety Measures. Tenders have been received for the Provision of Inspection Testing and Maintenance of Portable and Fixed Fire Protection Equipment throughout Council's building portfolio. The current contract expires on 30 November 2016. This contract is comprised of 2 parts:*

- *Part 1 - Inspection Testing and Maintenance of Portable Fire Equipment*
- *Part 2 - Inspection Testing and Maintenance of Fixed Fire Protection Equipment*

*This report recommends the establishment of a preferred supplier panel of specialist fire services technicians and the acceptance of tenders received from Fire Equipment Services (ABN 28 598 558 561), and ENGIE Fire Services Australia Pty Ltd, (ABN 83 160 366 352).*

*This contract includes schedules of rates for labour and materials and fixed prices for labour and materials based on a detailed cyclic program of Essential Safety Measures inspections for all buildings located on Council land. The rates will apply for a fixed 3 year term with a 1 X 2 year optional extension term subject to satisfactory contractor performance.*

### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Davenport.

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

- 1. Accept the tender and sign the formal contract document for Contract 15028 for Provision of Inspection Testing and Maintenance of Portable and Fixed Fire Protection Equipment, on a schedule of rates basis and fixed prices, for the initial contract term of three (3) years commencing on 1 December 2016 from:***
  - Part 1 - Fire Equipment Services, (Abn 28 598 558 561), Suite 2, 5 Lakeside Drive, Burwood East 3151 For The Estimated Cost Of \$226,169 Including Gst And From***
  - Part 2 - ENGIE Fire Services Australia Pty Ltd, (ABN 83 160 366 352), Suite B, 255 Rawson Street, Auburn NSW for the estimated cost of \$195,298 including GST***
- 2. Authorise the Chief Executive Officer to award a 2 year extension of this contract, subject to a review of each Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term, in accordance with the contract provisions. .***

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**CARRIED UNANIMOUSLY**

## **9.2.5**

(cont)

### **BACKGROUND**

Council is required by building regulations under the National Construction Code (NCC) to conduct regular inspections on facilities fitted with Essential Safety Measures (ESM) such as portable fire equipment, smoke/fire detection, fixed sprinkler systems, illuminated exit lighting, emergency lighting, paths of travel to exits, discharge from exits. These inspections are to ensure that all ESMs are fully functional at all times for occupant safety. Fire protection equipment comprises 2 Groups:

- Part 1 - Portable Fire Equipment includes, fire extinguishers, fire blankets, fire hydrants & hose Reels for 210 buildings.
- Part 2 - Fixed Fire Protection Equipment includes, fire /smoke detectors, fire monitoring panels, sprinklers systems, fire rated doors, smoke seals, air-conditioning shutdown features for 10 Buildings

Council relies on external service providers to deliver the services under this contract due to the specialised competencies required to ensure compliance with regulatory and NCC requirements and a volume of assets to be maintained currently in excess of 2500 items. The current contract expires on 30 November 2016.

The intent of the contract is to:

- Fulfil Council's obligations as set out in the NCC,
- Satisfy the requirements set out in the relevant Australian Standards,
- Ensure Fire extinguishers, Fire blanket, Fire Hydrant, Fire Alarms and Fire Hose Reels systems are regularly tested so that they could be used to fight fire should the need arise,
- Ensure fire detection, emergency warning, fire curtains and sprinklers systems are serviced and operating as designed, and
- Ensure fire/smoke doors are compliant with requirements outlined in the NCC.

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

### **DISCUSSION**

The tender was advertised in The Age newspaper on Saturday 2 July 2016 and closed on Wednesday 27 July 2016.

A pre-tender information and briefing session was held at Box Hill Town Hall on the 12 July 2016 to outline key areas and Councils expectations for this contract. 12 companies attended.

A total of 12 tender submissions were received for Part 1 and 11 submissions for Part 2. This contract and all tenders were evaluated against the following criteria:

- a) Tender Offer
- b) Qualifications and Experience
- c) Workmanship Quality and compliance with industry codes and standards
- d) Management and reporting / invoicing systems
- e) Evidence of capacity to deliver services to nominated schedules

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

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

## 9.2.5

(cont)

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

Part 1 – Inspection Testing and Maintenance of Portable Fire Equipment. Twelve (12) tender submissions were received. The tender from Fire Equipment Services (FES) offers the best overall value outcome for Council. FES is the current provider of this service and has provided excellent service for all requirements under the contract for the past 5 years.

Part 2 - Inspection Testing and Maintenance of Fixed Fire Protection Equipment. Eleven (11) submissions were received. The tender from ENGIE Fire Services Australia Pty Ltd (ENGIE) offers the best overall value outcome for Council.

FES and ENGIE are both well experienced within the local government sector and satisfactorily service the requirements of other Local Government organisations. Both tenderers have demonstrated a clear understanding of ESM inspections, testing and repair requirements and are well equipped to service this contract in a timely and effective manner.

A detailed business viability assessment conducted on both FES and ENGIE confirmed both companies have the financial capacity to fulfil the contract requirements for the 3 year term.

### CONSULTATION

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

### FINANCIAL IMPLICATIONS

Sufficient funding for this contract has in Built Infrastructure, Facilities Maintenance Unit, annual capital and operational budgets. The estimates for expenditure under this contract are consistent with recent costs incurred for the specialised services.

	Budget	Expenditure
Estimated Funding over three (3) years:		
Part 1 - Inspection Testing and Maintenance of Portable Fire Equipment (ex GST)	\$205,608	
Part 2 - Inspection Testing and Maintenance of Fixed Fire Protection Equipment (ex GST)	\$177,544	
<b>Est. total funding</b>	<b>\$383,152</b>	
Year 1 (2016/17) Capital & Operational Budgets	\$124,460	
Year 2 (2017/18) Capital & Operational Budgets	\$127,911	
Year 3 (2018/19) Capital & Operational Budgets	\$130,781	
<b>Est. total funding</b>	<b>\$383,152</b>	
Preferred Tenderer(s) estimated contract cost (3 Years)		
FES		\$226,169
ENGIE		\$195,298
<b>Est. total expenditure (inc. GST)</b>		<b>\$421,467</b>
GST		\$38,315
<b>Est. net cost to Council</b>		<b>\$383,152</b>

## **9.2.6 Tender Evaluation Report (Contract 15030) Provision of Architectural Services for construction of Nunawading Community Hub**

FILE NUMBER: SF16/631

### **SUMMARY**

*To consider tenders received for the provision of Architectural Services for the construction of the Nunawading Community Hub and to recommend the acceptance of the tender received from Francis-Jones Morehen Thorp Pty Ltd, trading as FJMT, for the amount of \$1,411,558.50 including GST and to consider the overall cost for the provision of Architectural Services.*

### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Munroe.

***That Council accept the tender and sign the formal contract document for Contract 15030 for the provision of Architectural Services for the Construction of the Nunawading Community Hub received from Francis-Jones Morehen Thorp Pty Ltd, trading as FJMT, ABN 28 101 197 219 of Level 2, 56 Hardware Lane, Melbourne Vic 3000 for the amount of \$1,411,558.50, including GST, as part of the total expected project expenditure for Architectural Services of \$1,686,011.51 ex GST.***

**CARRIED UNANIMOUSLY**

Council has owned and operated community facilities at Silver Grove Nunawading for a number of years. The facilities are used by community and special interest groups to conduct and deliver a broad range of activities and services. Many of the existing facilities are aged and the layout of buildings on the site is inefficient in providing the commonly accepted community and service standards.

In response to Council's resolutions of 9 November 2009 and 17 May 2010 a feasibility study was undertaken to explore the potential for redevelopment of the Silver Grove precinct as a mall type development. Conceptual designs and design principles for the project were established as part of this feasibility study.

In June 2015 Council purchased the former Nunawading Primary School site from the State Government with the intention of relocating the community services currently provided at the Silver Grove, Nunawading site to the alternate former primary school site. Following a further feasibility study, conceptual design process and site based financial considerations Council adopted the Business Case and endorsed commencement of the design and subsequent construction of a new integrated community hub facility on the former primary school site at its meeting on 14 December 2015. Council approved a budget of \$28 Million for the project.

The Business Case was based on the concept of constructing a new multi-level integrated community hub facility, incorporating the existing heritage listed original school house, to accommodate all of the community and Council delivered services currently being provided at the Silver Grove site.

A Project Manager was appointed in February 2016 and a project office has been established onsite to progress the project. Sufficient resources to commence the consultation and architectural design process have been provided for the project in the current financial year.



## **9.2.6**

(cont)

The concept design, underpinning the Business Case, relied on the following key design principles previously established for the Silver Grove site:

- A Co-located Hub
- Flexible and Adaptable
- Highly Accessible
- High Quality External Spaces
- Visible and Connected
- Sense of Welcome and Identity
- Governance and Management

### **DISCUSSION**

Selection of consultants for the provision of architectural and associated design services for the project has been structured as a two stage, competitively tested, open market process. The first stage, being a publicly advertised Expression of Interest (EOI) stage, has been completed with the decision to short list 5 consultants to progress to the Request for Tender (RFT) stage of the project.

Five RFTs were invited on Monday 4 July 2016 from FJMT, GroupGSA, Lyons, MGS and Peddle Thorp. All five consultants lodged tenders by the specified closing time of 3.00pm on Wednesday 27 July 2016.

The Tender Evaluation Panel (TEP) included the following Whitehorse City Council officers:

- Imants Bruns – Independent Chair (non voting)
- David Logan, Manager Major Projects
- Rohan Prathapasinghe, Project Manager
- Debbie Seddon, Manager Community Development
- Bill Morrison, Manager Arts and Recreation Development

The tenders were evaluated in accordance with the approved Evaluation Plan by the TEP between 27 July and 10 August 2016 using the following scored and weighted criteria:

- Understanding of Requirements
- Design Approach
- Project Approach
- Compliance with Contract and Brief
- Financial Benefit

The following risk based criteria were used to further evaluate the tenders.

- Business Viability
- Insurances
- Conflict of Interest
- OH&S Requirements

The first round of evaluation was based on an individual review of each tender by each (TEP) member. This was followed by the TEP seeking written clarification from each of the tenderers on several matters pertaining to their tenders prior to the TEP meeting on Wednesday 3 August 2016 to determine a consensus score weighted against each criteria for all 5 tenderers.

The TEP analysed all criteria, including lump sum price, to arrive at a pre-interview consensus score. The evaluation determined that three tenderers scored significantly higher than the lower two in all criteria. Based on this evaluation the top three tenderers were invited for interviewing. It was clear from the significant difference in scores in all categories relating to the lower two tenderers, that their scores would be unlikely to increase substantially enough post interview, to warrant a change of outcome in the selection.

### **9.2.6**

(cont)

The TEP determined to interview FJMT, Lyons and MGS being the top three of the five tenderers as the next stage of the evaluation process.

The same set of predetermined interview questions was sent to the selected three tenderers prior to them being interviewed on Wednesday 10 August 2016. The interviews were conducted by the TEP in the presence of the projects Probity Advisor, CT Alliance Pty Ltd. At the conclusion of the interviews the TEP met, reassessed and modified some of the consensus scores awarded to the three interviewed tenderers.

Based on the final weighted scores, Business Viability checks were undertaken on the two higher ranked consultancies. Both tenderers received a preferable risk rating. Additional clarification was also sought in regards to compliance with clauses in the contract for this project.

Confirmation reference checks were conducted on all shortlisted EOI respondents prior to the commencement of the tender invitation process.

At the conclusion of the evaluation process the preferred tenderer that offers the best value for money outcome, with an acceptable level of risk to Council for this contract, is FJMT.

Two members of the TEP visited the Melton Library and Community Hub, as well as the Craigieburn Global Learning Hub and Library, which were both designed by FJMT. Both buildings were of high standard and are fully completed and now in operation.

### **CONSULTATION**

The TEP included members from across Council's business areas, including Human Services and Infrastructure Divisions. The Manager Procurement & Contracts conducted the role of Independent Chair as a non-voting TEP member.

Council's Probity Advisor was consulted on the development of the Probity Plan, Tender Evaluation Plan and provided input into each stage of the procurement and evaluation process. The Probity Advisor attended the EOI respondent briefing session, interviews with tenderers and the post interview discussions. CT Alliance has been given access to all TEP documents in order to independently attest to the probity of the overall procurement process.

Contractual matters have been negotiated with the recommended respondent in consultation with Maddocks Lawyers (Maddocks) and reviewed by the TEP. Maddocks has confirmed the negotiated outcome is consistent with Council's requirements and the achievement of project objectives.

### **FINANCIAL IMPLICATIONS**

A total project budget of \$28 million has been allocated for the design and construction of the Nunawading Community Hub project with funding to be progressively made available over the remaining 3 year period of the project in accordance with expenditure demand projections.

Consultancy services for this project comprise a critical component of the project budget. A budget of \$2 million (Capital Account – T535 – 6708), has been allocated in 2016/17 to commence the consultation and architectural design services activity which will be sufficient to meet expenditure forecasts for this financial year.

## 9.2.6

(cont)

	<b>Budget</b>	<b>Expenditure</b>
Capital Works Funding (total project budget)	<b>\$28,000,000</b>	
Expenditure incurred in 2015/16	<b>240,522</b>	
Committed expenditure to date in 2016/17	<b>89,471</b>	
<b>Uncommitted project funding (remaining Budget)</b>	<b>27,670,007</b>	
Preferred Tenderer's lump sum price (including GST)		<b>1,411,558.50</b>
Plus necessary sub-consultant costs (not part of tender sum) inc. GST		<b>179,018.40</b>
Est total cost for Architectural Consultant Services		<b>1,590,576.90</b>
Less GST		<b>144,597.90</b>
Net cost to Council for Architectural Consultant Services		<b>1,445,979.00</b>
Plus contingencies (10%)		<b>144,597.90</b>
Project Management fees (6%)		<b>95,434.61</b>
<b>Est Total Expenditure</b>		<b>1,686,011.51</b>

Other sub-consultancy costs estimated at \$179,018.40 for a range of necessary sub-consultant services including acoustic engineering, traffic engineering, communication systems, audio visual engineering, will be required as an integral part of the expenditure for the successful completion of the architectural services contract for this project. Accordingly these costs have been included when determining the total estimated cost for architectural consultancy services.

The estimated total expenditure of \$1,686,011 excl. GST, for the provision of Architectural Consultancy Services is well under the pretender allowance of \$2 million excl. GST.

## 9.2.6

(cont)

### Appendix 1 – Probity Advisor Signoff Statement



1 September 2016

Terry Wilkinson  
General Manager Human Services  
Whitehorse City Council  
379-397 Whitehorse Road  
Nunawading VIC 3131

Dear Terry,

**Probity Report – Select Request for Tender for  
Architectural Services for Construction of  
Nunawading Community Hub**

I have completed my review of the select Request for Tender (RFT) process to identify a recommended tenderer to proceed to contract.

**Objective and Scope**

The objective of my review is to provide assurance that the RFT was conducted in accordance with probity principles and the City of Whitehorse Procurement Policy.

My review included, but was not limited to:

- The RFT document released to market
- The Evaluation Plan for the Provision of Architectural Services for Construction of Nunawading Community Hub
- Attendance at tenderer interviews and the Tender Evaluation Panel post interview scoring meeting
- The Tender Evaluation Report and supporting scoring summaries.

**Limitations**

- CT Alliance has not considered any legal issues associated with the RFT.
- CT Alliance has reviewed the evaluation process to ensure procedural integrity. This includes ensuring that submissions were evaluated and scored against the evaluation criteria and weightings detailed in the RFT document. However, we have not reviewed actual submissions. The

insight  
oversight

Level 8 350 Collins Street Melbourne VIC 3000 T 03 8601 1181 F 03 8601 1180  
ABN 21 959 192 524 [www.ctalliance.com.au](http://www.ctalliance.com.au)

## 9.2.6

(cont)

evaluation team are responsible for the assessment, scoring, pricing and commentary attributed to each submission.

- Because of the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our probity advisory role is not a substitute for Council's responsibility to deliver the RFT process in accordance with probity principles and Council's Procurement Policy (noting that CT Alliance is not responsible for the RFT process, and nor do we have control over, or visibility of, the day to day conduct of the process).
- The probity report has been prepared for the City of Whitehorse under the terms of our engagement. We disclaim any assumption of responsibility for any reliance on this report, to any person other than Council, or for any purpose other than for which it was prepared.

### Conclusion

It is CT Alliance's opinion that the RFT process to identify an architectural consultancy to proceed to contract, has in all material respects, been conducted in accordance with probity principles and the City of Whitehorse Procurement Policy, and is defensible.

Yours faithfully,



Matt Tubb  
Managing Director

## **9.3 HUMAN SERVICES**

### **9.3.1 Child Safe Standards**

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#### **SUMMARY**

*This report is an update to the May 2016 briefing to Council which outlined the new Victorian Government Child Safe Standards and their implications for Council and other organisations providing services for children. This report recommends a strategic action plan for Council to achieve leading practice as a child safe organisation over the next three years.*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Bennett.

#### **That Council:**

- 1. Our commitment to children**
  - *We are committed to the safety and well being of all children and young people who access any of our services.*
  - *We are committed to providing children and young people with positive and nurturing experiences.*
  - *We will support families and communities to promote children's development.*
  - *We will take action to ensure that children and young people are not exploited, abused or harmed during the time that they are involved with any of our services.*
  - *We will listen to children and young people and actively encourage them to talk to us and address any concerns that they raise with us.*
- 2. Our commitment to families**
  - *We are committed to helping parents and carers to care for their children and young people.*
  - *We recognise that parents and carers will require varying levels and types of support at different points in their children's development.*
  - *We will offer guidance and assistance that builds on families strengths, is sensitive to their cultural and religious beliefs and empowers them to adapt to the changing needs of their children.*
  - *We will be open and transparent with parents and carers when engaging with our services.*
- 3. Our commitment to staff, students and volunteers**
  - *We are committed to providing all staff members and volunteers with the necessary support to enable them to fulfil their roles.*
  - *We have a management structure that supports and develops staff in their roles.*
  - *We are committed to providing all staff members and volunteers with regular supervision and professional development.*
  - *We will ensure that staff have access to a senior person to help them make decisions in relation to any action required to protect children and young people.*

**9.3.1**  
(cont)

**4. Our commitment to ensuring a child safe organisation**

- ***We are committed to utilising best practice standards in the recruitment, screening and employment of staff and volunteers. We will work to create an environment in which children and young people are safe and feel safe.***
- ***We will ensure that we do not harm, abuse or exploit children and young people who are involved with our services.***

**CARRIED UNANIMOUSLY**

---

**BACKGROUND**

As outlined to Council in May 2016, the Victorian Government has introduced compulsory minimum child safe standards that will apply to organisations providing services for children. The objective of the standards is to help protect children from sexual abuse, physical abuse, serious emotional and psychological abuse and serious neglect.

The introduction of child safe standards is one of three key reforms arising from the 2012 Victorian parliamentary inquiry into the handling of child abuse by religious and other non government organisations. The inquiry resulted in the 'Betrayal of Trust' report tabled in parliament in 2013.

The State Government has committed to implementing all three key reforms recommended in the report, interalia;

1. Criminal law reform (introduction of new offences relating to grooming, failure to disclose child sexual abuse and failure to protect a child from sexual abuse).
2. Civil law reform (procedural and administrative reforms).
3. Child safe organisations (incorporating child safe standards).

The Victorian child safe standards apply to organisations from 1 January 2016, however the introduction of the standards is being rolled out in two phases:

- Phase 1: Includes those organisations providing services for children that are government funded and/or regulated. Such organisations will be required to work towards compliance from 1 January 2016. All local government authorities in Victoria are included in Phase 1.
- Phase 2: Includes all other organisations providing services for children. Such organisations will be required to comply with the standards from 1 January 2017.

There are seven standards that an organisation (covered by the law) must comply with:

- Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements;
- Standard 2: A child safe policy or statement of commitment to child safety;
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children;
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel;
- Standard 5: Processes for responding to and reporting suspected child abuse;
- Standard 6: Strategies to identify and reduce or remove risks of child abuse;
- Standard 7: Strategies to promote the participation and empowerment of children.

### **9.3.1** (cont)

In complying with each child safe standard, an organisation must also incorporate the following principles:

- Promoting the cultural safety of Aboriginal children
- Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- Promoting the safety of children with a disability.

## **WHY IS CHILD SAFETY A PRIORITY FOR FOCUS**

### **1. *Violence and abuse is prevalent***

*'A child is abused in Australia every nine minutes according to statistics on substantiated incidences of child abuse' (Australian Institute of Health and Welfare 2007).*

*'25% of females and 16% of males have experienced sexual abuse as children' (Dube et al., 2005).*

Collection of data pertaining to violence and abuse committed against children and young people is a difficult task as the majority of cases go undetected and reports to the Child Protection System are acknowledged as vastly under representing the prevalence of this phenomenon. Despite this, child protection data collected by the Department of Health and Human Services (DHHS) is the only concrete method available to quantify violence and abuse committed against children and young people.

In 2013 the child protection data for Victoria indicated that there were 82,056 notifications of child abuse made to Child Protection in Victoria. Of these 13% were reports of sexual violence, 26% were reports of physical violence, 56% were reports of emotional abuse and 5% were reports of neglect.

The number of children and young people exposed to domestic violence is extremely high and has devastating affects not only on the women subjected to the violence but also on those witnessing it. In a study of domestic violence in countries in the European Union, 73% cent of women experiencing such violence who had children in their care reported that the children were aware of the violence (European Union Agency for Fundamental Rights, 2014). This figure is similar in the Australian context.

Unfortunately, violence and abuse committed against children and young people is prevalent and requires the attention of the whole community.

### **2. *The impact of violence and abuse on children and young people***

Violence and abuse committed against children and young people can have a significant impact on their mental, social and emotional development. It can also have life time effects. As indicated in a publication produced by Child Wise:

*'Repeated and prolonged exposure to these experiences can lead to toxic stress for a child which, alters the child's brain development, sensitise the child to further stress, leads to heightened activity and hyper vigilance and affects further learning and concentration'.*  
(Child Wise 2015)



### **9.3.1** (cont)

While it is understood that a large number of children and young people are subjected to violence and abuse we also know that a large number are also exposed to domestic violence. Numerous studies on the impacts for children living in situations of domestic violence have been undertaken. They find that, although not all children suffer lasting negative consequences of this exposure, compared to children in families not affected by such violence, they are at greater risk of experiencing the following effects:

- Mental health problems and poor emotional well-being, including anxiety, depression, trauma symptoms, mood disorders, low self-esteem and poor attachment.
- Cognitive and behavioural problems including increased aggression, anti-social behaviour, lower social competence, temperament problems, and impaired cognitive functioning.
- Social development problems including school difficulties, peer conflict and loneliness.
- Behaviours presenting risks to health including alcohol and drug misuse and eating disorders.
- Physical injuries that may result from intervening in violence to protect their mothers or otherwise being caught up in aggression. (UN Women 2015)

These impacts reflect those experienced by children and young people directly experiencing violence and abuse and if not managed appropriately will continue to impact on their lives into adulthood. This includes experiencing:

- On-going difficulties in adult relationships or forming these relationships,
- Difficulties associated with education and employment,
- Difficulties associated with parenting and
- Development of serious mental health problems.

In turn, these effects can have devastating affects on other family members and the cost of managing these concerns can weigh heavily on both individuals and the broader community.

### **3. *Violence and abuse is preventable***

In order to prevent violence and abuse against children and young people we need to undertake simultaneous effort on multiple levels to promote, and sustain, lasting social and behavioural change.

#### **WHERE TO FROM HERE**

Council officers have been liaising with their Eastern Metropolitan Region LGA colleagues and with the consultant who assisted the City of Melbourne with their strategic approach to becoming a child safe organisation. The strategy developed for the City of Melbourne has been made available for other LGAs to utilise.

### **9.3.1** (cont)

After months of reviewing the matter, Council officers believe that much of the strategic approach adopted by the City of Melbourne (a practical set of actions implemented over a three year time horizon) is sound, realistic and adaptable to the City of Whitehorse. Council officers are recommending an initial approach of targeting those work areas that have been identified as working in some capacity with children and young people. Other work areas can then be incorporated as the plan's actions are implemented and further data and information is gathered that supports the logical inclusion of other work areas.

The following proposed strategy is presented for Council's consideration and is consistent with Council's Municipal Public Health & Wellbeing Plan, Municipal Early Years Plan and Municipal Youth Plan.

## **CITY OF WHITEHORSE - STRATEGIC APPROACH TO BECOME A CHILD SAFE ORGANISATION**

### **1. Introduction**

The City of Whitehorse aspires to be a safe organisation for children and young people where they are afforded the opportunity to live free from violence and abuse and to fulfil their full potential. We believe that all children have the right to feel safe and to be safe all of the time.

We acknowledge that to create a child safe environment steps need to be taken to protect children and young people from physical and sexual violence, emotional abuse and neglect. We also acknowledge that our commitment to protecting children and young people needs to be reflected in our organisational culture and reinforced through our policies, procedures and actions taken by staff in their daily work.

### **2. City of Whitehorse Commitment**

Refer to recommendation 2 of this report.

### **3. The Scope of Our Work**

#### **3.1. Our Focus:**

The focus of our work over the next three years will be as follows:

- 1) We will develop a sound foundation for our work to support implementation of an organisational approach to the creation of safe environments for children and young people. Thus a cross sector organisational approach is required to ensure that we have a standardised and consistent best practice approach to child safety. This approach will also ensure that the work being conducted in this arena is implemented and well co-ordinated across all relevant work areas.
- 2) We will ensure that we have appropriate policies, process and procedures in place to appropriately respond to any child or young person presenting to our services who has or may have been exposed to physical and sexual violence, emotional and psychological abuse and neglect. These activities will be grounded in legislative and procedural requirements and will be monitored and reported on.
- 3) We will have actions in place that prevent offences from being committed against children within our work environments. Consequently, we will ensure that we present a culturally safe environment for children and young people where children and young people are valued, respected and encouraged to reach their full potential.

**9.3.1**  
(cont)

3.2. Population Group for Focus:

The focus of our work will be on Children aged 0-18 including those from culturally diverse and Indigenous backgrounds and those with a disability.

3.3. Settings for Action:

Activity will take place across the City of Whitehorse with particular attention being paid to facilities and services where children predominate. This includes City of Whitehorse:

- Child Care Centres
- Maternal and Child Health services
- Sport and Recreation Facilities and Services
- Arts and Cultural facilities and services
- Relevant Events
- Other relevant Work Areas

3.4. Planning, Co-ordination monitoring and evaluation of activity.

The General Manager Human Services (GMHS) and General Manager Corporate Services (GMCS) will ensure that effective planning, implementation and monitoring activity takes place to enable the City of Whitehorse to be a Child Safe City.

One or more senior officers will be nominated by the GMHS and GMCS and be provided with the responsibility of the ongoing co-ordination and implementation of Council's Action Plan.

3.5. Anticipated Outcomes of the initial phase of the action plan.

During the first year of operation the senior officer/s will develop monitoring and reporting systems which enable the outcomes of actions implemented to be captured and documented.

**4. Action Plan – Next Three Years**

Refer to Appendix 1

**CONSULTATION**

Council officers attended a number of State Government sponsored information sessions information sessions organised by the MAV held in February 2016.

A working group of officers from across the organisation has been working together since the start of the year to examine key strategies to ensure compliance with the state government's legislation.

Council officers have also been working with colleagues in the Eastern Metropolitan Region and with the consultant (Lynn Walker) who prepared the City of Melbourne Child Safe Strategy.

### **9.3.1** (cont)

#### **FINANCIAL IMPLICATIONS**

Still under assessment. There is a significant body of work in the review and amendment of staff position descriptions, the employee code of conduct, performance appraisal tools, staff training, social planning documents, lease and hire agreements, reporting mechanisms and monitoring tools.

It is considered that there will be a material labour resource cost in implementing the state government's legislative requirement.

#### **POLICY IMPLICATIONS**

The Municipal Early Years and Youth Plans (adopted by Council in 2014) and the Child Friendly Cities and Community charter (endorsed by Council in 2015) have strategic links to the Child Safe Standards in that the protection of children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.

In August 2014, Council adopted the Municipal Early Years Plan (MEYP) – *Whitehorse: A City for all Children 2014 to 2018*. Action 4.1 contained in the MEYP states that Council will “continue to enhance the City of Whitehorse as a child friendly city in a way that is consistent with the aims and objectives of the UNICEF Child Friendly Cities program”. The Child Friendly Cities and Communities Network in partnership with the Victorian Local Government Association developed the Child Friendly Cities and Community Charter.

The Charter was developed specifically for local governments, organisations and individuals to take action. The Charter is a statement of the principles and actions that underpin the right to be considered "child friendly". The Charter is consistent with state, national and international protocols and embraces rights that are embedded in the Convention of the Rights of the Child 1990, the Chiba Declaration for a Child Friendly Asia Pacific 2009, UNICEF's Building Blocks for Developing a Child Friendly City 2004 and the Victorian Human Rights and Responsibilities Charter 2006.

The Charter recognises the need for increased participation by children in decision-making forums and the creation of child friendly environments to support the following principles:

- Freedom for Children to experience environments that considers their needs;
- Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing; and
- Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability.

These principles are consistent with the new Child Safe Standards legislation and requirements

**9.3.1**  
(cont)

**APPENDIX 1**

**4. Action Plan – Next Three Years**

- 4.1 Council's commitment to securing the safety of children and young people is visible in our statement of commitment.

Over the next three years the City of Whitehorse will ensure that our statement of commitment is articulated in all relevant policies and procedures.

- 4.2 Strategies to embed an organisational culture of child safety are implemented across council.

Over the next three years the City of Whitehorse will:

- Develop a communication plan to ensure that both internal and external stakeholders are aware of Council's commitment to child safety and the policies and procedures associated with this commitment.
- Raise awareness regarding child safe environments; and promote and children's safety within the organisation and the community.
- Provide information on the Victorian Child Safe Standards to organisation's who are associated with the City of Whitehorse and to make explicit the expectations and responsibilities of agencies to comply with the Standards.
- Amend all documentation relating to service agreements, leases, permits, memorandum of understanding, licenses and room hire forms to ensure that these documents reflect Council's commitment to child safety.
- Ensure that the Council plan pertaining to the safety of children and young people is implemented.

- 4.3 Amend the *'Code of Conduct'* developed for staff to provide clear expectations for appropriate behaviour with children and young people.

Over the next three years the City of Whitehorse will:

- Amend the City of Whitehorse staff *'Code of Conduct'* to ensure that attitudinal and behavioural expectations, when interacting with children and young people, are made explicit.
- Work with the Municipal Association of Victoria to review whether the Councillor Code of Conduct requires amendment to incorporate reference to child safe standards.

- 4.4 Human Resource mechanisms in place to ensure all staff working directly with children and young people have working with children checks (WWCC)

Over the next three years the City of Whitehorse will:

- Undertake an organisation wide audit to determine which work areas have WWCC and which areas are required to have them.
- Ensure that all staff working in relevant areas have an up to date WWCC.
- Develop a system for monitoring Working with Children Checks.
- Ensure that reference to the Council's commitment to child safety is included in all Council job advertisements and reference is made to the City of Whitehorse being a child safe organisation in interviews and during reference checks.

**9.3.1**  
(cont)

- 4.5 Standards and Procedures for responding to and reporting suspected violence and abuse are in place.

Over the next three years Council will build on existing documentation in order to ensure implementation of a consistent set of child safe procedures across the organisation. This includes a:

- City of Whitehorse child safety reporting response
- Reporting procedures for known or suspected child abuse.

- 4.6 Staff have a clear understanding of the indicators of abuse perpetrated against children and young people and are able to respond appropriately.

Over the next three years the City of Whitehorse will:

- Develop and implement a workforce communication plan focusing on increasing staff awareness of issues pertaining to the safety of children and young people and Council procedures in this arena.
- Develop a specialised training program for staff working directly with children.
- Consider whether child safe standards training is required for other areas of Council.

- 4.7 Partnerships, including advocacy activity, undertaken with the State Government, local governments and peak organisations working to promote the safety of children and young people across communities.

Over the next three years the City of Whitehorse will:

- Develop partnerships with key agencies to support the implementation of Child Safety Standards and procedures with organisational affiliates the Victorian Aboriginal Childcare Agency, AMES Australia, Children's Disability services and the Australia Childhood Foundation.
- Attend relevant working groups promoting the safety of children and young people.

- 4.8 Strategies to promote the safe participation of children and young people in City of Whitehorse activities documented.

Over the next three years the City of Whitehorse will:

- Utilise the Whitehorse Municipal Early Years and Youth Plans to build children and young people's capabilities and resilience to give them the confidence and tools they need to speak up when they are in need of support and protection.
- Actively encourage children's participation in activities/events and in promote their civic participation.
- Identify the barriers to participation in services, events and activities for children and young people from culturally and linguistically diverse backgrounds, aboriginal backgrounds and for those with a disability.
- Actively address barriers to participation of children and young people to ensure all they have a voice and can exercise their civic rights.

**9.3.1**  
(cont)

- 4.9 The safety concerns of children and young people are embedded across Council activity. Including Council strategies, service delivery, cross cultural and disability programs and in community infrastructure planning.

Over the next three years the City of Whitehorse will ensure that issues pertaining to child safety are integrated into other Council activity including:

- City of Whitehorse Municipal Public Health & Wellbeing Plan (2013-17).
- City of Whitehorse Reconciliation Policy & Action Plan (2016-18).
- City of Whitehorse Diversity Policy & Action Plan (2012-16).
- City of Whitehorse Disability Policy & Action Plan (2012-16).
- City of Whitehorse Municipal Early Years Plan (2014-18).
- City of Whitehorse Municipal Youth Plan (2014-18).

- 4.10 Monitoring and evaluation systems are developed and implemented with the data obtained informing development of a further, Child Safety Plan for implementation in 2019-2022.

A monitoring system will be developed and implemented to capture and document progress made under each of the actions contained in this plan.

### **9.3.2 Municipal Early Years Plan 2014-2018 Implementation Report 2016**

ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to update council on the implementation status of the Municipal Early Years Plan 2014-2018 "A City for all Children".*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Stennett.

***That Council receive the report.***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

In August 2014, council adopted a municipal wide strategic plan for the enhancement and development of services and supports for families with young children aged 0-12 years. The implementation of the plan covers a 4 year period with annual progress reports presented to council as part of the implementation and evaluation process. This report represents the second implementation and evaluation report presented to council since the plan was adopted, and covers the period September 2015 to August 2016. The implementation of the plan will be completed by December 2018.

#### **DISCUSSION**

Extensive research into child and family development confirms that the 'early years' of a child's life are crucial in laying foundations that will contribute to a child's future development, health and wellbeing. Effective supports for parents, families and children are therefore vital in ensuring that every child is provided with the best opportunities available and assistance to avoid potential developmental problems and difficulties later in life.

Municipal Early Years Plans (MEYP) provide an important strategic framework for Local Government, their communities, partner organisations and governments to prioritise actions and resources aimed at improving education, care, health and social outcomes for children and their families. Conceptually, the Whitehorse MEYP sits as a sub plan to the Whitehorse *Municipal Public Health and Wellbeing Plan* and utilises the same 'Environments for Health' planning framework. The framework considers the overall impact of factors originating across any or all of four environmental dimensions on the health and wellbeing of families. These dimensions are social, economic, built and natural environments.

As previously reported to council, a comprehensive strategic planning process was employed in the development of the plan which incorporated a review of government policy, demographic data and early years services in the local community. The process also included consultation with the community, councillors, government representatives and other key stakeholders.



### 9.3.2

(cont)

Collectively, these processes provided direction on the current and future issues of importance to young children and their families living in the Whitehorse community. It is from this process that four key priority areas were identified and their respective actions plans developed in the plan. These priority areas are:

1. Healthy active and thriving children
2. Secure, supported and engaged families
3. Quality services for all children & families
4. Safe, welcoming & inclusive community for all children and families

The four priority areas form the basis of annual action plans that have and will be developed in collaboration between relevant council departments and with partner organisation with a key stake hold in supporting families and their children.

The plan itself provides a roadmap for all stakeholders in Whitehorse to move ahead in improving supports for children and their families in Whitehorse.

Finally, the plan has been distributed widely to the community and partner organisations in the form of an easy to read one page flyer.

### IMPLEMENTATION STATUS

The Whitehorse MEYP Steering committee was established by Council in 2013 to guide the development of the plan. Following adoption of the plan, the committee was reformed as the Whitehorse Early Years Reference Group and charged with monitoring the implementation of the plans.

The Whitehorse Early Years Reference Group has prepared the attached table (Appendix 1) reporting on the progress for implementing the plan in year 2 (September 2015 to August 2016).

In summary, the timetable for implementation has been achieved with a number of exceptions which are outlined. A number of key achievements to date are highlighted as follows:

**1. Parent Resource Officer:**

The Parent Resource Officer role has been established for 2 years, and continues to successfully implement a range of actions (Parent Forums, TIQBIZ, Toy Library/Playgroup project) that have enhanced the work undertaken by the Health and Family Services team and provided benefits to Whitehorse parents, children and young people.

**2. Parent Forums:**

9 Parent Forums planned/delivered during 2016. (2 Forums were delivered in the second half of 2015)

**3. TIQBIZ:**

Continued implementation of the TIQBIZ App for Whitehorse parents/families. 10 categories are established covering the Early Years and Youth areas, with over 500 users.

**4. Family Services Guide:**

Successfully produced a Family Services Guide aimed at providing parents with information on local community service organisations and programs relevant to raising and supporting children and young people. The Guide will be launched at Spring Festival this year.

### **9.3.2**

(cont)

**5. WELS Utilisation Rate:**

Highest utilisation rate since 2009 has been achieved in the 2015/16 financial year. The average for the 5 WELS Centres has been 94.04%.

**6. WELS Leadership Team Skills:**

Successful development and implementation of the Leadership and Emerging Leaders professional development program aimed at enhancing and/or developing the WELS leadership team skills.

**7. Health and Wellbeing Fitness Program:**

The MCH team have helped to co-ordinate the development of a Health and Wellbeing Fitness Program for New Mothers which is held at Aqualink Nunawading. The Program has been successful with good numbers attending.

**8. Chinese New Parent Group:**

Held 4 times per year and is very well attended.

**9. Chinese Grandparent Group:** Members of the MCH team attend the Chinese Grandparent Group at Mitcham Community house to provide information related to nutrition, safety and development.

**10. Car Restraint Fitting Check:**

The MCH team has arranged for car restraint fitting checks to be conducted, with an interpreter available for Chinese families.

It should be noted that the implementation of the Whitehorse MEYP has been undertaken utilising existing departmental budgets and personnel.

There are a number of actions highlighted in the plan that lie ahead for the next 12 months. These actions will be incorporated into service plans for operational areas within Council and discussed with partner agencies and the government where relevant.

### **FINANCIAL IMPLICATIONS**

The financial cost to Council, in regards to the implementation of the Whitehorse Municipal Early Years Plan 2014-2018, has so far been absorbed within current operational budgets.

Further financial support for strategies and actions contained within the plan will be considered and reported to Council where relevant over the next 12 months.

### **ATTACHMENT**

- 1 Whitehorse a City for All Children - Year 2 Action Plan

### 9.3.3 Municipal Youth Plan 2014-2018 Implementation Report 2016

FILE NUMBER: 16/128889  
ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to update Council on the implementation status of the Municipal Youth Plan 2014-2018 "A City for all Young People".*

#### **COUNCIL RESOLUTION**

Moved by Cr Stennett, Seconded by Cr Massoud

***That Council receive the report.***

**CARRIED UNANIMOUSLY**

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In August 2014, Council adopted a municipal wide strategic plan for the enhancement and development of services and supports for young people aged 12-25 years and their families. The implementation of the plan covers a 4 year period with annual progress reports presented to Council as part of the implementation and evaluation process. This report represents the second implementation and evaluation report presented to Council since the plan was adopted. The implementation of the plan will be completed in December 2018.

#### **DISCUSSION**

The adolescent and early adult years are a vital period of development and transition for all people. They are characterized by significant physical, emotional and sociological change.

It has long been acknowledged that there is an important role for the community to play in ensuring young people make a happy and safe transition into adulthood in a community that supports and respects them. For many young people, often referred to as marginalized within their communities, this is often not the case.

The development of a Municipal Youth Plan (MYP) is consistent with the commitment by the City of Whitehorse, as articulated in the Municipal Community Wellbeing Plan, to support young people, to achieve improved health and wellbeing outcomes and to develop an integrated approach to planning and service delivery throughout the municipality.

The name of the plan, Whitehorse: A City for all Young People, was born out of one of the key themes identified through the development of the plan – the importance of a community in which all young people are safe, welcome, included, respected and accepted regardless of their ethnic origin, religion, language, gender, sexuality, ability or socio economic status.

Conceptually, the MYP sits as a sub plan to the Whitehorse *Community Wellbeing Plan* and utilizes the same *Environments for Health* planning framework. This framework considers the overall impact on the health and wellbeing of young people of factors originating across any or all of four environmental dimensions. These dimensions are social, economic, built and natural environments. The framework emphasises the importance of addressing inequalities in health and the leadership role played by Council working in partnership with its community.

As previously reported to Council, a comprehensive strategic planning process was employed in the development of the plan which incorporated a review of Government policy, demographic data and early years services in the local community. The process also included consultation with the community, councillors, government representatives and other key stakeholders.

### **9.3.3**

(cont)

Collectively, these processes provided a clear indication of the current and future issues of importance to young people and their families living in the Whitehorse community. It is from this process that five key priority areas were identified and their respective action plans developed in the plan. These priority areas are:

- Healthy, resilient and engaged young people
- Secure families and relationships
- Employment, training and education opportunities
- Comprehensive services for all young people
- Safe, welcoming and inclusive community

The five priority areas form the basis of annual action plans that have and will be developed in collaboration between relevant council departments and with partner organisations with other key stakeholders in supporting young people and their families.

The Youth Plan is documented and formatted to ensure accessibility to a broad audience including youth service professionals and young people themselves. Since adoption, it has been distributed widely across the municipality to an array of welfare, health and education services.

### **IMPLEMENTATION STATUS**

The Whitehorse MYP Steering committee was established by Council in 2013 to guide the development of the Plan. Following the adoption of the plan, the committee was reformed as the Whitehorse Youth Plan Implementation Review Committee and charged with monitoring the implementation of the Plan. The Review Committee comprises six Council Officers (from across the organisation), representatives from six community organisations and government departments. Two young people from the Council's Youth Representative Committee worked alongside the reference group to assist guide the implementation of the MYP.

The Whitehorse Youth Plan Implementation Review Committee now meets on an annual basis or as required and has prepared the attached table (Appendix 1) reporting on the progress for implementing the plan. A number of key achievements to date are highlighted as follows:

- Community Youth Services Awareness Project

The development of a comprehensive communications strategy to provide information regarding all existing services, supports, programs and events, activities and facilities available to young people and their families in Whitehorse. Status on the project is as follows:

- Successful application to State Government for funding (\$90,000) to undertake this project
- Development of 3 year work plan
- Establishment of Steering Committee to oversee the planning, development and implementation of the project
- Establishment of Youth Reference Group (YRG)
- Completion of Scoping Exercise to determine best practice across the sector
- Development of Implementation Plan covering the areas of: policy and strategy development, promotion and marketing, creative Youth Hub, transitions (Year 6 to year 7), work with schools, outreach, work with parents, engaging with the CALD Community and further development of the Whitehorse Youth Issues Network

### 9.3.3

(cont)

- Facilitation of the FReeZA Program

Successful application to State government for the FreeZA program with funding obtained for 3 years. Five cultural / music events to be facilitated each year for young people across the municipality. The FReeZA Youth Committee plan and facilitate the events.

- WYRC Municipal Youth Forum, September 2015

The Whitehorse Youth Representative Committee coordinated and facilitated the Municipal Youth Forum. The focus of the Youth Forum was on the youth issues of mental health, body image and bullying as identified in the Youth Plan 2014 - 2018. An expo of youth service providers was present at the forum to distribute information and resources to young people. Organisations that were present included: Headspace Hawthorn, Eastern Access Community Health (EACH), Family Access Network (FAN), Youth Support and Advocacy Service. Approximately 170 students attended from local secondary schools. At the youth forum, young people were able to access information and resources on issues impacting on their wellbeing from youth service organisations. They were also provided with the opportunity to develop skills and enhance their knowledge to address issues of mental health, body image and bullying

- IDAHOT Day, 'International Day Against Homophobia, Transphobia and Biphobia'

Whitehorse Youth Services arranged a number of activities to recognise IDAHOT Day in May 2016 with the distribution of information and resources to young people / community members with stall in the Box Hill Mall. As part the community awareness event the 'rainbow' flag was raised at Nunawading Civic Centre and Box Hill Town Hall. IDAHOT Day was promoted throughout Council and the community through Whitehorse News and Whitehorse Leader.

- Box Hill Assertive Outreach Program

The program supports young people in the community deemed to be 'at risk'. Approximately 100 young people were engaged over the last 12 months (220 young people engaged by the Outreach Program over last 2 years). Other organisations involved in the program included: Victoria Police, Family Access Network (FAN), Uniting Care Harrisons, Carrington Heath, Youth Support and Advocacy Service (YSAS) and EACH.

- Parent Information Forums

The focus of the parent information forums is to assist parents with strategies on topical issues with their adolescents. Approximately 540 parents attended the five parent forums hosted over the past 18 months.

- 'Speed Careers Pathways Interviews'

Council Youth Services assisted in the facilitation of the 'Speed Careers Pathways Interviews' for 20 students from Catholic Education promoting diverse employment opportunities within Council and to develop employment seeking skills.

- Wifi service was implemented at Youth Connexions in February 2016 allowing young people to access data on their mobile devices.

- Whitehorse Council advocated for the continuation of the state government funded, School Focused Youth Services (SFYS) in working with students to remain engaged in education. SFYS was funded until December 2017.

### **9.3.3**

(cont)

- Continued use of the 'TICBIZ' application as a means to communicate information to parents. As of June 2016, 150 parents used the 'youth category' as a means to receive information relevant to their adolescents.
- Whitehorse Youth Services submission to state government regarding the development of new Victorian youth policy. (The Victoria Government has since released the 'Youth Policy: Building Stronger Youth Engagement in Victoria'. Refer to attachment 2 for details on the new state youth policy).
- Establishment of secondary consultation process for Whitehorse Youth Service staff with Child Youth Mental Health Service (CYMHS) to provide advice and guidance in working with young people experiencing mental health issues.

It should be noted that the implementation of the Whitehorse MYP has been undertaken utilising existing departmental budgets and personnel.

There are significant actions highlighted in the plan that lie ahead for the next 12 months. These actions will be incorporated into service plans for operational areas within Council and discussed with partner agencies and the government where relevant.

#### **FINANCIAL IMPLICATIONS**

The financial cost to Council, in regards to the implementation of the Whitehorse Municipal Youth Plan 2014-2018, has so far been absorbed within current operational budgets.

Further financial support for strategies and actions contained within the plan will be considered and reported to Council where relevant over the next 12 months.

#### **POLICY IMPLICATIONS**

The Whitehorse Municipal Youth Plan – *"A City for all Young People"* – 2014-2018 is consistent with objectives in the Whitehorse Council Plan and State and federal Government policy directions.

#### **ATTACHMENT**

- 1 Whitehorse Youth Plan 2014-2018, Implementation Action Plan - Progress Report  
Year 2 September 2015 - August 2016
- 2 Victorian Youth Policy - Building Stronger Youth Engagement in Victoria

NB. Cr Stennett presented the Mayor Cr Daw with a certificate from Victorian Local Governance Association (VLGA) for City of Whitehorse's endorsement of the Victorian Charter for Child Friendly Cities and Communities, the statement of principles and actions that underpin the right to be considered child friendly.

### 9.3.4 Elgar Park Master Plan

ATTACHMENT

#### SUMMARY

*The community consultation process for the Draft Elgar Park Master Plan has been completed. In all 10 community submissions were received and have been considered, no changes to the plan are needed. This report recommends that the Elgar Park Master Plan be adopted by Council.*

#### COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Ellis.

***That Council adopt the Elgar Park Master Plan (Attachment 1).***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

The Whitehorse Open Space Strategy (2007) recommends the preparation of a new Master Plan to guide future developments at Elgar Park as a high priority project.

Consultants, Aspect Studios, were appointed in 2013 to assist Council in preparing the new Master Plan. Background work included a new level and feature survey, services location and geotechnical testing. An extensive consultation process was also undertaken. Further detailed work on potential pavilion location and size was also completed. In May 2016 Council endorsed the Draft Elgar Park Master Plan for public consultation and the opportunity to comment on the draft was widely advertised, the draft was also provided to key stakeholders for comment. Comment closed on 1 July 2016 and ten submissions were received.

#### DISCUSSION

As outlined in a report to Council in May 2016 where Council approved to release the Draft Elgar Park Master Plan a number of key issues were identified and these are summarised below:

Issue	Actions in Master Plan
A. Facilities inadequate for club needs.	Develop two new multi-use pavilions.
B. Improvement to ovals for better use.	Various improvements to grounds and support infrastructure.
C. Potential of programmable synthetic sports field. (A sports field where Council schedules activities for a range of different sports, clubs, individuals and short duration competitions increasing the flexibility of field allocation across Whitehorse).	Northeast oval space designated for such use subject to further business planning. (Significant business planning is required to consider; cost sharing of the proposed facility, replacement costs of synthetic surfaces every ten years, the type of synthetic surface that could be used by different sports codes, management of the facility in terms of use times by any tenant clubs, scheduling other users as well as day to day management of the facility and associated ancillary facilities such as change rooms and pavilion use).
D. Car parking and pedestrian safety.	Development of new car parks as well as formal line marking.
E. Poor visual appearance at Elgar Road.	Signage and landscaping upgrades.
F. Koonung Creek Trail.	Improvements proposed.
G. Bushy Creek Trail.	Reroute and upgrade paths.
H. Improvements through park and at miniature steam railway.	Improvement to infrastructure across park.
I. Future long term use of St John Ambulance Hall.	Actively explore other options for accommodation of St John Ambulance activities.

### 9.3.4

(cont)

Submissions received were overall supportive of the Master Plan with key groups focussing on the needs of their particular group. Key submissions are summarised below:

(Submission 1) Resident with cycling interests; requesting additional shared use path through South West bush area, adjacent Bushy Creek.	No room for shared path around playground. Need to maintain bushland character. Alternative shared use path proposed.
(Submission 3) Dog group suggests dog off lead is now permitted on North West Oval and high interest from residents and dog lobby groups for a dog off lead area in Elgar Park.	The North West Oval is dog on lead. Officers will consider this matter as part of the Domestic Animal Management Plan Review.
(Submission 4) Box Hill Miniature Steam Railway Society raised concerns about what is proposed in the Master Plan and that improvements will not cater for member car parking and car trailer movements associated with Box Hill Miniature Steam Railway Society use in the car park between the rail area, Elgar Road and the South East Oval.	Further consideration of these matters will be made as part of the detailed design process where Officers will meet with representatives of the Society to consider the traffic movement needs of the group and the landscape opportunities of the site. Officers are confident this matter can be resolved with the Society at the site.
(Submission 7) Koonung Comets Basketball Club propose indoor sports complex on North East Oval.	There is greater strategic benefit in providing a multi-use programmable synthetic field space at Elgar Park. The site is well used by existing groups and is an important visual gate way to the area. Elgar Park has a wide open space character which would be reduced if a large scale building such as an indoor stadium is developed. The site is not suitable for an indoor stadium as such facilities need substantial amounts of available carparking and often a controlled intersection to assist traffic movement. To date Council invested in the provision of indoor court facilities such as Sportlink Vermont South. Significant business planning is required to develop anymore indoor court space. Need for additional indoor court space is to be referred to further feasibility work as proposed in Council's Recreation Strategy. Opportunity exists for the club to partner further with Koonung Secondary College to develop a larger facility. The club should also consider its current scheduling and use of other venues outside its present catchment.



### 9.3.4

(cont)

<p>(Submission 8) Elgar Park Regional Hockey Association (EPRHA) support for pavilion development and second synthetic hockey field and raised a number of issues;</p> <ol style="list-style-type: none"> <li>1. The Elgar Park Regional Hockey Association would like 12 months of seasonal access to the North Pavilion.</li> <li>2. The Elgar Park Regional Hockey Association would like Council to fund a floodlighting upgrade on the existing pitch to 250 lux for training and 500 lux for night games.</li> <li>3. The Elgar Park Regional Hockey Association would like the Council to fund an electronic scoreboard at the existing pitch.</li> <li>4. Elgar Park Regional Hockey Association is keen to ensure that the proposed multi-use synthetic surface is suitable for hockey.</li> </ol>	<ol style="list-style-type: none"> <li>1. Under a seasonal licence (6 months summer and 6 months winter) access to sports fields and pavilions will continue to be allocated on a seasonal basis to maximise use by a range of sports clubs and broader community groups including hockey.</li> <li>2. Under exclusive lease agreements (for longer terms i.e. 3-10 years) the existing hockey pitch is leased to the Elgar Park Regional Hockey Association. Currently the north pavilion used by the Elgar Park Regional Hockey Association is allocated on a seasonal basis (shared with other clubs) and the hockey pitch is under a lease agreement (exclusively used by the Elgar Park Regional Hockey Association). Under the current lease agreement it is not Council's practice to fund capital works associated with use of the hockey pitch. Therefore under the current agreement it is the club's responsibility to fund any upgrade. Any upgrade would need to be in accordance with Council's Statutory Planning and Consultation requirements.</li> <li>3. Refer to comment 2 above.</li> <li>4. This is noted and will be considered in the further business analysis that is required. Significant business planning is required to consider; cost sharing of the proposed facility, replacement costs of synthetic surfaces every ten years, the type of synthetic surface that could be used by different sports codes, management of the facility in terms of use times by any tenant clubs and also scheduling and day to day management of the facility and associated ancillary facilities such as change rooms and pavilion use).</li> </ol>
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The Draft Master Plan was developed based on a wide consultative process and resolving the issues highlighted earlier. Overall the Master Plan seeks to improve the operation of existing sports and community activities located in Elgar Park by confirming the location of future asset upgrades (location of sports pavilions, car parking, playground, paths and sports fields and encouraging the multi-use of the new or upgraded assets).

### CONSULTATION

An extensive community consultation process has been undertaken from early consultation at the start of the plans development, during development of the plan and through to consultation on the draft plan in May and June of 2016.

### **9.3.4**

(cont)

This process has included; face to face interviews with key stakeholders, a residential survey, site signage and advertising in the Whitehorse Leader as well as a community consultation meeting held onsite. In total 88 written submissions were received that informed the development of the Draft Elgar Park Master Plan.

The Draft Elgar Park Master Plan was endorsed for release for community comment in May 2016 with submissions closing on 1 July 2016 (5 weeks). The following consultation methods were used:

- Contact with residents, park user groups and other stakeholders who have expressed an interest in the project previously.
- A letter drop to residents and businesses surrounding Elgar Park.
- The Draft Master Plan was advertised and available for download from Council's website and available for viewing at all customer service centres.
- Advertising and a news article on the Draft Master Plan in the Whitehorse Leader and via signs erected within the park.

Ten submissions were received and these are summarised in Attachment B. No changes were made to the document and Councillors are now provided with a final version of the Elgar Park Master Plan for their consideration and adoption.

### **FINANCIAL IMPLICATIONS**

The Draft Master Plan contains short, medium and long term projects that will impact on Council's capital and operational spending. Short term projects are proposed from years 1-7, medium term projects are proposed from year 8-20 and long term projects are proposed for beyond 20 years.

Initial indicative costs for short term projects are estimated at \$6 Million most of which is directed towards the development of two pavilions which are currently listed in the draft 5 year Capital Works Program. These cost estimates are preliminary only and are subject to a detailed design process which will identify more specifically what the cost of each component will be. Detailed costing will be developed as part of Council's Capital Works Budget process.

Implementation of the Master Plan is dependent on decisions Council would make each financial year and within a staged capital works program within the wider context of other City wide projects and issues impacting on the budget.

Funding opportunities may be available from either state or federal government for a number of the key projects identified in the Draft Master Plan. These would need to be assessed on an individual basis at the time of implementation of the project.

### **POLICY IMPLICATIONS**

The development of a new Master Plan for Elgar Park is a recommendation of the Whitehorse Open Space Strategy (2007).

### **ATTACHMENT**

- 1 Elgar Park Master Plan
- 2 Draft Elgar Park Master Plan

## 9.4 CORPORATE REPORTS

### 9.4.1 Delegated Decisions – July 2016

#### SUMMARY

*The following activity was undertaken by officers under delegated authority during July 2016.*

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud.

***That the report of decisions made by officers under Instruments of Delegation for the month of July 2016 be noted.***

**CARRIED UNANIMOUSLY**

DELEGATION	FUNCTION	Number for July 2015	Number for July 2016
Planning and Environment Act 1987	Delegated decisions	120	124
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		37	25
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	71	79
Liquor Control Reform Act 1998	Objections and prosecutions	4	1
Food Act 1984	Food Act orders	4	6
Public Health & Wellbeing Act 2008	Improvement / prohibition notices	Nil	Nil
Local Government Act 1989	Temporary road closures	4	18
Other delegations	CEO signed contracts between \$150,000 - \$500,000	1	Nil
	Property Sales and leases	7	10
	Documents to which Council seal affixed	4	1
	Vendor Payments	1128	1245
	Parking Amendments	4	22
	Parking Infringements written off (not able to be collected)	268	228

Details of each delegation are outlined on the following pages.

## 9.4.1

(cont)

### DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JULY 2016

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
778	04-07-16	Application Lapsed	21 Fuchsia St, Blackburn	Central	Removal of protected trees (for construction of a new dwelling)	Special Landscape Area
897	08-07-16	Application Lapsed	11 Penrose St, Box Hill South	Riversdale	Construction of one double storey dwelling to the rear of an existing single storey dwelling on a corner lot	Permit Amendment
8	29-07-16	Delegate Approval - S72 Amendment	18 Whitehorse Rd, Blackburn	Central	Construction of a four storey building comprising 16 dwellings and a reduction in the standard car parking requirement	Permit Amendment
11	26-07-16	Delegate Approval - S72 Amendment	18 Karen St, Box Hill North	Elgar	Amendment to Planning Permit WH/2011/11 (Issued for additions to existing dwelling and construction of new double storey dwelling to the rear of the existing dwelling) for changes to the preamble to read 'Construction of new double storey dwelling to the rear of existing dwelling' and changes to the endorsed plans to remove additions to the existing dwelling	Permit Amendment
79	27-07-16	Delegate Approval - S72 Amendment	12 Glenice Ave, Blackburn South	Riversdale	Construction of three double storey dwellings	Permit Amendment
241	27-07-16	Delegate Approval - S72 Amendment	2 Toogoods Rise Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
259	29-07-16	Delegate Approval - S72 Amendment	177 Holland Rd, Burwood East	Riversdale	Amendment to Planning Permit WH/2015/259 (Issued for the construction of two (2) double storey dwellings) for modifications to Dwelling 2 by way of increased the setback from the rear boundary	Permit Amendment
279	27-07-16	Delegate Approval - S72 Amendment	120 Thames St, Box Hill North	Elgar	Use and Development for a Medical Centre within a three(3) storey building plus basements and a reduction in the car parking requirement	Permit Amendment
325	19-07-16	Delegate Approval - S72 Amendment	37 Deep Creek Rd, Mitcham	Springfield	Construction of four double storey dwellings on a lot and creation of access to a road in a Road Zone Category 1.	Permit Amendment
327	29-07-16	Delegate Approval - S72 Amendment	8 Judy Crt, Vermont	Morack	Construction of three double storey dwellings	Permit Amendment
337	27-07-16	Delegate Approval - S72 Amendment	172 Burwood Hwy, Burwood	Riversdale	Partial demolition and buildings and works to develop and use a childcare centre and creation of access to a road in a Road Zone Category 1	Permit Amendment
378	26-07-16	Delegate Approval - S72 Amendment	119 Woodhouse Grv, Box Hill North	Elgar	Construction of a double storey dwelling at the rear of the existing dwelling and subdivision into two (2) lots	Permit Amendment
389	22-07-16	Delegate Approval - S72 Amendment	101 Koonung Rd, Blackburn North	Central	Amendment to plans endorsed under WH/2014/389 for window and external materials and colour changes	Permit Amendment

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
421	26-07-16	Delegate Approval - S72 Amendment	14 Jaques Grv, Forest Hill	Morack	Construction of a double storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Permit Amendment
488	14-07-16	Delegate Approval - S72 Amendment	4 Station St, Blackburn	Central	Construction of a four storey apartment building (comprising 24 dwellings) plus basement with a reduction of visitor parking spaces	Permit Amendment
518	29-07-16	Delegate Approval - S72 Amendment	598 Station St, Box Hill	Elgar	Amendment to Planning Permit WH/2005/518/B (issued for a car parking dispensation for a restaurant and use of the land to sell on consume liquor (on premises licence) and associated buildings and works (reconstruction of rear and side walls)) comprising the addition of a rooftop terrace, internal alterations, increase to the red line area, extension of trading hours, increase to patron numbers and a further car parking dispensation	Permit Amendment
524	25-07-16	Delegate Approval - S72 Amendment	900 Canterbury Rd, Box Hill South	Riversdale	Development of a four (4) storey building comprising one (1) shop and ten (10) dwellings with a reduction to the standard car parking requirements	Permit Amendment
587	29-07-16	Delegate Approval - S72 Amendment	2 Karwitha St, Vermont	Morack	4 lot subdivision	Permit Amendment
590	29-07-16	Delegate Approval - S72 Amendment	9 Tucker Rd, Vermont	Morack	Construction of two (2) double storey dwellings	Permit Amendment

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
640	25-07-16	Delegate Approval - S72 Amendment	13 Cornfield Grv, Box Hill South	Riversdale	Construction of two double storey dwellings	Permit Amendment
661	12-07-16	Delegate Approval - S72 Amendment	19 Casella St, Mitcham	Springfield	Develop the land for the construction of a double storey dwelling and removal of trees in a Significant Landscape Overlay, Schedule 6	Permit Amendment
677	29-07-16	Delegate Approval - S72 Amendment	4 Uralla St, Vermont	Morack	Amendment to Planning Permit WH/2015/667 (issued for the construction of two dwellings comprising one (1) double storey dwelling and one (1) single storey dwelling) comprising minor internal and external alterations to Dwellings 1 and 2	Permit Amendment
685	22-07-16	Delegate Approval - S72 Amendment	2 Elland Ave, Box Hill	Elgar	Amendment to permit wh/2013/685 (building and works associated with multiple dwellings and a food and drink premises and associated waiver of car parking and loading requirements) internal and external alterations including reduction of northern setback to level 8 and removal of privacy screening on northern elevation	Permit Amendment
816	13-07-16	Delegate Approval - S72 Amendment	6/86 Victoria Cres, Mont Albert	Elgar	Amendment to wh/2015/816 (issued to extend the existing dwelling, including the construction of a sunroom, verandah and deck), to add a meals area.	Permit Amendment

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
821	22-07-16	Delegate Approval - S72 Amendment	9 Manniche Ave, Mont AlbertNorth	Elgar	Construction of two double storey dwellings and the removal of trees	Permit Amendment
883	25-07-16	Delegate Approval - S72 Amendment	129 Dorking Rd, Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment
918	25-07-16	Delegate Approval - S72 Amendment	18 Florence Rd, Surrey Hills	Riversdale	Development of a residential aged care facility within a two storey building and basement for car parking. Removal of vegetation from the land.	Permit Amendment
931	29-07-16	Delegate Approval - S72 Amendment	42 Albany Cres, Surrey Hills	Elgar	Amendment to endorsed plan to permit WH/2015/931 to change driveway materials and landscaping around the swimming pool	Permit Amendment
1205	29-07-16	Delegate Approval - S72 Amendment	6/31-35 Surrey Rd, Blackburn North	Central	Construction of an upper level extension to the existing dwelling	Permit Amendment
338	07-07-16	Delegate NOD - S72 Amendment	33 Katrina St, Blackburn North	Central	Amendment to Planning Permit WH/2015/338 (Issued for the construction of one double storey dwelling to the rear of the existing dwelling) to varying the upper floor layout to Dwelling 2	Permit Amendment
828	19-07-16	Delegate NOD - S72 Amendment	17 Trawool St, Box Hill North	Elgar	Waiver of the standard car parking requirements (associated with the use of land for food and drink premises)	Permit Amendment
1	29-07-16	Delegate NOD Issued	11 Narallah Grv, Box Hill North	Elgar	Construction of two (2) double storey side by side dwellings	Multiple Dwellings



## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
47	29-07-16	Delegate NOD Issued	2 Handel Crt, Blackburn	Central	Buildings and works associated with the construction of one (1) double storey dwelling, construction of a front fence and the removal of vegetation within the Significant Landscape Overlay- Schedule 2	Special Landscape Area
217	29-07-16	Delegate NOD Issued	13 Landale St, Box Hill	Elgar	Amendment to endorsed plans for WH/2015/217 to include a masonry wall on the western boundary and change dwelling roof materials to tiles	Permit Amendment
300	21-07-16	Delegate NOD Issued	2 Patrick St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
311	22-07-16	Delegate NOD Issued	23 Shady Grv, Nunawading	Springfield	Construction of two dwellings (comprising of a double storey dwelling to the rear of the existing dwelling, and a carport)	Multiple Dwellings
423	22-07-16	Delegate NOD Issued	125 Station St, Burwood	Riversdale	Construction of three (3) double storey dwellings and alteration of access to a Road in a Road Zone, Category 1	Multiple Dwellings
874	25-07-16	Delegate NOD Issued	91 Eley Rd, Box Hill South	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
879	27-07-16	Delegate NOD Issued	6 Roslyn St, Burwood	Riversdale	Construction of one (1) double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
1009	20-07-16	Delegate NOD Issued	214 Canterbury Rd, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
1099	14-07-16	Delegate NOD Issued	17 Mitchell St, Blackburn North	Central	Construction of three (3) double dwellings	Multiple Dwellings

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1160	22-07-16	Delegate NOD Issued	10 Sandy St, Nunawading	Springfield	Construction of three (3) double storey dwellings	Multiple Dwellings
2	07-07-16	Delegate Permit 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
5	29-07-16	Delegate Permit Issued	25 Clifton St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
17	14-07-16	Delegate Permit Issued	33 Broughton Rd, Surrey Hills	Riversdale	Construction of one (1) double storey dwelling to the rear of an existing dwelling and alterations to the existing dwelling	Multiple Dwellings
18	19-07-16	Delegate Permit Issued	45 Gillard St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
34	21-07-16	Delegate Permit Issued	25 Linda Ave, Box Hill North	Elgar	Construction of an additional dwelling to the rear of the existing dwelling	Multiple Dwellings
94	26-07-16	Delegate Permit Issued	57 Glenburnie Rd, Vermont	Springfield	2 lot subdivision with removal of vegetation	Subdivision
173	07-07-16	Delegate Permit Issued	18 Koroit St, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
183	29-07-16	Delegate Permit Issued	161 Central Rd, Nunawading	Springfield	2 lot subdivision	Subdivision
252	29-07-16	Delegate Permit Issued	54 Dunlavin Rd, Nunawading	Springfield	Development of land to construct a single storey dwelling to the rear of the existing dwelling	Multiple Dwellings
266	26-07-16	Delegate Permit Issued	70 Mahoneys Rd, Forest Hill	Central	3 lot subdivision	Subdivision
272	26-07-16	Delegate Permit Issued	57 Florence Rd, Surrey Hills	Riversdale	4 lot subdivision	Subdivision
297	29-07-16	Delegate Permit Issued	25 Jeffery St, Blackburn	Central	3 lot subdivision	Subdivision

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
305	14-07-16	Delegate Permit Issued	103 Rooks Rd, Mitcham	Springfield	Tree Removal	Residential (Other)
312	20-07-16	Delegate Permit Issued	6 Tiller St, Burwood East	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
327	14-07-16	Delegate Permit Issued	1 Main St, Box Hill	Elgar	Buildings and works (comprising an internal mezzanine level) and the provision of a canopy within a Road Zone, use of land for the sale and consumption of liquor, display of advertising signs and reduction in standard car parking requirements	Liquor Licence
357	28-07-16	Delegate Permit Issued	3 Moresby St, Mitcham	Springfield	Construction of a double storey dwelling and two lot subdivision	Multiple Dwellings
399	20-07-16	Delegate Permit Issued	3/313-315 Blackburn Rd, Burwood East	Morack	Construction of a car port	Single Dwelling < 300m2
414	20-07-16	Delegate Permit Issued	13 Parkside St, Blackburn	Central	Removal of two trees in an SLO 2	Special Landscape Area
417	26-07-16	Delegate Permit Issued	10 Wridgway Ave, Burwood	Riversdale	3 lot subdivision	Subdivision
429	14-07-16	Delegate Permit Issued	399-401 Burwood Hwy, Vermont South	Morack	Construction of additions to the existing medical centre	Residential (Other)
450	25-07-16	Delegate Permit Issued	86 Blackburn Rd, Blackburn	Central	Tree removal in a Significant Landscape Overlay	Special Landscape Area
461	26-07-16	Delegate Permit Issued	354 Burwood Hwy, Burwood	Riversdale	Installation of 3 shade sails	Residential (Other)
463	19-07-16	Delegate Permit Issued	38 Main St, Box Hill	Elgar	Buildings and works to alter the existing facade and display of advertising signs	Business
472	21-07-16	Delegate Permit Issued	66 Thames St, Box Hill North	Elgar	6 lot subdivision	Subdivision
476	29-07-16	Delegate Permit Issued	2 Russell St, Surrey Hills	Riversdale	3 lot subdivision	Subdivision

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
482	22-07-16	Delegate Permit Issued	16 Woodleigh Cres, Vermont South	Morack	External alteration of a dwelling in a Heritage Overlay	Heritage
484	19-07-16	Delegate Permit Issued	1 Neil Crt, Blackburn South	Riversdale	31 lot subdivision	Subdivision
485	26-07-16	Delegate Permit Issued	44 Efron St, Nunawading	Springfield	3 lot subdivision	Subdivision
492	21-07-16	Delegate Permit Issued	9/23A Cook Rd, Mitcham	Springfield	Buildings and work to construct a mezzanine floor, and reduction of standard loading bay requirements	Industrial
500	22-07-16	Delegate Permit Issued	4 Victoria Cres, Mont Albert	Elgar	Demolition of a carport, terrace and front fence and the construction of two (2) garages, a rear terrace, an alfresco and a front fence	Heritage
516	28-07-16	Delegate Permit Issued	40 Lindsay Ave, Nunawading	Springfield	2 lot subdivision	Subdivision
517	28-07-16	Delegate Permit Issued	5 Belmont St, Surrey Hills	Riversdale	3 lot subdivision	Subdivision
520	28-07-16	Delegate Permit Issued	10 Central Ave, Burwood	Riversdale	2 lot subdivision	Subdivision
523	29-07-16	Delegate Permit Issued	14 Killara St, Box Hill North	Elgar	2 lot subdivision	Subdivision
524	22-07-16	Delegate Permit Issued	9 Judith St, Burwood	Riversdale	3 lot subdivision	Subdivision
525	18-07-16	Delegate Permit Issued	20 Tyrrell Ave, Blackburn	Central	4 lot subdivision	Subdivision
526	29-07-16	Delegate Permit Issued	32 Indra Rd, Blackburn South	Central	2 lot subdivision	Subdivision
531	29-07-16	Delegate Permit Issued	7 Stott St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
532	29-07-16	Delegate Permit Issued	8 Clyde St, Box Hill North	Elgar	2 lot subdivision	Subdivision
535	29-07-16	Delegate Permit Issued	6 Burch St, Blackburn North	Central	2 lot subdivision	Subdivision

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
536	19-07-16	Delegate Permit Issued	672 Canterbury Rd, Vermont	Morack	Construction of two double storey dwellings	Multiple Dwellings
548	04-07-16	Delegate Permit Issued	6A Collins St, Box Hill	Elgar	Painting of a dwelling in a Heritage Overlay	VicSmart - General Application
549	29-07-16	Delegate Permit Issued	5 Beaver St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
554	08-07-16	Delegate Permit Issued	16 Moselle St, Mont Albert North	Elgar	Works comprising the construction of a domestic swimming pool	VicSmart - General Application
558	25-07-16	Delegate Permit Issued	556-572 Whitehorse Rd, Mitcham	Springfield	Display of a promotion sign	VicSmart - General Application
569	22-07-16	Delegate Permit Issued	3 Rainbow Ln, Box Hill North	Elgar	Construction of a front fence on a lot less than 300m2	Single Dwelling < 300m2
574	26-07-16	Delegate Permit Issued	9 Cadorna St, Box Hill South	Riversdale	2 lot subdivision	Subdivision
601	27-07-16	Delegate Permit Issued	67 Nelson Rd, Box Hill North	Elgar	Display a business identification sign	Advertising Sign
602	21-07-16	Delegate Permit Issued	21 Queen St, Blackburn	Central	139 lot subdivision	Subdivision
604	18-07-16	Delegate Permit Issued	664 Whitehorse Rd, Mont Albert	Elgar	3 lot subdivision	Subdivision
605	22-07-16	Delegate Permit Issued	73 Margaret St, Box Hill North	Elgar	4 lot subdivision	Subdivision
619	26-07-16	Delegate Permit Issued	48 Roslyn St, Burwood	Riversdale	2 lot subdivision	Subdivision
630	14-07-16	Delegate Permit 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
634	26-07-16	Delegate Permit Issued	5 Campaspe St, Box Hill North	Elgar	3 lot subdivision	Subdivision

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
715	01-07-16	Delegate Permit Issued	12-14 Nelson Rd, Box Hill	Elgar	Construction of a Part 19, Part 20 storey building, comprising dwellings, retail space and offices, with basement car park, use of the building for accommodation (dwellings), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme.	Multiple Dwellings
795	13-07-16	Delegate Permit Issued	5 Willcyrus St, Surrey Hills	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
906	29-07-16	Delegate Permit Issued	245 Burwood Hwy, Burwood	Riversdale	2 lot subdivision	Subdivision
937	29-07-16	Delegate Permit Issued	12 Molleton St, Blackburn	Central	Buildings and works for the construction of two (2) dwellings on a lot	Permit Amendment
945	19-07-16	Delegate Permit Issued	341-343 Elgar Rd, Surrey Hills	Elgar	3 lot subdivision	Subdivision
983	14-07-16	Delegate Permit Issued	6 Darook St, Blackburn South	Central	Construction of two double storey dwellings	Multiple Dwellings
1021	14-07-16	Delegate Permit Issued	17 Dorothy St, Burwood East	Riversdale	Construction two (2) double storey dwellings	Multiple Dwellings
1072	26-07-16	Delegate Permit Issued	123 Surrey Rd, Blackburn	Central	Construction of a two-storey building comprising three dwellings and a basement car park, and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
1081	21-07-16	Delegate Permit Issued	8 Third Ave, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1105	11-07-16	Delegate Permit Issued	487-503 Springvale Rd, Vermont South	Morack	Buildings and works to construct an outbuilding (tractor garage) and a water tank exceeding 4500 Litres	Education
1111	26-07-16	Delegate Permit Issued	1179 Riversdale Rd, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
1145	19-07-16	Delegate Permit Issued	13 Allison Rd, Mont Albert North	Elgar	Demolition of existing dwelling & construction of 2 new dwellings & associated garages	Multiple Dwellings
1152	26-07-16	Delegate Permit Issued	7 Langtree Crt, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
1172	22-07-16	Delegate Permit Issued	577 Middleborough Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
135	07-07-16	Delegate Refusal Issued	19 Boronia Rd, Vermont	Morack	Construction of two dwellings, removal of vegetation and alteration of access to a Road Zone	Multiple Dwellings
446	27-07-16	Delegate Refusal Issued	19 Boronia Rd, Vermont	Morack	2 lot subdivision	Subdivision
538	11-07-16	Delegate Refusal Issued	38 Medway St, Box Hill North	Elgar	Construction of six dwellings, comprising four (4) triple storey dwellings (including basement garages) and two (2) double storey dwellings	Multiple Dwellings
837	29-07-16	Delegate Refusal Issued	104-168 Hawthorn Rd, Forest Hill	Morack	Subdivision of land into super lots and road network and alterations to a road in a Road Zone Category 1	Subdivision
846	22-07-16	Delegate Refusal Issued	93 Katrina St, Blackburn North	Central	Construction of a single storey dwelling to the rear of the existing dwelling and modifications to the existing dwelling including the construction of a single carport	Multiple Dwellings
875	29-07-16	Delegate Refusal Issued	26 Stanley Grv, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings

## 9.4.1

(cont)

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
999	29-07-16	Delegate Refusal Issued	37 Brougham St, Box Hill	Elgar	Construction of apartment building comprising 4 levels and a basement carpark to accommodate 25 dwellings and waiver of 1 car space	Multiple Dwellings
1097	15-07-16	Delegate Refusal Issued	12 Eram Rd, Box Hill North	Elgar	Construction of two (2) semi-detached double storey dwellings	Multiple Dwellings
1107	26-07-16	Delegate Refusal Issued	10 Medhurst St, Burwood East	Riversdale	Construction of six double storey dwellings and reduction in car parking	Multiple Dwellings
465	13-07-16	No Permit Required	3/57 Strabane Ave, Mont Albert North	Elgar	Proposed patio roof at rear of unit 3	Single Dwelling < 300m2
76	27-07-16	Withdrawn	18 Bridgeford Ave, Blackburn North	Central	Construction of two (2) double storey dwellings	Multiple Dwellings
735	14-07-16	Withdrawn	28 Cypress Ave, Burwood	Riversdale	2 lot subdivision	Permit Amendment
873	21-07-16	Withdrawn	6 Richardson St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
1130	13-07-16	Withdrawn	33 Bedford St, Box Hill	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings



## 9.4.1

(cont)

### BUILDING DISPENSATIONS/APPLICATIONS JULY 2016

Address	Date	Ward	Result
15 Elmhurst Road, BLACKBURN	27-07-16	Central	Amendment Approved R409
16 Norway Avenue, BLACKBURN	01-07-16	Central	Amendment Approved R409
42 Francis Street, BLACKBURN	27-07-16	Central	Amendment Approved R417
1 Rosen Street, BLACKBURN SOUTH	11-07-16	Central	Consent Granted R411
11 Yorkshire Street, BLACKBURN NORTH	29-07-16	Central	Consent Granted R412, R411
12 Halley Street, BLACKBURN	04-07-16	Central	Consent Granted R424
14 Clay Court, BLACKBURN NORTH	15-07-16	Central	Consent Granted R411
14 Violet Court, BLACKBURN SOUTH	20-07-16	Central	Consent Granted R409
24 Brendale Avenue, BLACKBURN NORTH	07-07-16	Central	Consent Granted R411
26 The Ridge, BLACKBURN	04-07-16	Central	Consent Granted R414
42 Francis Street, BLACKBURN	11-07-16	Central	Consent Granted R409
61 Orchard Grove, BLACKBURN SOUTH	04-07-16	Central	Consent Granted R424
75 Laurel Grove South, BLACKBURN	11-07-16	Central	Consent Granted R411
75 Laurel Grove South, BLACKBURN	11-07-16	Central	Consent Granted R414
10 Donald Street, BLACKBURN SOUTH	21-07-16	Central	Consent Refused R424
88 Orchard Grove, BLACKBURN SOUTH	26-07-16	Central	Consent Refused R409
105 Kenmare Street, MONT ALBERT NORTH	21-07-16	Elgar	Consent Granted R409
2/2 Wolseley Close, MONT ALBERT	21-07-16	Elgar	Consent Granted R414
32 William Street, BOX HILL	29-07-16	Elgar	Consent Granted R415
8 Allison Road, MONT ALBERT NORTH	22-07-16	Elgar	Consent Granted R414
8 Gilbert Street, MONT ALBERT	11-07-16	Elgar	Consent Granted R409
80 Shannon Street, BOX HILL NORTH	15-07-16	Elgar	Consent Granted R414
836-850 Whitehorse Road, BOX HILL	28-07-16	Elgar	Consent Granted R604
930 Whitehorse Road, BOX HILL	27-07-16	Elgar	Consent Granted R604
1 Agnes Street, MONT ALBERT	21-07-16	Elgar	Consent Refused R409, R411
24 Heathfield Rise, BOX HILL NORTH	21-07-16	Elgar	Consent Refused R409
77 Heathfield Rise, BOX HILL NORTH	11-07-16	Elgar	Consent Refused R424
5 Barnesdale Drive, VERMONT	27-07-16	Morack	Amendment Approved R424
1 Felgate Parade, VERMONT SOUTH	04-07-16	Morack	Consent Granted R415
25 Morack Road, VERMONT	06-07-16	Morack	Consent Granted R424
3 Lucerne Street, VERMONT	11-07-16	Morack	Consent Granted R424
5 Radiant Crescent, FOREST HILL	29-07-16	Morack	Consent Granted R420
5 Shalimar Court, VERMONT SOUTH	21-07-16	Morack	Consent Granted R409
6 Allison Court, VERMONT	15-07-16	Morack	Consent Granted R414
9 St Helens Court, VERMONT	27-07-16	Morack	Consent Refused R415
11 Thomas Street, BOX HILL SOUTH	15-07-16	Riversdale	Consent Granted R419
13 Birdwood Street, BOX HILL SOUTH	19-07-16	Riversdale	Consent Granted R604
13 Devon Street, BOX HILL SOUTH	11-07-16	Riversdale	Consent Granted R409
13 Venice Street, BOX HILL SOUTH	11-07-16	Riversdale	Consent Granted R414
17 Halsey Street, BOX HILL SOUTH	22-07-16	Riversdale	Consent Granted R424
17 Inga Street, BURWOOD EAST	07-07-16	Riversdale	Consent Granted R424
18 Wridgway Avenue, BURWOOD	29-07-16	Riversdale	Consent Granted R426
1C Neville Street, BOX HILL SOUTH	11-07-16	Riversdale	Consent Granted R409
31 Monash Street, BOX HILL SOUTH	04-07-16	Riversdale	Consent Granted R409
41 Hastings Avenue, BLACKBURN SOUTH	22-07-16	Riversdale	Consent Granted R411, R415
43 Shepherd Street, SURREY HILLS	19-07-16	Riversdale	Consent Granted R424
71 Haig Street, BOX HILL SOUTH	11-07-16	Riversdale	Consent Granted R414

## 9.4.1

(cont)

1/16 Linden Street, BOX HILL SOUTH	07-07-16	Riversdale	Consent Refused R424
15 Banksia Street, BURWOOD	15-07-16	Riversdale	Consent Refused R409
<b>Address</b>	<b>Date</b>	<b>Ward</b>	<b>Result</b>
3 Carver Street, BURWOOD EAST	26-07-16	Riversdale	Consent Refused R409
2/2 Rawlings Street, SURREY HILLS	12-07-16	Riversdale	Refused R419
34 Denis Street, VERMONT	06-07-16	Springfield	Amendment Approved R414
1 Cottrell Court, NUNAWADING	11-07-16	Springfield	Consent Granted R414, R411
150 Rooks Road, NUNAWADING	26-07-16	Springfield	Consent Granted R604
2 Moresby Street, MITCHAM	15-07-16	Springfield	Consent Granted R409
2 Will Street, FOREST HILL	19-07-16	Springfield	Consent Granted R414
21 Morden Court, NUNAWADING	21-07-16	Springfield	Consent Granted R424, R427
21 Mountainview Road, NUNAWADING	15-07-16	Springfield	Consent Granted R424
27 Blossom Street, MITCHAM	15-07-16	Springfield	Consent Granted R414
4 Orion Street, VERMONT	27-07-16	Springfield	Consent Granted R411, R414
5 Barbara Street, VERMONT	13-07-16	Springfield	Consent Granted R414, R411, R412
7 Wendy Street, FOREST HILL	22-07-16	Springfield	Consent Granted R411
72 Creek Road, MITCHAM	21-07-16	Springfield	Consent Granted R420, R414
2 Will Street, FOREST HILL	19-07-16	Springfield	Consent Refused R409
4 Caller Court, FOREST HILL	27-07-16	Springfield	Consent Refused R415
4 Orion Street, VERMONT	27-07-16	Springfield	Consent Refused R409
45 Somers Street, MITCHAM	21-07-16	Springfield	Consent Refused R409
5 Barbara Street, VERMONT	13-07-16	Springfield	Consent Refused R415
6 Menin Road, NUNAWADING	19-07-16	Springfield	Consent Refused R415
545 Mitcham Road, VERMONT	07-07-16	Springfield	Withdrawn R424

## DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JULY 2016

*Under the Planning and Environment Act 1987*

Nil

## REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JULY 2016

Nil

## 9.4.1

(cont)

### REGISTER OF PROPERTY DOCUMENTS EXECUTED JULY 2016

Property Address	Document Type	Document Detail
<b>Leases</b>		
332 Blackburn Road, Burwood East - Dr Lindsay Dyson	Lease renewal & Disclosure Statement	Landlord (expires 1-Nov-18)
6C Fraser Place, Forest Hill - Nunawading Swimming Club Inc.	Lease - Office	Landlord (expires 30-Jun-21)
Room 9, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30-Jun-16)
<b>Licences</b>		
6C Fraser Place, Forest Hill - Nunawading Swimming Club Inc.	Licence - Swim School	Landlord (expires 30-Jun- 2021)
Rear 3C Cropley Court, Burwood - Deakin University (Bridge)	Licence - Construction	Licensor (expires 31-Dec-17 or completion of works whichever is the earlier)
<b>Land Transfers</b>		
517-521 Station Street, Box Hill	Vendor's Statement	Section 32 Sale of Land Act 1962
517-521 Station Street, Box Hill	Contract of Sale	Section 32 Sale of Land Act 1962
30 Canterbury Road, Blackburn South	Transfer of Land	Sale of Discontinued Road Section 207D Local Government Act 1989
3 Poplar Street, Box Hill	Transfer of Land	Transfer of Land Act 1958
<b>Rateability Changes</b>		
Basement 1/1 Arnold Street, Box Hill	Property Now Rateable	Peter MacCallum Cancer Institute sold property to private entity

## 9.4.1

(cont)

### REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JULY 2016

Instrument of Sub-Delegation – CEO to Staff (Council resolution 19-07-16)

#### PARKING RESTRICTIONS APPROVED BY DELEGATION JULY 2016 (cont)

<b>Address:</b>	<b>Woodhouse Grove Shopping Centre Car Park:</b> both sides
<b>Previously:</b>	3 '2-Hour, 8am to 6pm' parking spaces on the south side of the Woodhouse Grove car park 2 '3-Hour, 8am to 6pm' parking spaces on the south side of the Woodhouse Grove car park 1 'P, Disabled' parking space from 939 to 941 Station Street on the north side of the Woodhouse Grove car park 7 '½-Hour, 8am to 6pm' parking spaces from 941 Station Street to 945A Station Street on the north side of the Woodhouse Grove car park 2 '1/4-Hour, 6am to 10pm' parking spaces outside 947 Station Street on the northern side of the Woodhouse Grove car park 1 'P, Motorcycle' parking from 949 Station Street on the northern side of the Woodhouse Grove car park 1 'P, Disabled' parking space from west boundary of 951 Station Street to 2.4m east of the western boundary of 951 Station Street on the northern side of the Woodhouse Grove car park. 2 '½-Hour, 8am to 6pm' parking spaces from 2.4m east of the western boundary of 951 Station Street to the eastern boundary of 953A Station Street on the northern side of the Woodhouse Grove car park
<b>Now:</b>	5 '3-Hour, 8am to 6pm' parking restrictions on the south side of the Woodhouse Grove car park 1 'P' Disabled' parking space from 939 to 941 Station Street on the northern side of the Woodhouse Grove car park 11 '½-Hour, 8am to 6pm' parking spaces from 941 Station Street to 953A Station Street on the northern side of the Woodhouse Grove car park
<b>Address:</b>	<b>Elland Avenue, Box Hill:</b> from eastern boundary of 1 Elland Avenue to west boundary of 1 Elland Avenue – south side
<b>Previously:</b>	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
<b>Now:</b>	2 '1/2-Hour, 7.30am to 9pm, Monday to Saturday' parking spaces

## 9.4.1

(cont)

### PARKING RESTRICTIONS APPROVED BY DELEGATION JULY 2016 (cont)

- Address:** **Cumming Street, Burwood:** from north boundary of 33 Cumming Street to south boundary of 33 Cumming Street – east side  
**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 2 '1/2-Hour, 7.30am to 9pm, Monday to Saturday' parking spaces
- Address:** **Middleborough Road, Burwood:** from north boundary of 87 Middleborough Road to south boundary of 87 Middleborough Road – west side  
**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 2 'Unrestricted' parking spaces
- Address:** **Thames Street, Box Hill:** from west boundary of 84 Thames Street to east boundary of 84 Thames Street – north side  
**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 2 '2-Hour, 7.30am to 7.30pm, Monday to Friday & 8am to 6pm Saturday and Sunday' parking spaces
- Address:** **Whitehorse Road, Mont Albert:** from west boundary of 770 Whitehorse Road to east boundary of 770 Whitehorse Road – south side  
**Previously:** 2 'No Stopping, 7am to 9am, Monday to Friday' and 'Works Zone, 9am to 5pm, Monday to Friday and 7am to 5pm Saturday' parking spaces  
**Now:** 2 'No Stopping, 7am to 9am, Monday to Friday' parking spaces
- Address:** **Springvale Road, Nunawading:** from north boundary of 193-195 Springvale Road to Market Street – east side  
**Previously:** 4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 4 'No Stopping' parking spaces
- Address:** **Hillside Parade, Box Hill North:** from west boundary of 6 Hillside Parade to east boundary of 6 Hillside Parade – north side  
**Previously:** 2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces  
**Now:** 2 'Unrestricted' parking spaces
- Address:** **Ashted Road, Box Hill:** from Station Street to Glenmore Street – south side  
**Previously:** 20 'Unrestricted' parking spaces  
**Now:** 20 temporary '1-Hour, 7.30am to 7.30pm, Monday to Friday' parking spaces
- Address:** **Albion Road, Box Hill:** from Station Street to Rose Street – north side  
**Previously:** 28 'Unrestricted' parking spaces  
**Now:** 28 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces
- Address:** **Merton Street, Box Hill:** from Maple Street to west boundary of 2 Merton Street – south side  
**Previously:** 14 unrestricted parking spaces  
**Now:** 14 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

## 9.4.1

(cont)

### PARKING RESTRICTIONS APPROVED BY DELEGATION JULY 2016 (cont)

**Address:** **Merton Street , Box Hill:** from Albion Road to south boundary of 3 Merton Street – east side

**Previously:** 4 'Unrestricted' parking spaces

**Now:** 4 temporary '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Purches Street, Mitcham:** from ssouth boundary of 12 Purches Street to north boundary of 12 Purches Street – west side

**Previously:** 4 '1/4P 8.30am to 9.30am & 3pm to 4pm, School Days' parking spaces

**Now:** 4 temporary '1/4P 7.30am to 8.30am & 4pm to 5pm, School Days' parking spaces

**Address:** **Chestnut Street, Surrey Hills:** from 10m north of Park Road to 22m further north to vehicle crossing of property 8 Park Road – east side

**Previously:** 3 '1P, 8:30am to 8pm, Mon to Fri & 8:30am to 12:30pm, Saturday' parking spaces

**Now:** 3 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Address:** **Queen Street, Blackburn:** from 28m north of Albert Street to 68m north of Albert Street – east side

**Previously:** 6 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Now:** 6 '3-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Queen Street, Blackburn:** from south boundary of 20 Queen Street to north boundary of 20 Queen Street – west side

**Previously:** 4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces

**Now:** 4 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

**Address:** **Station Street , Box Hill:** from south boundary of 712 Station Street to north boundary of 714 Station Street – east side

**Previously:** 6 'Clearway, 7am to 9am and 4pm to 6pm, Monday to Friday' & 'Works Zone, 9am to 4pm, Monday to Friday' parking spaces

**Now:** 6 'Clearway, 7am to 9am and 4pm to 6pm, Monday to Friday' & '2P, 9am to 4pm, Monday to Friday & 8.30am to 12.30pm, Saturday' parking spaces

**Address:** **Station Street , Box Hill North:** from nnorth boundary of 833 Station Street to south boundary of 833 Station Street – west side

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

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

**Address:** **Shafer Road, Blackburn North:** from east boundary of 33 Shafer Road to 10m east of east boundary of 35 Shafer Road – north side

**Previously:** 3 'Unrestricted' parking spaces

**Now:** 3 'No Stopping' parking spaces

**Address:** **Shafer Road, Blackburn North:** from 22m west of east boundary of 50 Shafer Road to 1m west of east boundary of 48 Shafer Road – south side

**Previously:** 4 'Unrestricted' parking spaces

**Now:** 4 'No Stopping' parking spaces

## 9.4.1

(cont)

### VENDOR PAYMENT SUMMARY – SUMS PAID DURING JULY 2016

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
06/07/2016	\$25,098.44	3	EFT
06/07/2016	\$77,802.18	1	EFT
07/07/2016	\$4,545.51	5	EFC
07/07/2016	\$27,960.25	30	CHQ
07/07/2016	\$24,471.37	1	EFT
07/07/2016	\$870,158.78	59	EFT
08/07/2016	\$7,800.00	1	EFT
11/07/2016	\$1,382,046.33	1	EFT
14/07/2016	\$7,219.54	10	EFC
14/07/2016	\$82,352.29	37	CHQ
14/07/2016	\$4,055,150.64	435	EFT
14/07/2016	\$7,219.54	10	EFC
21/07/2016	\$2,359.73	3	EFC
21/07/2016	\$25,671.06	32	CHQ
21/07/2016	\$504,178.80	57	EFT
28/07/2016	\$11,457.57	6	EFC
28/07/2016	\$51,916.55	37	CHQ
29/07/2016	\$1,292,810.14	1	EFT
29/07/2016	\$7,635,805.94	516	EFT
<b>Monthly Leases</b>	\$73,000.00		DD
<b>GROSS</b>	\$16,169,024.66	1245	
<b>CANCELLED PAYMENTS</b>	-\$18,558.44	-31	
<b>NETT</b>	\$16,150,466.22	1214	

## 9.4.2 Lease Council Land

ATTACHMENT

### SUMMARY

Section 190 of the Local Government Act 1989 restricts Council's power to lease Council owned land. Council at its meeting of 18 July 2016 resolved to give public notice in accordance with Section 190 of the Local Government Act 1989 of its intention to lease land to eight (8) tennis clubs. Council is also required in accordance with Section 223 of the Local Government Act 1989 to consider any written submissions and is required to hear any verbal submissions made in conjunction with written submissions. Three (3) submissions were received and all three parties spoke in support of their written submission.

### COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud.

#### *That Council:*

- 1. Having completed the public notice process in accordance with sections 190 and 223 of the Local Government Act 1989 and having received and considered three (3) submissions and heard from the three (3) submitters regarding their submission; Council now resolves to lease the land known as part Volume: 3081 Folio: 096, part Volume: 10828 Folio: 256, part Volume: 8681 Folio: 596, part Volume: 8115 Folio: 927, part Volume: 8226 Folio: 570, part Volume: 8695 Folio: 818, part Volume: 8320 Folio: 966, part Volume: 8981 Folio: 709, part Volume: 9042 Folio: 900 & part Volume: 8792 Folio: 308.**
- 2. Advise the submitters of Council's decision as per Section 223 (d) (ii) of the Local Government Act 1989.**
- 3. Authorise the Manager of Property & Rates to execute the said leases for Blackburn Tennis Club Incorporated, Koonung Park Tennis Club Incorporated, Eley Park Tennis Club Incorporated, North Box Hill Tennis Club Incorporated, Heatherdale Tennis Club Incorporated, Nunawading Tennis Club Incorporated, Vermont Tennis Club Incorporated and Vermont South Club Incorporated.**

**CARRIED UNANIMOUSLY**

### BACKGROUND

A public notice advertising Council's intention to lease land was displayed in The Age newspaper on Saturday 23 July 2016, the advertising of the public notice was undertaken in accordance with Section 190 of the *Local Government Act 1989*.

The same public notice was displayed on Council's website in accordance with Section 82A of the *Local Government Act 1989*.

#### **(Refer Attachment 1. 'Public Notice dated 23 July 2016')**

Council received three (3) written submissions during the twenty-eight (28) day submission period and the three (3) submitters requested to speak at Council's appointed Committee meeting held on Monday 5 September 2016.

The appointed Committee comprised Councillors Davenport, Bennett and Massoud and the three submitters were heard in the Council Chambers on Monday 5 September at 5.30pm.

All submissions were referred to the Ordinary meeting of Council held on Monday 19 September 2016 for further consideration and for final decision.



## 9.4.2

(cont)

### DISCUSSION

Section 190 of the *Local Government Act 1989* restricts the powers of all Victorian councils to lease land

Section 190 states the following:

1. *A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
2. *Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
3. *If the lease is to be—*
  - a) *For 1 year or more and—*
    - i. *the rent for any period of the lease is \$50 000 or more a year; or*
    - ii. *the current market rental value of the land is \$50 000 or more a year; or*
  - b) *For 10 years or more; or*
  - c) *A building or improving lease—*

*The Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*

4. *A person has a right to make a submission under section 223 on the proposed lease*

The public notice advertised on 23 July 2016 advised the community of Council's intention to lease to the following eight tennis clubs with the following key terms:

Council intends to lease the land known as:

<b>Address:</b>	<b>5 Central Road, Blackburn</b>
Tenant:	Blackburn Tennis Club Incorporated
Terms:	
Proposed Use:	Community Tennis Club and associated community based tennis club activities
Title Description:	Part Volume: 3081 Folio: 096
Length of Agreement:	Fifteen (15) years with no further option terms
Commencing Rental:	One Hundred & Fifty Dollars (\$150) plus GST per annum with annual increases

<b>Address:</b>	<b>99 Springfield Road, Blackburn North</b>
Tenant:	Koonung Park Tennis Club Incorporated
Terms:	
Proposed Use:	Community Tennis Club and associated community based tennis club activities
Title Description:	Part Volume: 10828 Folio: 256
Length of Agreement:	Fifteen (15) years with no further option terms
Commencing Rental:	Two Hundred Dollars (\$200) plus GST per annum with annual increases

## 9.4.2

(cont)

**Address:** 93 Eley Road, Blackburn South  
**Tenant:** Eley Park Tennis Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club and associated community based tennis club activities  
**Title Description:** Part Volume: 8681 Folio: 596  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** One Hundred & Seventy Five Dollars (\$175) plus GST per annum with annual increases

**Address:** 24 Elizabeth Street, Box Hill North  
**Tenant:** North Box Hill Tennis Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club and associated community based tennis club activities  
**Title Description:** Part Volume: 8115 Folio: 927  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** One Hundred & Twenty Five Dollars (\$125) plus GST per annum with annual increases

**Address:** 69 Purches Street, Mitcham  
**Tenant:** Heatherdale Tennis Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club and associated community based tennis club activities  
**Title Description:** Part Volume: 8226 Folio: 570  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** One Hundred & Seventy Five Dollars (\$175) plus GST per annum with annual increases

**Address:** 6 Lane Street, Nunawading  
**Tenant:** Nunawading Tennis Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club and associated community based tennis club activities  
**Title Description:** Part Volume: 8695 Folio: 818  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** One Hundred & Fifty Dollars (\$150) plus GST per annum with annual increases

**Address:** 12 Nunkeri Street, Vermont  
**Tenant:** Vermont Tennis Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club and associated community based tennis club activities  
**Title Description:** Part Volume: 8320 Folio: 966  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** One Hundred & Fifty Dollars (\$150) plus GST per annum with annual increases

## 9.4.2

(cont)

**Address:** 30A Livingstone Road, Vermont South  
**Tenant:** Vermont South Club Incorporated  
**Terms:**  
**Proposed Use:** Community Tennis Club, Bowling Club and Darts Club and associated community based sporting and social activities  
**Title Description:** Part Volume: 8981 Folio: 709; Volume: 9042 Folio: 900 & Volume: 8792 Folio: 308  
**Length of Agreement:** Fifteen (15) years with no further option terms  
**Commencing Rental:** Three Hundred & Fifty Dollars (\$350) plus GST per annum with annual increases

### CONSULTATION

The consultation timetable for the Tennis Club leases included the following dates:

Statutory advertisements (Public Notice): The Age Saturday 23 July 2016  
Closing date for submissions Monday 22 August 2016  
Meeting to hear submissions Monday 5 September 2016

#### Public submissions:

The following three (3) written submissions were received:

Submitter	Representing	Issues Raised
1) Lynn Heath President North Box Hill Tennis Club	North Box Hill Tennis Club Blackburn Tennis Club Eley Park Tennis Club Heatherdale Tennis Club Koonung Park Tennis Club Nunawading Tennis Club Vermont Tennis Club	Speaking on behalf of the seven (7) tennis clubs. <ul style="list-style-type: none"><li>• Errors contained within Council report dated 18 July 2016</li><li>• The existing discrimination clause means that the clubs are responsible for any capital upgrades if a discrimination claim is made</li></ul>
2) Fran Wadsworth	Herself and Mr. Drew Wadsworth	Speaking in reference to Heatherdale Tennis Club (the Club). <ul style="list-style-type: none"><li>• Ms. Wadsworth's property adjoins the Club</li><li>• Supports to the Club's activities</li><li>• Disappointed there is a reduction in usage by young people</li><li>• The Club's activities impact on the adjoining owners</li><li>• Cardio Tennis: Seeking a ban of loud music on the court areas</li><li>• Personal Trainers are using the Club, seeking rules regarding sub-tenant usage</li><li>• Seeking a total gambling ban</li><li>• The fifteen (15) year lease term is too long. Seeking a review every three (3) years</li><li>• The use of the premises clause lacks transparency</li></ul>

### 9.4.2

(cont)

Submitter	Representing	Issues Raised
3) Alf Schroen	Himself and Ms. Viv Yong	<p>Speaking in reference to Heatherdale Tennis Club (the Club).</p> <ul style="list-style-type: none"><li>• Mr. Schroen's property adjoins the Club</li><li>• The Club's activities impact adjoining owners</li><li>• The adjoining owners should be considered 'equal stakeholders'</li><li>• Adjoining owners ambience, privacy and peace should be preserved</li><li>• Seeking an equitable outcome</li><li>• Cardio Tennis: Is noisy. Seeking a ban of loud music on the court areas</li><li>• Personal Trainers are using the Club, seeking rules regarding sub-tenant usage</li><li>• Seeking a total gambling ban</li><li>• The fifteen (15) year lease term is too long. Seeking a review every three (3) years</li><li>• Seeking a total ban on none Club functions</li><li>• Requesting that the Club appoint a "Court Etiquette Officer"</li><li>• Seeking a court use rotation system, especially for coaching sessions</li><li>• Seeking an appointed Compliance Officer to liaise between the adjoining owners and the Club</li><li>• The use of the premises clause lacks transparency</li></ul>

All three (3) submitters requested to be heard in support of their submission.

***(Refer Attachment 2. 'Special Committee to Hear Submissions' Agenda and Report. Dated 5 September 2016)***

#### **Special Committee to Hear Submissions:**

A Special Committee to Hear Submissions (the meeting) was held in the Council Chambers on 5 September.

Councillor Davenport was elected chairperson for the meeting by the other committee members.

The chairperson confirmed that the other committee members or the Council Officers present did not have a conflict of interest.

The three submitters were each allocated five (5) minutes to speak in support of their earlier submissions.

A summary of each verbal submission is contained within the attached 'Extract of Minutes'. The 'Extract of Minutes' were recorded by the Acting Manager Property & Rates.

## **9.4.2**

(cont)

***(Refer Attachment 3. 'Extract of Minutes' of the meeting held on Monday 5 September 2016.)***

At the conclusion of the submissions the committee resolved the following:

***Having considered the submissions and heard from the submitters, all submissions be referred to the Ordinary Council Meeting 19 September 2016 for further consideration and decision by Council.***

The Chairperson closed the meeting at 6.00pm.

### **FINANCIAL IMPLICATIONS**

The costs associated with the statutory process for the tennis club leases was approximately \$7,500 + GST.

### **POLICY IMPLICATIONS**

The leases have been drafted in accordance with Council's Property Lease and Licence Policy.

### **ATTACHMENT**

- 1 Public Notice dated 23 July 2016
- 2 Special Committee to Hear Submissions - Agenda and Report
- 3 Extract of Minutes of meeting held 5 September 2016

### **9.4.3 Adoption of Instrument of Appointment and Authorisation under the Planning and Environment Act 1987**

---

#### **SUMMARY**

*The purpose of this report is to recommend approval of an Instrument of Appointment and Authorisation under the Planning and Environment Act 1987, from the Council to positions in the organisation.*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Ellis.

***That Council approve the proposed appointment of authorised officers pursuant to the Planning and Environment Act 1987 as attached to this report.***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

The proposed Instrument of Appointment and Authorisation (pursuant to the *Planning and Environment Act 1987*) has been prepared following advice received from Council's solicitors Maddocks and is similar to that used by many Victorian municipalities.

The Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to enforcement of the *Planning and Environment Act 1987* and to act and commence proceedings in Council's name.

These appointments must be made by resolution of the Council; section 3(6) of the *Local Government Act 1989* defines 'resolution of the council' as including a power exercised under delegation (ie: by the Chief Executive Officer), however section 188 (2) (c) of the *Planning and Environment Act 1987* prohibits authorisations being made under delegation.

The Instrument of Appointment and Authorisation would come into force once the common seal is affixed to the Instrument.

#### **CONSULTATION**

Relevant staff including General Manager City Development and Manager Planning and Building were consulted during the preparation of the proposed Instrument of Appointment and Authorisation.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications.

#### **POLICY IMPLICATIONS**

There are no policy implications.

### 9.4.3

(cont)

#### Whitehorse City Council

#### Instrument of Appointment and Authorisation

#### under the Planning and Environment Act 1987

STAFF	
FAMILY NAME	GIVEN NAME
ALLEN	Daniel
ASPROLOUPOS	Angela
BEESON	Paul
DONOVAN	Mark
EGAN	Allison
GLAWITSCH	Richard
GREEN	Jeff
HARRINGTON	Elle
HOLLESEN	Anne
KING	Michelle
LAM	Aileen
LO	Vivian
MAN	Nathaniel
MARRIOTT	Kim
MCALEER	Paul
MCLEAN	Vanessa
MEALYEA	Karen
O'CONNOR	Tracey
PALMA	Sam
PHAM	Vincent
POTTINGER	Gareth
SCOTT	Graham
SHERWIN	Catherine
Te LINTELO	Catherine
WELLS	Millie
ZASKE	Werner

CONSULTANTS (engaged from time to time as required)	
FAMILY NAME	GIVEN NAME
BOWDEN	Daniel
BROWN	Shannon
COLEMAN	Ian
DE LIA	Belinda
FITZPATRICK	Anita
GILFEDDER	Gerard
HARRISON	Nicholas
HARRISON	Jo
HILDEBRAND	Noy
HUGHES	Henry
HUNTER	Suellen
LOFTING	James
LUNN	Louise
MARSHALL	Maria
PLAKIDIS	Irene
SAVAGE	Dean
SIMKUS	Gintaras
SONG	David
UM	Dezarn
WONG	Darren

### 9.4.3

(cont)

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

In this instrument "**officer**" means:

- a) Daniel Allen;
  - b) Angela Asproloupou;
  - c) Paul Beeson;
  - d) Mark Donovan;
  - e) Allison Egan;
  - f) Richard Glawitsch;
  - g) Jeff Green;
  - h) Elle Harrington;
  - i) Anne Hollensen;
  - j) Michelle King;
  - k) Aileen Lam;
  - l) Vivian Lo;
  - m) Nathaniel Man;
  - n) Kim Marriott;
  - o) Paul McAleer;
  - p) Vanessa McLean;
  - q) Karen Mealyea;
  - r) Tracey O'Connor;
  - s) Sam Palma;
  - t) Vincent Pham;
  - u) Gareth Pottinger;
  - v) Graham Scott;
  - w) Catherine Sherwin;
  - x) Catherine te Lintelo;
  - y) Millie Wells;
  - z) Werner Zaske;
- 
- aa) Daniel Bowden;
  - bb) Shannon Brown;
  - cc) Ian Coleman;
  - dd) Belinda De Lia;
  - ee) Anita Fitzpatrick;
  - ff) Gerard Gilfedder;
  - gg) Nicholas Harrison;
  - hh) Jo Harrison;
  - ii) Noy Hildebrand;
  - jj) Henry Hughes;
  - kk) Suellen Hunter
  - ll) James Lofting;
  - mm) Louise Lunn;
  - nn) Maria Marshall;
  - oo) Irene Plakidis;
  - pp) Dean Savage;
  - qq) Gintaras Simkus;
  - rr) David Song;
  - ss) Dezarn Um; and
  - tt) Darren Wong.

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Note: • The personnel listed a) to z) are staff members  
• The personnel listed aa) to tt) are specialist planning consultants engaged as required



### 9.4.3

(cont)

**By this instrument of appointment and authorisation Whitehorse City Council:**

- a) under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer(s) to be *an* authorised officer(s) for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- b) under section 232 of the *Local Government Act 1989* authorises the officer(s) generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that this instrument -**

- comes into force immediately upon its execution; and
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on **19 September 2016**

THE COMMON SEAL OF THE )  
WHITEHORSE CITY COUNCIL was hereunto )  
affixed this )  
19<sup>th</sup> day of September 2016 in the presence )  
of: )

**Councillor**

**Chief Executive Officer**

#### 9.4.4 Meeting Cycle January to June 2017

---

##### **SUMMARY**

*This report is to set the meeting dates for the period January to June 2017. It is recommended that council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:*

*Week 1 – Strategic Planning Session*

*Week 2 – Councillor Briefing and Special Committee Meeting.*

*Week 3 – Council Meeting*

##### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Ellis.

***That:***

- 1. The report be received and noted and the Meeting Cycle for the period January to June 2017 as detailed in Appendix A to this report be adopted.***
- 2. Meetings of the Council and Special Committee of Council be held in the Council Chamber, 379 Whitehorse Road, Nunawading, with the exception of the first Ordinary Council Meeting of the year Monday 30 January 2017 which will be held in the Council Chamber Box Hill Town Hall.***
- 3. Public notice of Council's meeting schedule be given as required by Section 89 (4) of the Local Government Act 1989.***

**CARRIED UNANIMOUSLY**

---

##### **BACKGROUND**

The Council Meeting Cycle is currently as follows:

<b>Week 1</b>	<b>Week 2</b>	<b>Week 3</b>
6.30pm  Strategic Planning Session  (not a formal or public meeting)	6.30 - 8.00pm  Councillor Briefing  Information gathering for briefing on agenda for Council Meeting on Week 3  (not a formal or public meeting)  8.00pm  Special Committee of Council Meeting	7.00pm  Council Meeting

#### **9.4.4**

(cont)

This report is to set meeting dates for the period January to June 2017 as listed in Appendix A to this report.

It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting

Week 3 – Council Meeting

- Meetings will take place on Monday nights in a four weekly cycle, with Week 4 (and Week 5 in those months with a fifth Monday) being a meeting free night, to schedule other matters for consideration as necessary. Where Monday is a public holiday the meeting will take place on the Tuesday night immediately following.
- During January the Councillor Briefing will be held on Monday 23 January and the first Ordinary Council Meeting for 2017 will be held Week 4 of January (**nb the Ordinary Council meeting Monday 30 January 2017 will be held at the Box Hill Town Hall**)
- The meeting cycle has been adjusted in June due to the Australian Local Governance Association National General Assembly being scheduled for June 2017
- Strategic Planning Sessions will be held from February to June 2017 inclusive.
- Special Committee of Council meetings will be held from February to June 2017 inclusive.
- All meetings will be conducted in accordance with the Charters and Council's Meeting Procedure and Common Seal Local Law 2013.

#### **CONSULTATION**

Councillors are familiar with the meeting cycle, structure and Council meeting processes.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**9.4.4**  
(cont)

**APPENDIX A**



**PUBLIC MEETING CYCLE – 2017 (JANUARY TO JUNE)**

<b>January</b>	
Ordinary Council Meeting	30
<b>February</b>	
Special Committee	13
Ordinary Council Meeting	20
<b>March</b>	
Special Committee	14 (Tues)
Ordinary Council Meeting	20
<b>April</b>	
Special Committee	10
Ordinary Council Meeting	18 (Tues)
<b>May</b>	
Special Committee	8
Ordinary Council Meeting	15
<b>June</b>	
Special Committee	13 (Tues)
Ordinary Council Meeting	26 <sup>1</sup>

- Additional meetings may be called as required and will be advertised in local newspapers when possible and/or by notice on the public noticeboards at Civic Offices.
- All meetings to be held in the Council Chamber, Whitehorse Civic Centre, 379 Whitehorse Rd, Nunawading, with the exception of the meeting scheduled for **\*Monday 30 January 2017, which will be held in the Council Chamber, Box Hill Town Hall\***
- Council Meetings commence at 7.00pm unless otherwise advised.
- Special Committee of Council Meetings commence at 8.00pm unless otherwise advised.
- All meetings open to the public, unless Council resolves to close the meeting to the public to consider an item 'in camera'.
- All these meetings are subject to change as necessary, changes to the meeting cycle will be advised by public notice as appropriate.

<sup>1</sup> Meeting schedule adjusted due to ALGA National Conference scheduled 18-21 June 2017

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

### **10.1 Reports by Delegates**

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

- 10.1.1 Cr Massoud reported on her attendance at the Whitehorse Business Group meeting held on the 13 September 2016.
- 10.1.2 Cr Munroe reported on his attendance at the:
  - Whitehorse Manningham Regional Library Corporation meeting held on 24 August 2016
  - Metropolitan Transport Forum held on 07 September 2016
- 10.1.3 Cr Stennett reported on his attendance at Audit Advisory Committee held 19 September 2016.
- 10.1.4 Cr Ellis reported on her attendance at the Eastern Region Affordable Housing Alliance meeting held on 24 August 2016.

#### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Massoud.

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

**CARRIED UNANIMOUSLY**

### **10.2 Recommendation from the Special Committee of Council Meeting of 12 September 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
15-08-2016 6.30-7.00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>Council Agenda 15 August 2016</li> <li>In Principal Approval of the 2015/16 Annual Financial Statements and Performance Statements</li> <li>Purchase of Land</li> <li>Rates Notices and Assessment Information</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Stennett  NB: Cr Massoud arrived at 6.53pm	N Duff J Green P Warner T Wilkinson P Smith S Freud J Russell P Moore J Gorst S Dixon	Nil	Nil
05-09-2016 5.30-6.00pm	<b>Committee to Hear Submissions</b> <ul style="list-style-type: none"> <li>Lease Land In Accordance with Section 190 of the Local Government Act</li> </ul>	Cr Bennett Cr Davenport Cr Massoud	P Warner (AGMCS) T Peak J Paoletti	Nil	Nil
05-09-2016 6.30-9.45pm	<b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>Audit Committee Update</li> <li>Draft Box Hill Built Form Guidelines</li> <li>Capital Works/Capital Works Nomination Process</li> <li>Finance Update</li> <li>Elgar Park Master Plan</li> <li>Local Government Act Review</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson (AGMCS) T Peak A De Fazio K Marriott A Egan V McLean D Comazzetto J Gorst B Morrison S McGarth	Nil	Nil
12-09-2016 6.30-9.00pm	<b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Special Committee Agenda</li> <li>Draft Council Agenda 19 September 2016</li> </ul>	Cr Daw (Mayor & Chair) Cr Bennett Cr Carr Cr Davenport Cr Ellis Cr Massoud Cr Munroe Cr Stennett  NB: Cr Massoud arrived at 6.45pm	N Duff (AGMCD) K Marriott P Warner T Wilkinson (AGMCS) T Peak A De Fazio S Freud J Russell A Egan P McAleer G Pottinger I Goodes T Johnson R Prathapasinghe T Curtis	Nil	Nil

#### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Massoud.

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

**CARRIED UNANIMOUSLY**

**Attendance:**

Cr Davenport left the Chamber at 8.47pm, returning at 8.49pm.

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

11.1 Cr Carr reported on her attendance at the:

- Women's Forum – Women and Disability held on the 08 September 2016
- The Parkland Advisory Community Forum held on the 06 September 2016

11.2 Cr Munroe reported on his attendance at the VLGA Leading the Agenda with Melbourne University Publishing Chief - Louise Adler held on the 01 September 2016

11.3. Cr Massoud reported on her attendance at the:

- The Parkland Advisory Community Forum held on the 06 September 2016
- Women's Forum – Women and Disability held on the 08 September 2016

11.4 Cr Daw reported on his attendance at the Parkland Advisory Community Forum held on the 06 September 2016

### **COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Massoud

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

**CARRIED UNANIMOUSLY**

## **12 CONFIDENTIAL REPORTS**

### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Massoud.

*That in accordance with Section 89(2) (d) and (g) of the Local Government Act 1989 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to contractual matters and matters affecting the security of Council property.*

**CARRIED UNANIMOUSLY**

The meeting was closed to the public at 9.00pm.

### **Attendance**

Cr Chong and Cr Stennett left the Chamber at 9.01pm returning at 9.03pm.

### **12.1 Tender Evaluation Report (Contract CT5183) Provision of Pavement Crack Sealing Services**

### **12.2 Blackburn Road Grade Separation Project Compulsory Acquisition of an Easement Over Council Owned Land**

### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Massoud.

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

**CARRIED UNANIMOUSLY**

The meeting was reopened to the public at 9.05pm.

## **13 CLOSE MEETING**

Meeting closed at 9.06pm

**Confirmed this 17<sup>th</sup> day of October 2016**

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**CHAIRPERSON**