



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 14 December 2015**

at 7.00 p.m.

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

**Ms Noelene Duff**  
Chief Executive Officer

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## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

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

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

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

***Amen.***

#### 1b Aboriginal Reconciliation Statement

*"In the spirit of reconciliation we acknowledge the Wurundjeri as the traditional owners of the land on which we are gathered."*

### 2 WELCOME AND APOLOGIES

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 23 November 2015 and Confidential Minutes 23 November 2015.

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting of 23 November 2015 and the Confidential Council Meeting Minutes 23 November 2015 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

### 6 NOTICES OF MOTION

### 7 PETITIONS

### 8 URGENT BUSINESS

## 9 COUNCIL REPORTS

### 9.1 CITY DEVELOPMENT

#### Strategic Planning

#### 9.1.1 78 Middleborough Road, Burwood East - Former Brickworks Site Development Plan

FILE NUMBER: SF15/853  
ATTACHMENTS

#### SUMMARY

*Frasers Property Australia, formerly known as Australand Property Group, has lodged a development plan for the 20.5 hectare former brickworks in Burwood East as required under the Development Plan Overlay. Preparation of the development plan is intended to advance the overall masterplan for this strategically significant site that was adopted by Council at its meeting on 27 January 2015. If approved, the development plan will be used to guide future planning permit applications for each stage of the development and their assessment, and will exempt applications that comply with the development plan from the usual notice and review processes under the Planning and Environment Act 1987. This report recommends that Council places the proposed development plan for the site on display for comment for 14 days as required under the Development Plan Overlay.*

#### RECOMMENDATION

##### *That Council:*

- 1. Having received a development plan for the former brickworks site at 78 Middleborough Road, Burwood East as required under Clause 5.0 of Schedule 6 to the Development Plan Overlay, place the development plan at Appendix A on display for public comment for a period of 14 days.*
- 2. At the conclusion of the display period, a further report be prepared on feedback received from the community.*
- 3. Pursue necessary changes to the development plan to address its concerns concurrent with display and consideration of community feedback on the development plan.*

MELWAYS REFERENCE 61 G5

**Proponent: Frasers Property Australia**

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

**9.1.1**  
(cont)

Figure 1 – Former Brickworks Site



**BACKGROUND**

In October / November 2014 Council consulted with the community on a proposed Masterplan and planning scheme amendment request for the former brickworks site at 78 Middleborough Road, Burwood East (refer Figure 1). Having considered the community feedback, at its meeting on 27 January 2015, Council resolved as follows:

1. *Adopt the updated draft Burwood East Master Plan and Urban Design Report, January 2015 for the former brickworks site (as shown in Appendix C), subject to further review of the proposed open space network to Council's satisfaction.*
2. *Support a request by Australand to the Minister for Planning to consider and approve an amendment to the Whitehorse Planning Scheme under section 20(4) of the Planning and Environment Act 1987 to rezone the former brickworks site to Residential Growth Zone, General Residential Zone and Commercial 1 Zone, update associated local policies and to apply a Development Plan Overlay to the site, as generally shown in Appendix D, subject to minor changes as needed.*
3. *Initiate an overarching 'heads of agreement' with Australand under section 173 of the Planning and Environment Act 1987 to guide future Section 173 Agreements on the construction, future delivery, ownership, maintenance and management responsibilities for public assets proposed in the development.*

Australand Property Group was acquired by Frasers Centrepont Limited approximately one year ago and as of 31 August 2015 became known as Frasers Property Australia (Frasers).

**9.1.1**  
(cont)

Fraser's proposal for the 20.5 hectare site includes up to 950 dwellings for approximately 2,000 new residents, a shopping centre with 10,530 square metres of floor space, plus open spaces and public realm improvements. The key Masterplan drawing from the adopted *Burwood East Master Plan and Urban Design Report, January 2015* (the Adopted Masterplan) is shown in Figure 2.

Figure 2 - Adopted Masterplan drawing, January 2015



### 9.1.1 (cont)

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

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

The amendment was required due to state government zone reforms and the planning controls being based on the previous proposal for the site by Reading Properties. Many of the principles around site accessibility, key open spaces, building forms and heights, mix of uses, dwelling diversity and the like contained within the pre-existing controls and policy, and which were developed from earlier planning and consultation processes, have remained relevant to the recently approved planning controls and Adopted Masterplan.

The existing Environmental Audit Overlay continues to apply to the site.

Intensive site remediation via an existing planning permit has occurred over the past 12 months to prepare the site for development and is due to be completed before the end of 2015. The works were required to address site contamination, to fill the former quarry hole and to set site levels, and involved consequent tree removal. An additional planning permit was required for works on the large triangular land parcel fronting Burwood Highway.

#### ***The Development Plan Overlay***

The DPO approved for the site requires that a 'development plan' be prepared to the satisfaction of the responsible authority before a permit can generally be granted to use or subdivide land, construct a building or construct or carry out works.

The only circumstances where a permit may be granted before a development plan has been prepared is if the proposed use, subdivision, building or works:

- Are of a minor nature or relate to site preparation;
- Will not prejudice the preparation and approval of the Development Plan; and
- Is consistent with the objectives (at Clause 1.0), and the vision and principles (at Clause 4.0) of Schedule 6. These objectives, vision and principles are derived from the adopted masterplan, the Burwood Heights Structure Plan and the local planning policies in the planning scheme.

Schedule 6 to the DPO is detailed and specifies conditions and requirements for permits, and requirements for a development plan including the information that the plan needs to contain. Importantly, the development plan must demonstrate how the vision, principles and objectives of the Schedule will be achieved.

Planning permits must be generally in accordance with the approved development plan. The development plan will therefore guide future planning permit applications for each stage of the development and needs to contain sufficient information for Council to assess these applications. Planning permit applications that are generally in accordance with an approved development plan will be exempt from the usual notice and review processes under the Act. Hence the development plan needs to be carefully considered by Council before a decision is made whether to approve the development plan or not.

### **9.1.1** (cont)

In order to assist Council in this process, it has included a provision in the recently approved DPO (Schedule 6, Clause 5.0) that requires display of a development plan (or a substantial amendment to an approved plan) for public comment for a period of 14 days. Council must consider any comments received in response to display of the plan before making a decision whether to approve the plan (or amendment to an approved plan). Therefore, in most instances, it is anticipated that display of the development plan will be the final opportunity for the community to make comment on the proposed development.

#### **DISCUSSION**

A development plan has been lodged with Council for consideration. The development plan comprises the following documents:

**Volume 1 - Development Plan Report** (Tract Consultants Pty Ltd, October 2015)

The Development Plan Report includes relevant background and a summary of the Volume 2 specialist reports.

#### **Volume 2 – Specialist Reports:**

1. Integrated Transport Plan (Traffix Group, September 2015);
2. Community Infrastructure Assessment (ASR Research, October 2015);
3. Economic Impact Assessment (Urbis, September 2015);
4. Engineering Servicing and Stormwater Management Report (Reeds Consulting, October 2015);
5. Ecologically Sustainable Development Strategy (Organica Engineering, September 2015);
6. Retail Design Report (Tract Consultants and NH Architecture, October 2015); and
7. Landscape, Public Realm and Open Space Plan (Group GSA, September 2015). This report includes refinement of the proposed open space network, consistent with Council's resolution of 27 January 2015 adopting the site Masterplan.

Three of these reports needed to be resubmitted to Council as incorrect versions were lodged. The last of the reports was lodged on 23 October 2015. The development plan, volumes 1 and 2 are shown in Appendix A.

### 9.1.1 (cont)

Of note, is the Development Plan drawing by Frasers in Figure 3 below from the Volume 1 Development Plan Report, compared to the key Masterplan drawing in Figure 2 (above) from the adopted Masterplan Report (January 2015). The Masterplan Report adopted by Council is shown as Appendix B for reference purposes. Key modifications proposed by Frasers in the Development Plan drawing include:

- Realignment of the pedestrian / bicycle connection from Old Burwood Road.
- Deleting public open space from the large triangular parcel of land fronting Burwood Highway, including the 'pocket park' and land containing the remaining trees at the corner of Burwood Highway and Old Burwood Road.
- Changing the layout of the 'urban grid townhouse living' immediately west of Medhurst and Ramsey Streets to a more conventional townhouse arrangement with linear links to the boulevard instead of 'mews' style developments around central courtyards.
- Reducing areas of public open space from alongside the boulevard at the entry from Burwood Highway and towards the proposed urban plaza.
- Removal of the landscaped reserve / 'green boundary' along the interface to Old Burwood Road.
- Changes to the arrangement of the apartment buildings immediately north of the RSPCA and therefore to the size and shape of the urban plaza. This is inconsistent with the building heights and housing mix plans in the adopted Masterplan (p33) and in the DPO.
- Changes to the bulk, spacing and arrangement of the apartment buildings fronting Burwood Highway, potentially presenting as a more continuous built edge, and to the boulevard.
- Removing the indicative built forms from the Masterplan drawing.
- Changing indicative landscaping concepts.

Frasers' Development Plan will be primarily assessed against the requirements of schedule 6 to the DPO which amongst other things includes the adopted Masterplan,

9.1.1  
 (cont)

Figure 3 – Proposed Development Plan drawing, December 2015



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

### 9.1.1 (cont)

#### ***Review of the Development Plan***

Volumes 1 and 2 of the Development Plan have been reviewed by officers and updated reports provided where necessary. Multiple rounds of feedback have been provided to Frasers on the Volume 2 Specialist Reports. There are a number of matters from this feedback that do not appear to have been adequately addressed in the development plan.

Due to its timelines for the development, Frasers seeks to expedite display of the development plan and for any concerns that Council may still have regarding the plan to be resolved alongside any community comment received from the display period.

Following consideration of the community comment, Council can make a decision on the development plan subject to conditions if the outstanding issues are not satisfactorily addressed. This does however raise a concern over expectations within the community should these conditions result in significant changes to the development plan post-display.

#### ***Future Public Asset Responsibilities and Agreements***

Parallel to the development plan, there are future agreements under Section 173 of the Act to be considered:

- A subsidence risk agreement to manage potential matters associated with development (including subdivision) on land that has been filled and to ensure that development occurs in accordance with an appropriate geotechnical framework.
- An overarching agreement as required under the DPO, Schedule 6 (at Clause 4.0) and in accordance with Council's resolution of 27 January 2015. A draft of this agreement is in progress and will set the framework for future, more detailed agreements on the delivery, ownership, management and maintenance of infrastructure as further detail on the development becomes apparent. The agreements can be triggered at any time and as stated in the 27 January 2015 report to Council, are envisaged (as relevant) for:
  - Roads, traffic management and transport infrastructure
  - Open space and related infrastructure
  - Stormwater management
  - Street trees
  - Any new community infrastructure that may be needed
  - Staging (eg: delivery of key infrastructure and handover of responsibilities)
  - Maintenance agreements / Asset management
  - Any remaining matters related to landfill and site remediation activities.

Discussions with Frasers are continuing on key areas of concern in regard to future public infrastructure delivery and responsibilities including:

- Stormwater management, specifically the retarding basin / wetland proposed to be located on filled land and required by Melbourne Water to store stormwater and regulate its discharge into the adjoining Eley Road retarding basin. The retarding basin / wetland is proposed to be a permanent water body and is expected to flood a large portion of the surrounding open space in the 100 year flood event and contain a sediment dry out area.

Frasers has initiated discussions with Melbourne Water on a proposal to locate the water treatment component of the facility, being the wetland, into the floor of the existing Eley Road retarding basin and for this element to be maintained by Melbourne Water. Council acknowledges this opportunity and that it would reduce the specialist maintenance required for a wetland on the development site. However, there are likely to be other maintenance implications for Council tied to this arrangement and the retarding basin component required by Melbourne Water within the development would remain. These discussions are continuing and the outcome may influence Council's decision on this element of the development plan.

### 9.1.1 (cont)

- The suitability and functionality of land areas identified for public open space in terms of being either floodprone (mentioned above), too small or narrow, sloping land to deal with level changes across the site and functionality of multiple, fragmented spaces.
- The suitability of roads and associated assets (eg: drains, lighting, etc.) many of which will be on filled land and, if delivered to Council standards, would typically be assumed as Council's responsibility.

Council is yet to make any decision on such matters.

### CONSULTATION

As noted above, the DPO, Schedule 6 (at Clause 5.0) that requires display of a development plan (or a substantial amendment to an approved plan) for public comment for a period of 14 days. Council must consider any comments received in response to display of the plan before making a decision whether to approve the plan (or amendment to an approved plan).

Over the long history of this project, the community has had multiple opportunities to influence development of the site. With this in mind, the following community engagement program is proposed commensurate with the short display period required under the DPO and feedback from the community to date:

- Consultation period 2 weeks;
- Notification via the Council web site, mail out to landowners and occupiers in the local area and to stakeholders, agencies, local shopping centres and interested persons;
- Leader advertisements in consecutive editions during the consultation period,
- Notices on the site and distributed to premises at the Burwood Heights Shopping Centre
- Documents on display at Council's service centres, libraries in Whitehorse, locally at the RSPCA, Bennettswood Neighbourhood House and Eley Park Community Centre, and on the Whitehorse web site;
- Feedback captured via written submissions.

### FINANCIAL IMPLICATIONS

Community consultation expenses will be recouped from Frasers Property Australia.

To date, Council has required limited assistance from external consultants (e.g.: planning, legal and high level engineering advice). Internal officer expertise has been committed from all divisions across Council to assess the development plan.

Ongoing internal officer input will be required to finalise and approve the development plan and to assess future planning, and building and works approvals, etc. Resourcing required for future planning permit approvals will be partly offset by notice exemptions in the proposed Development Plan Overlay. It is also likely that further external consultant advice will be needed. Funds are available in the 2015 / 2016 budget for these general purposes.

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

**9.1.1**  
(cont)

Beyond a separate management body for the shopping centre (such as a body corporate) and those associated with residential development (e.g.: apartments and potentially some terrace / townhouses), Frasers does not envisage having any future role in relation to public asset management in the longer term.

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

**POLICY IMPLICATIONS**

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

Affected policies as contained in the Whitehorse Planning Scheme (Clauses 22.11 and 22.12) as discussed earlier in this report have been updated to align with the proposal.

**CONCLUSION**

A development plan has been prepared on behalf of Frasers Property Australia as required under Clause 43.04-1 of the DPO. Clause 5.0 of Schedule 6 to the DPO requires that the development plan be placed on display for public comment for a period of 14 days.

While the development plan for the site has not adequately addressed all of Council's feedback to date, in the interests of facilitating development of this strategic redevelopment site, it is recommended that the development plan be placed on display for public comment.

Concurrent with display of the development plan and consideration of community feedback received, Council should continue to pursue necessary changes to the development plan to address outstanding and new concerns, and will progress, as appropriate, discussions with Frasers in relation to future agreements on the provision of and responsibility for public infrastructure.

## 9.1.2 Submission to Plan Melbourne Refresh Discussion Paper

FILE NUMBER: SF15/899  
ATTACHMENT

### SUMMARY

*In October 2015 the State Government released the Plan Melbourne Refresh Discussion Paper. The State Government is seeking comments on the discussion paper to shape a 'refreshed' Plan Melbourne. When finalised, Plan Melbourne 2016 will replace Plan Melbourne 2014 as the metropolitan planning strategy and in Victorian planning schemes. This report sets out an overview of the refresh and seeks endorsement of Council's response to the discussion paper.*

### RECOMMENDATION

#### **That Council:**

- A. Endorse the draft comments to the Plan Melbourne Refresh Discussion Paper as set out in Attachment 2.**
- B. Advise the Department of Environment, Land, Water and Planning of Council's decision.**

### BACKGROUND

As part of its election commitment the previous State Government prepared a new metropolitan planning strategy, titled Plan Melbourne 2014. Plan Melbourne 2014 replaced Melbourne 2030 and its update Melbourne @ 5 Million, which had been in place since 2003. Plan Melbourne 2014 was developed through a series of phases and involved consultation at various points. Council provided submissions to Plan Melbourne 2014 in its own right as well as part of the Eastern Metropolitan Group of Councils (refer to Council meeting minutes from 18 February 2013 and 9 December 2013).

The current State Government has stated that it does not intend to prepare a new metropolitan strategy, but rather that it will "refresh" Plan Melbourne 2014. The Minister for Planning noted that much of Plan Melbourne 2014 has bipartisan support, and that the refresh provides an opportunity to "*revisit the plan in light of new information and incorporate some ideas that planning experts and ordinary citizens alike have raised during the consultations and lively public debates over the last few years that had been omitted*" (Plan Melbourne Refresh Discussion Paper, October 2015, page 1).

Plan Melbourne 2016 intends to build on the work underpinning Plan Melbourne 2014, and strengthen the focus on housing affordability, climate change and energy efficiency. Plan Melbourne 2016 will also reflect the current State Government's transport priorities.

Submissions are required to be lodged with the Department of Environment, Land, Water and Planning (DELWP) by 5.00pm on Friday 18 December 2015. The refreshed Plan Melbourne 2016 is expected to be released in the first half of 2016.

### DISCUSSION

Plan Melbourne 2016 will provide "*a framework to enhance the city's productivity, move jobs closer to where people live and to create great new urban areas that accommodate much of Melbourne's growth. This will maintain Melbourne's globally-recognised liveability and its role as an efficient business services city, tourism designation and freight and manufacturing hub*" (Plan Melbourne Refresh Discussion Paper, October 2015, page 8).

### 9.1.2 (cont)

The discussion paper states that Plan Melbourne 2016 will maintain the focus on:

- *“Providing for employment in an expanded central city, and state-significant employment clusters and industrial precincts.*
- *Transforming the transport system to support a more efficient, productive city with improved travel options to increase social and economic participation.*
- *Directing growth and increased development intensity to strategic locations.*
- *Achieving a city of ‘20-minute neighbourhoods’.*
- *Delivering a compact urban form with a fixed urban growth boundary.*
- *Protecting environmental values and agricultural productivity in green wedges and the peri-urban area.*
- *Supporting growth in regional Victoria”* (Plan Melbourne Refresh Discussion Paper, October 2015, page 9).

A criticism of Plan Melbourne 2014 was that it did not sufficiently address housing affordability, climate change and energy efficiency. The refresh will incorporate these themes into Plan Melbourne 2016, as well as a focus on longer term actions and implementation. It will also include updates to policies, transport commitments, demographic information and governance changes.

As Plan Melbourne 2016 will be an update, rather than re-write, of Plan Melbourne 2014, the scope of options for discussion has been limited to a number of key points. In conjunction with the discussion paper, a template for providing responses has been prepared. This template directs comments to be provided in response to specific issues. Council officers have completed the template as well as provided background information.

The discussion paper seeks input on the following key points:

- Growth challenges, fundamental principles and key concepts;
- Delivering jobs and investment;
- A more connected Melbourne;
- Housing;
- A more resilient and environmentally sustainable Melbourne;
- New planning tools; and
- Implementation.

Council’s submission generally supports the suggested changes and additional inclusions proposed for Plan Melbourne 2016 (see Attachment 2). The increased emphasis on housing affordability, energy efficiency and climate change is consistent with what Council had advocated for in its previous submissions. However some comments are made about how specific elements could be improved. In particular, it is considered that the Box Hill Metropolitan Activity Centre should be elevated to a ‘National Employment Cluster’. Box Hill Central and the surrounding area boasts impressive commercial and employment opportunities and has the potential to further advance with state and federal government support, and this should be reflected with a higher status in Plan Melbourne 2016.

A key determinant of the success of Plan Melbourne 2016 will be ensuring that there are sufficient resources and tools available to implement its initiatives. This includes the delivery of key infrastructure, leveraging off existing growth areas and appropriate implementation and monitoring measures.

### **CONSULTATION**

The State Government is seeking submissions on the Plan Melbourne Refresh Discussion Paper through a submission form and online forums. They have also organised workshops with industry, local government and other target groups.

**9.1.2**  
(cont)

Council officers have reviewed the document and attended a workshop about the refresh but have not sought community input into these comments given the short time provided for response. The community can however provide feedback directly to the State Government via the submission form and online forums.

**FINANCIAL IMPLICATIONS**

Officer time to prepare Council's submission and attend workshops has been absorbed in the recurrent budget. However, the implementation of Plan Melbourne 2016 at Council level is likely to require additional resources. This is particularly pertinent given the financial implications of rate capping on local Councils. Where Councils could previously raise rates to fund implementation actions, this will no longer be the case therefore more onus will fall on the state government to provide funding in this manner.

**POLICY IMPLICATIONS**

The new metropolitan planning strategy will be an overarching state policy document which Councils and agencies across the metropolitan region will have to have regard to.

It is intended that Plan Melbourne 2016 will be incorporated into the State Planning Policy Framework section of the Whitehorse Planning Scheme by the State Government. This may require consequential changes to other parts of the Whitehorse Planning Scheme, such as the Local Planning Policy Framework.

**CONCLUSION**

The State Government is seeking specific comments on the Plan Melbourne Refresh Discussion Paper. The suggested changes and additional inclusions proposed for Plan Melbourne 2016 are generally supported however some comments are made about how specific elements could be improved, particularly around elevating the status of Box Hill within the strategy.

A key determinant of the success of Plan Melbourne 2016 will be ensuring that there are sufficient resources and tools available to implement its initiatives. This includes the delivery of key infrastructure, leveraging off existing growth areas and appropriate implementation and monitoring measures.

### **9.1.3 Consideration of submissions to Amendment C172 to apply the Heritage Overlay to twenty seven places across the municipality**

FILE NUMBER: SF15/279  
ATTACHMENT

#### **SUMMARY**

*Amendment C172 to apply the Heritage Overlay to twenty seven places across the municipality was on exhibition from 1 October 2015 to 2 November 2015. Sixty five (65) on-time and nine (9) late submissions were received as a result. This report discusses the issues raised during the exhibition and recommends that the Amendment be split into two parts. Three places are recommended to be removed from the Amendment. Ten places are recommended to form the first part of the Amendment, be adopted by Council and referred to the Minister for Planning for approval. Fourteen places subject to unresolved submissions are recommended to form the second part of the Amendment, and be referred to an independent panel.*

#### **RECOMMENDATION**

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

##### **A. Split Amendment C172 into two parts –**

##### **i. Part One consisting of:**

- **“AV Jennings Estate Precinct” – Spencer Street / Springvale Road, Nunawading**
- **“Concept Constructions Display Homes Precinct” – Canterbury Road, Forest Hill**
- **Burwood Skyline Drive-In Cinema (group listing) – Burwood Highway, Burwood**
- **House at 17 Grange Street, Mont Albert**
- **House at 4 Ian Grove, Burwood**
- **House at 1 Laurencia Court, Mont Albert**
- **Yarra Valley Water Eastern Area Office – 25-35 Lucknow Street, Mitcham**
- **Residential flats “Indiana” at 96 Severn Street, Box Hill**
- **House at 17 Sheehans Road, Blackburn**
- **House at 40 Somers Street, Burwood**
- **Former ES&A Bank – 153-155 Springvale Road, Nunawading**
- **House at 453 Whitehorse Road, Mitcham**
- **Sculpture “Tristan’s Journey” at 666 Whitehorse Road, Mitcham**

##### **ii. Part Two consisting of:**

- **“Housing Commission of Victoria Precinct” – Cadorna Street, Box Hill South**
- **House at 24 Arnott Street, Mont Albert North**
- **Mount Scopus Memorial College – 245 Burwood Highway, Burwood**
- **Dental surgery at 150 Canterbury Road, Blackburn South**
- **House at 31 Fowler Street, Box Hill South**
- **House at 18 Gilmour Street, Box Hill**
- **House at 1 Gracefield Drive, Box Hill North**
- **House at 111 Main Street, Blackburn**
- **House at 7 Norris Court, Blackburn**
- **House at 1163 Riversdale Road, Box Hill South**
- **House at 12 Sunhill Avenue, Burwood**
- **House at 1 Verona Street, Vermont South**
- **House “Wildwood” at 3 Villa Mews, Vermont**
- **House at 359 Whitehorse Road, Nunawading**

**9.1.3**  
(cont)

- B. Being the Planning Authority, having considered the submissions in relation to Amendment C172 (Part 1) to the Whitehorse Planning Scheme, adopt Amendment C172 (Part 1) and refer to the Minister for Planning for approval, with the following changes:**
- i. Removal of the following proposed heritage overlays:**
    - Yarra Valley Water Eastern Area Office – 25-35 Lucknow Street, Mitcham
    - House at 17 Grange Street, Mont Albert
    - House at 17 Sheehans Road, Blackburn
  - ii. Amendment of the citations for:**
    - “AV Jennings Estate Precinct” – Spencer Street / Springvale Road, Nunawading (as recommended by the submitter)
    - Former ES&A Bank – 153-155 Springvale Road, Nunawading (as recommended by the submitter)
- C. Being the Planning Authority, having considered the submissions in relation to Amendment C172 (Part 2) to the Whitehorse Planning Scheme, request the Minister for Planning to appoint an Independent Panel to consider the Amendment and all submissions in accordance with Sections 22, 23 and 153 of the Planning and Environment Act 1987, with the following changes to the amendment:**
- i. Revision of the heritage overlay boundary of the proposed “Housing Commission of Victoria Precinct” in Cadorna Street Box Hill South to delete the property at 17 Cadorna Street, and make associated changes to the citation.**
- D. Advise all submitters of Council’s resolution.**

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MELWAY REFERENCE: VARIOUS

|                  |   |
|------------------|---|
| Applicant:       | Whitehorse City Council   |
| Zoning:          | Various   |
| Overlay:         | Various   |
| Relevant Clauses | Clause 15.03 Heritage<br>Clause 21.05 Environment<br>Clause 21.06 Housing<br>Clause 22.01 Heritage Buildings and Precincts<br>Clause 22.03 Residential Development<br>Clause 22.06 Activity Centres |
| Wards:           | All (27 places)   |

**BACKGROUND**

The *City of Whitehorse Post 1945 Heritage Study* (the Study) examines the unprecedented growth and development occurring in Whitehorse after the Second World War and identifies architecture and places from this important era in Whitehorse’s development.

Preparation of the Study initially identified nearly four hundred potential heritage places. Further assessment resulted in a final list of thirty places having clear, potential, local heritage significance - twenty five individual places and five precincts – which were recommended for inclusion in a Heritage Overlay. Many of the identified buildings might be considered modest in appearance, but this does not reduce their historic and/or architectural importance. The Study also includes some sites which are not part of this or previous amendments, but that require further investigation for potential future protection.

### 9.1.3

(cont)

Three of the heritage places identified in the Study have already been subject to amendment processes. The Blue Flame Precinct (former display housing village in Vermont South) and the former factory at 127 Whitehorse Road Blackburn (currently used as a Sikh temple) were the subject of Amendment C164. Heritage protection for the telecommunications tower at 730 Canterbury Road Surrey Hills (corner Harding Street) was prioritised as Amendment C169 when the tower was threatened with demolition. Both of these amendments were ultimately abandoned by Council. There are now twenty seven remaining places recommended for heritage protection by the Study.

At its meeting of 16 March 2015 Council resolved to note the draft Study and seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce a Heritage Overlay for the remaining twenty seven places.

### PROPOSAL

The Amendment proposes to introduce heritage protection for twenty seven places identified in the *City of Whitehorse Post 1945 Heritage Study*. These recommended places have all been identified as being important for 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.

The three proposed precincts are:

- *AV Jennings Estate Precinct* – 11 properties in Spencer Street / Springvale Road, Nunawading
- *Concept Constructions Display Homes Precinct* – 3 properties in Canterbury Road, Forest Hill
- *Housing Commission of Victoria Precinct* – 9 properties in Cadorna Street, Box Hill South

The twenty four proposed individual heritage places are:

- House at 24 Arnott Street, Mont Albert North
- Mount Scopus Memorial College – 245 Burwood Highway, Burwood
- Burwood Skyline Drive-In Cinema (group listing) – Burwood Highway, Burwood
- Dental surgery at 150 Canterbury Road, Blackburn South
- House at 31 Fowler Street, Box Hill South
- House at 18 Gilmour Street, Box Hill
- House at 1 Gracefield Drive, Box Hill North
- House at 17 Grange Street, Mont Albert
- House at 4 Ian Grove, Burwood
- House at 1 Laurencia Court, Mont Albert
- Yarra Valley Water Eastern Area Office – 25-35 Lucknow Street, Mitcham
- House at 111 Main Street, Blackburn
- House at 7 Norris Court, Blackburn
- House at 1163 Riversdale Road, Box Hill South
- Residential flats "*Indiana*" at 96 Severn Street, Box Hill
- House at 17 Sheehans Road, Blackburn
- House at 40 Somers Street, Burwood
- Former ES&A Bank – 153-155 Springvale Road, Nunawading
- House at 12 Sunhill Avenue, Burwood
- House at 1 Verona Street, Vermont South
- House "*Wildwood*" at 3 Villa Mews, Vermont
- House at 359 Whitehorse Road, Nunawading
- House at 453 Whitehorse Road, Mitcham
- Sculpture "*Tristan's Journey*" at 666 Whitehorse Road, Mitcham

### 9.1.3 (cont)

Specifically, the Amendment proposes to:

- Apply the Heritage Overlay to twenty seven places including three precincts.
- Modify Clause 22.01 Heritage Buildings and Precincts to include:
  - Specific reference to the following precincts and group listing: AV Jennings Estate, Burwood Skyline Drive-in Cinema, Concept Constructions Display Homes, and the Housing Commission of Victoria Estate.
  - The *City of Whitehorse Post 1945 Heritage Study* as a reference document.
- Modify the schedule to Clause 43.01 Heritage Overlay to add twenty seven new places.
- Insert new Planning Scheme Maps marked "Whitehorse Planning Scheme, Amendment C172" to include twenty seven new places in the Heritage Overlay.

## CONSULTATION

### Pre-consultation

There was no pre-consultation period for this amendment on the basis that the draft Study had already been released and was in the public realm. However, three letters were received prior to the formal notice period for the amendment commencing. Two of these were from members of the community and made general comment on the Study. A third was from Yarra Valley Water objecting to the amendment proceeding in relation to its site.

### Public Notice

The amendment was formally exhibited between 1 October 2015 and 2 November 2015. Notice was sent to all affected properties, properties adjoining and opposite affected properties, the National Trust, local historical societies, relevant Ministers and referral authorities. Notice of the amendment was also published in the Government Gazette on 1 October 2015 and in the *Whitehorse Leader* on 28 September 2015.

### Submissions

At the close of the exhibition period sixty five (65) submissions had been received, with an additional nine (9) submissions received after the closing date. The seventy four (74) submissions can be summarised as follows:

- 37 objections to the inclusion of Mount Scopus Memorial College within the amendment;
- 16 objections to the inclusion of the Cadorna Street Precinct within the amendment;
- 4 submissions supporting the amendment; and
- 17 objections to the amendment on various grounds, generally opposing the inclusion of specific properties within the amendment.

Submission 67 was made by the National Trust which supports the amendment in its entirety. The submission commends Council's leadership in the protection of post-war heritage places.

**Attachment 3** provides a summary of the submissions received, and these are discussed further below. Submissions which reference or provide specific heritage information have been referred to the author of the Study, Built Heritage Pty Ltd, for its comment.

## DISCUSSION

Mount Scopus Memorial College – 245 Burwood Highway, Burwood (Submissions 8-11, 13-18, 22-23, 29-40, 48-54, 65, 68-72)

### 9.1.3 (cont)

37 submissions objected to the inclusion of buildings at Mount Scopus Memorial College within the amendment. The grounds for objection were:

- The buildings are old, rundown and in need of maintenance which is costly to the school.
- The buildings have been altered and modified over the years and therefore are no longer in their original condition.
- The buildings do not meet building and disability compliance and retrofitting them to do so would be difficult.
- The school needs modern facilities to cater for educational and technological advances, and a Heritage Overlay would prevent modernisation of the existing building and/or a new building being provided. Without these modern facilities, parents may choose to send their children to other schools which could lead to a fall in enrolments and jeopardise the school's viability.
- Application of a Heritage Overlay is inconsistent with the Special Use Zone of the school.
- The proposed Heritage Overlay applies to an extensive area of the school without sufficient reasoning.

Solicitors acting on behalf of Mount Scopus Memorial College (Submission 34) provided three key grounds for objection, as follows:

- Application of a Heritage Overlay is inconsistent with the Special Use Zone of the school. The Special Use Zone exempts the school from obtaining a planning permit for a range of works, however the overlay will mean that a planning permit is now required for all works. The Heritage Overlay would "*constitute a significant and unworkable constraint on the issue of any planning permits for future works*".
- The heritage citation accompanying the Heritage Overlay does not acknowledge the alterations to the subject buildings. These changes are "*not practically reversible*" and have undermined the architectural significance of the buildings. The overlay is also proposed to apply broadly to the school, incorporating other buildings than those in the citation.
- The amendment will threaten the ongoing viability of the school. The College needs modern facilities to be competitive with other Jewish schools and this amendment would make provision of such facilities difficult.

#### *Response*

The statement of significance identified that the place is of social, historical and aesthetic importance to the City of Whitehorse. Although the building may have undergone many alterations, the key features pertaining to its heritage significance are still able to be observed, and none of the submissions challenge the heritage significance that has been ascribed to the place.

Recent amendments to the *Planning and Environment Act 1987* require that Council must consider economic and social factors before deciding to apply a Heritage Overlay. Many of the submissions consider that there would be adverse social impacts should the school not be able to redevelop its site, relative to the social benefits of keeping the building. The Panel considering Amendment C157 to the Whitehorse Planning Scheme, which sought to apply heritage overlays to thirty two places, considered when the most appropriate time to weigh up these matters may be. In relation to a proposed heritage overlay for the Former Kildonan Children's Home (which is now part of Deakin University), the Panel concluded that:

*"In the absence of any current plan or proposal for redevelopment of the site, the Panel considers it would be premature to undertake that balancing exercise at this stage of the planning process."* (page 65)

### 9.1.3 (cont)

Therefore, since a development proposal is yet to be lodged with Council for the College, it is premature to consider how the amendment could affect such a proposal. However, as the heritage significance has been identified for the property, it is considered that the benefits of the property's inclusion in a Heritage Overlay should take precedence in this case.

It is not considered that a Heritage Overlay is contradictory to the Special Use Zone. Under the Special Use Zone, the school is exempt from obtaining a planning permit for a range of works. The Heritage Overlay would only require a planning permit for works pertaining to that area covered by the overlay itself, which is the portion of the College's site where the subject buildings are located. It is also noted that internal alterations can be done without the need for a planning permit.

The Special Use Zone also allows the College to prepare a master plan "*to the satisfaction of the responsible authority*" to further exempt it from notification for works; however this has not been done and there is no Council endorsed master plan. This means that all planning permits applied for by the school have been subject to advertising, and that they have not taken advantage of the provision within the zone to exempt them from notification. Officers have requested that Mount Scopus provide a copy of the master plan that the submissions on its behalf refer to, however at the time of writing this report, this has still not been provided.

Should the College wish to pursue a master plan, works to the heritage building could be considered at the same time. It is also noted that several other schools in the municipality have buildings with Heritage Overlays, which can be viewed as prestigious for the school.

On 24 August 2015 a report and consent under Section 29(A) of the *Building Act 1993* was lodged with Council. A report and consent seeks confirmation that the building is able to be demolished without a planning permit and ensures that any heritage significance of buildings is considered prior to demolition. On 10 September 2015 Council officers, under delegation, therefore requested that the Minister for Planning prepare, adopt and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply a Heritage Overlay on an interim basis to the College, pending the outcome of Amendment C172. On 29 November 2015 the Minister refused Council's request on the basis that the matter is of "*local significance and not a matter of state or regional significance*". This required Council officers to consent to the building's demolition as no planning permit would be required. However, until such time as the building is demolished, the proposal for the College as part of Amendment C172 remains, noting that the report and consent itself is only valid for 12 months.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported (that is, to remove this place), it is recommended that the place and associated submissions be referred to an independent Planning Panel for consideration.

### 9.1.3 (cont)

#### Housing Commission of Victoria Precinct - Cadorna Street, Box Hill South (Submissions 6, 24-26, 41-46, 57-59, 61-62, 66)

16 submissions objected to the inclusion of buildings in the Housing Commission of Victoria Precinct within the proposed amendment. The grounds for objection were:

- The buildings are old and are generally in disrepair.
- The buildings were built cheaply and therefore are inappropriate for modern living. For example, they are hard to heat and cool, are energy inefficient and are a health hazard.
- Application of the Heritage Overlay limits the development potential of these sites and this is unfair on these property owners when nearby sites are able to be redeveloped.
- Preservation of these houses will adversely affect property values on the whole street as it prevents urban regeneration.
- There are factual errors in the citation for the properties. For example, some aren't in original condition while others have been redeveloped or demolished. Because of this, there is no 'intact streetscape' worth preserving.
- There is no heritage value in these dwellings, and there may be other Housing Commission examples more appropriate than these ones.
- The imposition of a Heritage Overlay should only be on the dwellings owned by the State Government, not private owners.

#### *Response*

The statement of significance identified that the place is of social, historical and architectural importance to the City of Whitehorse. There are many precedents for the inclusion of Housing Commission of Victoria (HCV) estates in local heritage overlays due to their significance, including, but not limited to:

- Fishermen's Bend and Park Street, South Melbourne (the multi-storey post-war HCV flats are identified as a significant element within the broader precinct) in the City of Port Phillip;
- Ascot Vale in the City of Moonee Valley;
- West Newport in the City of Hobsons Bay;
- Newlands and Brunswick West in the City of Moreland;
- Newmarket Street Precinct, East Reservoir, Preston, Huttonham and Strathmerton in the City of Darebin;
- Doveton in the City of Casey; and
- Warrnambool in the City of Warrnambool.

Built Heritage Pty Ltd has reviewed the heritage information provided in the submissions, and noted that one of the dwellings at 17 Cadorna Street has been demolished since the assessment was completed in early 2014. However, the row of eight houses at 1 to 15 Cadorna Street remains the longest remaining continuous streetscape of original concrete HCV dwellings within the former HCV estate in Box Hill South, and *"the consultant otherwise stands by the notion that the HCV dwellings in Box Hill South are of cultural significance and a heritage overlay should be placed on a representative sample."* While some of the dwellings may have been altered externally to various degrees, all of them can still be *"readily interpreted as the sort of modest dwellings that once defined the entire estate"*.

Many submissions considered that the "cheap" construction and the age of the dwellings has diminished their heritage significance. However, these grounds are not relevant to the heritage significance of places. On the contrary, Built Heritage Pty Ltd considered that the "cheap" construction method using reinforced concrete is part of their significance given that the precinct was conceived for *"low-cost standardised housing"*. In response to concerns that the houses are inappropriate for modern living, this is something which would apply to many houses dating from the 1800s right through to the 1960s. Like any building, these houses can be modernised with new fittings (such as kitchens and bathrooms) and extended to the rear for additional floor space.

### 9.1.3

(cont)

A number of submissions raised issues relating to property values, development opportunities and an unfair financial burden on land owners. The Panel considering Amendment C157 to the Whitehorse Planning Scheme, which sought to apply heritage overlays to thirty two places, stated that the *“economic issues to be considered at the planning scheme amendment stage are those of a broad community nature rather than those of a personal kind”* (page 20). They also noted the following about adverse impacts on property values:

*“Much has been written about potential financial impacts of the HO, but there is no definitive evidence available to support the view of some submitters that heritage controls diminish property values. In 2001 Heritage Victoria reviewed a number of studies on the effects of heritage on property values. The study found that, generally speaking, heritage controls do not affect property values for residential buildings and particularly not for buildings in heritage precincts. Because the HO itself does not preclude further development, it is difficult to gauge if there is any real impact on property values.”* (page 18)

It is also important to note that the properties in the Cadorna Street Precinct are located within the Neighbourhood Residential Zone which is intended for minimal residential change. Sites within this zone are limited to a maximum of two dwellings per lot. That said, given the large lot sizes of these properties there would be scope to build a second dwelling to the rear, which has already occurred at numbers 3 and 9 Cadorna Street and on other lots in the vicinity.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submissions be referred to an independent Planning Panel for consideration. The proposed overlay should also be updated to reflect its application to eight properties only, being numbers 1 to 15 Cadorna Street (odd numbers only).

#### AV Jennings Estate Precinct – Spencer Street / Springvale Road, Nunawading (Submission 64)

Submission 64 supported inclusion of the precinct in the amendment. The submitters have lived in the precinct for many years and have been aware of its significance for some time. Additional information was provided to correct and update the citation.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that:

*“The corrections that have been identified are all extremely minor (eg spelling or numerical errors) and could be readily addressed by the consultant.”*

Built Heritage Pty Ltd has subsequently revised the citation to make the corrections requested in the submission, including removing the reference to the commercial success of the estate as it does not affect the completeness of the citation. The submitter has been provided with a copy of the updated citation and supports it, therefore the submission does not need to be referred to a Panel.

#### *Recommendation*

It is recommended that heritage protection for this place be adopted with the updated citation.

**9.1.3**  
(cont)

Concept Constructions Display Homes Precinct – Canterbury Road, Forest Hill (Submission 1)

Submission 1 relating to the Concept Constructions Display Homes Precinct supported the proposed amendment and the inclusion these properties within the Heritage Overlay.

*Response*

The comments are noted and no further action is required to address this submission.

*Recommendation*

It is recommended that heritage protection for this place be adopted.

24 Arnott Street, Mont Albert North (Submission 60)

Submission 60 objected to the inclusion of 24 Arnott Street in the amendment on the grounds that the house has been altered and has structural issues. The submission contends that the house does not relate to any significant post-modern architecture style and that the landscaping around the property does not contribute to the house.

*Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission. It noted that the landscaping was not ascribed any significance, and that it did not assert that the building was an example of post-modernism.

The submission mentions interior alterations and a freestanding brick wall which should be removed for safety reasons. It is noted that internal changes are not relevant as the overlay does not recommend interior controls. Similarly, the freestanding brick wall is not part of the original house and can be removed, which would be encouraged from a heritage perspective to allow the house façade to be visible from the street.

*Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

Burwood Skyline Drive-In Cinema (group listing) – Burwood Highway, Burwood (Submission 67)

Submission 67 was made by the National Trust which supports the amendment in its entirety. The submission also noted that the Victorian National Trust maintains a Heritage Register of Significant Places which includes the Burwood Skyline Drive-in Cinema. The submission commends Council's leadership in the protection of post-war heritage places.

*Response*

The National Trust's comments are noted, and no further action is required to address this submission.

*Recommendation*

It is recommended that heritage protection for this place be adopted.

### 9.1.3 (cont)

#### 150 Canterbury Road, Blackburn South (Submission 63)

Submission 63 objected to the inclusion of 150 Canterbury Road in the amendment as there is insufficient support to justify significance of the heritage place. The submission considered the application of Heritage Overlays to individual properties as 'problematic' relative to application to a precinct or group of buildings. The building's commercial context and use is also not conducive to limiting development on the site. As the building is now used for medical purposes, consequential alterations to the property have deteriorated its heritage significance.

#### *Response*

The property at 150 Canterbury Road was identified by Built Heritage Pty Ltd as a place of potential heritage significance, and it is included in the *City of Whitehorse Post 1945 Heritage Study* which underpins this amendment.

Although the building may have undergone many alterations, the key features pertaining to its heritage significance are still able to be observed. Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted the following:

*"The citation acknowledged the external alterations, and specifically the partial infill of what was formerly a semi-enclosed carport-like space to the left side of the street frontage. It is maintained that, while this infill is regrettable, the original form of the building can still be readily interpreted. It remains significant as the original prototype of this project house."*

It is also noted that there is a current planning permit application for the site which has incorporated the existing dwelling. This application proposes to expand the existing dental surgery and combines the building at 150 Canterbury Road with the building at 152 Canterbury Road. Any further development will require planning permission due to the proposed Heritage Overlay.

Many properties with Heritage Overlays exist in isolation; it is not a prerequisite that Heritage Overlays apply to a precinct or group of buildings as suggested by the submission. There are also many examples of heritage properties within commercial precincts, although it is noted that this property is in a residential zone adjoining a commercial precinct.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

#### 31 Fowler Street, Box Hill South (Submission 55)

Submission 55 objected to the inclusion of 31 Fowler Street in the amendment as a Heritage Overlay would limit redevelopment opportunities and reduce the property values. The submission also considered that limiting redevelopment opportunities would be contrary to the Whitehorse Planning Scheme which encourages urban consolidation. An inaccuracy in the citation relating to the garden scheme was also highlighted.

#### *Response*

The Whitehorse Planning Scheme encourages the protection of heritage properties, as well as urban consolidation. This particular site is located within the Neighbourhood Residential Zone which is intended for minimal residential change, with sites in this zone limited to a maximum of two dwellings per lot. Impacts on redevelopment opportunities are considered difficult to substantiate unless a specific application is received, as discussed previously in relation to Mount Scopus Memorial College. The impact of Heritage Overlays on property values is also inconclusive (see discussion regarding the *Housing Commission of Victoria Precinct*).

### 9.1.3

(cont)

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted the following:

*"The consultant accepts the observations of the owner, who has lived there since 1981, that little or nothing now remains of Walling's landscaping. The citation should be revised accordingly. Having said that, it is not considered that this diminishes the significance that has been ascribed to the house itself."*

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

#### 18 Gilmour Street, Box Hill (Submission 7)

Submission 7 objected to the inclusion of 18 Gilmour Street in the amendment as a Heritage Overlay would constrain the development of the property in the future and reduce property values.

#### *Response*

Impacts on redevelopment opportunities are considered difficult to substantiate unless a specific application is received, as discussed previously in relation to Mount Scopus Memorial College. The impact of Heritage Overlays on property values is also inconclusive (see discussion regarding the *Housing Commission of Victoria Precinct*).

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended this place and submission be referred to an independent panel to consider.

#### 1 Gracefield Drive, Box Hill North (Submission 56)

Submission 56 objected to the inclusion of 1 Gracefield Drive in the amendment as it would reduce the value of the property. Additional information about the property was provided, as was an independent heritage assessment. The submission contends that the house was altered in the 1960s with the addition of a front porch and rear bedroom, and that the house at 2 Gracefield Drive was not designed by Charles Weight.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted the following:

*"The rear addition is barely visible from the street, and is wholly sympathetic in scale and form, as is the front porch. This is not surprising, given that they were designed by the original architect, Charles Weight. These alterations cannot be considered to have disfigured the house, or compromised its interpretation, to the point that a HO is not warranted. The fact that they were the work of the same architect is of interest in its own right."*

and

*"While the consultant accepts Mrs Weight's testimony that her husband was not responsible for the design of the house at No 2, this new information does not diminish the significance that has been ascribed to the subject building at No 1."*

The impact of Heritage Overlays on property values is also inconclusive (see discussion regarding the *Housing Commission of Victoria Precinct*).

### 9.1.3

(cont)

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

#### 17 Grange Street, Mont Albert (Submission 3)

Submission 3 objected to the inclusion of 17 Grange Street in the amendment because the property has been extensively remodelled and bears little resemblance to the original building. The submission is also concerned that the Heritage Overlay will adversely affect property values.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and concedes that the "*alterations to the street façade are more extensive than previously thought*". This negatively impacts the ascribed significance of the place.

#### *Recommendation*

Following a review of the place on heritage grounds, it is recommended that the place is removed from Amendment C172.

#### Yarra Valley Water – 25-35 Lucknow Street, Mitcham (Submission 12)

Submission 12 considered that a Heritage Overlay is unwarranted and inappropriate as the buildings have undergone extensive modifications. The submission considered that the heritage significance of the site is compromised by the alterations made to the building and that there are errors in the citation. An independent heritage assessment of the site was provided in support of the submission.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that "*the submitted evidence confirms that recent alterations have disfigured the building to a point that a heritage overlay is no longer considered appropriate*". In response to claims on behalf of Yarra Valley Water that the building is not a good example of the Brutalist style, it was noted that the study quoted was authored by a consultant from Built Heritage Pty Ltd.

#### *Recommendation*

Following a review of the place on heritage grounds, it is recommended that the place is removed from Amendment C172.

#### 111 Main Street, Blackburn (Submission 4)

Submission 4 objected to the inclusion of 111 Main Street in the amendment because the property is in need of maintenance and a Heritage Overlay will cause financial hardship by reducing property value.

#### *Response*

The impact of Heritage Overlays on property values is inconclusive (see discussion regarding the *Housing Commission of Victoria Precinct*). Built Heritage Pty Ltd also noted that "*renovations and maintenance are to be expected in a timber-framed house of this age*".

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

### 9.1.3

(cont)

#### 7 Norris Court, Blackburn (Submission 28)

Submission 28 objected to the inclusion of 7 Norris Court in the amendment on the grounds that the architect who designed the dwelling is not significant, and a Heritage Overlay will adversely affect property values. They question why a similar dwelling at 238 Canterbury Road is not heritage listed, and state that their dwelling is not unique if there are similar houses elsewhere. The submission also considered that the approach to applying Heritage Overlays is 'piecemeal', and has been unsuccessful elsewhere.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission. In relation to the notoriety of the architect it is noted that "*there are many examples of heritage-listed buildings that were designed by lesser-known architects whose lives or careers are not well documented.*"

In relation to the house not being unusual and the query about applying a Heritage Overlay to 238 Canterbury Road, Built Heritage Pty Ltd state that:

*"The consultant stands by the assessment that the house is unusual. It was never asserted that it was unique. It should also be noted that the house at 238 Canterbury Road was indeed recommended for heritage listing, as part of a proposed precinct of high-end project houses."*

Council officers note that a Heritage Overlay is proposed for 238 Canterbury Road in this amendment as part of the *Concept Constructions Display Homes Precinct*. It is also noted that many properties with Heritage Overlays exist in isolation; places are selected on their heritage significance and do not necessarily have to be part of a precinct or group. The impact of Heritage Overlays on property values is also inconclusive (see discussion regarding the *Housing Commission of Victoria Precinct*).

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

#### 1163 Riversdale Road, Box Hill South

Submission 74 objected to the inclusion of 1163 Riversdale Road in the amendment, however no grounds of objection were provided.

#### *Response*

The submission did not raise any objections to the heritage significance of the dwelling for officers to respond to.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

### 9.1.3 (cont)

#### 17 Sheehans Road, Blackburn

Submission 21 objected to the inclusion of 17 Sheehans Road in the amendment because the property has been modified from its original construction.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted the following:

*“Alterations and additions to the rear of a house are not considered to have a negative impact on the cultural significance of a place unless they are visually intrusive. In this case, it is conceded that the alterations to the street façade are more extensive than previously thought, which does have an impact on the ascribed significance.”*

#### *Recommendation*

Following a review of the place on heritage grounds, it is recommended that the place is removed from Amendment C172.

#### Former ES&A Bank – 153-155 Springvale Road, Nunawading

Submission 2 relating to the former ES&A Bank supported the amendment and the inclusion of this property within the Heritage Overlay. Further information for inclusion within the citation was also provided.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that the *“additional information does not impact [the] existing assessment but could be added to the citation for the sake of providing a fuller historical record”*.

#### *Recommendation*

It is recommended that heritage protection for this place be adopted with an updated citation.

#### 12 Sunhill Avenue, Burwood

Submission 5 objected to the inclusion of 12 Sunhill Avenue in the amendment as the property is not in ‘good’ condition, and because the owners would like to put a new home on the site. The submission also questions whether the building’s architect could have developed his style at this point of his career when this building was designed, and contends that the as-built dwelling does not match the original plan.

Submissions 19 and 20 also objected to the inclusion of 12 Sunhill Avenue in the amendment. These submissions considered the house to be rundown and out of character with the neighbourhood.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in Submission 5 and noted that the condition of the house does not impact upon the significance ascribed to it. In relation to claims that the house is not erected exactly as shown in the presentation drawing, it is noted that:

*“The axonometric drawing depicts a preliminary scheme. It is not unusual for revisions to be made during design development. No documentary evidence has been submitted to indicate that revisions to the design of this house were made without the architect’s consent.”*

It is not considered that the house is out of character with the neighbourhood. Sunhill Avenue has a number of houses from a similar era and of a similar scale.

### 9.1.3

(cont)

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submissions be referred to an independent Planning Panel for consideration.

#### 1 Verona Street, Vermont South (Submission 27)

Submission 27 objected to the inclusion of 1 Verona Street in the amendment on the basis that there is no proper justification for its inclusion, it's not part of a group of dwellings, and that there have been substantial alterations to the dwelling. The submission considered that the house has been selected due to its architect rather than specific elements of heritage significance.

#### *Response*

The property at 1 Verona Street was identified by Council's Heritage Advisor and Built Heritage Pty Ltd as a place of potential heritage significance, and it is included in the *City of Whitehorse Post 1945 Heritage Study* which underpins this amendment.

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that the alterations are not considered to have an adverse impact on the ascribed significance of the place. It also noted that the property has heritage significance beyond its architect.

It is reiterated that many properties with Heritage Overlays exist in isolation; it is not a prerequisite that Heritage Overlays apply to a precinct or group of buildings as suggested by the submission.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

#### Wildwood – 3 Villa Mews, Vermont (Submission 47)

Submission 47 objected to the inclusion of 3 Villa Mews in the amendment as the heritage significance of the site has already been compromised due to surrounding subdivision and development, and because the building does not contribute to the broader community because of these changes.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that:

*"The citation already acknowledges that the house formerly occupied a substantial bush block that was subdivided in the 2000s so that the property is now accessed from the rear rather than from Terrara Road. Notwithstanding this change in setting, the house itself remains substantially intact and is still deemed to be worthy of an individual heritage overlay".*

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

### 9.1.3

(cont)

#### 359 Whitehorse Road, Nunawading (Submission 73)

Submission 73 objected to the inclusion of 359 Whitehorse Road in the amendment as the property is in disrepair and only meets limited criteria for heritage significance. The submission contended that the dwelling only meets the heritage significance for 'architectural significance' and that the building is a 'representative' not a 'notable' example of a modernist building. It also questioned the architect's experience. It was also argued that the dwelling is not easily visible from the street frontage.

#### *Response*

Built Heritage Pty Ltd has reviewed the heritage information provided in the submission and noted that there are many buildings with Heritage Overlays that are hidden from public view. It also stated that the "*citation did not ascribe significance on the basis that the house was 'unique'*".

It is also noted that many homes of this age require renovations and maintenance.

#### *Recommendation*

As a change to the amendment in the manner requested is not supported, it is recommended that the place and associated submission be referred to an independent Planning Panel for consideration.

### **FINANCIAL IMPLICATIONS**

Council will be required to pay for the Panel costs including any expert witnesses and presentation of a detailed submission by Council. There are funds allocated in the budget for this purpose.

If the amendment is approved, then it is anticipated that some additional resource and administration costs will result from administering the proposed new overlays. Although overlays will increase the number of planning applications Council would be required to assess, Council has a well-established process for dealing with such applications.

### **CONCLUSION**

Amendment C172 seeks to apply the Heritage Overlay to twenty seven places (comprising twenty four individual places and three precincts) and make consequential changes to the Local Planning Policy Framework of the Whitehorse Planning Scheme. Exhibition of the amendment has attracted seventy four (74) submissions, of which four (4) support the amendment in whole or part, and seventy (70) oppose the amendment. Thirty seven (37) of the opposing submissions relate to Mount Scopus Memorial College, and sixteen (16) to the Cadorna Street Precinct.

Council in considering the submissions must either change the amendment as requested by submissions, refer the submissions and amendment to an independent Planning Panel, or abandon the amendment.

**9.1.3**  
(cont)

The following table is a summary of each place and the recommended course of action.

| <b>Place</b>  | <b>Recommendation</b>  |
|---|--|
| AV Jennings Estate Precinct – Spencer Street / Springvale Road, Nunawading  | Adopt (1 submission in support and make changes to citation) |
| Concept Constructions Display Homes Precinct – Canterbury Road, Forest Hill | Adopt (1 submission in support)                              |
| Housing Commission of Victoria Precinct – Cadorna Street, Box Hill South    | Refer to Panel (can't change the Amendment as requested)     |
| House at 24 Arnott Street, Mont Albert North                                | Refer to Panel (can't change the Amendment as requested)     |
| Mount Scopus Memorial College – 245 Burwood Highway, Burwood                | Refer to Panel (can't change the Amendment as requested)     |
| Burwood Skyline Drive-In Cinema (group listing) – Burwood Highway, Burwood  | Adopt (1 submission in support)                              |
| Dental surgery at 150 Canterbury Road, Blackburn South                      | Refer to Panel (can't change the Amendment as requested)     |
| House at 31 Fowler Street, Box Hill South                                   | Refer to Panel (can't change the Amendment as requested)     |
| House at 18 Gilmour Street, Box Hill  | Refer to Panel (can't change the Amendment as requested)     |
| House at 1 Gracefield Drive, Box Hill North                                 | Refer to Panel (can't change the Amendment as requested)     |
| House at 17 Grange Street, Mont Albert                                      | Remove from Amendment  |
| House at 4 Ian Grove, Burwood   | Adopt (no submissions received)                              |
| House at 1 Laurencia Court, Mont Albert                                     | Adopt (no submissions received)                              |
| Yarra Valley Water Eastern Area Office – 25-35 Lucknow Street, Mitcham      | Remove from Amendment  |
| House at 111 Main Street, Blackburn   | Refer to Panel (can't change the Amendment as requested)     |
| House at 7 Norris Court, Blackburn  | Refer to Panel (can't change the Amendment as requested)     |
| House at 1163 Riversdale Road, Box Hill South                               | Refer to Panel (can't change the Amendment as requested)     |
| Residential flats "Indiana" at 96 Severn Street, Box Hill                   | Adopt (no submissions received)                              |
| House at 17 Sheehans Road, Blackburn  | Remove from Amendment  |
| House at 40 Somers Street, Burwood  | Adopt (no submissions received)                              |
| Former ES&A Bank – 153-155 Springvale Road, Nunawading                      | Adopt (1 submission in support and make changes to citation) |
| House at 12 Sunhill Avenue, Burwood   | Refer to Panel (can't change the Amendment as requested)     |
| House at 1 Verona Street, Vermont South                                     | Refer to Panel (can't change the Amendment as requested)     |
| House "Wildwood" at 3 Villa Mews, Vermont                                   | Refer to Panel (can't change the Amendment as requested)     |
| House at 359 Whitehorse Road, Nunawading                                    | Refer to Panel (can't change the Amendment as requested)     |
| House at 453 Whitehorse Road, Mitcham                                       | Adopt (no submissions received)                              |
| Sculpture "Tristan's Journey" at 666 Whitehorse Road, Mitcham               | Adopt (no submissions received)                              |

It is therefore recommended that three places be removed from the amendment on heritage grounds, and the remaining amendment be split into two parts.

Ten places (10) are recommended to form the first part of the amendment. This part is recommended to be adopted by Council and referred to the Minister for Planning for approval.

**9.1.3**  
(cont)

Fourteen places (14) are recommended to form the second part of the amendment. This part is recommended to be referred to an independent Planning Panel to enable all parties to have their comments assessed in a transparent and fair method. This is because there are changes sought by submitters which cannot be supported and submissions received which support the amendment; and because the amendment is strategically supported by the Whitehorse Planning Scheme and the objectives of the *Planning and Environment Act 1987* which seek to conserve places of heritage significance.

## Engineering & Environmental

### 9.1.4 Contract 15012 Tender Evaluation Report – Mitcham Shopping Centre Streetscape Improvements – Stage 1 and 2 Construction

FILE NUMBER: SF15/666

#### SUMMARY

*To consider tenders received for the construction of the Stage 1 and Stage 2 Mitcham Shopping Centre streetscape improvements and to recommend the acceptance of the tender received from The Trustee for Evergreen Civil Unit Trust, trading as Evergreen Civil Pty Ltd, for the amount of \$830,583.45, including GST and to consider the overall project expenditure.*

#### RECOMMENDATION

***That Council accept the tender and sign the formal contract document for Contract 15012 Mitcham Shopping Centre Streetscape Improvements - Stage 1 and 2 Construction received from The Trustee for Evergreen Civil Unit Trust (ABN 67 667 088 791), of Factory 11, 24 Brand Drive Thomastown VIC 3074 trading as Evergreen Civil Pty Ltd, for the tendered amount of \$830,583.45, including GST; as part of the total expected project expenditure of \$1,170,052, including GST (\$1,063,684, excluding GST).***

#### BACKGROUND

This contract is to undertake streetscape improvements at the Mitcham Shopping Centre. The proposed works are part of Council's commitment to improving shopping centres throughout the municipality to encourage local trade, economic activity and provide the community with improved retail experiences.

The key objective is to revitalise the Shopping Centre by improving the appearance, amenity and function for local traders, customers and visitors to the area. The project is proposed in response to the deteriorating condition of the footpath areas in Mitcham, and changes to the Centre generated by the recent rail crossing removal in Mitcham Road and construction of the new Mitcham Railway Station.

The improvements to Mitcham are proposed to be staged in priority order. The stages included in the contract include:

- Stage 1 – Footpath south side of Whitehorse Road to west of Mitcham Road beyond Station Street.
- Stage 2 – Footpath north side of Whitehorse Road to west of Mitcham Road to Edward Street.

Key features of Stages 1 and 2 include:

- Feature footpath paving – to provide a consistent paving treatment to unite the many precincts within the Village and improve the safety of pedestrians.
- Customised street furniture – to provide character and identity to the Village.
- Increased greening – to enhance the streetscape with attractive planting including canopy trees and understory planting.
- Parking changes – provide improved disabled parking bays including 2 disabled bays on the north side of Whitehorse Road and 2 disabled bays on the south side of Whitehorse Road.

It is proposed to award a single contract for works to be staged over the 2015/2016 and 2016/2017 financial year. Works are scheduled to commence in April 2016 and be completed in September 2016. The works will be staged and programmed to limit disruption to the Shopping Centre.

### **9.1.4**

(cont)

#### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 10 October 2015 and were closed on Wednesday 4 November 2015. Four (4) tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderer's experience in the provision of similar services;
- Quality of the tenderer's work;
- Proposed construction methodology;
- Availability of the tenderer to complete the works; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The recommended tenderer, Evergreen Civil Pty Ltd has extensive experience in these types of works. They have successfully constructed a number of similar shopping centre streetscape and paving projects for other Councils including Knox City Council, Brimbank City Council and Banyule City Council. They have also successfully completed streetscape projects for Whitehorse Council. In all these projects they have successfully managed traders whilst working in a busy activity centre and have developed innovative methods for managing the construction site and maintaining pedestrian access to businesses. They are a well-resourced company for this type of work and have an acceptable Occupational Health and Safety policy.

The tender received from Evergreen Civil Pty Ltd is considered to provide the best value for money for this contract.

#### **CONSULTATION**

This project has been developed in consultation with the Council departments of Engineering and Environmental Services, Business and Economic Development, City Works and ParksWide.

A consultation letter with concept plans for the Stage 1 and Stage 2 works was sent on 14 August 2015 to a total of 1,165 property owners. The consultation letter also included the concept plan for Stage 3 works, which are not part of the contract. Stage 3 is the upgrade of Station Street, Mitcham and this component will be further considered in future years.

A total of 41 responses were received, including 23 responses in the form of a standard letter signed by various traders. The issues raised were about the loss of car parking, disruption to trade and the cost to ratepayers. The proposed changes to car parking in Stage 1 and Stage 2 are in relation to providing an adequate number of compliant disabled parking spaces. An additional two disabled parking spaces will be provided. The concerns about disruption to trade will be managed by staging the works to limit disruption and to ensure that access will be maintained to businesses at all times.

The preferred tenderer's business viability has been considered.

**9.1.4**  
 (cont)

**FINANCIAL IMPLICATIONS**

|   | <b>Budget</b>       | <b>Expenditure</b>  |
|---|---------------------|---------------------|
| 2015/2016 - Capital Works Funding Account No. <b>S806</b><br>Mitcham Shopping Centre Streetscape Improvements                 | \$ 500,000          |                     |
| Draft Budget 2016/2017 - Capital Works Funding Account<br>No. <b>UD16</b><br>Mitcham Shopping Centre Streetscape Improvements | \$ 500,000          |                     |
| 2015/2016 - Estimated savings from other streetscape<br>improvement projects  | \$ 65,000           |                     |
| <b>Total Budget</b>   | <b>\$ 1,065,000</b> |                     |
| Preferred tenderer's lump sum offer (including GST)   |                     | \$ 830,583          |
| Less GST  |                     | -\$ 75,508          |
| Net cost to Council   |                     | \$ 755,075          |
| Plus Contingencies  |                     | \$ 75,508           |
| Plus Project Management Fees  |                     | \$ 75,508           |
| <b>Sub Total</b>  |                     | <b>\$ 906,091</b>   |
| Account No. <b>S806</b> Expenditure To Date   |                     | \$ 79,594           |
| Alterations to Telstra Pits   |                     | \$ 70,000           |
| Landscaping Works   |                     | \$ 8,000            |
| <b>Total Expenditure</b>  |                     | <b>\$ 1,063,684</b> |

## 9.2 INFRASTRUCTURE

### 9.2.1 Contract 14035 Tender Evaluation Report – Whitehorse Recycling and Waste Centre – Waste Pit Canopy Refurbishment Works

FILE NUMBER: SF11/1686

#### **SUMMARY**

*To consider tenders received for the refurbishment of the Waste Pit Canopy at the Whitehorse Recycling and Waste Centre and to recommend the acceptance of the tender received from May Constructions Pty Ltd, for the amount of \$ 1,174,800.00 including GST and to consider the overall estimated expenditure for the project.*

#### **RECOMMENDATION**

***That Council accept the tender and sign the formal Contract 14035, for the Waste Pit Canopy Refurbishment Works at the Whitehorse Recycling and Waste Centre by May Constructions Pty Ltd ( ABN 40 159 700 366) for the tendered amount of \$1,174,800.00 including GST; as part of the total expected project expenditure of \$1,325,800 excluding GST.***

#### **BACKGROUND**

The Whitehorse Recycling and Waste Centre, consisting of the main waste pit and canopy structure, ancillary buildings and designated areas for various recyclable materials, was constructed in 1980 and has been operating continually since that time. Adverse environmental conditions and continual weather exposure over the last 35 years has caused substantial corrosion to the waste pit canopy structure and its roof cladding.

In order to ensure an extended service life of the pit canopy into the future, a major refurbishment of structural elements, surface coatings and roof cladding is now required.

As an added protective measure, once the planned refurbishment works have been completed, it is intended to install bird proofing to the underside of the canopy to deny birds from roosting so as to avoid the corrosive effect their droppings have previously had on the canopy framework.

The existing lighting over the waste pit is now substandard and inefficient and is proposed to be upgraded, together with associated wiring and electrical distribution boards, as part of the refurbishment works.

The scope of the proposed pit canopy refurbishment will include the following works:

- Replacement and/or refurbishment of nominated existing structural steel members
- Repainting of all structural members
- Replacement of all roofing and wall cladding
- Reinstatement of the existing roof safety access system
- Upgrade of lighting and associated electrical distribution switchboards
- Installation of new wire mesh bird-proofing to the underside of the canopy

It is planned to undertake the refurbishment works after the busy summer season with works expected to commence in March 2016 and take approximately 4 months to complete.

As the Recycling and Waste Centre will need to remain fully operational during the construction period a substantial amount of the works will need to be undertaken outside normal operating hours to minimise the risk for staff, contractors and the public.

## **9.2.1**

(cont)

### **DISCUSSION**

Five Pre-Qualified Tenderers were selected from the State Governments Construction Supplier Register to tender for the project. The selection was based on their accreditation to an OH&S System compliant with AS/NZS 4801:2001, and relevant company experience in projects of similar size, type and complexity. This procurement process provides assurance to Council about a contractor's capability and avoids the necessity for expensive public advertising.

Tenders were invited on 7 October 2015 and closed on 30 October 2015. Four of the five shortlisted contractors submitted conforming tenders. Conforming tenders were received from:

- May Constructions Pty Ltd
- ADMA Group Pty Ltd
- Johns Lyng Commercial Builders Pty Ltd
- Circon Constructions

The tenders were evaluated against the following predetermined criteria:

- Financial benefit to Council
- The contractor's OH&S procedures applicable to the project
- The contractor's works methodology for the project
- The contractor's experience with similar projects
- The business viability of company

The two tenderers with the highest evaluation scores were then interviewed by Council's Tender Evaluation Panel with assistance by external OH&S and structural engineering consultants.

Following a detailed assessment and clarifications to confirm tender prices and safe work method practices the Tender Panel concluded that the tender submitted by May Constructions Pty Ltd would provide the best value for money outcome for Council.

### **CONSULTATION**

Council officers have consulted extensively with the Recycling and Waste Centre management, structural engineering consultants and OH&S specialist consultants with respect to:

- The structural assessment of the existing waste pit canopy and the development of the specification of works for the project;
- The OH&S specification for safe onsite work practices
- Project staging and programming to ensure minimal disruption to normal operations of the Centre

**9.2.1**

(cont)

**FINANCIAL IMPLICATIONS**

|  | <b>Budget</b>      | <b>Expenditure</b> |
|--|--------------------|--------------------|
| Capital Works Funding Account No.(10 S525 6708) –<br>WR&WC Waste Pit Canopy Refurbishment        | \$1,250,000        |                    |
| Capital Works Funding Account No. (10 S577 6708) –<br>Bennettswood Pavilion Redevelopment (part) | \$ 75,800          |                    |
| <b>Total Budget</b>  | <b>\$1,325,800</b> |                    |
| Preferred tenderer's lump sum offer (including GST)  |                    | \$1,174,800        |
| Less GST   |                    | -\$ 106,800        |
| Net cost to Council  |                    | \$1,068,000        |
| Plus Contingencies @ 7.5%  |                    | \$ 80,010          |
| Plus Consultancy Fees (estimated)  |                    | \$ 18,000          |
| Plus Project Management Fee @ 6%   |                    | \$ 69,966          |
| Plus Electrical Services installation  |                    | \$ 84,116          |
| Plus Service Authority Fees (estimated)  |                    | \$ 5,000           |
| Plus costs incurred to date  |                    | \$ 618             |
| <b>Total Expenditure</b>   |                    | <b>\$1,325,800</b> |

Funding has been provided in the 2015/16 Capital Works Program to undertake the pit canopy refurbishment works. It is intended to cover the expected budget shortfall for the project by using part of the funding allocated to the Bennettswood Sports Pavilion Redevelopment Project which is forecast to have surplus funds to expenditure requirements this financial year.

## **9.3 HUMAN SERVICES**

### **9.3.1 Whitehorse Centre**

FILE NUMBER: 15/180178  
ATTACHMENTS

#### **SUMMARY**

*The Whitehorse Centre Business Case outlines the research, consultation and findings from the market analysis, business planning and concept designs for the proposed development of the Whitehorse Centre. This report recommends releasing the Whitehorse Centre Business Case to the public and ensure the community has a reasonable period of time to review the Whitehorse Business Case (550+ pages) to enable an informed community response. Based upon its release the Report recommends contracting JWS Research to consult with the community between late February and May 2016 to research the community response on the following options:*

- a) A redevelopment of the Whitehorse Centre based upon the Whitehorse Centre Business Case*
- b) Undertake essential works (approx. an indexed \$7m+) to the existing Centre to continue its operation for another 8 -10 years before a potential closure of the Centre*
- c) Closure of the existing Centre within the next 2 years*

#### **RECOMMENDATION**

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

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

### 9.3.1 (cont)

#### BACKGROUND

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

#### COUNCIL'S INVESTMENT IN ARTS & CULTURE

The Whitehorse Centre is an important cultural facility for the municipality. Arts and cultural activities make a key contribution to a community's quality of life as well as being a contributor to the economy. Nearly all Australians experience at least one form of art and half of all Australians annually participate in art creation activities. New analysis using the internationally recognised wellbeing valuation approach is one way of calculating the value of intangibles related to the arts. It suggests that people who engage with the arts have higher life satisfaction. This is a significant finding given the level of engagement by Australians with the arts. Of every 100 Australians, 78 tickets are sold to performing arts events per annum.<sup>4</sup>

Most Australians agree that the arts enrich their lives and make them more meaningful. They participate in the arts for personal enjoyment, engagement with friends or family, self-expression, relaxation, skills development and income. Most Australians also believe that the arts have a large impact on how we express ourselves; they enable us to think creatively and develop new ideas, and help us deal with stress, anxiety or depression. The proportion of Australians who agree that the arts make for a more rich and meaningful life has increased from:

- 71% in 1999 to
- 80% in 2009, to
- 85% in 2013.<sup>5</sup>

At both the Federal and State level, the predominant focus on support for arts and culture is often considered to be through provision of grants to artists and major public arts companies and/or institutions. There is little funding available at both the Federal and State level to support capital and recurrent funding opportunities for Local Government. The services offered by Council in support of arts and culture stems from its direct connection to its local community, planning and programing to meet local demand and the provision of key community infrastructure.<sup>6</sup>

In 2014 Council endorsed its Arts and Cultural Vision for the City of Whitehorse:

***We aspire to be a creative community that is vibrant, diverse and engaged through our arts, culture and heritage***<sup>7</sup>

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<sup>4</sup> Arts Nation – An Overview of Australian Arts, Australia Council 2015

<sup>5</sup> Arts Nation – An Overview of Australian Arts, Australia Council 2015

<sup>6</sup> Whitehorse City Council Arts & Cultural Strategy 2014-2022

<sup>7</sup> Whitehorse City Council Arts & Cultural Strategy 2014-2022

### 9.3.1 (cont)

The City of Whitehorse offers diverse arts and cultural programs that are highly valued within the community. In 2010, Council commissioned consultants who undertook an independent telephone survey of 500 random Whitehorse residents who were asked their participation in arts and cultural activities in the twelve months preceding the survey:

- 76% of Whitehorse people had attended or participated in arts, cultural or heritage activity (72% men, 79% women)
- 19% did so inside of Whitehorse only
- 47% did so outside of Whitehorse only, and
- 34% had attended or participated both within and outside of Whitehorse.<sup>8</sup>

There have been recent reports, external of Council, that states only 2% of Whitehorse residents attend the Whitehorse Centre. This statistic is incorrect. It is understood this 2% statistic has been drawn from the SGL Feasibility Report (see research history below) by combining results from two separate surveys together. The most appropriate statistic from the 2010 SGL Report to respond to this claim can be drawn from the 500 Whitehorse residents randomly selected and independent of Council who were asked "Have you attended or participated in an event at a number of facilities within Whitehorse, including the Whitehorse Centre". The report identifies:

- 25% of these 500 random selected residents surveyed had participated or attended activities at the Whitehorse Centre<sup>9</sup>.

More recent usage data for the Whitehorse Centre identifies:

- In 2014 - 77% of all Centre bookings are from City of Whitehorse clients – this includes clients who either:
  - have a Whitehorse postcode
  - fulfil the discount support requirements under Council's grants program
  - includes the resident ballet school
- In 2014 - 51% of tickets were issued to Whitehorse residents – approx. 31,000 tickets. This is a combination of tickets sold directly to Whitehorse residents or issued to Whitehorse clients who have the tickets on-sold.
- From 2010-2014 the average theatre audience occupancy at the centre is 82%

The Whitehorse Centre is an artistic hub for many local performing arts groups. Many participate with this community Centre as a performer, musician, crew member, patron, ballet student or an attendee to one of the many meetings and functions held within the Centre. Whitehorse residents also attend the precinct as festival performers and attendees. For seventeen years Council has also provided a professional theatre and music variety program at the Whitehorse Centre. The professional season offers the opportunity for local residents to experience some of the country's best touring performing arts as well as bringing people from further afield into the municipality. The Centre also offers a Midweek Matinee Program aimed at providing a service and social connection opportunity for an older audience.

## RESEARCH HISTORY

**August 2010:** Council contracted consultants, the SGL Group and Outside the Square Consulting to conduct the Whitehorse Arts & Cultural Strategy and the Whitehorse Centre Feasibility Study. The purpose of the feasibility study was to undertake a study of the Whitehorse Centre to identify the future need requirements and development opportunities.

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<sup>8</sup> Whitehorse City Council Arts & Cultural Strategy 2014-2022

<sup>9</sup> The Draft Whitehorse Centre Feasibility Study 2011

### 9.3.1

(cont)

The consultation undertaken by SGL Group and Outside the Square Consulting included: - 500 person, randomly selected and independent of Council telephone survey- 200 Whitehorse Centre User Surveys- 22 Arts & Cultural Group Surveys

- 18 Focus Group sessions
- 11 Stakeholder interviews
- Demographic review / Operation review of the Centre / Facility bench marking

In 2011 the SGL Feasibility Study identified some of the following outcomes<sup>10</sup>:

- The Whitehorse Centre is a highly valued community asset and is integral to the provision of performing arts within the City of Whitehorse.
- The architectural review of the precinct and the Centre identified that the precinct lacks a sense of identity for the municipality's performing arts centrepiece.
- The structural review of the facility confirmed that the building is generally of sound structural condition. The extensive market research and consultation however identified that the facility is functionally and design-wise out-dated and 'tired'. It is in need of redevelopment and expansion to meet the ongoing demands of a municipal performance and function venue.
- The facility at 28 years is reaching its optimum lifecycle capacity in terms of both its efficiency and effectiveness and current benchmarks for facilities of this type. The functionality of a number of key areas within the facility is poor, impacting on the programming opportunities, visitor experience and ongoing sustainability of the Centre.
- Based on market testing the functional spaces required for a redeveloped Centre include:
  1. Main Theatre – seating capacity of 580-600 seats & increased stage size
  2. Studio Area – 3 to 4 rehearsal/presentation spaces
  3. Function Room - capacity of 470-600 persons and divisible into 3 spaces
  4. Soundshell -integrated into the Centre enabling an effective and efficient festival site
  5. Foyer space – size critical to the success of venue
- Given the significant refurbishment required there may be the "tipping point" between refurbishment and total rebuild of a purpose built performing arts and functions facility to meet the needs of the Whitehorse community for the next thirty years and beyond.<sup>11</sup>

#### **18 July 2011:**

At the Ordinary Council Meeting, the Draft Whitehorse Centre Feasibility Study Progress Report was presented to Council. The resolution was: **(Attachment 4a)**

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

1. ***Note and commend the work to date on the draft Whitehorse Feasibility Study***
2. ***Defer endorsement and approval to proceed to the next stage until:***
  - a) ***Council undertakes a further study on the feasibility study of a regional facility as per the details in the report under "Regional Facility Study and Indicative Costing", subject to seeking, with RDA Melbourne East support, federal funding of \$162,000 to undertake the further study***
  - b) ***Eastern Region Councils and Regional Development Australia Melbourne East have been consulted seeking their interest on a joint cooperative venture for a Regional Performing Arts Facility and Convention Centre in the City of Whitehorse, based on a regional approach***
3. ***Further seek opportunities for joint Local Government, Federal RDA, and State Government funding for building the facility and operating/maintaining***
4. ***Establish a Council steering group for this project comprising Crs Daw and Pemberton and relevant Council officers***

<sup>10</sup> The Draft Whitehorse Centre Feasibility Study 2011

<sup>11</sup> The Draft Whitehorse Centre Feasibility Study 2011

### **9.3.1**

(cont)

#### **29 September 2011:**

A letter from the Mayor was issued to Eastern Region Councils seeking their in-principle support to request federal funding. Two of nine Councils supported this funding proposal. **(Attachment 4b)**

#### **November 2011:**

The Melbourne East Regional Development Association released the report. "An audit and market assessment of arts, cultural and meeting venues in eastern Melbourne". The report recommends "that the preferred location for a large scale (particularly events and functions) facility in Melbourne's east is the Yarra Valley". **(Attachment 4c)**

#### **19 March 2012:**

At the Ordinary Council Meeting, the Whitehorse Centre Feasibility Study Progress Report was presented to Council. The resolution was: **(Attachment 4d)**

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

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

#### **16 April 2012:**

At the Ordinary Council Meeting, the Whitehorse Centre Feasibility Study Report was presented to Council. The resolution was: **(Attachment 4e)**

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

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

**9.3.1**  
(cont)

- c Establish a working group of Councillors comprising the Mayor, Cr Pemberton and Cr Daw, the CEO and relevant staff to develop the Business Case Brief*
- d Approve a 2012/2013 budget allocation of \$100,000 towards implementing and completing the business case and report to Council*

**10 December 2012:**

Following the previous resolution, a tender process was undertaken to contract a skilled consortium of consultants to undertake the business planning and architectural concept design for the project. At the Ordinary Council Meeting, the resolution was: **(Attachment 4f)**

***That Council:***

***Authorise the Chief Executive Officer to accept the tender and sign the formal contract for Contract 12018 for the Whitehorse Centre Business Case Development received from Bill K Williams Pty Ltd (ABN 96 005 624 868), of Suite 1, 70 Kerr Street, Fitzroy, trading as Williams Ross Architects, for the tendered amount of \$172,700 including GST; as part of the total expected project expenditure of \$189,970 including GST, having modified the scope of works to EXCLUDE the expanded / regional model and INCLUDE in the Business Case, options in accordance with the SGL Whitehorse Centre Feasibility Study Report.***

**WHITEHORSE CENTRE BUSINESS CASE - WILLIAMS ROSS ARCHITECTS**

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

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

**Williams Ross Architects Consortium Consultation:**

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

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

**Existing Centre**

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

### 9.3.1 (cont)

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

Building standards and community expectations have changed so much that many aspects of the Centre would not comply if today's codes were applied. Examples of building limitations<sup>12</sup>:

- The Waratah Room has no natural day light, and no external outlook. Its poor condition compared to other centres means it is not attracting as many users. Its capacity is relatively small, so larger events go elsewhere.
- The foyer is exceptionally crowded for larger events. The theatre, functions and rehearsal rooms all open off the one small space. By today's standards the existing foyer of 162 square metres should be increased to 506 square metres to accommodate the users of the theatre and adjacent rooms.
- The Centre lacks disability access in many places including toilet facilities not complying, administration offices (inadequate workstations, circulation), door circulation spaces, all backstage areas, orchestra pit, technical areas, and insufficient accessible seating positions and locations.
- There are insufficient toilet facilities for the number of patrons and the 'accessible' toilets do not meet current standards.
- The poor condition of the Soundshell makes it less than satisfactory for functions or events. It has limited natural daylight and does not have disability access. Its height is less than desirable for the sort of events it holds and has limited capacity and limitations for festivals. The scale of current day events was not conceived during its design 30 years ago.
- Backstage facilities are inadequate, especially for large community groups. For instance, there are only two dressing rooms, neither having disability access. Existing facilities are 312 square metres versus recommend 732 square metres.
- The Centre needs repairs to some deteriorating building fabric and plant, which are at the end of their working life. Estimated costs for the next five years are projected to be approximately \$7 million+ (indexed cost). These costs are purely for maintenance and renewal works and will have marginal impact of the Centre's hiring potential. These works will also not increase capacity, improve functionality or improve disability access of the Centre.
- When compared with the recommended facilities needed to serve the demonstrated future use as identified in the Business Case, the existing Centre is only 38% of the recommended facility area (existing 2,390m<sup>2</sup> versus recommended 6,365m<sup>2</sup>).

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

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<sup>12</sup> Whitehorse Centre Business Case – Project Overview

### **9.3.1**

(cont)

#### **Key Benefits**

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

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

#### **Key Findings**

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

##### Functional Spaces

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

##### Car Parking

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

#### **Municipal Performing Arts Centre**

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

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

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

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

### 9.3.1 (cont)

The proposed Whitehorse Centre includes five facilities / support facilities:

1. Main theatre
  2. Studio theatre
  3. Sound shell
  4. Studio space
  5. Function room
- \* As well as car parking provision<sup>13</sup>

#### Retention of Existing Building

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

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

The retention of the existing building, or parts of it, would be likely to constrain the future facility without providing a meaningful capital cost benefit. The existing building would have to be brought into full compliance with current building and related codes. This would require an almost complete reconstruction to achieve disability, occupational safety and energy efficiency standards. As well, flood mapping suggests that the floor level will need to be raised. For these reasons retaining portions of the existing building would result in a compromised facility while costing close to a completely new centre<sup>14</sup>.

#### Capital Cost

The estimated construction costs have been escalated (that is, inflation adjusted) to construction completion in 2019 as it would need four years minimum to fund, design and build the centre.

| Capital Cost                         | 2014 Estimate       | 2019 Estimate        |
|--------------------------------------|---------------------|----------------------|
| Building works                       | \$52,484,000        | \$60,400,306         |
| Car park, 3 levels                   | \$9,523,000         | \$10,959,380         |
| <u>Total capital cost estimate</u>   | <u>\$62,007,000</u> | <u>\$71,359,686</u>  |
| Council project costs                |                     | \$1,990,000          |
| Project contingency (approx. 6.5%)   |                     | \$4,650,314          |
| <u>Total End Cost Estimate, 2019</u> |                     | <u>\$78,000,000*</u> |

\* Indexed capital cost for building project

Councillors were presented with three concept design scenarios for the Whitehorse Centre redevelopment and four car parking options for the precinct based upon the car parking needs analysis findings. The preferred option was to progress concept design of a 'new building on the existing site' and a deck car park to be located at the rear of the former Nunawading Police Station or adjacent to the Centre.

<sup>13</sup> Whitehorse Centre Business Case – Part C

<sup>14</sup> Whitehorse Centre Business Case – Project Overview

### 9.3.1

(cont)

#### May 2015:

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

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

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

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

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

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

The Draft Final Whitehorse Centre Business Case Project Overview, Parts A, B and C are attached. **(Attachment 4g)**

### **9.3.1** (cont)

#### **DISCUSSION**

Possible options for the future of the Whitehorse Centre include:

- **Option A** – A redevelopment of the Centre based upon the 2015 Business Case
- **Option B** - Further investment into essential works to keep the Centre operational for another 8-10 years
- **Option C** – A 'Do Nothing' closure would see the withdrawal of maintenance and capital expenditure and permanently close the Centre within 2 years. The site would be returned to parkland

To inform Council's investment in arts and culture and the future of the Whitehorse Centre further research is proposed to be conducted in 2016.

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

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

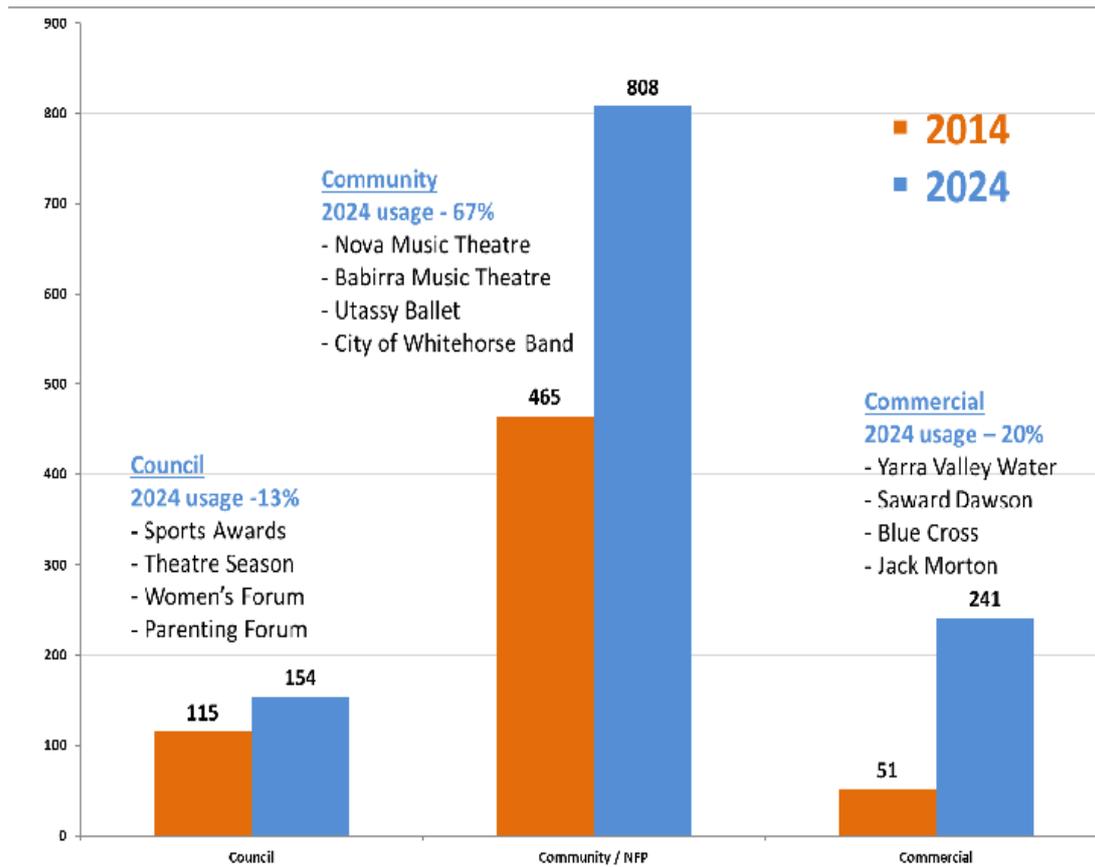
#### **Booking Comparison**

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

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

**9.3.1**  
 (cont)

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

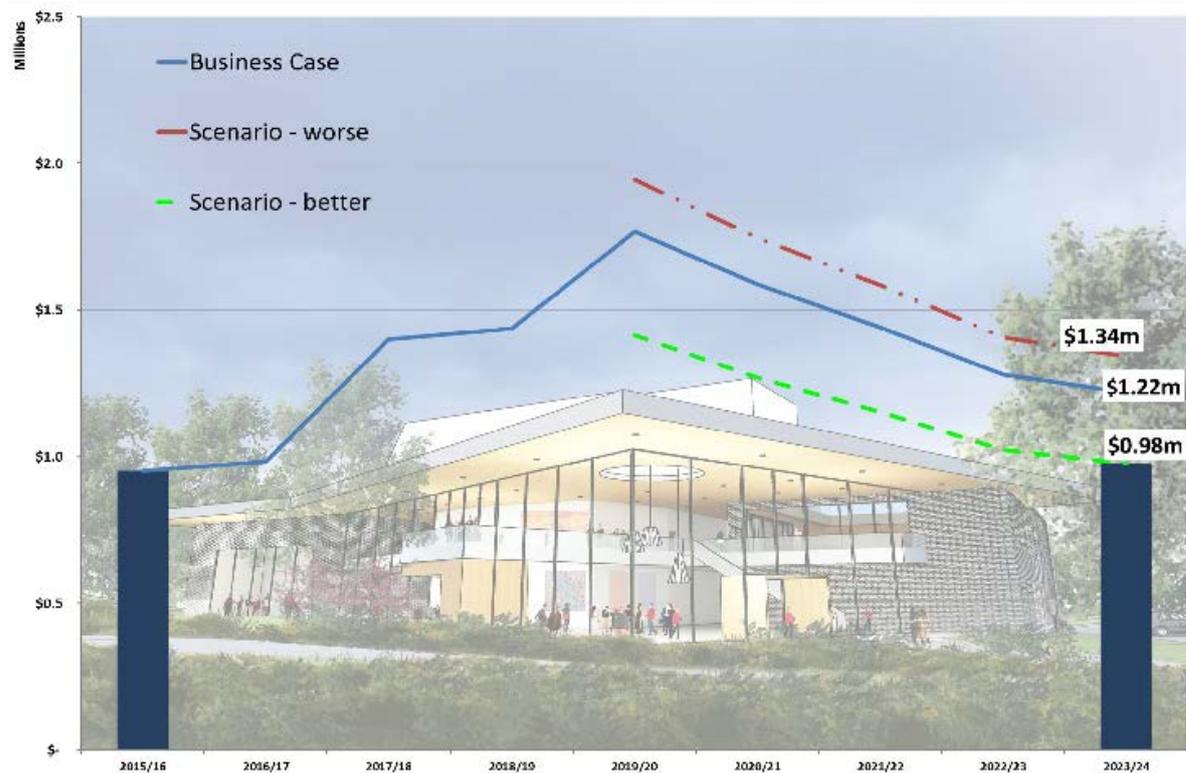


**Council Annual Operating Subsidy for the Whitehorse Centre**

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

**9.3.1**  
 (cont)

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



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

To understand the Council subsidy of the Centre it is important to note that the Whitehorse Centre hire charges for Not-For-Profit Organisations are subsidised by Council to assist community use and access to the Centre. Additionally Whitehorse community groups who fulfil Council’s Discount Support Grants Program criteria also have access to further subsidised support by Council. The patron ticket prices for the theatre and music season and midweek matinee program is also subsidised by Council to provide arts and cultural opportunities in the local area.

**Redevelopment Funding**

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

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

### 9.3.1 (cont)

This modelling demonstrated a capacity to fund the Whitehorse Centre Redevelopment Business Case. While the modelling was undertaken prior to the expected introduction of rate capping, Council believe the 2% Whitehorse City Renewal Fund may provide an offset for lower future rate generation capability.

Council also notes that approximately 77% of the combined funding is from non-rate sources. As Council considers further community research on the three Whitehorse Centre options it expects to learn with certainty details of the rates cap legislation and the cap amount and will update long term financial modelling accordingly.

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

There comes a point in the life of a building when it either needs a major redevelopment or closure. Investing more community funds in keeping an ageing, no-longer adequate facility operating may be a poor use of funds.<sup>15</sup>

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

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

Any additional work outlined in this option does not improve the size or capacity of the Centre; it will not resolve the issues around accessibility and access to areas of the Centre. Any works to improve access would require major structural changes to the Centre and would likely require the entire Centre to be compliant to current day Australian Standards. The objective of the essential works within this option is to keep the Centre operational to a standard that currently exists for users of the Centre in 2015.

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

A structural analysis of the Centre was completed in September 2015 (**Attachment 4h**). The report concludes there were elements of the building fabric including external cladding, roof sheets and gutters/downpipes all showing wear after 30 years. These elements must be addressed if the Centre is to remain open. The report concludes that the existing structural condition is generally sound in its current form.

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<sup>15</sup> Whitehorse Centre Business Case – Project Overview

### 9.3.1 (cont)

Significant concern surrounds the condition of the roof which is judged as poor and needs a full replacement within the next two years. If this is not to occur and there is a major leak the Centre would be immediately closed. The roof sheet throughout appeared to have deteriorated over time. The roof sheet:

- Showed general deterioration following years of exposure to weather elements
- A number of penetrations through the roof sheet and 'retrofit' flashing attempts
- Generally appeared to be near the end of service life
- The roof fall was very flat in some areas and does not assist roof drainage to the main roof and the assumption is water ponding due to the presence of mould on the roof sheet.<sup>16</sup>

#### Limited Upgrade Potential

In October 2015, Marshall Day Entertech has also provided additional information on the technical infrastructure of the existing facility (**Attachment I**). Marshall Day Entertech identify changes to industry standards for performance equipment and systems since the initial opening have not served the building well and a number of elements including cabling infrastructure, structural rigging loads and backstage amenities require attention. The report notes the Centre requires maintenance and infrastructure upgrades to operate effectively and to comply with code and legislative requirements.

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

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

- Any increases to the theatre audience capacity or changes to sightlines
- Changes to the proscenium height and width
- Improvements to the stage and stage wing size
- Increases in the fly tower structural loading
- Increases to the fly tower height and counterweight fly system drift
- Improvements to the orchestra pit size and access and lid system
- Replacement of the ageing technical cabling infrastructure
- Code compliance with Universal Access requirements
- Code compliance in the lighting bridge headroom
- Provision of access to fly tower
- Improvement in internal and external sound insulation
- Control of building services noise and vibration in the theatre
- Control of rain noise in the theatre.<sup>17</sup>

A quantity surveyor has identified the cost to maintain the facility at its current service level and has projected this cost over the next five years (**Attachment 4j**). For example, the entire roof of the Centre must be replaced within the next two years as there is a risk of critical failure due to leaks. The replacement of the roof is a 'like for like' replacement and does not allow for any unforeseen costs that may arise during construction works. It will also not address the sloping roof height in the theatre where users accessing and working from the lighting bridges above the auditorium must crouch over when working in this area. To address this issue it would involve extensive structural work to the Centre.

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<sup>16</sup> Kersulting Engineers and Managers – Project Advice Notice

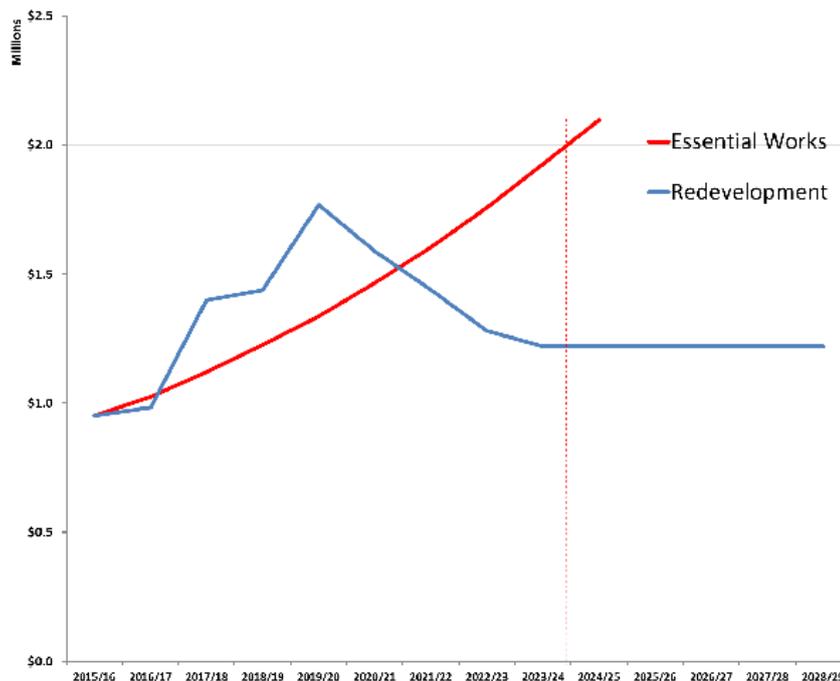
<sup>17</sup> Marshall Day Entertech – Whitehorse Centre Venue Infrastructure and Design Report

**9.3.1**  
 (cont)

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

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

**Council Annual Operating Subsidy (EXCLUDING DEPRECIATION)**



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

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

As a 30 year old building it has never undergone major works and has reached a time where a redevelopment is required. A substantial investment of millions of dollars as outlined in Option B will extend the working life of the existing building for 8-10 years with continuing constraints with accessibility, no improvements to capacity and functionality before its closure. Option C sees the imminent closure of the Whitehorse Centre.

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

### 9.3.1 (cont)

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

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

#### **PROPOSED NEXT STEP: RESEARCH FRAMEWORK**

With the release of the Whitehorse Centre Business Case a research project is proposed to be conducted by JWS Research (**Attachment 4k**). JWS Research is an independent organisation that conducts research for Federal, State and Local Government as well as the private sector. JWS Research is to consult with the community to analyse the community response to the proposed three options. The objective of this consultation will be to accurately assess residents' attitudes and opinions. Specifically:

- Awareness, attendance and community support of the current centre
- Perceived values and benefits of a new performing arts centre
- Questions, concerns and hesitations to a new performing arts centre
- Level of support for a new performing arts centre and reasons for this
- Profile of the most receptive to and opposed to the development
- Information needs and expectations of the community to the new centre
- Community response in support or opposition to the closure of the centre

It is recommended JWS Research will consult with the community between late February and May 2016. It is important to allow the community the time to review the Whitehorse Business Case (550+ pages) on its release to enable an informed community response.

#### Method

- Qualitative research (focus groups) with a representative mix of Whitehorse residents to understand opinions and attitudes towards the existing and proposed new performing arts centre
- Quantitative research (telephone survey) of 600 City of Whitehorse residents to confirm and validate the findings of qualitative research

#### Outcomes

- A comprehensive understanding about residents' views and perceptions by different subgroups such as various demographic, geographic and user groups.
- Results will assist in a decision on proceeding with the project (or not), the appropriate level of investment and to inform the development of an overall communications strategy.

A consultant report for consideration would be prepared and issued to Council consideration in mid-2016.

#### **CONSULTATION**

Council has commissioned two research and consultation projects on the proposed Whitehorse Centre redevelopment with two independent consultants. The consultation process is as outlined throughout this report.

In total over *1,500 people* have contributed over the past five years and this does not include the hundreds of people represented by specific users groups.

**9.3.1**  
(cont)

**FINANCIAL IMPLICATIONS**

In the 2015/2016 Capital Works Program Council allocated and quarantined \$200,000 to be used on the next stage of works for the Whitehorse Centre project. It is recommended these funds be released. Funds are to be allocated to JWS Research (approx. \$90k) to conduct further research upon the release of the Business Case to understand the community response to the future options for the Whitehorse Centre.

**POLICY IMPLICATIONS**

The provision of a performing arts centre and its possible redevelopment supports Council's Vision (2013-2023), Council Plan (2014-2018) and Arts & Cultural Strategy (2014-2022).

### **9.3.2 Contract 14053 Tender Evaluation Report – Panel of Preferred Providers - Home Care Packages**

FILE NUMBER: SF15/296

#### **SUMMARY**

*To consider tenders received for the provision of personal care, domestic assistance, respite and case management services and to recommend the acceptance tenders received and identified below for the panel of preferred providers on a Schedule of Rates basis for a period of 3 years commencing on 15 December 2015.*

#### **RECOMMENDATION**

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

- 1. Accept the tender and sign the formal contract document for Contract 14053 for the Panel of Preferred Providers – Home Care Packages received from the following tenderers:***

- BapCare Ltd (ABN 12 069 130 463), of 1193 Toorak Road Camberwell VIC 3124, trading as Bapcare;***
- Blue Cross (ABN 69 939 338 435), of 117 Camberwell Road Hawthorn East VIC 3123, trading as Blue Cross Community Care Services Group;***
- Collins & Brown Pty Ltd (ABN 61 134 165 183), of Suite 2 Level 1 852 Canterbury Road Box Hill VIC 3128, trading as Colbrow Homecare;***
- Care Connect Ltd (ABN 23 094 121 810), of 204-206 Gibbs Street Abbotsford VIC 3067, trading as Care Connect; [Case Management service only]***
- EACH (ABN 46 197 549 317), of 2/254 Canterbury Road Bayswater VIC 3153;***
- McArthur (VIC) Pty Ltd (ABN 75 008 186 383), of Level 1 199 Toorak Road South Yarra VIC 3141, trading as McArthur; and***
- MECWA (ABN 59 004 927 244), of 450 Waverley Road Malvern East VIC 3145, trading as mecwacare,***

***On a Schedule of Rates basis for a period of 3 years commencing on 15 December 2015.***

- 2. Authorise the Chief Executive Officer to award an extension of this contract, for a further four years, subject to a review of the Contractors' performance annually and Council's business needs, at the conclusion of the initial three year contract term.***

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#### **BACKGROUND**

Council offers a comprehensive range of home support services to eligible older people and people with disabilities through a range of programs coordinated by the Home and Community Care (HACC) department. In addition to the entry-level support services provided through the Home and Community Care (HACC) program Council is also funded to manage 90 Home Care Packages (HCP) that provide coordinated, flexible care to older people with more complex needs.

### 9.3.2 (cont)

Following the Productivity Commission final report On 8 August 2011 on the future of the aged care in Australia in April 2012 the Australian Government announced the Living Longer Living Better aged care reform package. This was followed by the announcement of a range of aged care changes including:

- The introduction of the Home Care Packages Programme from 1 August 2013, which replaced the Community Packaged Care Programme (CACP)
- The introduction of Consumer Directed Care (CDC) to all new Home Care Packages from 1 August 2013. Since 1 July 2015, all Home Care Packages are now to be delivered on a CDC basis

The new Consumer Directed Care model requires service providers to offer consumers flexibility, choice and control in the support services received. Clients are encouraged to actively choose from a range of service providers to direct how and with who individualised funds are spent. This model now requires a change from a combined program budget to individual budgets for each client.

A contract for a panel of preferred providers was considered the most appropriate way in which to provide this increased choice and flexibility. The panel will complement Council's existing in-house services to offer HCP consumers choice about their Aged Care support services. The panel will also meet Council's requirements as an Approved Provider under the *Aged Care Act 1997* (The Act) and will assist in ensuring compliance with the national Home Care standards.

Services to be provided by the panel when requested by consumers include personal care, domestic assistance, respite care and case management.

The 2015-16 HCP program income is \$1.38 million from government grants and fees. Approximately \$500,000 (36%) is expended on standard case management services and administrative costs. Approximately \$880,000 (64%) is for direct service delivery and is available for clients to purchase services and supports from Council and external providers including but not limited to the services in this tender. These may include delivered meals, Allied Health services, equipment and technology.

As this is a new funding and delivery consumer directed care model, we are not able to project the volume of service that will be purchased by clients from external providers on this panel or from Council. Clients will make their choice depending on their preference of provider, care needs and budgets.

The services purchased by clients will not exceed their individual allocated budget and the expenditure will be contained within the overall program budget.

The term of the contract is three years commencing on 15 December 2015, with an option to extend the contract for a further four years subject to performance, at Council's discretion.

### **DISCUSSION**

Tenders were advertised in The Age newspaper on Saturday 13 June 2015 and were closed on Wednesday 1 July 2015. 14 tenders were received.

The tenders were evaluated against the following criteria:

- Price;
- Relevant Experience;
- Quality;
- Resources;
- Management Skills and Systems;
- Past Performance; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail)

### **9.3.2**

(cont)

The preferred tenderers demonstrated significant experience in the delivery of the services with strong backgrounds in home and community care, health and community services, and residential aged care. Each tenderer has direct experience in the provision of the services for which they have been selected.

The preferred tenderers also demonstrated a local (municipal or regional metropolitan) presence with existing infrastructure and capacity.

Tenders selected in this contract are considered to provide the best value options for HCP program consumers.

### **CONSULTATION**

References for the selected tenderers have been checked and confirmed.

The preferred tenderers' business viability has been considered.

### **FINANCIAL IMPLICATIONS**

The Panel of Preferred Providers contract for the provision of personal care, domestic assistance, respite care and case management services is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The financial advantage of each tender submission was determined by considering current market rates for like services. The panel is intended to offer choice to consumers in who provides services and incorporates a range of rates to facilitate value for money. Panellist rates are structured according to standard rates and various penalty rates depending upon the day and time services are to be engaged.

Clients will be able to purchase services from any provider on the panel and will be able to change their service provider should they believe they are not receiving value for money. In this way it is expected that consumers can determine what is of value to them and have services tailored specifically to their individual needs, situations and preferences as required by The Act.

The 2015-16 HCP program income is \$1.38 million from government grants and fees. Approximately \$880,000 (64%) is available for clients to purchase services and supports from Council and external providers including but not limited to the services in this tender. These may include delivered meals, Allied Health services, equipment and technology.

As this is a schedule of rates contract, there is no commitment by Council for a minimum spend.

The costs incurred under this contract will be based on client choice and charged to the individual client budgets comprised of funds received from the Commonwealth and client fees. There is no cost to Council as a result of this contract

### 9.3.3 2015 Annual Food Hygiene Assessment Award

FILE NUMBER: SF11/181

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#### **SUMMARY**

*To inform Council of the results of the 5 Star Food Hygiene Assessment (FHA) program for 2015 and to recommend businesses for the Food Premises of the Year Award for 2015. The report also seeks endorsement of proposed changes to the FHA program with respect to marketing and promotion and managing non-compliance issues.*

#### **RECOMMENDATION**

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

1. ***Endorses the following Food premises as the recipients of the 5 Star Food Hygiene Assessment Award for 2015:***
  - 1.1 ***Class 1: Peter James Centre (Aged Care) - 321-345 Burwood Highway Forest Hill***
  - 1.2 ***Class 2: TGI Fridays Restaurant & Bar Forest Hill - 323/270 Canterbury Road, Forest Hill***
  - 1.3 ***Community Groups: Vermont Secondary College - 27-63 Morack Road, Vermont***
2. ***Incorporate the following changes to the FHA program:***
  - 2.1 ***Broaden promotion of the FHA star ratings to extend to all star ratings (ie 1-5) and not just those food premises awarded the 5 star rating,***
  - 2.2 ***Publicise FHA star ratings on Council's "tiqbiz" app and website where consent pursuant to section 54 of the Food Act has been provided,***
  - 2.3 ***Increase monetary value for the Food Premises of the Year awards from \$400 to \$600 for Class 1 and 2 Premises and from \$200 to \$300 for Community Groups,***
  - 2.4 ***Deduct FHA assessment points from the annual FHA as a result of critical non-compliance matters identified during other inspections in the 12 month period,***
  - 2.5 ***Adjust Council's differential fee structure to increase from 40% to 50% above the standard fee levied for food premises awarded the 1 star rating under the FHA program.***

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#### **BACKGROUND**

The Food Hygiene Assessment (FHA) program was adopted as the principal method of food premise surveillance by Council in 1996. The aim of the Food Hygiene Assessment System is to improve the safety of food being manufactured, handled, stored and sold in the municipality. The system provides meaningful and relevant information to Council, food business proprietors and consumers about the standard of food safety being achieved in the municipality.

**9.3.3**  
 (cont)

The program also assesses medium to high risk food premises (as per Department of Health Risk Classification) against national food safety standards and provides a range of incentives aimed at encouraging proprietors to maintain and improve food safety standards.

One of these incentives is the provision of an annual FHA Award to acknowledge food businesses achieving the highest level of excellence in food hygiene during the year. There are three categories of food business which are awarded the "Food Premises of the Year: -

- Class 1 (eg Aged Care, Child Care, Hospitals etc)
- Class 2 (eg Restaurant, Cafe, Take-Away, Delicatessen, Bakery, Supermarket)
- Community Groups (eg School Canteens)

The recipients of the *Food Premises of the Year 2015* for the categories above are to be awarded a plaque and a cheque (\$400 for Class 1 and 2 premises and \$200 for community groups) which will be presented by the Mayor.

**RESULTS**

Overall there were 733 Food Safety Assessments conducted during 2015 as follows: -

| Council Star Rating  | <sup>18</sup> Compliance Rating | 2015                         | 2014                         | 2013                         | 2012                         |
|--|---------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| <b>Five Stars</b> – Excellent<br>(Incorporating Best Practice) | <b>Compliant</b>                | <b>187</b><br><b>(25.5%)</b> | <b>213</b><br><b>(28.4%)</b> | <b>223</b><br><b>(30.6%)</b> | <b>201</b><br><b>(28.4%)</b> |
| <b>Four Stars</b> – Excellent                                  |                                 | <b>288</b><br><b>(39.3%)</b> | <b>285</b><br><b>(38.1%)</b> | <b>238</b><br><b>(32.6%)</b> | <b>250</b><br><b>(35.3%)</b> |
| <b>Three Stars</b> – Satisfactory                              |                                 | <b>199</b><br><b>(27.1%)</b> | <b>191</b><br><b>(25.5%)</b> | <b>198</b><br><b>(27.1%)</b> | <b>173</b><br><b>(24.3%)</b> |
| <b>Two Stars</b> – Unsatisfactory                              | <b>Major Non-Compliance</b>     | <b>49</b><br><b>(6.7%)</b>   | <b>54</b><br><b>(7.2%)</b>   | <b>51</b><br><b>(7.0%)</b>   | <b>54</b><br><b>(7.6%)</b>   |
| <b>One Star</b> – Poor   | <b>Critical Non-Compliance</b>  | <b>10</b><br><b>(1.4%)</b>   | <b>6</b><br><b>(0.8%)</b>    | <b>20</b><br><b>(2.7%)</b>   | <b>31</b><br><b>(4.4%)</b>   |
| <b>Total</b>   |                                 | <b>733</b>                   | <b>730</b>                   | <b>749</b>                   | <b>709</b>                   |

The businesses recommended for the "Food Premises of the Year" award for 2015 under the three categories are as follows: -

**Class 1:** Peter James Centre (Aged Care) - 321-345 Burwood Highway Forest Hill

**Class 2:** TGI Fridays Restaurant & Bar Forest Hill - 323/270 Canterbury Road, Forest Hill

**Community Groups:** Vermont Secondary College - 27-63 Morack Road, Vermont

Certificates of commendation in recognition of excellence in food safety standards were also awarded to 20 (2.7%) food businesses in achieving a 5 star rating with a maximum assessment result of 100%. (Refer to Appendix A).

<sup>18</sup> State Government Food Act Compliance rating

### **9.3.3**

(cont)

#### **DISCUSSION**

Overall, food safety performance for food businesses within Whitehorse continues to remain high with 92% of premises being compliant. This is consistent with the result in 2014 and an improvement against the 90.3 % that was achieved in 2013 and 88% in 2012. This result also compares favourably against the state average of 80% of premises being compliant based on 2013 and 2012 data.

The results for the Food Hygiene Rating Program for 2015 for businesses achieving 4 and 5 Star (39.3 % and 25.5% respectively) demonstrates high standards being recorded and maintained across 64.8% of food businesses that were assessed. Though a slight shift from 5 to 4 stars this result is consistent to the previous year of 66.5%.

A 4 Star and 5 Star rating demonstrates a high standard of compliance with legislative requirements with a FHA score between 91% and 100%. A 5 star rating also demonstrates best practice through implementing processes and procedures above and beyond legislative requirements. A 3 Star rating reflects a FHA score between 81% and 90% with the premises demonstrating satisfactory compliance with legislative requirements.

A total of 59 premises (8.05%) were rated as below satisfactory with 6.7% receiving 2 Stars and 1.4% receiving 1 Star. This continues to be a positive result showing a sustained reduction in the number of 1 and 2 Star premises over the past 4 years.

Unsatisfactory food safety performance is managed through Council's non-compliance policy which consists of seizing any unsafe food, increased number and frequency of inspections, issuing of Penalty Infringement Notices and Food Act Orders including closure, and instigating prosecution when deemed appropriate.

Four prosecutions and 10 Penalty Infringement Notices (PIN's) were initiated during the year for offences relating to unsafe food, unclean and unhygienic conditions, poor food handling practices and failing to renew registration.

Council Environmental Health Officers have been using PIN's as an enforcement strategy when dealing with specific non-compliance matters since December 2014. PINs are used in situations where there is continued failure to comply with the requirements of the Food Act, and where the seriousness of the offence does not warrant legal prosecution.

Overall Council's Environmental Health Officers conducted more than 400 non-compliance / follow up inspections to ensure that identified food safety risks were managed, compliance achieved and acceptable food hygiene standards are maintained. This ensures that potential risks to the community are either eliminated or controlled.

In summary enforcement activities were conducted to ensure that the 8% of premises recording 1 and 2 Stars undertook measures to address food safety risks and were compliant within specified timelines and performing to a satisfactory level.

Council's Environmental Health Officers (EHOs) work closely with the food industry to support compliance. They ensure proprietors and their staff are well informed to manage risks and improve performance of food safety. They provide on-going advice to businesses and promote the importance of maintaining food safety standards to build consumer confidence within the community.

### **9.3.3**

(cont)

#### **Review of FHA Program**

An annual review was conducted of Council's 5 Star FHA program as part of the continuous improvement process. The following changes are proposed in order to improve the promotion of the FHA 5 Star Rating program and to strengthen management of major and critical non-compliance matters:

1. Broaden the public promotion of FHA star ratings to extend to all star ratings and not just the 5 Star businesses. In cases where a business has not consented to disclose their rating then a "no consent" listing will be noted for the food premises. This will provide a further incentive for business to strive for a higher star rating as well as allowing greater access to food safety performance by the community.

In order to support this initiative and to improve consumer access to this information it is proposed that star ratings are publicised on Council's "tiqbiz" app and with further development on Council's website. The adoption of an app and/or enhancement of Council's website will modernise the promotion of the star rating system and provide readily accessible and updated star ratings of all Class 1 and 2 food premises

2. Increase the monetary value for the *Food Premises of the Year* awards from \$400 to \$600 for Class 1 and 2 Premises and from \$200 to \$300 for Community Groups. There has been no increase in the monetary value for the award for over 10 years.
3. Deduct points from the annual FHA as a result of critical non-compliance identified during an inspection prior or post the FHA and which falls within the same registration period.
4. Adjust Council's differential food premises registration fee structure, which is based on the food premises Star rating, to increase differential fee for food premises receiving the FHA 1 star rating from 40% to 50% above the standard fee for the relevant category. This will provide greater separation between 1 star and 2 stars (currently at 30%) and reflects the actual cost for EHOs undertaking additional follow up inspections on these premises. The 5 Star premises will continue to have a 10 % discount as a financial incentive.

#### **CONSULTATION**

The Environmental Health Unit conducts annual Food Hygiene Assessment workshops. The purpose of the workshops is to report on results of food safety performance of businesses, discuss common non-compliance issues and to update proprietors on changes and requirements of the Food Hygiene Assessment System for the forthcoming year. The forum also provides an opportunity to update businesses on changes to legislative requirements.

The Environmental Health Unit produces and distributes Guides on the 5 Star program to all registered premises annually. The Guides provide information on the FHA System that includes assessment criteria and how to achieve the 5 Star rating, as well as Best Practice records.

#### **BUDGET IMPLICATIONS**

The total budgeted expenditure of Council's Food Safety Management Program is \$736,000. Council receives about \$530,000 in income (registration fees) which provides a total net cost to Council of \$206,000 for the program.

**9.3.3**  
 (cont)

**Appendix A - Food Businesses receiving Certificates of Commendation**

| <b>TRADING NAME</b>                         | <b>ADDRESS</b>           | <b>SUBURB</b>   |
|---|--------------------------|-----------------|
| 12 Ovens                                    | 3/12 Ovens Street        | BOX HILL NORTH  |
| Aunty Lila                                  | 5/1-3 Boronia Road       | VERMONT         |
| Blackburn High School Canteen               | 58-62 Springfield Road   | BLACKBURN       |
| Box Hill South Neighbourhood House          | 47 Kitchener Street      | BOX HILL SOUTH  |
| Cakes by Pearly                             | 11 Mansfield Street      | BLACKBURN SOUTH |
| Delishness                                  | 20 Somers Street         | BURWOOD         |
| Fat & Skinny Fabulous Food                  | 2 Andrew Street          | FOREST HILL     |
| Ferguson Plarre Burwood                     | Burwood One, K 4/172-210 | BURWOOD EAST    |
| Kangerong Centre                            | 79 Thames Street         | BOX HILL        |
| Mary's Little Lambs Early Learning Centre   | 27 Medway Street         | BOX HILL NORTH  |
| Newton Circus                               | 179 Middleborough Road   | BOX HILL SOUTH  |
| Presbyterian Ladies College                 | 141-155 Burwood Highway  | BURWOOD         |
| Regency Baked Potatoes                      | 12 Piedmont Street       | BOX HILL SOUTH  |
| Sissy's Bix                                 | 7 Canterbury Road        | BLACKBURN       |
| Starfish Early Learning Centre (Nunawading) | 24 Mountainview Road     | NUNAWADING      |
| Uniting Care East Burwood Centre            | 220 Burwood Highway      | BURWOOD EAST    |
| Vermont Aged Care                           | 770 Canterbury Road      | VERMONT         |
| VincentCare Victoria                        | 110 Albion Road          | BOX HILL        |
| Wattle Park Primary School                  | 225 Warrigal Road        | BURWOOD         |
| www.thecaterers.com.au                      | 3 Kerr Lane              | BOX HILL NORTH  |

### **9.3.4 2015 Annual Health Hygiene Assessment Award**

FILE NUMBER: SF11/181

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#### **SUMMARY**

*To inform Council of the results of the 2015 Health Hygiene Assessment (HHA) program and to recommend the business for the "Health Premises of the Year Award" for 2015. The report also seeks endorsement of changes to the program with respect to promotional activities due to changes to registration and inspection requirements under the Public Health and Wellbeing Act 2008.*

#### **RECOMMENDATION**

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

- 1. Endorses Cocco Hair and Body 4B Milne Road Mont Albert North as the recipient of the 5 Star Health Hygiene Assessment Award for 2015;***
  - 2. Incorporates changes to the 5 Star HHA program to discontinue the Health Premises of the Year award and other promotional activities after the 2016 assessment period.***
- 

#### **BACKGROUND**

The Health Hygiene Assessment (HHA) system was adopted by Council in 2005 as the principal method of assessing the hygiene conditions of registered premises under the Public Health and Wellbeing Act 2008 in the municipality. Premises registered under the Public Health and Wellbeing Act 2008 include hairdressers, beauty parlours, tattooists and ear piercing establishments. The system assesses these premises against a range of hygiene and infection control criteria and provides incentives aimed at encouraging proprietors to improve hygiene procedures and work towards best practice.

One of these incentives is the provision of an annual Health Hygiene Assessment Award to acknowledge the business achieving the highest level of excellence during the year. The award involves a plaque and a cheque of \$200 which will be presented by the Mayor.

### 9.3.4

(cont)

#### RESULTS

Overall there were 189 Health Hygiene Assessments conducted during 2015 with the following results shown below: -

| <b>Council Star Rating</b>                                     | <b>Compliance Rating</b>       | <b>2015</b>                 | <b>2014</b>                 | <b>2013</b>          | <b>2012</b>          |
|--|--------------------------------|-----------------------------|-----------------------------|----------------------|----------------------|
| <b>Five Stars – Excellent</b><br>(Incorporating Best Practice) | <b>Compliant</b>               | <b>76</b><br><b>(40.2%)</b> | <b>91</b><br><b>(50.0%)</b> | <b>76</b><br>(43.7%) | <b>80</b><br>(44.2%) |
| <b>Four Stars – Excellent</b>                                  |                                | <b>99</b><br><b>(52%)</b>   | <b>79</b><br><b>(43.4%)</b> | <b>77</b><br>(44.3%) | <b>93</b><br>(51.4)  |
| <b>Three Stars – Satisfactory</b>                              |                                | <b>13</b><br><b>(6.9%)</b>  | <b>12</b><br><b>(6.6%)</b>  | <b>14</b><br>(8%)    | <b>7</b><br>(3.8%)   |
| <b>Two Stars – Unsatisfactory</b>                              | <b>Major Non-Compliance</b>    |                             | <b>0</b>                    | <b>3</b><br>(1.7%)   | <b>0</b>             |
| <b>One Star – Poor</b>   | <b>Critical Non-Compliance</b> | <b>1</b><br><b>(0.5%)</b>   | <b>0</b>                    | <b>4</b><br>(2.3%)   | <b>1</b><br>(0.6%)   |
| <b>Total</b>   |                                | <b>189</b>                  | <b>182</b>                  | <b>174</b>           | <b>181</b>           |

The business selected for the “Health Premises of the Year” award for 2015 is Cocco Hair and Body at 4B Milne Road Mont Albert North.

Certificates of commendation in recognition of excellence in hygiene standards will also be awarded to 21 (11.1%) businesses in achieving a 5 star rating with a maximum assessment result of 100%. (Refer to Appendix A).

#### DISCUSSION

The results for the Health Hygiene Rating Program for 2015 for businesses achieving 4 and 5 Star (52% and 42.2% respectively) demonstrates very high standards being recorded and maintained across 92.6% of businesses that were assessed. Though there has been a shift from 5 to 4 stars compared to 2014, where there had been a spike in the number of 5 stars, the results are consistent with previous years.

A 4 Star and 5 Star rating demonstrates a high standard of infection control and hygiene standards, with a score rating between 91% and 100%. A 5 star rating also demonstrates compliance with documentation and records relating to best practice.

It is noted that only one premises recorded a score below satisfactory (ie 1 or 2 Star rating). Unsatisfactory performance is managed through Council’s non-compliance policy and procedures which includes an increased number of follow up inspections, issuing of Improvement/Prohibition Notices and instigating prosecution when deemed necessary.

The overall performance for businesses within Whitehorse continues to remain exceptionally high with 99.5% of premises receiving a rating of satisfactory and above.

### **9.3.4** (cont)

Council's Environmental Health Officers work closely with hairdressing, beauty and body art industries to support compliance and ensure proprietors and staff are well informed to manage risks in relation to infection control and hygiene standards. They provide on-going advice to businesses and promote the importance of maintaining hygiene standards to build consumer confidence.

#### **Changes to Registration and Inspection requirements**

The Victorian Government has amended the registration requirement for hairdressers and low risk beauty therapy. The Public Health and Wellbeing Act 2008 has been amended to require a one-off registration when a business is new or changes hands and will no longer be required to be inspected annually. Businesses will continue to be subject to existing regulations in relation to hygiene, cleanliness and infection control.

The one off registration will allow for a system that: -

- Maintains traceability of businesses as they will require initial registration
- Preserves standards through businesses being subject to existing regulations
- Reduces business costs as it will remove the requirement for Council to annually renew registration and conduct annual inspections

It is acknowledged that there is low public health risks associated with hairdressing and beauty therapy that involves the application of non-permanent make up. The number of consumer complaints regarding these activities has historically been extremely low.

There are currently 210 premises registered with Council under the provisions of the Public Health and Wellbeing Act 2008. Council currently assesses the standards of these premises on an annual basis through its 5 Star Health Hygiene Assessment program.

There are 101 registered hairdressing salons and low risk beauty therapy that will be affected by the changes. The Environmental Health team has forwarded renewals for the 2016 registration period, however from the 1 April 2016 businesses can apply for a one off registration. If applications are received, Council will conduct final annual inspections in 2016 to verify the business activity and eligibility for one-off registration.

Council's Environmental Health Officers (EHOs) will continue to respond to consumer complaints regarding infection control, cleanliness and hygiene standards associated with these types of activities. EHOs will continue to inspect these premises for new and transfers of registration (ie new proprietors) to ensure regulatory compliance.

The removal to conduct annual inspections will impact on the 5 Star Health Hygiene Assessment program in terms of its viability to conduct promotional activities.

#### **POLICY IMPLICATIONS**

The removal of the regulatory requirement for Council to annually inspect hairdressing salons and low risk beauty therapy establishments will reduce the number of registered premises under the Public Health and Wellbeing Act 2008 from 210 to approximately 109. The remaining premises will continue to be inspected annually and assessed under the same criteria, however, the value in conducting marketing and promotional activities under the 5 Star HHA program will be significantly diminished.

Star rating certificates will continue to be generated and forwarded to businesses to display, however it is proposed that the *Health Premises of the Year* award and other promotional activities discontinue after the 2016 assessment period.

**9.3.4**  
 (cont)

There will be some savings in reduced number of inspections, however hairdressers and low risk premises have the least inspection times and non-compliance issues. Additionally any minor savings on resources have been offset with increased demands with respect to:

- The increasing number of rooming houses and work load demands on enforcement activities,
- The processing and managing of temporary and mobile food premises and administering the state-wide registration and inspection database "StreaTrader"

**CONSULTATION**

The Environmental Health Unit produces and distributes Guides on the 5 Star program to all registered premises annually. The Guides provide information on the HHA System that includes assessment criteria and how to achieve the 5 Star rating, as well as best practice records.

**BUDGET IMPLICATIONS**

The budgeted expenditure of Councils Health Hygiene Assessment program is \$140,000. Council currently receives about \$26,000 in income (registration fees) which provides a net cost to council of \$114,000 for the program.

The proposed reduction in the number of renewals of registration will result in a reduction of registration fees of approximately \$10,000. However the one-off registration fee for new businesses and transfers, as well as discontinuing promotional activities, will offset some of this loss.

**Appendix A - Businesses receiving Certificates of Commendation**

| <b>TRADING NAME</b>               | <b>ADDRESS</b>  |
|-----------------------------------|---|
| Acuplus Health Centre Mitcham     | 1A Forster Street, MITCHAM 3132   |
| 2 B Hair Studio                   | 2B Tyrell Street, MONT ALBERT NORTH   |
| Churchills For Hair               | 2 Churchill Street, MONT ALBERT   |
| Dale Houghton Hairdresser         | 75 Rostrevor Parade, MONT ALBERT NORTH  |
| Kawsa                             | Ground 1109 Riversdale Road, SURREY HILLS   |
| Susihairko                        | 168 Elgar Road, BOX HILL SOUTH  |
| Silk Skin                         | 87-89 Terrara Road, VERMONT SOUTH   |
| Allure Beauty Room                | Blackburn North Square Shopping Centre, 64/66-104 Springfield Road, BLACKBURN VIC |
| Beauty In 7th Heaven              | Vermont South Shopping Centre, Shop 27/495-511 Burwood Highway, VERMONT SOUTH     |
| Black Swan Beauty                 | Ground/5 Robinlee Avenue, BURWOOD EAST  |
| City Haven Massage Therapy        | 1/731-733 Whitehorse Road, MONT ALBERT  |
| Cocohair And Body                 | 4B Milne Road, MONT ALBERT NORTH  |
| Elite Laser & Skin Clinic         | 5/28-30 Blackburn Road, BLACKBURN   |
| Ella Bache Nunawading             | 7/197 Springvale Road, NUNAWADING   |
| Jo Classy Cutting                 | Shop 3/544-546 Mitcham Road, MITCHAM  |
| Kawai Hair Care & Beauty Salon    | 477 Highbury Road, BURWOOD EAST   |
| Maggie Timms Hair Design          | 63 Station Street, BURWOOD  |
| Scemi Beauty                      | F 25A/Whitehorse Central, 17-21 Market Street, BOX HILL                           |
| Station St For Hair & Beauty      | 943A Station Street, BOX HILL NORTH   |
| Susan's Mobile Hairdressing       | 38 Strabane Avenue, MONT ALBERT NORTH   |
| The Day Spa At Box Hill Institute | 465 Elgar Road, MONT ALBERT   |

## 9.4 CORPORATE SERVICES

### 9.4.1 Delegated Decisions – October 2015

FILE NUMBER: SF 13/1527#02

*The following activity was undertaken by officers under delegated authority during October 2015.*

#### RECOMMENDATION

***That the report of decisions made by officers under Instruments of Delegation for the month of October 2015 be noted.***

| DELEGATION  | FUNCTION   | Number for October 2014 | Number for October 2015 |
|---|--|-------------------------|-------------------------|
| Planning and Environment Act 1987<br><br>Telecommunications Act 1997<br>Subdivision Act 1988<br>Gaming Control Act 1991 | - Delegated decisions  | 201                     | 145                     |
|   | - Strategic Planning Decisions                               | 2                       | Nil                     |
|   |  | Nil                     | Nil                     |
|   |  | 37                      | 34                      |
|   |  | Nil                     | Nil                     |
| Building Act 1993   | Dispensations & applications to Building Control Commission  | 63                      | 65                      |
| Liquor Control Reform Act 1998  | Objections and prosecutions                                  | Nil                     | 1                       |
| Food Act 1984   | - Food Act orders  | Nil                     | 2                       |
| Public Health & Wellbeing Act 2008  | - Improvement / prohibition notices                          | Nil                     | 1                       |
| Local Government Act 1989   | Temporary road closures                                      | 3                       | 2                       |
| Other delegations   | CEO signed contracts between \$150,000 - \$500,000           | 2                       | 4                       |
|   | Property Sales and leases                                    | 7                       | 3                       |
|   | Documents to which Council seal affixed                      | 1                       | 1                       |
|   | Vendor Payments  | 471                     | 1159                    |
|   | Parking Amendments   | 1                       | 6                       |
|   | Parking Infringements written off (not able to be collected) | 191                     | 372                     |

\*The number is very high due to exempting matters sitting at Infringements Court in order to maintain system

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS OCTOBER 2015**

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

| Appl. No. | Dec. Date | Decision                          | Street Address                    | Ward       | Proposed Use or Development  | Application Type   |
|-----------|-----------|-----------------------------------|-----------------------------------|------------|--|--------------------|
| 407       | 06-10-15  | Application Lapsed                | 30 Canterbury Rd, Blackburn South | Central    | Construction of two double storey dwellings  | Multiple Dwellings |
| 522       | 05-10-15  | Application Lapsed                | 385 Burwood Hwy, Burwood          | Riversdale | Construction of a five storey residential apartment building (plus rooftop terrace and basement car park), and associated reduction of the visitor car parking requirements and alteration of access to a road in a Road Zone Category 1                 | Multiple Dwellings |
| 1         | 27-10-15  | Delegate Approval - S72 Amendment | 2 Joan Cres, Burwood East         | Morack     | Amendment Planning Permit WH/2009/1 (Issued for the construction of a two-storey dwelling to the rear of an existing dwelling) for the construction of a storeroom and roofed deck to the side of Dwelling 2 and modifications to the front fence design | Permit Amendment   |
| 78        | 30-10-15  | Delegate Approval - S72 Amendment | 1/175 Highbury Rd, Burwood        | Riversdale | Construction of two dwellings, comprising a new two storey dwelling to the rear of the existing dwelling   | Permit Amendment   |
| 95        | 09-10-15  | Delegate Approval - S72 Amendment | 126 Fulton Rd, Blackburn South    | Riversdale | Amendment to Planning Permit WH/2015/95 (issued for the use of the land for an indoor recreation facility (dance studio) and associated reduction in car parking) to increase the hours of operation   | Permit Amendment   |
| 110       | 09-10-15  | Delegate Approval - S72 Amendment | 14 Ovens St, Box Hill North       | Elgar      | Amendment to plans to alter retaining wall heights   | Permit Amendment   |

| Appl. No. | Dec. Date | Decision                          | Street Address                        | Ward        | Proposed Use or Development   | Application Type |
|-----------|-----------|-----------------------------------|---------------------------------------|-------------|---|------------------|
| 119       | 30-10-15  | Delegate Approval - S72 Amendment | 73 Junction Rd, Nunawading            | Springfield | Construction of one (1) double storey dwelling at the rear of the existing dwelling   | Permit Amendment |
| 143       | 30-10-15  | Delegate Approval - S72 Amendment | 12 Little St, Box Hill South          | Riversdale  | Amendment to Planning Permit WH/2012/143 (Issued for construction of one (1) double storey dwelling to the rear of the existing dwelling) for modifications to the approved layout.           | Permit Amendment |
| 257       | 22-10-15  | Delegate Approval - S72 Amendment | 29 Gerald St, Blackburn               | Springfield | Amendment to Planning Permit WH/2014/257 (issued for construction of a double storey dwelling and tree removal) to construct a shed in the rear yard  | Permit Amendment |
| 340       | 08-10-15  | Delegate Approval - S72 Amendment | 431 Station St, Box Hill              | Elgar       | Construction of two (2) double storey dwellings   | Permit Amendment |
| 354       | 29-10-15  | Delegate Approval - S72 Amendment | 58 Eley Rd, Burwood                   | Riversdale  | Construction of a new double storey dwelling to the rear of the existing dwelling   | Permit Amendment |
| 377       | 20-10-15  | Delegate Approval - S72 Amendment | 36 Second Ave, Box Hill North         | Elgar       | Amendment to Planning Permit WH/2014/377 (Issued for alterations and additions to existing dwelling and construction of one (1) single storey dwelling to the rear) for the removal of Tree 3 | Permit Amendment |
| 415       | 30-10-15  | Delegate Approval - S72 Amendment | 22 Cherry Orchard Rise Box Hill North | Elgar       | Construction of a double storey dwelling at the rear of the existing dwelling   | Permit Amendment |

| Appl. No. | Dec. Date | Decision                          | Street Address                     | Ward        | Proposed Use or Development   | Application Type |
|-----------|-----------|-----------------------------------|------------------------------------|-------------|---|------------------|
| 461       | 15-10-15  | Delegate Approval - S72 Amendment | 12 Flinders St, Mitcham            | Springfield | Amendment to Planning Permit WH/2008/461 (Issued for the Construction of a single storey dwelling to the rear of the existing dwelling) to amend the landscaping design and modifications to the front fence and internal fencing   | Permit Amendment |
| 505       | 29-10-15  | Delegate Approval - S72 Amendment | 45 Orchard Cres, Mont Albert North | Elgar       | Construction of eight new dwellings, comprising six double storey and two triple storey dwellings   | Permit Amendment |
| 535       | 30-10-15  | Delegate Approval - S72 Amendment | 1 East India Ave, Nunawading       | Springfield | Amendment to Planning Permit WH/2009/535 (issued for construction of a double storey dwelling to the rear of a two bedroom dwelling) to add an ensuite to the existing dwelling built to the east boundary  | Permit Amendment |
| 570       | 27-10-15  | Delegate Approval - S72 Amendment | 22 Forster St, Mitcham             | Springfield | Amendment to endorsed plan to permit WH/2013/570 (Issued for the Development of the land for four (4) dwellings comprising three (3) double storey dwellings and one (1) single storey dwelling) to remove the northern window to Bedroom 2 of Unit 3, modify the western windows to Bedroom 2 of both Unit 2 and Unit 3 and modification to the location of the mail box and electrical meter. | Permit Amendment |
| 669       | 29-10-15  | Delegate Approval - S72 Amendment | 4 Shady Grv, Nunawading            | Springfield | Construction of five double storey dwellings  | Permit Amendment |

| Appl. No. | Dec. Date | Decision                          | Street Address                    | Ward        | Proposed Use or Development  | Application Type |
|-----------|-----------|-----------------------------------|-----------------------------------|-------------|--|------------------|
| 737       | 08-10-15  | Delegate Approval - S72 Amendment | 116 Brunswick Rd, Mitcham         | Springfield | Amendment to Planning Permit WH/2014/737 (Issued for the construction three double storey dwellings) for minor internal changes to Dwelling 3, changes to external features of the approved development and the addition of a roller door to the garage of Dwelling 1.     | Permit Amendment |
| 765       | 30-10-15  | Delegate Approval - S72 Amendment | 5 Rodgerson Rd, Box Hill          | Elgar       | Amendment to Planning Permit WH/2012/765/A (Issued for: Construction of a part 7, part 6 storey residential apartment building with two levels of basement comprising dwellings) for the addition of a basement level and modifications to the approved design and siting. | Permit Amendment |
| 776       | 27-10-15  | Delegate Approval - S72 Amendment | 78 Watts St, Box Hill North       | Elgar       | Construction of two (2) double storey dwellings  | Permit Amendment |
| 869       | 22-10-15  | Delegate Approval - S72 Amendment | 1 Edith Ave, Nunawading           | Springfield | Construction two double storey dwellings   | Permit Amendment |
| 873       | 15-10-15  | Delegate Approval - S72 Amendment | 7 Shawlands Ave, Blackburn South  | Central     | Construction of two double storey dwellings  | Permit Amendment |
| 916       | 07-10-15  | Delegate Approval - S72 Amendment | 17 Orloff Crt, Burwood East       | Riversdale  | Amendment to Planning Permit WH/2011/916 (issued for the construction of two double storey dwellings) for first floor addition to Dwelling 2   | Permit Amendment |
| 1266      | 21-10-15  | Delegate Approval - S72 Amendment | 78 Middleborough Rd, Burwood East | Riversdale  | Earthworks and removal of trees  | Permit Amendment |

| Appl. No. | Dec. Date | Decision                     | Street Address                  | Ward        | Proposed Use or Development  | Application Type        |
|-----------|-----------|------------------------------|---------------------------------|-------------|--|-------------------------|
| 158       | 30-10-15  | Delegate NOD - S72 Amendment | 19 Luckie St, Nunawading        | Springfield | Amendment to Planning Permit WH/2013/158 (issued for the construction of three double storey dwellings) with changes including: increase to the gross floor area of units 2 and 3, internal reconfigurations to units 1 and 2, alterations to the number and location of windows to all units, and alteration of eaves of all units. | Permit Amendment        |
| 26        | 20-10-15  | Delegate NOD Issued          | 98 Fulton Rd, Blackburn South   | Riversdale  | Construction of two (2) double storey dwellings and a two (2) lot subdivision  | Multiple Dwellings      |
| 75        | 27-10-15  | Delegate NOD Issued          | 37 Neville St, Box Hill South   | Riversdale  | Construction of two double storey dwellings and subdivision  | Multiple Dwellings      |
| 77        | 20-10-15  | Delegate NOD Issued          | 465 Burwood Hwy, Vermont South  | Morack      | Use & development of a child care centre, reduction in the standard car parking requirement & alteration of access to a road in Road Zone, Category 1  | Child Care Centre       |
| 109       | 29-10-15  | Delegate NOD Issued          | 129 Burwood Hwy, Burwood        | Riversdale  | Construction of a three storey building including seven dwellings and reduction in car parking requirements  | Multiple Dwellings      |
| 199       | 08-10-15  | Delegate NOD Issued          | 53 Surrey Rd, Blackburn North   | Central     | Construction of two (2) double storey dwellings and alterations to access to a road in a Road Zone, Category 1.  | Multiple Dwellings      |
| 216       | 30-10-15  | Delegate NOD Issued          | 25 Wolseley Cres, Blackburn     | Central     | Building and works to construct a second storey extension  | Special Landscape Area  |
| 218       | 22-10-15  | Delegate NOD Issued          | 2/10 Wilton St, Blackburn North | Central     | Additions to existing dwelling including a verandah and a storage shed towards the rear  | Single Dwelling < 300m2 |

| Appl. No. | Dec. Date | Decision               | Street Address                         | Ward        | Proposed Use or Development   | Application Type    |
|-----------|-----------|------------------------|--|-------------|---|---------------------|
| 219       | 27-10-15  | Delegate<br>NOD Issued | 65 Severn St,<br>Box Hill North        | Elgar       | Construction of a three (3) storey building comprising six (6) dwellings  | Multiple Dwellings  |
| 244       | 30-10-15  | Delegate<br>NOD Issued | 1 Lulworth St,<br>Blackburn North      | Central     | Construction of two double storey semi-detached dwellings   | Multiple Dwellings  |
| 250       | 08-10-15  | Delegate<br>NOD Issued | 28 Rose St, Box Hill                   | Elgar       | Construction of two (2) double storey dwellings   | Multiple Dwellings  |
| 315       | 27-10-15  | Delegate<br>NOD Issued | 11 Medway St,<br>Box Hill North        | Elgar       | Construction of three double dwellings  | Multiple Dwellings  |
| 338       | 27-10-15  | Delegate<br>NOD Issued | 33 Katrina St,<br>Blackburn North      | Central     | Construction of one double storey dwelling to the rear of the existing dwelling   | Multiple Dwellings  |
| 339       | 29-10-15  | Delegate<br>NOD Issued | 903-905<br>Canterbury Rd,<br>Box Hill  | Elgar       | Construction of part 2 part 3 storey building comprising 10 dwellings, including a basement, and alteration of access to a Road Zone Category 1 | Multiple Dwellings  |
| 350       | 27-10-15  | Delegate<br>NOD Issued | 10 Queen St,<br>Blackburn              | Central     | Construction of a five storey apartment building comprising 51 dwellings a reduction of the visitor parking requirements of Clause 52.06        | Multiple Dwellings  |
| 359       | 30-10-15  | Delegate<br>NOD Issued | 6 James Ave,<br>Mitcham                | Springfield | Construction of two double storey dwellings   | Multiple Dwellings  |
| 376       | 12-10-15  | Delegate<br>NOD Issued | 32 Dunloe Ave,<br>Mont Albert<br>North | Elgar       | Construction of two double storey dwellings   | Multiple Dwellings  |
| 416       | 13-10-15  | Delegate<br>NOD Issued | 16 Dunlavin Rd,<br>Nunawading          | Springfield | Construction of two (2) double storey dwellings   | Multiple Dwellings  |
| 422       | 27-10-15  | Delegate<br>NOD Issued | 21 Deep Creek Rd,<br>Mitcham           | Springfield | Construction of two (2) double storey dwellings   | Multiple Dwellings  |
| 500       | 20-10-15  | Delegate<br>NOD Issued | 39 Salisbury Ave,<br>Blackburn         | Central     | Construction of two (2) double storey dwellings   | Multiple Dwellings  |
| 588       | 08-10-15  | Delegate<br>NOD Issued | 37 Fowler St,<br>Box Hill South        | Riversdale  | Construction of five double storey dwellings  | Multiple Dwellings  |
| 672       | 30-10-15  | Delegate<br>NOD Issued | 22 Gracehill Ave,<br>Burwood           | Riversdale  | Buildings and works for three storey extension to the existing dwelling   | Residential (Other) |
| 719       | 08-10-15  | Delegate<br>NOD Issued | 55 Dorking Rd,<br>Box Hill             | Elgar       | Construction of three double storey dwellings   | Multiple Dwellings  |

| Appl. No. | Dec. Date | Decision               | Street Address                    | Ward        | Proposed Use or Development   | Application Type       |
|-----------|-----------|------------------------|-----------------------------------|-------------|---|------------------------|
| 820       | 30-10-15  | Delegate NOD Issued    | 15 Wilton St, Blackburn North     | Central     | Construction of two dwellings comprising of a double storey dwelling to the rear of the existing dwelling   | Multiple Dwellings     |
| 932       | 08-10-15  | Delegate NOD Issued    | 948 Canterbury Rd, Box Hill South | Riversdale  | Building and works to construct four double storey dwellings and alteration of access to a Road Zone, Category 1 and building and works (accessway) within a Public Acquisition Overlay | Multiple Dwellings     |
| 964       | 29-10-15  | Delegate NOD Issued    | 639 Canterbury Rd, Vermont        | Springfield | Construction of five dwellings including four double storey and one single storey and alteration of access to a road in a Road Zone (Category 1)  | Multiple Dwellings     |
| 975       | 08-10-15  | Delegate NOD Issued    | 8 Bruce St, Mitcham               | Springfield | Demolition of existing dwelling and outbuilding in a Heritage Overlay   | Heritage               |
| 1268      | 29-10-15  | Delegate NOD Issued    | 58 Nelson Rd, Box Hill North      | Elgar       | Use and development of land for a medical centre, reduction of standard car parking requirement and display of advertising signs  | Residential (Other)    |
| 50        | 27-10-15  | Delegate Permit Issued | 2 Howard St, Mitcham              | Springfield | Development of the land for two dwellings (comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling)                                  | Multiple Dwellings     |
| 74        | 23-10-15  | Delegate Permit Issued | 207 Central Rd, Nunawading        | Springfield | Buildings and works for construction of a double storey dwelling and tree removal   | Special Landscape Area |
| 81        | 07-10-15  | Delegate Permit Issued | 37 Saxton St, Box Hill North      | Elgar       | Construction of two double storey dwellings   | Multiple Dwellings     |
| 180       | 22-10-15  | Delegate Permit Issued | 66 Raleigh St, Forest Hill        | Central     | Construction of two double storey dwellings   | Multiple Dwellings     |

| Appl. No. | Dec. Date | Decision               | Street Address                 | Ward        | Proposed Use or Development   | Application Type   |
|-----------|-----------|------------------------|--------------------------------|-------------|---|--------------------|
| 191       | 22-10-15  | Delegate Permit Issued | 6 Gee Ct, Nunawading           | Springfield | 6 lot subdivision   | Subdivision        |
| 201       | 16-10-15  | Delegate Permit Issued | Shop 3/339 Mitcham Rd, Mitcham | Springfield | Buildings and works, use of land to sell and consume liquor and a reduction in the standard carparking requirements (associated with the use of land for restaurant)                                | Business           |
| 296       | 22-10-15  | Delegate Permit Issued | 5 Valency Crt, Mitcham         | Springfield | Amendment to Planning Permit WH/2014/296 (Construction of two dwellings, comprising of a double storey dwelling at the rear of the existing dwelling) to construct a deck and an additional bedroom | Permit Amendment   |
| 300       | 30-10-15  | Delegate Permit Issued | 150 Station St, Box Hill South | Riversdale  | Construction of two (2) double storey dwellings and creation of access to a road in a Road Zone, Category 1   | Multiple Dwellings |
| 301       | 07-10-15  | Delegate Permit Issued | 47 Nicholson St, Nunawading    | Springfield | Construction of two double storey dwellings   | Multiple Dwellings |
| 317       | 22-10-15  | Delegate Permit Issued | 1 Hampshire Rd, Forest Hill    | Morack      | Construction of two double storey dwellings   | Multiple Dwellings |
| 360       | 27-10-15  | Delegate Permit Issued | 50 Nicholson St, Nunawading    | Springfield | Construction of two double storey dwellings and two lot subdivision   | Multiple Dwellings |
| 381       | 26-10-15  | Delegate Permit Issued | 23 Whitehorse Rd, Blackburn    | Central     | 2 lot subdivision   | Subdivision        |
| 384       | 22-10-15  | Delegate Permit Issued | 16 Karen St, Box Hill North    | Elgar       | Development of the land for two (2) dwellings comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling  | Multiple Dwellings |

| Appl. No. | Dec. Date | Decision               | Street Address                       | Ward        | Proposed Use or Development  | Application Type       |
|-----------|-----------|------------------------|--------------------------------------|-------------|--|------------------------|
| 421       | 22-10-15  | Delegate Permit Issued | 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       | Multiple Dwellings     |
| 469       | 19-10-15  | Delegate Permit Issued | 4 Milford Ave, Burwood               | Riversdale  | 10 lot subdivision   | Subdivision            |
| 472       | 22-10-15  | Delegate Permit Issued | 487-503 Springvale Rd, Vermont South | Morack      | Buildings and works for construction of a two storey building associated with an existing secondary school                                 | Education              |
| 476       | 22-10-15  | Delegate Permit Issued | 270 Canterbury Rd, Forest Hill       | Central     | Use of land to sell and consume liquor, display of advertising signage and wavier of the standard car parking requirement for a restaurant | Business               |
| 490       | 13-10-15  | Delegate Permit Issued | 347-351 Burwood Hwy, Forest Hill     | Morack      | Use and development for a Childcare Centre   | Child Care Centre      |
| 501       | 13-10-15  | Delegate Permit Issued | 1A Moritz St, Box Hill South         | Riversdale  | Construction of a deck   | Residential (Other)    |
| 527       | 15-10-15  | Delegate Permit Issued | 7/696 Canterbury Rd, Vermont         | Morack      | Buildings and works to extend a dwelling on a lot less than 300sqm to include a first floor component                                      | Residential (Other)    |
| 540       | 22-10-15  | Delegate Permit Issued | 34-36 Alfred St, Blackburn           | Central     | Use of land for motor vehicle sales and variation of the requirements of Clause 52.14  | Industrial             |
| 590       | 27-10-15  | Delegate Permit Issued | 1/17 Dalmor Ave, Mitcham             | Springfield | Construction of buildings and works to extend a dwelling, on a lot of less than 300m2 in SLO6  | Special Landscape Area |
| 612       | 15-10-15  | Delegate Permit Issued | 171 Whitehorse Rd, Blackburn         | Central     | Buildings and works comprising the construction of decking and gazebos and a reduction in the car parking requirements of Clause 52.06     | Business               |

| Appl. No. | Dec. Date | Decision               | Street Address                         | Ward        | Proposed Use or Development   | Application Type              |
|-----------|-----------|------------------------|--|-------------|---|-------------------------------|
| 657       | 22-10-15  | Delegate Permit Issued | 106-112 Canterbury Rd, Blackburn South | Central     | Use of land for the sale and consumption of liquor and reduction in the standard car parking rate | Business                      |
| 700       | 22-10-15  | Delegate Permit Issued | 1/8 Via Media Box Hill                 | Elgar       | Extension to an existing dwelling over common property for a deck canopy                          | Single Dwelling < 300m2       |
| 702       | 29-10-15  | Delegate Permit Issued | 44 Barkly Trc, Mitcham                 | Springfield | Addition of a verandah to an existing dwelling  | Single Dwelling < 300m2       |
| 705       | 27-10-15  | Delegate Permit Issued | 741 Whitehorse Rd, Mont Albert         | Elgar       | Display of signage  | Advertising Sign              |
| 712       | 30-10-15  | Delegate Permit Issued | 28 Trafalgar St, Mont Albert           | Elgar       | Externally alter a building in a Heritage Overlay   | Heritage                      |
| 720       | 15-10-15  | Delegate Permit Issued | 10 Grey St, Vermont                    | Springfield | Removal of vegetation within a Significant Landscape Overlay                                      | Special Landscape Area        |
| 730       | 20-10-15  | Delegate Permit Issued | 25 Lalwa St, Blackburn                 | Central     | Building and works for a single storey extension and carport to the existing dwelling             | Special Landscape Area        |
| 737       | 26-10-15  | Delegate Permit Issued | 64-64A Lexton Rd, Box Hill North       | Elgar       | Building and works and signage  | Industrial                    |
| 763       | 30-10-15  | Delegate Permit Issued | 11 Corrigan St, Burwood                | Riversdale  | Extension to existing dwelling (including deck and verandah)                                      | Residential (Other)           |
| 774       | 22-10-15  | Delegate Permit Issued | 28 Heatherdale Rd, Mitcham             | Springfield | 3 lot subdivision   | Subdivision                   |
| 788       | 30-10-15  | Delegate Permit Issued | 9/3 Orient Ave, Mitcham                | Springfield | Extension of existing dwelling (carport) over common property and on a lot less than 300m2        | Vegetation Protection Overlay |
| 792       | 30-10-15  | Delegate Permit Issued | 2/14 Canora St, Blackburn South        | Central     | Construction of a verandah  | Residential (Other)           |
| 799       | 29-10-15  | Delegate Permit Issued | 21 Eley Rd, Blackburn South            | Riversdale  | 2 lot subdivision   | Subdivision                   |
| 804       | 22-10-15  | Delegate Permit Issued | 33 McClares Rd, Vermont                | Morack      | 4 lot subdivision   | Subdivision                   |
| 809       | 22-10-15  | Delegate Permit Issued | 117 Albion Rd, Box Hill                | Elgar       | 4 lot subdivision   | Subdivision                   |
| 814       | 22-10-15  | Delegate Permit Issued | 504 Canterbury Rd, Forest Hill         | Morack      | Display of signage  | Advertising Sign              |

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|-----------|-----------|------------------------|-------------------------------------|-------------|--|--------------------------------|
| 822       | 22-10-15  | Delegate Permit Issued | 17 Barry Rd, Burwood East           | Morack      | 3 lot subdivision  | Subdivision                    |
| 825       | 26-10-15  | Delegate Permit Issued | 10 Lyndoch St, Box Hill South       | Riversdale  | Two lot subdivision and partial removal of easement  | Subdivision                    |
| 830       | 27-10-15  | Delegate Permit Issued | 5A The Ave, Blackburn               | Central     | Buildings and works for the addition of a spa and a lift to the existing double storey dwelling within a Significant Landscape Overlay | Special Landscape Area         |
| 838       | 15-10-15  | Delegate Permit Issued | 60-68 Junction Rd, Blackburn North  | Central     | Building and works for an existing Place of Worship  | Residential (Other)            |
| 842       | 30-10-15  | Delegate Permit Issued | 251-257 Canterbury Rd, Forest Hill  | Springfield | 81 lot subdivision   | Subdivision                    |
| 845       | 27-10-15  | Delegate Permit Issued | 18 Rosalind Cres, Blackburn         | Central     | Removal of one (1) tree within a Significant Landscape Overlay   | Special Landscape Area         |
| 848       | 12-10-15  | Delegate Permit Issued | 347-351 Burwood Hwy, Forest Hill    | Morack      | Minor external works - vents and heat exchange unit  | VicSmart - General Application |
| 852       | 06-10-15  | Delegate Permit Issued | 7 Masons Rd, Blackburn              | Central     | Removal of one (1) tree in the Significant Landscape Overlay   | VicSmart - General Application |
| 854       | 22-10-15  | Delegate Permit Issued | 16 Sussex St, Blackburn North       | Central     | 2 lot subdivision  | Subdivision                    |
| 868       | 12-10-15  | Delegate Permit Issued | 1 Collier Crt, Burwood              | Riversdale  | Buildings and works associated with an extension to a dwelling within a Special Building Overlay                                       | VicSmart - General Application |
| 883       | 22-10-15  | Delegate Permit Issued | 15 Leopold Cres, Mont Albert        | Elgar       | 2 lot subdivision  | Subdivision                    |
| 895       | 26-10-15  | Delegate Permit Issued | 240 Elgar Rd, Box Hill South        | Riversdale  | 2 lot subdivision  | Subdivision                    |
| 897       | 26-10-15  | Delegate Permit Issued | 69A Hawthorn Rd, Forest Hill        | Central     | 2 lot subdivision  | Subdivision                    |
| 898       | 28-10-15  | Delegate Permit Issued | 2/53 Lyndhurst Cres, Box Hill North | Elgar       | 2 lot subdivision  | Subdivision                    |
| 901       | 30-10-15  | Delegate Permit Issued | 48 Hamel St, Box Hill South         | Riversdale  | 5 lot subdivision  | Subdivision                    |
| 904       | 26-10-15  | Delegate Permit Issued | 11 Anthony Cres, Box Hill North     | Elgar       | 2 lot subdivision  | Subdivision                    |
| 905       | 28-10-15  | Delegate Permit Issued | 4-4A Lynne Crt, Nunawading          | Springfield | 2 lot subdivision  | Subdivision                    |

| Appl. No. | Dec. Date | Decision                | Street Address                       | Ward        | Proposed Use or Development  | Application Type    |
|-----------|-----------|-------------------------|--------------------------------------|-------------|--|---------------------|
| 919       | 26-10-15  | Delegate Permit Issued  | 431 Station St, Box Hill             | Elgar       | 2 lot subdivision  | Subdivision         |
| 922       | 26-10-15  | Delegate Permit Issued  | 133 Middleborough Rd, Box Hill South | Riversdale  | 2 lot subdivision  | Subdivision         |
| 929       | 15-10-15  | Delegate Permit Issued  | 241 Warrigal Rd, Burwood             | Riversdale  | Extension of four dwellings on a lot and alteration of access to a road in a Road Zone (Category 1)  | Residential (Other) |
| 933       | 26-10-15  | Delegate Permit Issued  | 117 Rooks Rd, Nunawading             | Springfield | 2 lot subdivision  | Subdivision         |
| 943       | 26-10-15  | Delegate Permit Issued  | 43 Great Western Drv, Vermont South  | Morack      | 2 lot subdivision  | Subdivision         |
| 949       | 28-10-15  | Delegate Permit Issued  | 59 Springfield Rd, Box Hill North    | Elgar       | 2 lot subdivision  | Subdivision         |
| 958       | 29-10-15  | Delegate Permit Issued  | 23 Faulkner St, Blackburn South      | Central     | 2 lot subdivision  | Subdivision         |
| 962       | 30-10-15  | Delegate Permit Issued  | 32 Loudon Rd, Burwood                | Riversdale  | 3 lot subdivision  | Subdivision         |
| 963       | 30-10-15  | Delegate Permit Issued  | 7 Gillard St, Burwood                | Riversdale  | 2 lot subdivision  | Subdivision         |
| 1075      | 20-10-15  | Delegate Permit Issued  | 219-223 Burwood Hwy, Burwood East    | Morack      | Removal of easement  | Other               |
| 1114      | 23-10-15  | Delegate Permit Issued  | 6 Beddows St, Burwood                | Riversdale  | Construction of two double storey dwellings  | Multiple Dwellings  |
| 1138      | 01-10-15  | Delegate Permit Issued  | 451 Highbury Rd, Burwood East        | Riversdale  | Construction of two (2) double storey dwellings  | Multiple Dwellings  |
| 1169      | 15-10-15  | Delegate Permit Issued  | 33 Peter St, Box Hill North          | Elgar       | Construction of four (4) double storey dwellings   | Multiple Dwellings  |
| 1238      | 15-10-15  | Delegate Permit Issued  | 16 Gibson St, Box Hill South         | Riversdale  | Construction of two (2) double storey dwellings  | Multiple Dwellings  |
| 63        | 30-10-15  | Delegate Refusal Issued | 47 Benwerrin Drv, Burwood East       | Riversdale  | Buildings and works to construct a three storey building including two shops, two dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirements | Multiple Dwellings  |
| 100       | 27-10-15  | Delegate Refusal Issued | 15 Richmond St, Blackburn South      | Riversdale  | Construction of two double storey dwellings  | Multiple Dwellings  |

| Appl. No. | Dec. Date | Decision                | Street Address                      | Ward        | Proposed Use or Development   | Application Type   |
|-----------|-----------|-------------------------|-------------------------------------|-------------|---|--------------------|
| 150       | 27-10-15  | Delegate Refusal Issued | 5 Patricia St, Box Hill             | Elgar       | Partial demolition, alterations and additions to the existing dwelling and construction of a double storey to the rear of the existing dwelling   | Multiple Dwellings |
| 183       | 30-10-15  | Delegate Refusal Issued | 35 Springfield Rd, Box Hill North   | Elgar       | Construction of two (2) double storey dwellings   | Multiple Dwellings |
| 303       | 22-10-15  | Delegate Refusal Issued | 17 Betula Ave, Nunawading           | Springfield | Construction of two double storey dwellings   | Multiple Dwellings |
| 324       | 20-10-15  | Delegate Refusal Issued | 9 Glengarry Ave, Burwood            | Riversdale  | Construction of a double storey dwelling to the rear of the existing dwelling   | Multiple Dwellings |
| 346       | 09-10-15  | Delegate Refusal Issued | 199 Canterbury Rd, Blackburn        | Central     | Use and construction of a child care centre, vegetation removal and alteration of access to a Road Zone, Category 1                               | Child Care Centre  |
| 351       | 30-10-15  | Delegate Refusal Issued | 70 Rostrevor Pde, Mont Albert North | Elgar       | Construction of three double storey dwellings and buildings and works within a Special Building Overlay   | Multiple Dwellings |
| 493       | 13-10-15  | Delegate Refusal Issued | 748 Whitehorse Rd, Mitcham          | Springfield | Construction of a double storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling                            | Multiple Dwellings |
| 508       | 13-10-15  | Delegate Refusal Issued | 494 Elgar Rd, Box Hill North        | Elgar       | Construction of a 6 storey apartment building with basement, reduction in car parking and alteration of access to a Road Zone Category 1          | Multiple Dwellings |
| 521       | 30-10-15  | Delegate Refusal Issued | 10 Court St, Box Hill               | Elgar       | Construction of six double storey dwellings   | Multiple Dwellings |
| 577       | 27-10-15  | Delegate Refusal Issued | 99 Main St, Blackburn               | Central     | Development of land for a double storey dwelling at the rear of the existing and the removal of vegetation within a Significant Landscape Overlay | Multiple Dwellings |

| Appl. No. | Dec. Date | Decision                | Street Address                     | Ward        | Proposed Use or Development  | Application Type               |
|-----------|-----------|-------------------------|------------------------------------|-------------|--|--------------------------------|
| 592       | 23-10-15  | Delegate Refusal Issued | 18 Bridgeford Ave, Blackburn North | Central     | Construction of one (1) double storey dwelling to the rear of an existing dwelling   | Multiple Dwellings             |
| 660       | 30-10-15  | Delegate Refusal Issued | 447 Springfield Rd, Mitcham        | Springfield | Construction of two (2) double storey dwellings  | Multiple Dwellings             |
| 893       | 22-10-15  | Delegate Refusal Issued | 3 Benares St, Mitcham              | Springfield | Erection of a fence  | VicSmart - General Application |
| 1192      | 26-10-15  | Delegate Refusal Issued | 1 Middleborough Rd, Burwood        | Riversdale  | Construction of eleven dwellings including three double storey and eight triple storey dwellings, removal of easements and reduction in visitor car parking requirements | Multiple Dwellings             |
| 655       | 19-10-15  | No Permit Required      | 49 Joseph St, Blackburn North      | Central     | Vegetation removal in a Vegetation Protection Overlay-Schedule 1   | Vegetation Protection Overlay  |
| 40        | 23-10-15  | Withdrawn               | 78 Dorking Rd, Box Hill North      | Elgar       | Construction of three (3) double storey dwellings  | Multiple Dwellings             |
| 273       | 23-10-15  | Withdrawn               | 278 Burwood Hwy, Burwood           | Riversdale  | Construction of a four storey apartment building with ground floor non-residential space   | Multiple Dwellings             |
| 633       | 13-10-15  | Withdrawn               | 210 Burwood Hwy, Burwood           | Riversdale  | Construction of a four storey apartment building and alteration of access to a Road Zone Category 1  | Multiple Dwellings             |
| 658       | 30-10-15  | Withdrawn               | 27 Richmond St, Blackburn South    | Riversdale  | Construction of four double storey dwellings   | Multiple Dwellings             |
| 865       | 15-10-15  | Withdrawn               | 16 Black St, Mont Albert           | Elgar       | New front fence & gates. New pool and spa with associated fencing  | VicSmart - General Application |

**BUILDING DISPENSATIONS/APPLICATIONS OCTOBER 2015**

| Address  | Date                  | Ward       | Result                     |
|--|-----------------------|------------|----------------------------|
| 6 Iris Court, BLACKBURN NORTH  | 16-10-15              | Central    | Amendment Approved R424    |
| 91 Holland Road, BLACKBURN SOUTH   | 20-10-15              | Central    | Amendment Approved R409    |
| 103 Orchard Grove, BLACKBURN SOUTH   | 26-10-15              | Central    | Granted R409               |
| 11 Pakenham Street, BLACKBURN  | 07-10-15              | Central    | Granted R414               |
| 40 Jubilee Street, BLACKBURN   | 20-10-15              | Central    | Granted R415               |
| 42 Jeffery Street, BLACKBURN   | 27-10-15              | Central    | Granted R414               |
| 58 Canora Street, BLACKBURN SOUTH  | 27-10-15              | Central    | Granted R414               |
| 6 Mansfield Street, BLACKBURN SOUTH  | 28-10-15              | Central    | Granted R409, Refused R415 |
| 63 Gardenia Street, BLACKBURN  | 05-10-15              | Central    | Granted R420               |
| 4 Adina Street, BLACKBURN NORTH  | 13-10-15              | Central    | Refused R409               |
| 4 Vermont Street, BLACKBURN SOUTH  | 20-10-15              | Central    | Refused R409               |
| 37 Glen Ebor Avenue, BLACKBURN<br>(West & East Fence Refused, North Fence<br>Approved) | 26-10-15              | Central    | Decision Made R425         |
| 5 Monash Grove, BLACKBURN SOUTH  | 20-10-15              | Central    | Withdrawn R424             |
| 11 Taldra Street, BOX HILL NORTH   | 09-10-15              | Elgar      | Amendment Approved R409    |
| 80 Albion Road, BOX HILL   | 05-10-15              | Elgar      | Amendment Approved R414    |
| 10 Hannaslea Street, BOX HILL  | 28-10-15              | Elgar      | Granted R417               |
| 13 Rostrevor Parade, MONT ALBERT   | 22-10-15              | Elgar      | Granted R409               |
| 14 Marlborough Street, MONT ALBERT   | 09-10-15              | Elgar      | Granted R425               |
| 163 Dorking Road, BOX HILL NORTH   | 01-10-15              | Elgar      | Granted R417               |
| 19 Wellington Road, BOX HILL   | 29-10-15              | Elgar      | Granted R604               |
| 195 Dorking Road, BOX HILL NORTH   | 06-10-15              | Elgar      | Granted R414               |
| 31 Bundoran Parade, MONT ALBERT NORTH  | 19-10-15              | Elgar      | Granted R414               |
| 481 Middleborough Road, BOX HILL NORTH   | 30-10-15              | Elgar      | Granted R604               |
| 50 Victoria Crescent, MONT ALBERT  | 09-10-15              | Elgar      | Granted R409               |
| 6A Stanhope Street, MONT ALBERT  | 19-10-15              | Elgar      | Granted R411               |
| 8 Briggs Street, MONT ALBERT NORTH   | 28-10-15              | Elgar      | Granted R414               |
| 1/86 Shannon Street, BOX HILL NORTH  | 07-10-15              | Elgar      | Refused R424               |
| 195 Dorking Road, BOX HILL NORTH   | 06-10-15,<br>07-10-15 | Elgar      | Refused R416, R415         |
| 65 Mersey Street, BOX HILL NORTH   | 30-10-15              | Elgar      | Refused R409               |
| 39 Belgravia Avenue, MONT ALBERT NORTH   | 26-10-15              | Elgar      | Withdrawn R414             |
| 13 Tucker Road, VERMONT  | 05-10-15              | Morack     | Amendment Approved R409    |
| 3 Ida Court, VERMONT   | 09-10-15              | Morack     | Amendment Approved R409    |
| 2 Akrana Court, VERMONT SOUTH  | 07-10-15              | Morack     | Granted R420               |
| 35 Ranfurly Road, FOREST HILL  | 22-10-15              | Morack     | Granted R409               |
| 51 Sevenoaks Road, BURWOOD EAST  | 05-10-15              | Morack     | Granted R414               |
| 531 Springvale Road, VERMONT SOUTH   | 06-10-15              | Morack     | Granted R409               |
| 9 Lyell Walk, FOREST HILL  | 20-10-15              | Morack     | Granted R411               |
| 9 Wilkinson Street, BURWOOD EAST   | 07-10-15              | Morack     | Granted R424               |
| 35 Ranfurly Road, FOREST HILL  | 22-10-15              | Morack     | Refused R415               |
| 51 Sevenoaks Road, BURWOOD EAST  | 05-10-15              | Morack     | Refused R409               |
| 9 Trinian Street, VERMONT  | 27-10-15              | Morack     | Refused R409               |
| 13 Jenner Street, BLACKBURN SOUTH  | 20-10-15              | Riversdale | Amendment Approved R409    |
| 1157 Riversdale Road, BOX HILL SOUTH   | 06-10-15              | Riversdale | Granted R414               |
| 16 Oak Street, SURREY HILLS  | 19-10-15              | Riversdale | Granted R414               |
| 32 Samuel Road, BLACKBURN SOUTH  | 16-10-15              | Riversdale | Granted R409               |
| 34 Shepherd Street, SURREY HILLS   | 15-10-15              | Riversdale | Granted R420               |
| 75 Somers Street, BURWOOD  | 06-10-15              | Riversdale | Granted R424               |
| 2 Keogh Court, BOX HILL SOUTH  | 15-10-15              | Riversdale | Refused R409               |
| 32 Samuel Road, BLACKBURN SOUTH  | 28-10-15,<br>20-10-15 | Riversdale | Refused R417, R419         |
| 13 Rochdale Drive, BURWOOD EAST  | 07-10-15              | Riversdale | Withdrawn R410             |

| Address                          | Date     | Ward        | Result                  |
|----------------------------------|----------|-------------|-------------------------|
| 1 Karens Close, MITCHAM          | 05-10-15 | Springfield | Amendment Approved R409 |
| 2 Robyn Drive, NUNAWADING        | 09-10-15 | Springfield | Amendment Approved R409 |
| 20 Blue Hills Avenue, NUNAWADING | 09-10-15 | Springfield | Amendment Approved R409 |
| 10 Purches Street, MITCHAM       | 20-10-15 | Springfield | Granted R409            |
| 24 East India Avenue, NUNAWADING | 27-10-15 | Springfield | Granted R418            |
| 24 Mountainview Road, NUNAWADING | 13-10-15 | Springfield | Granted R425, R426      |
| 3 Churinga Avenue, MITCHAM       | 01-10-15 | Springfield | Granted R414            |
| 35 Barkly Terrace, MITCHAM       | 27-10-15 | Springfield | Granted R414            |
| 9 Zander Avenue, NUNAWADING      | 05-10-15 | Springfield | Granted R 409           |
| 24 Mountainview Road, NUNAWADING | 13-10-15 | Springfield | Refused R419            |
| 54 Esdale Street, NUNAWADING     | 28-10-15 | Springfield | Refused R409            |

**DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – OCTOBER 2015**  
*Under the Planning and Environment Act 1987*

Nil

**REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION OCTOBER 2015**

| Contract | Service  |
|----------|--|
| 14006    | York Street, Mont Albert Road Reconstruction   |
| 14067    | Supply and Installation of a Gross Pollutant Trap in Wood Street, Nunawading<br>Contract 15001 – Shopping Centre Streetscape |
| 15001    | Shopping Centre Streetscape Renewal – Jolimont Road Shops, Forest Hill and<br>Laburnum Village, Blackburn                    |
| 15009    | Road Assets Condition Survey   |

**REGISTER OF PROPERTY DOCUMENTS EXECUTED OCTOBER 2015**

| Property Address  | Document Type           | Document Detail   |
|---|-------------------------|---|
| <b>Licences</b>   |                         |   |
| 535-543 Station Street,<br>Box Hill - Dr Choo<br>Teong Yeoh | Licence Agreement       | City of Whitehorse as Licensee<br>(10 years expires 31/08/2025) |
| 8A Prospect Street, Box<br>Hill - Ace Parking Pty<br>Ltd    | Licence Agreement       | City of Whitehorse as Licensor<br>(1 year expires 30/11/2016)   |
| <b>Confidentiality<br/>Agreement</b>                        |                         |   |
| Cambridge Street Car<br>Park development<br>project         | Deed of Confidentiality | Laurie Tomaino - Charter Keck<br>Cramer                         |

**REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – OCTOBER 2015**

Instrument of Sub Delegation CEO to Staff (Council Resolution 06-10-15)

**PARKING RESTRICTIONS APPROVED BY DELEGATION OCTOBER 2015**

**Address:** **Sweetland Road, Box Hill:** from West boundary of 24 Sweetland to East boundary of 24 Sweetland Road – south side

**Previously:** 3 'Unrestricted' parking spaces

**Now:** 3 '¼-hour, 7am-10am & 3:30pm-6:30pm, Monday to Friday' parking spaces

**Address:** **Sinnott Street, Burwood:** from 5m south of northern boundary of 5 Sinnott Street to 27m north of northern boundary of 5 Sinnott Street – west side

**Previously:** 5 'Unrestricted' parking spaces

**Now:** 5 '2-Hour, 8am to 5pm, Monday to Friday' parking spaces

**Address:** **Koonung Road, Blackburn North:** from 30m north of Springfield Road to 50m north of Springfield Road – west side

**Previously:** 3 'No Stopping, 9.30am to 12.30pm, Sunday' parking spaces

**Now:** 1 'Bus Zone' parking space

**Address:** **Koonung Road, Blackburn North:** from 50m north of Springfield Road to 70m north of Springfield Road – west side

**Previously:** 3 'No Stopping, 9.30am to 12.30pm, Sunday' parking spaces

**Now:** 3 'No Stopping' parking spaces

**Address:** **Station Street, Box Hill South:** from 10m north of Foch Street to 15m north of Foch Street – east side

**Previously:** 1 '2-Hour, 9am to 5pm, Monday to Friday- parking space

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

**Address:** **Myrtle Grove, Blackburn:** from 10m north of Fuchsia Street to 16m north of Fuchsia Street – west side

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

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

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING OCTOBER 2015**

| <b>Date</b>               | <b>Total Issued</b> | <b>Payments (direct debit, cheques or electronic funds transfer)</b> | <b>Transaction Type EFT/CHQ/DD</b> |
|---------------------------|---------------------|--|------------------------------------|
| 01.10.15                  | \$1,639.20          | 6  | EFC                                |
| 01.10.15                  | \$59,536.49         | 34   | CHQ                                |
| 01.10.15                  | \$1,538,839.75      | 39   | EFT                                |
| 01.10.15                  | \$361.73            | 1  | CHQ                                |
| 08.10.15                  | \$6,727.14          | 7  | EFC                                |
| 08.10.15                  | \$20,100.63         | 25   | CHQ                                |
| 08.10.15                  | \$609,493.52        | 38   | EFT                                |
| 12.10.15                  | \$3,124.00          | 1  | EFT                                |
| 15.10.15                  | \$9,836.09          | 9  | EFC                                |
| 15.10.15                  | \$91,679.20         | 32   | CHQ                                |
| 15.10.15                  | \$2,168,208.57      | 374  | EFT                                |
| 16.10.15                  | \$38,438.98         | 2  | EFT                                |
| 16.10.15                  | \$5,300.00          | 1  | EFC                                |
| 22.10.15                  | \$17,368.53         | 9  | EFC                                |
| 22.10.15                  | \$100,429.76        | 52   | CHQ                                |
| 22.10.15                  | \$742,218.81        | 48   | EFT                                |
| 23.10.15                  | \$2,467.69          | 2  | EFT                                |
| 26.10.15                  | \$1,815.00          | 1  | EFT                                |
| 28.10.15                  | \$2,644,272.62      | 1  | EFT                                |
| 29.10.15                  | \$6,448.62          | 13   | EFC                                |
| 29.10.15                  | \$31,405.66         | 10   | EFT                                |
| 29.10.15                  | \$127,990.17        | 93   | CHQ                                |
| 29.10.15                  | \$3,227,258.00      | 361  | EFT                                |
| <b>Monthly Leases</b>     | \$30,000.00         |  | <b>DD</b>                          |
| <b>GROSS</b>              | \$11,484,960.16     | 1159   |                                    |
| <b>CANCELLED PAYMENTS</b> | -\$5,511.00         | -7   |                                    |
| <b>NETT</b>               | \$11,479,449.16     | 1152   |                                    |

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

**10.1 Reports by Delegates**

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

**RECOMMENDATION**

*That the record of Reports by delegates be received and noted.*

**10.2 Recommendations from the Special Committee of Council Meeting**

No Meeting Held

**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 |
|-----------------------------|---|--|---|-------------------------------------|---|
| 23 - 11-15<br>6.30 - 7.00pm | <b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda 23 November 2015</li> <li>• Item 9.1.1 1-3 Ruby Street, Burwood East</li> <li>• Item 9.3.3 Councillor Appointments to Organisation and Community Bodies</li> </ul> | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport<br>Cr Daw<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>S Freud<br>J Russell<br>A Bienvenu | Nil                                 | Nil   |
| 25 -11-15<br>7.30 - 9.30pm  | <b>City of Whitehorse Bicycle Advisory Committee</b> <ul style="list-style-type: none"> <li>• How are we working Together</li> <li>• Workshop Re: Cyclist Safety at</li> <li>• Traffic Management Devices</li> </ul>  | Cr Munroe  | I Goodes<br>L McGuinness  | Nil                                 | Nil   |

| Meeting Date                 | Matter/s Discussed  | Councillors Present  | Officers Present   | Disclosures of Conflict of Interest | Councillor /Officer attendance following disclosure |
|------------------------------|---|--|--|-------------------------------------|---|
| 30 - 11- 15<br>5.30 - 7.15pm | <b>Briefing RE: Consultation Process Whitehorse Centre</b>  | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Davenport – (arrived at 7.05pm)<br>Cr Daw<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe                | N Duff<br>J Green<br>T Wilkinson<br>B Morrison<br>S Pryce  | Nil                                 | Nil   |
| 7-12-15<br>4.00-5.50pm       | <b>Box Hill Activity Centre reference Group</b> <ul style="list-style-type: none"> <li>Buliding a Better Box Hill –Preliminary Business Case</li> </ul>   | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud  | J Green<br>P Smith<br>W Gerhard<br>D Vincent – Smith   | Nil                                 | Nil   |
| 7-12 -15<br>6.30 – 9.45pm    | <b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Preliminary Business Case Nunawading Community Hub</li> <li>Box Hill Affordable Housing Project</li> <li>Finance Report – October 2015</li> <li>Capital Works</li> <li>Draft Agenda 14 December 2015</li> </ul> | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport – (arrived at 9.20pm)<br>Cr Daw<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>K Marriott<br>A Egan<br>A Skraba<br>I Goodes<br>D Logan<br>D Seddon<br>J White<br>B Morrison<br>S Price<br>S McGrath<br>M Hassan<br>T Johnson<br>L Papageorgiou<br>M Giglio<br>T Peak | Nil                                 | Nil   |

**RECOMMENDATION**

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

**11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE**

**RECOMMENDATION**

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

**12 CONFIDENTIAL REPORTS**

**12.1 Business Case Nunawading Community Hub**

**12.2 Implementation of Whitehorse Open Space Strategy**

**12.3 City Whitehorse Australia Day 2016- Civic Awards**

**12.4 Council Owned Land Box Hill**

**12.5 Land In Burwood**

**13 CLOSE MEETING**