



City of Whitehorse

AGENDA

Ordinary Council Meeting

To be held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Monday 18 April 2016

at 7.00 p.m.

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

Ms Noelene Duff
Chief Executive Officer

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AGENDA

1 PRAYER

1a Prayer for Council

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

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

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

Amen.

1b Aboriginal Reconciliation Statement

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

2 WELCOME AND APOLOGIES

Cr Bennett has sought a Leave of Absence for the Special Council Meeting Proposed Draft Council Budget 2016-2017 27 April 2016

Cr Carr has sought a Leave of Absence for the Special Council Meeting Proposed Draft Council Budget 2016-2017 27 April 2016

RECOMMENDATION

That apologies from Councillors Bennett and Carr be received for the Special Council Meeting - Proposed Draft Council Budget 2016-2017 to be held on 27 April 2016 and that leave of absence be granted.

3 DISCLOSURE OF CONFLICT OF INTERESTS

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 21 March 2016

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 21 March 2016 having been circulated now be confirmed.

5 RESPONSES TO QUESTIONS

6 NOTICES OF MOTION

7 PETITIONS

8 URGENT BUSINESS

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Strategic Planning

9.1.1 Amendment C181 – Consideration of Panel Report

FILE NUMBER: SF15/459
ATTACHMENT

SUMMARY

This report discusses the recommendations of the Independent Panel that has assessed Amendment C181, which proposes to introduce Vegetation Protection Overlay Schedule 5 into the Whitehorse Planning Scheme and apply it across 31 private properties in the municipality. The report discusses the Panel report and recommends that Amendment C181 be adopted as exhibited, subject to the changes proposed by the Planning Panel.

RECOMMENDATION

That Council, being the Planning Authority, and having considered the Panel Report:

- A** ***Adopt Amendment C181 as exhibited, subject to the changes recommended by the Panel and two changes proposed by Council Officers at 2(d-e) and 3:***
- 1. Amend the Vegetation Protection Overlay maps to remove VPO5 from:***
 - 5 Merle Street, Blackburn North***
 - 103-107 Koonung Road, Blackburn North***
 - 4 Terrara Road, Vermont***
 - 114 Elgar Road, Box Hill South***
 - 2. Amend the Significant Tree Register to:***
 - a) Remove Tree Record Numbers 29, 62, 64, 68, 84 and 85.***
 - b) Correct the botanical name of Tree Record Number 32 to read 'Eucalyptus melliodora'.***
 - c) Revise the comments for Tree Record Number 66 under 'location' to state that the tree is located partly within a private property and partly on Council land and under 'comments' that a timber paling fence, brick piers, gates and driveway are within 4 metres of the tree.***
 - d) Revise the height for Tree Record Number 16.***
 - e) Revise Tree Record 63 to correctly identify the degree of significance as local.***
 - 3. Make consequential amendments to the Significant Tree Study.***
 - 4. Amend the Schedule to Clause 81.01 to incorporate the City of Whitehorse Significant Tree Study 2015.***
- B** ***Submit the adopted Amendment to the Minister for Planning for approval under the Planning and Environment Act 1987 with the appropriate fee.***
- C** ***Advise all submitters of all resolutions in relation to the Panel Report for the Amendment.***
-

BACKGROUND

As part of an ongoing program of protecting vegetation, Council commissioned Homewood Consulting to undertake a third phase of the Significant Tree Study in late 2014. A total of 89 nominations for a tree, or groups of trees, were assessed across 75 properties within the municipality.

9.1.1 (cont)

As a result of the inspections 38 trees were considered to meet one or more of the significance criteria and have been recommended for inclusion within the Significant Tree Register. The protection of vegetation through the Planning Scheme requires the preparation and exhibition of an amendment. In this instance a Vegetation Protection Overlay (VPO) is proposed to protect the trees.

At the Council Meeting on 22 June 2015 Council resolved to adopt the Significant Tree Study (Stage 3) and prepare and exhibit an amendment to the Planning Scheme to apply VPO5 to 31 private properties.

Exhibition of the amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition took place from Thursday 20 August 2015 until Friday 25 September 2015. Exhibition involved the direct notification of owners and occupiers of the 31 private properties proposed to be covered by the VPO and direct notification of surrounding owners and occupiers (approximately 470 letters in total). The notification of properties included a cover letter, the statutory notice of amendment and an information sheet explaining the proposed VPO controls.

During the exhibition period eleven (11) submissions were received, with ten (10) being received during the exhibition period and one (1) submission being received after the submission period. Nine (9) submissions were received from private landowners and the remaining two submissions were received from the Environment Protection Authority (EPA) and Melbourne Water. Six (6) submissions were in support of the Amendment and five (5) submissions were opposed.

At the Council Meeting on 23 November 2015 Council resolved to request an independent planning panel to consider the amendment and the submissions received to the amendment.

PANEL HEARING

The Panel held a Directions Hearing at the Whitehorse City Council Civic Centre on 17 December 2015. The Panel consisted of one panel member who also undertook unaccompanied site inspections of the trees proposed to be protected by the VPO. A number of directions were made at the Directions Hearing, which provided guidance for the conduct of the Panel Hearing.

The Panel Hearing was held on 21 January 2016 at the Whitehorse City Council Civic Centre. Council was represented by its Strategic Planner. The Panel considered all written submissions to the Amendment and the Panel heard from two submitters at the hearing.

Summary of Submissions to the Panel

Of the eleven (11) submissions to the exhibited Amendment, four (4) were concerned about the effects of 'significant' trees on their adjoining properties. These submitters did not challenge the strategic basis for the Amendment nor did they argue that the trees did not meet the criteria used to establish their significance. One submitter was concerned that the Tree Protection Zone would constrain extension plans for her property, however this tree (Tree Record 29, 5 Merle Street, Blackburn North) has since been removed. One adjoining property owner supported the Amendment but wished to see Tree Record 16 (7 Alern Court, Nunawading) revised to accurately record its height. Concerns from the two other adjoining property owners generally related to nuisance caused by leaf, bark and twig litter, potential hazards from falling branches and staining of paving from leaf mould. However, one of these submitters also made a verbal submission to the Panel regarding the extent to which the trees at 11 Patricia Street, Box Hill (Tree Records 71, 72 and 73) would constrain the development potential of his property.

The only submission from a property owner affected by the VPO5 requested minor changes to Tree Record 66 (33-35 George Road, Vermont South), which were supported by Council.

9.1.1 (cont)

Two of the adjoining property submitters noted above made presentations at the Panel Hearing. One submitter was generally in favour of the Amendment subject to some changes to strengthen controls regarding Tree Record 16 (7 Alern Court, Nunawading). The other submitter was concerned about the extent to which three significant Oak Trees at 11 Patricia Street, Box Hill (Tree Records 71, 72 and 73) would constrain the development potential of their lot.

DISCUSSION OF PANEL REPORT

The Panel Report from Planning Panels Victoria was received on 17 February 2016 and the report was released to the general public on 24 February 2016 in accordance with Council policy. This was done by advising all submitters to Amendment C181 that the report had been received and was available for viewing in person, on Council's website and by providing a full copy of the report to the submitters who presented at the hearing.

The Panel presented their findings under the following headings:

- Planning Context
- Effect of trees on adjoining properties
- Revisions to the Amendment and the Significant Tree Register
- Form of the Amendment

Having considered the written submissions together with those made to it at the Hearing, the Panel supported Amendment C181 as exhibited, subject to the revisions proposed by Council following exhibition, and made the following recommendations:

1. *Amend the Vegetation Protection Overlay maps to remove VPO5 from:*
 - 5 Merle Street, Blackburn North
 - 103-107 Koonung Road, Blackburn North
 - 4 Terrara Road, Vermont
 - 114 Elgar Road, Box Hill South
 - 90-100 Albion Road, Box Hill
2. *Amend the Significant Tree Register to:*
 - a) *Remove Tree Record Numbers 29, 62, 64, 68, 84 and 85.*
 - b) *Correct the botanical name of Tree Record Number 32 to read 'Eucalyptus melliodora'.*
 - c) *Revise the comments for Tree Record Number 66 under 'location' to state that the tree is located partly within a private property and partly on Council land and under 'comments' that a timber paling fence, brick piers, gates and driveway are within 4 metres of the tree.*
 - d) *Revise the height and tree girth statistics for Tree Record Number 16.*
3. *Amend the Schedule to Clause 81.01 to incorporate the City of Whitehorse Significant Tree Study 2015.*

The above recommendations are generally in accordance with changes suggested by Council Officers at the Panel Hearing, except that the Panel member has recommended that the VPO removed entirely from 90-100 Albion Road, Box Hill. Whilst two trees have been recommended for removal from the Significant Tree Register, there are still three trees (Tree Record Numbers 86, 87 and 88) that are considered significant and are recommended for protection by the VPO. The only additional change recommended by the Panel is at 2(d), which requires revision of the height and girth (DBH) statistics for Tree Record Number 16 (7 Alern Court, Nunawading).

Planning Context

The Panel concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks and has a sound strategic basis. It was also acknowledged that none of the submissions disputed the criteria within the Significant Tree Study 2015 nor was the significance of the trees challenged.

9.1.1 (cont)

Effect of trees on adjoining properties

The Panel noted that none of the submissions from adjoining property owners related to their significance when assessed against the criteria. Rather submitters from properties adjoining some of sites to be included within the VPO were concerned about tree maintenance/nuisance and constraint on future development.

In relation to submitters' concerns regarding maintenance of trees on adjoining lots, the Panel noted that the exemptions under the VPO allow for pruning and removal where trees are hazardous, dead or dying and pruning for regeneration or ornamental shaping or maintenance in accordance with an approved management program prepared by an arborist.

Additionally, the Panel concurred with Council's advice that no planning permit would be required to remove branches overhanging adjoining properties given the VPO will not apply to adjoining properties.

With specific reference to the Oak at 26 Baldwin Street (Tree Record 48) the submitter from the adjoining property raised concerns with the impact of diseased fallen leaves staining their paving. To address this concern the Panel suggested that Council consider re-inspecting the tree to ascertain whether it is diseased and what remedial action may be taken.

The consultant arborists (Homewood Consulting) are aware that Tree 48 has powdery mildew. They have advised that this fungal condition is a cosmetic problem only and the health of the tree has not been affected. In terms of remedial action their only recommendation at this stage would be to mulch the tree and possibly apply fungicides which may treat the problem. It is considered unnecessary for Council's Arborists to re-inspect this tree given they are already aware of the fungal disease and have made suggestions to address the problem. A letter will be sent to the owners of 26 Baldwin Street, Blackburn to encourage them to address powdery mildew on Tree 48.

The Panel addressed one submitter's concern that the protection of Trees on the adjoining property at 11 Patricia Street, Box Hill, would constrain the development potential of his property. They agreed with Council's advice that it is normal practice to assess any effect on trees on adjoining properties irrespective of whether they are included within a VPO. According to the Panel the TPZs and SRZs specified in the Significant Tree Register for these trees may actually assist this submitter in preparing plans to develop his property.

One submitter who was generally in support of the Amendment made a request to include his property within VPO5 given Tree 16 (7 Alern Court, Nunawading) partially overhangs his property. Council did not support this change on the basis that the same consideration would have to be given to other adjoining properties where there may be other large overhanging branches. Moreover, the Panel noted that this would 'transform' the Amendment as exhibited, and therefore is not an option available for their consideration.

Assistance with maintenance of significant trees

The Panel noted that the Significant Tree Study suggests Council:

Explores ways to assist private landowners in the maintenance and management of significant trees such as an annual grant system. This would reduce the maintenance burden on landowners and act as an incentive for retaining or nominating trees.

9.1.1 (cont)

The Panel supported this objective and encouraged Council to assist owners and neighbours in providing advice if requested on the maintenance of identified significant trees. Officers note that mechanisms to protect trees on private property, including incentives, will be explored in the development of the municipal-wide Tree Study currently being prepared. Additionally, Council already waives the fees associated with applications for tree removal and pruning on sites included within the VPO.

Revisions to the Amendment and the Significant Tree Register

Re-inspection of the Trees to be included within VPO5 post exhibition revealed that 4 trees had been removed at the following addresses:

- 5 Merle Street, Blackburn North (Tree Record 29)
- 103-107 Koonung Road, Blackburn North (Tree Record 62)
- 4 Terrara Road, Vermont (Tree Record 64)
- 114 Elgar Road, Box Hill South (Tree Record 68)

Upon re-inspection two further trees at 90-100 Albion Road, Box Hill (Tree Records 84 and 85) were no longer found to be significant. There are three other trees assessed on the site that are still worthy of being protected under the VPO (Tree Records 86, 87 and 88).

It was Council's submission to the Panel that all six trees (Tree Records, 29, 62, 64, 68, 84 and 85) be removed from the overlay and the Significant Tree Register. The Panel included this change at parts 1 and 2(a) of its recommendation. Council also submitted that Tree Record 32 for 34 Glen Valley Road, Forest Hill incorrectly identified the tree species when initially inspected and needs to be revised to read 'Eucalyptus melliodora'. The Panel included this change at part 2(b) of its recommendation.

Council submitted to the Panel that Tree Record 66 for 33-35 George Road, Vermont South be revised in accordance with the request of the relevant property owner. Specifically, this includes revising the comments under 'location' to state that the tree is located partly within private property and partly on Council land and under 'comments' that a paling fence, brick piers, gates and driveway are within 4 metres of the tree. The Panel included this change as part 2(c) of its recommendation.

One submitter who was generally in support of the Amendment requested that the height of the tree at 7 Alern Court, Nunawading (Tree Record 16) be correctly shown as 31 metres. At the Panel Hearing Council agreed that the height of the tree should be amended in accordance with the submitter's measurements. However, the Panel recommendation incorrectly requires both the height and the girth or diameter at breast height (DBH) to be amended as part 2(d) of their recommendations. Given the intention of the submitter was to ensure that only the height of tree within Tree Record 16 be corrected, the girth (DBH) of the tree does not need to be amended. Further, Council's Arborist confirms that the girth (DBH) of the tree was measured on site with a tape measure and is accurate on this basis.

Form of the Amendment

The Panel supported the use of the VPO to protect trees identified in this Study. They noted that the VPO is specifically designed to protect significant vegetation in an urban environment, including individual trees as proposed under this Amendment. More specifically, the Panel stated that the absence of permit triggers for buildings and works and subdivision of land under the VPO together with the exemptions in Schedule 5 will mean owners of significant trees are not overly burdened by these controls. Moreover, the Panel noted that including significant individual trees within VPOs is consistent with its application to those individual properties identified within Phases 1 and 2 of the Study. Council agrees with this assessment.

9.1.1 (cont)

Other proposed changes to the Amendment

Officers propose one further change to the amendment and amendment documentation prior to final adoption of the amendment. The citation for the tree at 8 Carlinga Drive, Vermont (Tree Record 63) has been amended to correctly identify the 'degree of significance' of the tree as 'local' rather than 'none'.

The Significant Tree Study, associated citations and the planning scheme mapping are being updated to reflect the changes recommended by the Panel and Council officers.

CONSULTATION

Exhibition of the amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition took place from 20 August to 25 September 2015 and involved the direct notification of owners and occupiers of the 31 private properties proposed to be covered by the VPO and to surrounding owners and occupiers.

During the exhibition period eleven (11) submissions were received, with ten (10) being received during the exhibition period and one (1) submission being received after the submission period. All submitters were provided an opportunity to be heard at the panel hearing and two (2) submitters presented to the Panel.

POLICY IMPLICATIONS

Following receipt of the Panel's report, the final planning scheme amendment documentation is proposed to be submitted to the Minister for Planning for approval and inclusion with the Whitehorse Planning Scheme.

FINANCIAL IMPLICATIONS

Council will be required to pay a fee of \$798 to the Department of Environment, Land, Water and Planning (DELWP) if it wishes to seek approval of the amendment.

Council must also consider the impact on resources of the ongoing, additional workload generated by the amendment, specifically the assessment of planning permit applications.

As the VPO5 is only proposed to be applied across 27 private properties, it is not expected that this will result in any significant increase in workload.

CONCLUSION

Amendment C181 (as exhibited) proposes to introduce Vegetation Protection Overlay Schedule 5 into the Whitehorse Planning Scheme and apply it across 31 private properties in the municipality. The Amendment was prepared and exhibited under the *Planning and Environment Act 1987*.

During the exhibition period Council received 11 submissions about the amendment and referred it to an independent Planning Panel for consideration.

The Panel convened for the Amendment has considered the Amendment process and documentation, and the submissions. The Panel Report recommends that Amendment C181 be adopted as exhibited, subject to a series of recommended changes. As a result of the changes VPO5 will only apply to 27 private properties within the municipality.

Council officers have assessed the Panel Report and recommendations. It is submitted that Amendment C181 be adopted as exhibited with the proposed changes.

Engineering & Environmental

9.1.2 Draft Whitehorse Cycling Strategy 2016

FILE NUMBER: SF07/76
ATTACHMENT

SUMMARY

The purpose of this report is to present the Draft Whitehorse Cycling Strategy 2016 for consideration and approval for placing on public exhibition.

The new Strategy has been developed following extensive community engagement and research. It identifies the infrastructure, education and advocacy actions for Council to consider implementing over the next ten years with a focus on increasing cycling by providing a safe, convenient and accessible network of cycling paths and routes.

RECOMMENDATION

That Council approve the Draft Whitehorse Cycling Strategy 2016 for public exhibition and invite public comment.

BACKGROUND

Cycling for transport, sport and recreation plays an important role in supporting a healthy, vibrant, inclusive and diverse community. As with all modes of transport or forms of recreation, the facilities and services supporting cycling have unique requirements. Appropriate, integrated and safe facilities and services are essential to encourage cycling and to minimise conflict between other road and path users.

Council is committed to providing a safe and enjoyable environment for all residents and visitors, including for those who wish to cycle. The Draft Whitehorse Cycling Strategy 2016 has been developed to guide Council decisions in implementing education, infrastructure and advocacy actions that aim to increase participation in cycling across the municipality whilst respecting the needs of others in the community.

Council's previous Whitehorse Bicycle Strategy was adopted in 2007. Since that time, cycling has developed and there have been changes to strategies, cycling planning approaches and policies by local, State and Federal Governments. Many of the infrastructure, education and advocacy actions in the 2007 Strategy have been completed, however a significant number of the actions were reliant on other authorities, outside the control of Council. The nature of cycling has also changed in this time with an increase in the use of various types of bicycles, such as electric bikes, tandems, hand cycling, bike trailers, recumbents and tag-a-longs. The Whitehorse Bicycle Strategy 2007 is due to expire providing Council the opportunity to review cycling priorities for the municipality and develop a new Strategy. The new Whitehorse Cycling Strategy 2016 is timely given the changed circumstances and the need to plan for cycling into the future.

DISCUSSION

The Draft Whitehorse Cycling Strategy 2016 has been developed following extensive community engagement, contributions by the City of Whitehorse Bicycle Advisory Committee (COWBAC), literature reviews and analysis of statistics. The following activities were completed to ensure the Strategy is relevant, achievable and meets the needs of the community:

- Reviewed up to date research and best practice relating to cycling;
- Reviewed relevant federal, state and local policies, standards and guidelines; and
- Conducted extensive consultation across Council departments, professional stakeholders, COWBAC and the community.

9.1.2 (cont)

The Draft Whitehorse Cycling Strategy 2016 proposes a vision of increasing cycling through a connected network of attractive, safe and inviting low-stress streets and paths which are accessible to all and respects the needs of all users.

To achieve this vision, the overall objectives of the draft Strategy are to:

- Increase participation in cycling;
- Improve levels of health;
- Create an environment where people can cycle safely and conveniently;
- Encourage a culture where cycling is accepted and respected as a key mode of transport and recreation;
- Achieve greater compliance from motorists, cyclists and pedestrians of traffic laws and the rights of each user group;
- Achieve a greater diversity of cyclists;
- Maintain and promote existing cycling facilities;
- Advocate for improved cycle facilities, and increased recognition of cyclists in planning transport and land use; and
- Increase awareness of the principles of the Strategy within Council and the wider community.

The legal, financial and risk issues associated with cycling infrastructure have been taken into account in development of the Draft Strategy.

It is recommended that Council approve the Draft Whitehorse Cycling Strategy 2016 for public exhibition and invite community comment.

CONSULTATION

An extensive range of community engagement activities were undertaken to enable as many cyclists and non-cyclists as possible to be involved in the planning process for the Draft Strategy. The engagement activities included:

- Workshops and meetings with COWBAC;
- Two online and hard copy surveys;
- Children's survey;
- Online mapping tools;
- Online and hard copy poll;
- Two drop-in sessions;
- Four intercept activities at various shopping areas and off-road shared use paths;
- Meetings with relevant Council officers and professional stakeholders from government and non-government organisations; and
- Meeting with Councillors and the Executive Management Team;

To encourage participation, these activities were widely publicised through a variety of channels.

9.1.2 (cont)

Over 1,800 comments were received from community members and professional stakeholders during the engagement activities. The comments received confirmed that there are a wide variety of views about cycling, particularly about how cycling interacts with other modes of transport and recreation. The key suggestions that emerged from the community engagement activities were:

- Build more off-road paths.
- Create safer ways for cyclists to cross main roads.
- Improve connectivity between existing and new paths.
- Provide additional secure bicycle parking facilities at major destinations including train stations, shopping precincts and sporting centres.
- Promote safe and courteous behaviour by all road and path users - increase the consciousness of drivers regarding sharing the road with cyclists and encourage cyclists to slow down and ring their bell when sharing paths with pedestrians.

FINANCIAL IMPLICATIONS

Budget allocations for specific cycling projects are considered annually as part of Council's budget process. Funding is also allocated for many other programs and projects that include cycling components. For example, the allocation for maintenance and capital improvements of roads, traffic safety improvements, footpaths, bike paths and street lighting provides facilities for cyclists as well as other road users. Council's commitment to encouraging safe, active and sustainable transport including cycling is also reflected in the operational budget.

Many of the proposed actions within the Draft Whitehorse Cycling Strategy 2016 can be accommodated within existing funding programs. Some actions however will require consideration by Council during the preparation of operational and capital works budgets over the ten year life of the Strategy.

POLICY IMPLICATIONS

Actions within the Draft Strategy will assist Council to fulfil the following Strategic Directions within the Council Plan 2015-2019:

- Strategic Direction 1 *'Support a healthy, vibrant and diverse community'*;
- Strategic Direction 2 *'Maintain and enhance our built environment to ensure a liveable and sustainable city'*; and
- Strategic Direction 3 *'Protect and enhance our open space and natural environments'*.

A wide range of other Council strategies have influenced the Draft Whitehorse Cycling Strategy, including:

- Draft Sustainability Road Map 2016-2022;
- Municipal Public Health and Wellbeing Plan 2013-2017;
- Whitehorse Integrated Transport Strategy 2011;
- Whitehorse Community Road Safety Strategy 2013;
- Whitehorse Open Space Strategy 2007;
- City of Whitehorse Recreation Strategy 2015-2024; and
- Whitehorse Road Management Plan 2015.

Consideration has also been given to a number of State Government policies, including:

- Victoria's Road Safety Strategy 2012-2022;
- Victoria's Road Safety Action Plan 2013-2016;
- Cycling into the Future 2013-2023, Victoria's Cycling Strategy;
- Preliminary information from the State Government regarding updating Victoria's Cycling Strategy; and
- Draft Melbourne East Regional Sport and Recreation Strategy.

9.1.3 Clayton South Regional Landfill Budget for 2016/2017

FILE NUMBER:16/43295

SUMMARY

The purpose of this report is to present the draft 2016/2017 budget for Clayton South Regional Landfill for Council approval. As part-owner of the regional landfill, the City of Whitehorse and other Joint Venture owner Councils are required to approve the budget.

RECOMMENDATION

That Council:

- 1. Approve the 2016/2017 Clayton South Regional Landfill budget.***
- 2. Advise the Clayton South User Group of Council's resolution to approve the Clayton South Regional Landfill budget for 2016/2017.***

BACKGROUND

The Clayton South Regional Landfill is jointly owned by the Cities of Whitehorse, Boroondara, Glen Eira, Monash and Stonnington, and operated through a Joint Venture agreement.

The Clayton South Regional Landfill closed for the tipping of municipal garbage in late November 2015 and the Transfer Centre at the site closed on 29 January 2016, ending a period of approximately 30 years of tipping at the site by the former City of Box Hill and subsequently the City of Whitehorse.

The City of Whitehorse owns 14.12% of the Clayton South Regional Landfill and is represented on the Clayton South User Group that oversees the landfill management. The Joint Venture owner-Councils remain responsible for the site despite its closure for landfill tipping. Under the EPA licence requirements, the landfill owners must cover and rehabilitate the site once it is filled, and then continue to manage landfill gas, leachate, and monitor the site for approximately 30 years to ensure that the site poses no risk and can be safely re-used for other purposes.

Works have already commenced on capping and rehabilitating the landfilled areas. Council approved a major tender for capping the recently completed Southern Cell at its meeting on 15 February 2016. Capping and rehabilitation works at the site are expected to take at least 2 years after closure of the site as an operating landfill.

The landfill must continue to operate in accordance with EPA licence requirements regardless of its closure, including the capture of methane gas from the previously filled landfill area. The management of water that comes into contact with garbage (leachate) and gas capture will continue to require resources and monitoring to ensure compliance with the EPA landfill licence.

The Clayton South Regional Landfill User Group has prepared a draft budget to make provision for the ongoing operational activities, regulatory requirements, capping works, site rehabilitation and landscaping works for 2016/2017. This draft budget is now presented to Council for approval.

The draft Clayton South Regional Landfill 2016/2017 budget has been previously circulated to Councillors.

9.1.3 (cont)

DISCUSSION

The draft 2016/2017 Clayton South Regional Landfill budget shows a net cash outflow of \$3,858,000. The net cash outflow is attributable to no income from gate fees because tipping has ceased, and the major capital works necessary to cap the filled landfill cells and install further gas capture wells.

There are sufficient reserve funds available accumulated from previous operating surpluses to fund the capital expenditure for 2016/2017 and all operational costs.

The proposed 2016/2017 budget compared to the current financial year is as follows:

Budget summary:	Proposed 2016/2017	2015/2016 (projected)
Income	\$ 268,000	\$8,538,375
Operating Expenditure (including non-cash items)	\$ 1,126,000	\$6,736,976
Net operating surplus/(deficit)	(\$ 858,000)	\$ 1,801,399
Capital	\$ 3,000,000	\$ 2,300,000
Net cash inflow (outflow)	(\$ 3,858,000)	(\$ 498,601)

The key items of operational expenditure in 2016/2017 are:

- \$ 215,000 for environmental monitoring,
- \$ 75,000 for site maintenance,
- \$ 150,000 to develop future-use and business plans
- \$ 450,000 for water treatment of leachate and disposal to sewer
- \$ 195,000 for audit, accounting and site management fees

The key items of capital expenditure in 2016/2017 are:

- \$2,500,000 to provide capping to filled landfill areas
- \$ 500,000 to upgrade gas collection systems.

The final capping of all landfilled areas is a major project that will take a further 2 years to complete. Works commenced in 2014/15 to place a final capping on the older filled areas in the northern tipping cells and these works should be completed in 2016/2017. Works on the recently filled southern tipping cells will commence in April 2016 and continue throughout 2016/17 until completion in 2017/18.

The EPA requires filled landfills to be capped and rehabilitated to very high standards. Geomembrane fabric and clay capping must prevent rainwater from penetrating the landfill cells and becoming contaminated with garbage. Additional landfill gas and leachate wells must be installed to capture leachate and the methane landfill gas will continue to be generated for up to 25 years by decomposing garbage. The total estimated cost of the final capping for all landfill cells is \$7.7M.

Council now sends all the garbage from the kerbside collection to the SUEZ (ex-Sita) landfill in Lyndhurst under the metropolitan landfill services contract 2010/1 to which Whitehorse Council is a signatory.

9.1.3

(cont)

CONSULTATION

The member Councils are consulted on key issues and represented on the Clayton South User Group/steering committee.

FINANCIAL IMPLICATIONS

A summary of the income and expenditure for 2016/2017 is outlined in the report above.

There is no financial contribution required from Council to meet the Clayton South Regional Landfill operating or capital costs for 2016/2017. Sufficient funding has been accrued in the Clayton South Regional Landfill reserve funds to cover site capping, rehabilitation and maintenance works.

On completion of the capping and rehabilitation works in 2017/2018, it is estimated that there will be a balance of \$4,423,018 to cover the ongoing maintenance, management and monitoring required at the site.

The estimated balance of funds at the end of 2017/2018 will most probably not be sufficient for ongoing operational and capital costs for the entire 25 to 30 years post-closure. The business and future-use plan to be developed in 2016/2017 will provide detail on the long-term financial management of the Clayton South Regional Landfill, including options for future use that may generate income to help to offset ongoing operational and capital costs.

POLICY IMPLICATIONS

Council's involvement in the Clayton South Regional Landfill is a key part of the waste disposal arrangements detailed in Council's Waste Management Plan 2011.

9.1.4 Road Improvements in Linum, Laurel and Boongarry Roads, Blackburn – Commencement of Statutory Procedures to Declare a Special Charge Scheme

FILE NUMBER: SF06/183
ATTACHMENTS

SUMMARY

The purpose of this report is for Council to consider commencing a Special Charge Scheme under the Local Government Act 1989 for road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn, referred to in this report as the 'Linum, Laurel and Boongarry Roads'.

It is recommended that Council commence the statutory procedure and give notice of its intention to declare a Special Charge Scheme for the road improvements in the Linum, Laurel and Boongarry Roads.

RECOMMENDATION

That Council:

- 1. Commences the statutory process under the Local Government Act 1989 ('the LGA') to declare a Special Charge Scheme for the purposes of undertaking the following road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn –***
 - a) To patch and resurface the road pavement;***
 - b) To repair road edges and table drains;***
 - c) To undertake minor drainage improvements;***
 - d) To undertake an initial prune and maintenance of all street trees; and***
 - e) To undertake any ancillary works, (collectively referred to as 'the proposed road improvements').***
- 2. In accordance with sections 163(1A) and 163B(3) of the LGA, directs that, in accordance with the resolution of Council carried at its ordinary meeting held on 18 April 2016, public notice be published in the Whitehorse Leader newspaper of Council's intention to declare at the ordinary meeting of Council to be held on 18 July 2016 a Special Charge in accordance with the proposed declaration of Special Charge in the form of the document in Appendix E ('the Proposed Declaration of Special Charge'), such Special Charge being for the purposes of defraying expenses incurred or to be incurred by Council in relation to the proposed road improvements. The subject road area is shown on the plan in Attachment 3a.***
- 3. Directs that in accordance with section 163(1C) of the LGA, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to in column 1 of the apportionment of costs table in Appendix D, advising of:***
 - a) Council's intention to declare the Special Charge;***
 - b) the estimated amount for which the property owner will be liable;***
 - c) the basis of the calculation and distribution of the Special Charge;***
 - d) the right of any person to make a written submission to Council regarding the Proposed Declaration of Special Charge and the requirement that submissions will be considered by Council in accordance with sections 163A and 223 of the LGA; and***
 - e) the right of any person who will be required to pay the Special Charge to make a written objection to Council regarding the Proposed Declaration of Special Charge and the requirement that objections will be taken into account by Council in accordance with section 163B of the LGA.***

9.1.4

(cont)

4. *In accordance with section 223(1)(b)(i) of the LGA, appoints and authorises Councillor Andrew Munroe and Councillor Denise Massoud (or their appointed nominees, so long as they are serving Councillors) to be members of the committee that is established by Council to hear any persons who in their written submissions under section 223 of the LGA have requested that they be heard in support of their submissions.*
5. *Authorises Council's Manager Engineering and Environmental Services or the person for the time being acting in that position to give public notice of Council's intention to declare the Special Charge in accordance with paragraph 2 of this resolution, and to carry out any and all administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the LGA.*

BACKGROUND

This report refers to a Special Charge Scheme for proposed road improvements in Linum Street, Laurel Grove (Laurel Grove North, between Fuchsia Street and Blackburn Creeklands) and Boongarry Avenue in Blackburn, referred to in this report as the '**Linum, Laurel and Boongarry Roads**' (or '**the roads**'). The subject area is shown on the plan in **Attachment 3a** and is shown on the following lodged plans of subdivision and title plan – LP 3212, LP 6550, LP 6632, LP 9844, LP 13456, LP 52938, LP 55651, LP 61294, LP 127810 and TP 683652D registered at the Office of Titles.

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

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

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

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

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

9.1.4 (cont)

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

DISCUSSION

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

It is proposed that the Special Charge be levied on land which has the potential to gain access from, or has a boundary on, any of the Linum, Laurel and Boongarry Roads. The properties proposed to be included in the Scheme are shown on the plan in **Attachment 3b.**

A concept design plan of the proposed road improvements has been prepared in consultation with the Road Association and property owners. A copy of the plan is provided in **Attachment 3c.** In summary, the proposed road improvements include:

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

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

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

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

9.1.4
(cont)

The estimated cost of the Scheme is \$800,000. The total amount proposed to be levied under the Scheme is \$670,000. It is proposed that Council contribute an estimated \$130,000 towards the Scheme, representing 50% of the drainage upgrade costs (being \$55,000) and, separately, the design and project management costs (being \$75,000). The Council contribution to the drainage upgrade costs is recommended considering that improved drainage in this area will benefit the surrounding local roads and reserves that are cared for and managed by Council. Accordingly, the \$55,000 Council contribution towards the Scheme is in recognition of a community benefit (which is a direct and tangible benefit derived from the Scheme for the community generally). The additional \$75,000 Council contribution is a proposed ex- gratia payment to be made by Council towards the Scheme. Council officers have accordingly calculated the benefit ratio under sections 163(2A) and (2B) of the LGA to be 93.125%. The benefit ratio is the estimated proportion of the total benefits of the Scheme (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge. Council officers have prepared a statement pursuant to sections 163(2), (2A) and (2B) of the LGA in relation to the calculation of the benefit ratio and the maximum total levy and this document is in **Attachment 3f**.

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

The estimated cost that the property owners included in the Scheme will be liable to pay is set out in the apportionment of costs table in **Attachment 3d**.

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

- Attachment 3a** – Layout plan of roads included in the Special Charge Scheme;
- Attachment 3b** – Layout plan of properties liable to pay the Special Charge;
- Attachment 3c** – Concept plan of proposed road improvement works;
- Attachment 3d** – Table apportionment of costs;
- Attachment 3e** – Proposed Declaration of Special Charge; and
- Attachment 3f** – Statement pursuant to section 163(2), (2A) and (2B) of the LGA – Calculation of benefit ratio and maximum total levy.

CONSULTATION

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

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

9.1.4 (cont)

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

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

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

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

It was stated in the information provided to property owners that if there was broad support for the Special Charge Scheme, a report would be submitted to Council recommending that it commence the statutory procedures to declare the Special Charge Scheme and give formal public notice of its intention to declare.

On confirmation of Council's resolution of its intention to declare, a public notice would be published in the Whitehorse Leader newspaper of Council's intention to declare the Special Charge. Property owners would then be issued with copies of the public notice and details would be provided about how they could make a submission to Council under sections 163A and 223 of the LGA and/or an objection under section 163B. Property owners would also be informed that they have a right to be heard in support of their submission by Council, or by a Committee of Council appointed for such purposes.

Following the levying of the Special Charge, any aggrieved ratepayer has a right to make an application to the Victorian Civil and Administrative Appeals Tribunal (VCAT) for a review of Council's decision.

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

FINANCIAL IMPLICATIONS

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

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

9.1.4 (cont)

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

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

The estimated amount to be levied under the Scheme is \$670,000. It is proposed that this amount be apportioned in accordance with the apportionment of costs table provided in **Attachment 3d**.

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

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

Typically, it can take at least 12 months before the works can commence on a Special Charge Scheme, allowing for time to undertake the statutory process (including the intention to declare and the declaration of the Special Charge), the consultation process, the detailed design, tendering and the appointment of a contractor. Therefore the earliest the works could commence could be the later part of 2016/2017 or 2017/2018.

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

POLICY IMPLICATIONS

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

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

FILE NUMBER: 52/07/254

SUMMARY

The purpose of this report is for Council to give notice of its intention to declare, by resolution, that the laneway known by Council as Laneway 254 (located at the rear of 8 to 18 Lake Road, and adjacent to 40 and 42 Wellington Avenue and 2 and 2A Alandale Avenue, Blackburn) is a road that is reasonably required for public use and is to be open to public traffic.

RECOMMENDATION

That in accordance with section 204(2) of the Local Government Act 1989 (LGA), and every other power given to Council enabling it to, Council:

- 1. In accordance with sections 207A(c) and 223 of the LGA, directs that public notice be given in the Whitehorse Leader newspaper and published on Council's website of 'the intention of Council to declare, by resolution, at its ordinary meeting to be held on 18 April 2016 that the road known by Council as Laneway 254 is reasonably required for public use and is to be open to public traffic' (road). (The road is located at the rear of 8 to 18 Lake Road, and adjacent to 40 and 42 Wellington Avenue and 2 and 2A Alandale Avenue, Blackburn and is shown set aside or appropriated as a road on plan of subdivision LP10677 lodged at the Land Titles Office on 16 April 1925).***
- 2. Directs that separate letters enclosing a copy of the public notice be sent to the persons who are the owners and occupiers of the properties in and around the area which generally surround the road, including the owners and occupiers of the properties adjoining the road, advising of Council's intention to declare, by resolution, that the road is reasonably required for public use and is to be open to public traffic.***
- 3. In accordance with section 223(1)(b)(i) of the LGA, appoints and authorises Councillors Munroe and Massoud (or their appointed nominees, so long as they are serving Councillors) to be members of the committee that is established by Council to hear any persons who in their written submissions under section 223 of the LGA have requested that they be heard in support of their submissions.***
- 4. Authorises the Manager of Engineering and Environmental Services or the person for the time being acting in that position to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 207A(c) and 223 of the LGA.***

BACKGROUND

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

9.1.5 (cont)

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

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

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



9.1.5 (cont)

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

DISCUSSION

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

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

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

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

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

CONSULTATION

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

9.1.5

(cont)

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

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

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

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

If Council adopts the recommendations in this report, the 91 property owners and occupiers in and around the local area will be sent a notice from Council advising of Council's intention to declare, by resolution, that the laneway is reasonably required for public use and is to be open to public traffic.

A public notice would be published in the Whitehorse Leader newspaper and on Council's website. Persons may make a written submission to Council (under sections 207A(c) and 223 of the LGA) and they have a right to be heard in support of their submission by a Committee of Council appointed for that purpose. It is recommended that the Ward Councillors, Cr Munroe and Cr Massoud, be appointed as the Committee to hear any submissions.

Council would then need to formally consider any submissions which are received and any report of the Committee hearing submitters before a final decision is made by Council at a subsequent meeting of Council.

FINANCIAL IMPLICATIONS

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

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

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

9.1.5

(cont)

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

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

9.2 Human Services

9.2.1 Whitehorse Parenting Information Forum Program

FILE NUMBER:SF15/797

SUMMARY

This report provides Council with an update status on the Whitehorse Parenting Information Forum program. The annual program is developed, coordinated and promoted by the Health and Family Services Department. The program is consistent with actions contained in the Municipal Early Years and Youth Plans.

RECOMMENDATION

That Council notes the report.

BACKGROUND

The Whitehorse Parenting Information program commenced in 2010, in response to needs identified by the community and through the development of the Municipal Early Years Plan (Childhood Matters 2009 to 2013). The Plan acknowledged that:

"The role of parents and the extended family in its variety of forms is of utmost importance to the developing child. Societies and communities that understand the importance of supporting families in their roles as first and primary educators are the most successful. All parents, even the most able, need guidance and support to be available to them and to have opportunities to share knowledge and information."

The Childhood Matters Plan also identified that:

"Some of the significant community members we need to work with include: Parents, Grandparents and Carers, the first and principle educators of our children."

The themes developed and identified in the Childhood Matters Plan have continued in the current Municipal Early Years and Youth Plans (Whitehorse: A City for all Children, and Whitehorse: A City for all Young People 2014 to 2018).

The aim of the Whitehorse Parenting Information program is to provide parents living or working in Whitehorse with up to date and effective parenting information, strategies and support. The original program is based on a series of forums that targeted parents with children 6 years of age and under. These forums covered topics relating to sibling rivalry, school readiness, and sleeping settling techniques for babies. In 2012, the program broadened its' scope to include topics of interest to parents of adolescents such as resilience, bullying, and cyber safety.

Due to its overwhelming popularity, the program has evolved to the point whereby the annual calendar consists of 8 forums each with a focus on both the early years and adolescence. Topics aim to directly address the needs of parents, grandparents and carers in the community which are assessed through an evaluation process and consultations undertaken as part of Council's Early Years Plans and Youth Plans.

Evaluation feedback received from attendees across the 8 forums held in 2015 indicated very strong support for the program with most describing the forums as "informative and knowledgeable" and "relevant to them".

9.2.1 (cont)

In 2015 the majority of the forums were conducted in the Waratah Room at the Whitehorse Centre. Topics included:

- Kinder and School Readiness
- Promoting Positive Mental Health in Adolescents
- The Benefits of Play
- Video Games and their Impact on Children and Young People
- Managing Anxiety and Worries (8-13 years)
- Living Autism: Time for you
- Building Resilience in Adolescents
- Screen Time

Approximately 1000 parents attended the 2015 calendar of forums. An additional specific forum for Grandparent Carers was conducted in Seniors Week (October 2015).

DISCUSSION

The current Whitehorse Parenting Information Forum program is consistent with actions 2.1 and 2.2 contained in both the Municipal Early Years Plan – Whitehorse: A City for all Children 2104 to 2018, and the Municipal Youth Plan – Whitehorse: A City for all Young People 2014 to 2018.

Action 2.1 in the MEYP and MYP states that Council *“Promote the importance of secure, safe, involved and caring family environments to the health and wellbeing of children and young people”*.

Action 2.2 in the MEYP states that Council *“Supports families to provide the best environment, love, care and parenting possible to their children”*. Action 2.2 in the MYP states that Council *“Supports young people to develop and maintain positive family relationships”*.

The current Parenting Information Forum program aims are:

1. To deliver a Parenting Information Forum program that provides up to date and relevant parenting information, strategies and other relevant resources to parents, grandparents and carers living in Whitehorse. Council engages a broad range of speakers that reflect the diverse range of parenting approaches and perspectives that individuals, communities and cultures hold, with the aim of achieving great outcomes for our families, children and young people.
2. Council acknowledges that children might be cared for by people other than their parents (including grandparents, other kinship carers, or children being cared for in the out of home care system). The Parenting Information Forum program aims to inform and/or assist everyone with a role to play in a child or young persons' life.

The program also provides an opportunity for parents, grandparents and carers to come together and reflect about the way they parent and to walk away with a better understanding of their child/ren and the significant impact they can have on their wellbeing. In 2016 the following topics are planned:

- Transition from Kinder to School
- Talking Drugs and Alcohol with Adolescents
- Sibling Rivalry
- Being Dad
- Emotionally Intelligent Parenting
- Children's Anxiety and Worries
- Adolescent Sexual Health and Sexuality
- Cyber Safety and Social Media

9.2.1 (cont)

The 2016 program will also incorporate another Grandparents specific forum during Seniors Week 2016.

The 2016 program will also trial a new initiative. AUSLAN interpreters will attend the Forums on an “as requested” basis. Their presence aims to further the work being undertaken in supporting social inclusion and meeting the needs of vulnerable families which are key action items in the MEYP and MYP.

Council provides the Forums at a low cost, asking that attendees give a \$2 donation on the night which we in turn pass onto a local child, youth or family organisation to support their work. The 2015 recipients were the Salvation Army Mitcham – Dad’s Playgroup, the Multiple Birth Volunteer Support Foundation (MBVS) and the Avenue Neighbourhood House – ReFresh Program.

CONSULTATION

As outlined above, the current Parenting Information Forum program is consistent with actions 2.1 and 2.2 contained in the Municipal Early Years Plan and the Municipal Youth Plan. The Parenting Information Forum program aims to address actions within the MEYP that state Council will “Promote the importance of secure, safe, involved and caring family environments to the health and wellbeing of children” and “Support families to provide the best environment, love, care and parenting possible to their children”. The program also aims to address actions within the MYP that state Council will “Promote the importance of secure, safe, involved and caring family environments to the health and wellbeing of young people” and “Support young people to develop and maintain positive family relationships”.

The Municipal Early Years and Youth Plans were developed after extensive consultation with the community.

The annual Parenting Information Forum program is in part developed from needs identified by parents through the evaluation process.

FINANCIAL IMPLICATIONS

The annual Parenting Information Forum program costs Council \$8,000 to plan, coordinate and deliver.

POLICY IMPLICATIONS

The Parenting Information Forum program is consistent with the policy and strategic position in supporting children, young people and families as outlined in the Municipal Early Years and Youth Plans.

9.3 CORPORATE SERVICES

9.3.1 Contract Extension – Provision of Internal Audit Services

FILE NUMBER:SF12/294

SUMMARY

To consider an extension of Contract 11046 for the provision of internal audit services currently held by PricewaterhouseCoopers (PwC) for a period of 12 months commencing on 1 July 2016 on a lump sum basis.

RECOMMENDATION

That Council extend Contract 11046 for internal audit services with PriceWaterhouse Coopers (ABN 52 780 433 757), of Level 19, Darling Park, Tower 2, 201 Sussex Street, Sydney 2000 for a period of 12 months, commencing on 1 July 2016.

BACKGROUND

As a part of the Council Plan 2013-2017, Council has committed itself to providing responsible leadership and governance by conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.

Internal auditing provides a mechanism for Council to enhance the transparency of its decision-making, strengthen its internal controls and continue to develop a culture of control and risk awareness.

Council's internal audit strategy is driven by Council's Audit Advisory Committee. The chair of the Audit Advisory Committee was nominated as a panel member to select a suitable tenderer for the development and implementation of its strategy. The selected consultant provides services under the guidance of the Audit Advisory Committee for a period of 3 years, until 30 June 2015 with an option to extend for up to 2 years.

DISCUSSION

On 29 May 2012, Council awarded Contract 11046 for the provision of internal audit services to PricewaterhouseCoopers following a public tender process. The original 3 year term of the Contract expired on 30 June 2015. The Contract allows for a 2 year extension at Council's discretion.

At the Council Meeting of 22 June 2015, Council resolved:

That Council:

- A. Extend Contract 11046 for the internal audit services with PricewaterhouseCoopers (ABN 52 780 433 757), of Level 19, Darling Park, Tower 2, 201 Sussex Street, Sydney 2000 for a period of 1 year, commencing on 1 July 2015 at a lump sum cost of \$134,742 including GST***
- B. Consider an extension for a further year at the completion of the 12 month period subject to satisfactory performance.***

This was based in part on the feedback and recommendation from the Audit Advisory Committee of May 2015.

The current 12 month extension to the provision of internal audit services contract with PWC expires at the end of this June 2016.

Approval is sought from Council to extend the current contract for a further (and final) 12 month period based on satisfactory performance to date.

9.3.1
(cont)

PricewaterhouseCoopers has delivered an excellent standard of services with its performance having been closely monitored and measured through regular communication, post audit surveys and quarterly status meetings.

PricewaterhouseCoopers has agreed to accept Council's offer to extend the Contract under the current Contract terms and conditions, subject to Council approval. The extension of this Contract will negate the need to conduct a new tender process for these services.

CONSULTATION

Consultation involved customer feedback surveys from work areas that have undergone an internal audit and feedback from the Audit Advisory Committee.

Customer feedback internally on PwC's performance has ranged from very good to excellent.

The Audit Advisory Committee members met in camera at the Audit Advisory Committee Meeting of 21 March 2016 to consider whether they would recommend to Council any exercise of the option to extend clause. It was all agreed PwC had a lot of intellectual knowledge about Council and that they had performed quite well. The members recommended to Council that they exercise their option to extend the contract for a further (and final) 12 months to June 2017.

FINANCIAL IMPLICATIONS

The contract for the provision of internal audit services will be extended for a lump sum of up to \$140,132 including GST for a period of 12 months.

The costs incurred under this contract will be charged to the Finance Department recurrent budget.

9.3.2 Council Owned Land

FILE NUMBER: SF14/541
ATTACHMENT

SUMMARY

Section 189 of the Local Government Act 1989 restricts Council's power to sell Council owned land. Council at its meeting of 14 December 2015 noted that the Council owned land known as 2-4 Bruce Street Box Hill and 7 Elland Avenue, Box Hill (including a section of road adjacent to 7 Elland Avenue) were identified as potential redevelopment sites. Council resolved to give public notice in accordance with Section 189 and Clause 3 of Schedule 10 of the Local Government Act 1989 of its intention to sell the land and discontinue the section of road. Council is also required in accordance with Section 223 of the Local Government Act 1989 to consider any written submissions and Council is required to hear any verbal submissions made in conjunction with written submissions. Forty seven (47) submissions were received.

RECOMMENDATION

That Council:

- 1. Having completed the public notice process in accordance with sections 189 and 223 and Clause 3 of Schedule 10 of the Local Government Act 1989 and having received and considered forty seven (47) submissions, Council now resolves to sell the land known as 2-4 Bruce Street, Box Hill and 7 Elland Avenue, Box Hill with the title description of Volume 4724 Folio 728, Volume 5289 Folio 745 and Volume 6321 Folio 128.**
- 2. Resolve to sell the land known as 2-4 Bruce Street, Box Hill and 7 Elland Avenue, Box Hill (including the discontinued section road adjacent to 7 Elland Avenue) via a Public Procurement Process limited to a registered housing association for a price that has been established by an independent valuation report dated 28 March 2016 that was prepared by Property Dynamics Independent Property Advisors.**
- 3. Being of the opinion that the road shown by cross hatching on the site plan contained within the body of the report and situated adjacent to 7 Elland Avenue, Box Hill is not reasonably required as a road for public use:**
 - a) discontinues the road in accordance with section 206 and schedule 10, clause 3 of the Local Government Act 1989;**
 - b) directs that a notice be published in the Victoria Government Gazette;**
 - c) directs that the land from the road be sold in accordance with the Public Procurement Process;**
 - d) directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Ltd in the road in connection with any sewers, drains or pipes under the control of that Authority in or near the road; and**
 - e) authorise the Chief Executive Officer to sign all documents relating to the sale of any land derived from the discontinued road.**
- 4. Advise the Submitters of Council's decision as per Section 223 (d) (ii) of the Local Government Act 1989.**

9.3.2

(cont)

BACKGROUND

A public notice advertising Council's intention to sell was displayed in The Age newspaper on Saturday 20 February 2016, the advertising of the public notice was undertaken in accordance with Section 189 and Clause 3 of Schedule 10 of the *Local Government Act 1989*.

The same public notice was displayed on Council's website in accordance with Section 82A of the *Local Government Act 1989*.

(Refer Attachment 4a. 'Public Notice dated 20 February 2016')

Council received forty seven (47) written submissions during the twenty-eight (28) day submission period.

Please note that no submitter requested to speak at Special Committee and all submissions were referred to the Ordinary meeting of Council held on Monday 18 April 2016 for further consideration and for final decision.

DISCUSSION

Section 189 of the *Local Government Act 1989* requires all Victorian councils to:

- consult ratepayers and residents on any proposal to sell or exchange land;
- give ratepayers and residents an opportunity to have their views heard; and
- have a current valuation for the land that is proposed for sale or exchange.

The public notice advertised on 20 February 2016 advised the community of Council's intention to sell 2-4 Bruce Street, 7 Elland Avenue and the road adjacent to 7 Elland Avenue (the Subject Property) via a public procurement process limited to registered housing associations.

As mentioned above prior to resolving to sell land Council is compelled, in accordance with Section 189 of the *Local Government Act 1989*, to assess the market value of the land proposed for sale.

The market value assessment needs to be undertaken by a qualified Valuer in accordance with Section 13DA(2) of the *Valuation of Land Act 1960*.

Given the constraints placed on the public procurement process by the key sale terms contained within the public notice and because of the high market value associated with the Subject Property, two independent valuations were undertaken; a "primary" valuation and a "check" valuation.

To ensure maximum transparency in the valuation process MSV Property Consultants (MSV) were engaged by Council; their role was to instruct the valuation firms in accordance with the above mentioned public notice. **(Refer Attachment 4b. 'Valuation Instructions' Prepared by MSV Property Consultants and dated 29 February 2016')**

The two valuation firms appointed were Charter Keck Cramer Property Consultants (Charter Keck Cramer) and Property Dynamics Independent Property Consultants (Property Dynamics).

Additionally, MSV were engaged to review the valuation rationale and methodology adopted by the two valuation firms and based on this review make a written recommendation to Council regarding which valuation should be adopted as the "primary" valuation and which valuation should be the "check" valuation.

9.3.2 (cont)

Both Charter Keck Cramer and Property Dynamics provided Council with independent valuation reports.

There was a variation in the valuation figures provided; with the variance being more than ten (10) per cent.

Based on advice from MSV, Council adopted the State Government's practice of holding a "Conference of Valuers" where the valuation variance is greater than ten (10) per cent; this conference was held on Friday 01 April 2016 under the supervision of MSV and was observed by Council's Manager of Property Rates.

MSV provided Council with a signed 'Summary of Valuations'. MSV recommends that Council rely on the valuation report prepared by Property Dynamics as the 'primary' valuation and the Charter Keck Cramer report as the 'check' valuation.

CONSULTATION

The public notice published in accordance with Section 189 of the *Local Government Act 1989* gives a person the right to make a submission under Section 223 of the same act.

Prior to publication, the public notice was approved by Council's appointed Probity Advisor.

The consultation timetable for the Subject Property included the following dates:

Statutory advertisements (Public Notice with Site Plan):	The Age Saturday 20 February 2016
Closing date for submissions:	Monday 21 March 2016
Meeting to consider submissions:	Monday 11 April 2016

Site Plan displayed in Public Notice:



9.3.2

(cont)

Public submission/s

No submissions were received regarding the proposed road discontinuance adjacent to 7 Elland Avenue, Box Hill.

However, forty seven (47) written submissions were received regarding Council's intention to sell 2-4 Bruce Street, Box Hill and 7 Elland Avenue, Box Hill; all forty seven submissions were in a template format and contained the following:

"I have reviewed your notice of intention to sell council owned land at Bruce Street, and I am opposed to the sale on the basis that there is no proposed condition to retain public car parking on the site.

A reduction of car parking within the Box Hill area will reduce the viability of business opportunities in the Box Hill area as it will reduce the number of customers who can park near the trading areas.

Please consider adding a condition to the proposed Section 173 agreement, which will retain at least 40 public car parking spaces on site."

As mentioned above, none of the forty seven (47) submissions requested to be heard in support of their submission.

To ensure that adequate public car parking was available, a car parking study of the Subject Property was completed by independent transportation consultancy, GTA Consultants (GTA), during March 2016.

The study ran daily from 7am until 7pm over a seven (7) day period (Wednesday to Tuesday) and considered the following:

- capacity within the immediate area,
- the usage patterns, and
- who is currently using the car park

GTA confirmed that the "peak" demand period for the Subject Property is either midday to 1pm or 1pm to 2pm each day.

Additionally, GTA confirmed that during the "peak" demand period all day parking was available to the general public at the neighbouring Australian Tax Office building, 913 Whitehorse Road, and was also available at the Council owned multi-deck car park located in Watts Street and the Council owned Court Street at-grade car park.

The GTA findings of March 2016 confirm previous traffic studies which concluded that the Watts Street and Court Street car parks have spare capacity during the "peak" demand period.

(Attached are the 'Special Committee Report' and the 'Extract of Minutes' of the meeting held on Monday 11 April 2016. Attachment 4c)

Additional Consultation

As part of the proposed road discontinuance Council is required to consult with public authorities and is also required to consult internally to ensure any infrastructure assets located within the road are protected if Council resolves to discontinue the road.

9.3.2 (cont)

Yarra Valley Water Ltd has a sewer-pipe located in the road and this will require an easement being “saved” over this infrastructure asset upon discontinuance of the road.

Council’s Property & Rates Department consulted with Council’s Engineering and Environmental Services Department who have provided the following comments:

- *“The developer will need to modify the western end of Hiltons Lane to allow for drainage of the laneway and drainage of the properties that discharge stormwater to this point. The end of the laneway is to be constructed with a concrete pavement surface and a concrete kerb to contain stormwater within the laneway. The levels of the laneway and kerb are to be directed to a new stormwater pit and pipe connecting to the existing Council drain that runs along the south boundary of No.2-4 Bruce Street. The laneway modifications including the drainage are to be designed and installed to the satisfaction of Council at the expense of the developer.”*
- *“An allowance will need to be made within the development to allow for potential overland stormwater flows from the end of the Hiltons Lane through No.2-4 Bruce Street to the road reserve in Bruce Street.”*
- *“A drainage easement is required along the south boundary of No.2-4 Bruce Street for a width of 3 metres. There is an existing Council drain and drainage pits within this section of land that will need to be protected during the works.”*
- *“Hiltons Lane will become a dead end road therefore provision will need to be made for turning for large service vehicles to ensure they do not need to reverse into the lane (i.e. garbage collection). It is unclear what any proposed development could be for the subject site however the issue of access will need to be closely considered.”*

It is important to note that there is an existing stormwater pipe located within the title boundary of 2 Bruce Street, Volume 4724 Folio 728; the existence of this stormwater pipe requires the creation of a three (3) metre wide easement along the southern boundary of Volume 4724 Folio 728.

As the existing owner of 2 Bruce Street, Council cannot create an easement where it is the beneficiary of the easement. Consequently, an easement deed will need to be lodged with Land Registry together with the transfer document upon settlement.

Provided that the above requirements are undertaken, Council can form the opinion that the road is no longer reasonably required for use by the public and as such Council can resolve to discontinue the road and sell the land via the proposed Public Procurement Process.

To assist with statutory processes contained within Section 189 of the *Local Government Act 1989* the following external consultants have been engaged directly and indirectly:

- HWL Ebsworth Lawyers
- Maddocks Lawyers
- Charter Keck Cramer Property Consultants (Valuers)
- Property Dynamics Independent Property Consultants (Valuers)
- CT Alliance Assurance & Consulting Service (Probity Advisors)
- Turner & Townsend Pty Ltd (Quantity Surveyors)
- Tract Consultants (Town Planning Consultants)
- Kirkpatrick & Webber Pty Ltd (Surveyors)
- MSV Property Consultants (Advisory)
- GTA Consultants (Traffic Consultants)

9.3.2

(cont)

FINANCIAL IMPLICATIONS

Full compliance with the statutory process contained within the *Local Government Act 1989* including the two valuation reports and the publication of the public notice is approximately \$50,000 + GST.

NB: GST is payable on any sale proceeds.

POLICY IMPLICATIONS

Nil

9.3.3 Municipal Association of Victoria (MAV) State Council Meeting and– Submission of Motions for Consideration

FILE NUMBER: SF09/130

SUMMARY

Council endorsement is sought for the motions detailed in this report, which are recommended for submission as a matter of state-wide significance to the next MAV State Council Meeting to be held 13 May 2016. Motions are required to be with the MAV by 15 April 2016.

RECOMMENDATION

That Council:

1 Endorse the proposed Whitehorse Motions:

- **MAV Reform and Performance and**
- **School Crossings**

to be submitted as matters of state-wide significance to the next MAV State Council Meeting to be held on 13 May 2016.

2 Note the previously endorsed Council resolution regarding the 2016 Election Costs to Councils shown as item 3 below in the body of the report.

1. MAV Reform and Performance

That the MAV engage external consultants to conduct a wide ranging review of its organisational structure and that consideration be given to the following.

1. *The composition of the Board more accurately reflect its membership base (noting that while policy motions are weighted towards the size of Councils, the Board has an equality between Metropolitan and Non).*
2. *Term limits be set for Board members (perhaps three consecutive terms).*
3. *Term limits be set for the President (perhaps two consecutive terms).*
4. *Consideration to the President being appointed by the Board (similar to the case with Mayoral appointment in 77 of 79 Councils).*
5. *That the Metropolitan electorate is not divided or at a maximum divided into two (at the last Board election only three votes were cast in Interface Region with two being from the candidates (so one person decided the representative)).*
6. *That candidates for the MAV Board or Presidency do not have to be a particular Council's MAV delegate (the MAV should have the best available representation, some Councils rotate the delegateship with the mayoralty, some do not have much rotation at all).*

Rationale:

The MAV should be the leading body representing Victorian Councils and as such should draw from the best the sector has to offer. The current system is rigid and arbitrary in its structure of region division, and limiting in who can nominate for elections. There is also a significant imbalance between the membership and representation which can result in not the most effective representation

9.3.3
(cont)

2 School Crossing Supervisor Costs

That the MAV convene a reference group to draw attention to the school crossing supervisor costs that Councils have increasingly borne for years. Specifically, the group to draw up a brief survey which can be sent to Councils for distribution to school principals and parents (via the school). The survey would seek input on a range of options available to councils to cover the cost of school crossing supervisors, and detail the current costs to Council and the amount contributed by the State government. Such options could include returning the service to the new and centralised School Crossings Victoria, to the State government,; a reduced service covering primary schools only; a Council levied fee being sent directly to schools, or a complete exit from the service. The surveys would to be returned to the VicRoads school crossing Supervisor Program Working Group, with a copy to councils.

Rationale:

The ESC has recommended that councils develop a fee for service option to enable the users of services to be charged at a rate to cover council costs. One financial cost that councils have had to bear for years is that of school crossing supervisors. Because of the action of the Northern Grampians Council, the government has established a Working Group at VicRoads, and an online hub was supposed to have been developed. However, little if any, information has been received by councils about this. The worry is that the matter will be swept under the carpet, or a decision made without consulting the people directly involved, principals, parents and Councils.

The Local Government Minister has stated that councils need to have consulted with their community if they seek a variation to the rates cap. Alternatively the Minister would be requested to exercise Statutory authority to add an additional % to CPI in setting the next rate cap and in so doing remove considerable council and ESC administrative cost of a sector wide request.

If the decision of the VicRoads Working Group is that councils continue to provide the service and bear the brunt of the costs, then the data provided by the schools and parents can be used as part of individual councils and the sector decision making process.

3 Council Election Costs

That the MAV lobby and advocate to the Local Government Minister, that the 2016 election costs to Councils have not been allowed for in the proposed 2.5% CPI rate rise and requesting that election expenses be added to the allowable rate rise for 2016, or alternatively that the State Government cover all councils expenses.

Rationale:

The *Local Government Amendment (Improved Governance) Act 2015* (LG Amendment) established the Victorian Electoral Commission (VEC) as the statutory election service provider to the local government sector, making it mandatory for all councils to use their service, and unable to go to competitive tender. The VEC have advised councils of the costs they will incur for this service; these costs have risen around 30% from the 2012 election costs – a far cry from the CPI rate imposed on councils – and will impinge significantly on the allowable rate rise of 2.5%. In Whitehorse's case, 1% of the allowable 2.5% rise will need to be allocated for election expenses, and other councils will be in the same position. The motion therefore asks that the State Government either allow the election costs to be added to Councils' allowable rate rise, or that the State Government cover the cost themselves.

9.3.4 Delegated Decisions – February 2016

FILE NUMBER: SF 13/1527#02

The following activity was undertaken by officers under delegated authority during February 2016.

RECOMMENDATION

That the report of decisions made by officers under Instruments of Delegation for the month of February 2016 be noted.

DELEGATION	FUNCTION	Number for February 2015	Number for February 2016
Planning and Environment Act 1987	- Delegated decisions	140	112
	- Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		25	30
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	56	87
Liquor Control Reform Act 1998	Objections and prosecutions	Nil	Nil
Food Act 1984	- Food Act orders	Nil	Nil
Public Health & Wellbeing Act 2008	- Improvement / prohibition notices	Nil	1
Local Government Act 1989	Temporary road closures	6	6
Other delegations	CEO signed contracts between \$150,000 - \$500,000	4	Nil
	Property Sales and leases	5	22
	Documents to which Council seal affixed	1	Nil
	Vendor Payments	1151	918
	Parking Amendments	5	1
	Parking Infringements written off (not able to be collected)	264	342

Details of each delegation are outlined on the following pages.

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS FEBRUARY 2016

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

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
669	09-02-16	Application Lapsed	21 Hartigan St, Blackburn	Central	Buildings and works to construct three dwellings, comprising the retention of the existing dwelling and the addition of one double and one triple storey dwelling	Multiple Dwellings
2	16-02-16	CMP Approved	55 Railway Rd, Blackburn	Central	CMP - Construction of a three-storey building (plus basement), use of the land for dwellings, reduction of the car parking requirements associated with the use of the land for shops and dwellings, and waiver of the loading bay requirement	CMP Process
14	02-02-16	CMP Approved	120 Thames St, Box Hill North	Elgar	Use and Development for a Medical Centre within a three(3) storey building plus basements and a reduction in the car parking requirement	CMP Process
952	15-02-16	CMP Approved	1 Queen St, Blackburn	Central	CMP - Construction of a five storey apartment building comprising 77 dwellings with basement car parking	CMP Process
2	03-02-16	Delegate Approval - S72 Amendment	13 Garden Ave, Mitcham	Springfield	Construction of four dwellings (3 double storey and 1 single storey)	Permit Amendment
64	24-02-16	Delegate Approval - S72 Amendment	51 Gissing St, Blackburn South	Central	Amendment to permit WH/2015/64 (for buildings and works to construct a double storey dwelling) for the addition of a rainwater tank	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
92	16-02-16	Delegate Approval - S72 Amendment	1A Thomas St, Mitcham	Springfield	Partial demolition of existing dwelling and buildings and works including first floor addition	Permit Amendment
284	12-02-16	Delegate Approval - S72 Amendment	9 Alern Crt, Nunawading	Springfield	Amendment to Planning Permit WH/2012/284 (Issued for the construction of a three storey dwelling beside the existing dwelling) for modifications external materials of the approved dwelling	Permit Amendment
294	24-02-16	Delegate Approval - S72 Amendment	36 Doncaster East Rd, Mitcham	Springfield	Amendment to Planning Permit WH/2014/294 (Issued for buildings and works and use of land for hospital (sleep apnoea unit) and signage) for modifications endorsed plans, and changes to condition 3	Permit Amendment
300	09-02-16	Delegate Approval - S72 Amendment	710 Station St, Box Hill	Elgar	Buildings and works for multi level building comprising multiple dwellings, alter access to a road in a Road Zone Category 1 and a reduction in car parking requirements	Multiple Dwellings
342	23-02-16	Delegate Approval - S72 Amendment	13 Plymouth Crt, Nunawading	Springfield	Construction of two semi-detached double storey dwellings	Permit Amendment
444	29-02-16	Delegate Approval - S72 Amendment	11 Alandale Rd, Blackburn	Central	Buildings and works to construct one (1) dwelling and tree removal	Permit Amendment
469	26-02-16	Delegate Approval - S72 Amendment	91 Warrigal Rd, Surrey Hills	Riversdale	Amendment to endorsed plans to reduce the front setback	Permit Amendment
506	26-02-16	Delegate Approval - S72 Amendment	118 Dorking Rd, Box Hill North	Elgar	Amendments to Planning Permit WH/2014/506 (issued for construction of three double storey dwellings) to alter the layout of Dwelling 3	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
507	22-02-16	Delegate Approval - S72 Amendment	1037 Riversdale Rd, Surrey Hills	Riversdale	Construction of three double storey dwellings and alteration to access to a road in a Road Zone Category 1	Permit Amendment
584	16-02-16	Delegate Approval - S72 Amendment	43 Stott St, Box Hill South	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Permit Amendment
590	26-02-16	Delegate Approval - S72 Amendment	12 Warnes Rd, Mitcham	Springfield	Construct two (2) double storey dwellings to the rear of the existing dwelling	Permit Amendment
668	16-02-16	Delegate Approval - S72 Amendment	89 Nelson Rd, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Permit Amendment
697	29-02-16	Delegate Approval - S72 Amendment	16 Summit Rd, Burwood	Riversdale	Construction of 2 double storey dwellings	Permit Amendment
700	03-02-16	Delegate Approval - S72 Amendment	761 Station St, Box Hill North	Elgar	Construction of six attached three storey dwellings	Permit Amendment
721	19-02-16	Delegate Approval - S72 Amendment	20 Laughlin Ave, Nunawading	Springfield	Amendment to Planning Permit WH/2013/721 issued for the construction of two single storey dwellings and subdivision of land into two lots for a change in colours and materials and a rise in wall heights for the carport of Dwelling 1	Permit Amendment
743	15-02-16	Delegate Approval - S72 Amendment	740 Station St, Box Hill	Elgar	Construction of a four storey building for 47 dwellings, alterations to access in a Road Zone, Category 1 and reduction in car parking requirements pursuant to Clause 52.06.	Permit Amendment
762	23-02-16	Delegate Approval - S72 Amendment	10 Wridgway Ave, Burwood	Riversdale	Construction of three double storey dwellings	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
771	29-02-16	Delegate Approval - S72 Amendment	101/766 Whitehorse Rd, Mont Albert	Elgar	Amendment to Planning Permit WH/2006/771 (Issued for the construction of a four storey building comprising eleven dwellings and alteration of access to a road in a Road Zone Category 1) for the construction of a vergola above the courtyard to Dwelling 101	Permit Amendment
777	25-02-16	Delegate Approval - S72 Amendment	138-140 Burwood Hwy, Burwood	Riversdale	Alterations to front facade of existing office building and display of signage associated with medical centre and use of shop (pharmacy)	Permit Amendment
816	19-02-16	Delegate Approval - S72 Amendment	26 Clyde St, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Permit Amendment
822	26-02-16	Delegate Approval - S72 Amendment	186-188 Central Rd, Nunawading	Springfield	Development of the land for four double storey dwellings and removal of one tree	Permit Amendment
825	29-02-16	Delegate Approval - S72 Amendment	557 Middleborough Rd, Box Hill North	Elgar	Amendment to planning permit and endorsed plan to permit WH/2014/825 (issued for the construction of two double storey dwellings) comprising the addition of a front fence and gate	Permit Amendment
837	11-02-16	Delegate Approval - S72 Amendment	1/12 Rishon Ave, Blackburn South	Riversdale	Construction of a single storey dwelling to the rear of the existing dwelling	Permit Amendment
944	16-02-16	Delegate Approval - S72 Amendment	80 Burwood Hwy, Burwood East	Riversdale	Amendment to plans to increase the floor area of and add a roof top terrace to Dwelling 1	Permit Amendment
1028	29-02-16	Delegate Approval - S72 Amendment	28 Rochdale Drv, Burwood East	Riversdale	Amendment to endorsed plans for decks in the secluded private open space of both dwellings	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1138	12-02-16	Delegate Approval - S72 Amendment	451 Highbury Rd, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Permit Amendment
14941	02-02-16	Delegate Approval - S72 Amendment	1/28-30 Blackburn Rd, Blackburn	Central	Amendment to Planning Permit (Issued for the use of the land to sell and consume liquor (licensed premises), waiver of bicycle facilities and reduction in car parking requirement associated with a restaurant) for modifications to the area within which liquor is allowed to be consumed to include the external seating area.	Permit Amendment
405	26-02-16	Delegate NOD Issued	997-1003 Whitehorse Rd, Box Hill	Elgar	Construction of a 12 Storey building, comprising 108 apartments, a restaurant and three (3) shops and reduction in standard car parking requirement	Multiple Dwellings
492	22-02-16	Delegate NOD Issued	52 Clyde St, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
537	29-02-16	Delegate NOD Issued	12 Cyril St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
541	26-02-16	Delegate NOD Issued	15 Neville St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
1025	26-02-16	Delegate NOD Issued	3/6 Mitchell Rd, Mont Albert North	Elgar	Buildings and works to the existing dwelling to provide a first floor addition	Single Dwelling < 300m2
3	23-02-16	Delegate Permit Issued	353-383 Burwood Hwy, Forest Hill	Morack	Display of business identification signage, including floodlit and high wall signage	Advertising Sign
14	11-02-16	Delegate Permit Issued	533 Whitehorse Rd, Mitcham	Springfield	Display of signage	Advertising Sign
33	08-02-16	Delegate Permit Issued	30 Serpentine St, Mont Albert	Elgar	Lopping of one (1) tree in the Vegetation Protection Overlay	VicSmart - General Application

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
35	26-02-16	Delegate Permit Issued	1/7 Fortune St, Box Hill North	Elgar	Alterations to existing dwelling on a lot less than 300m2	Single Dwelling < 300m2
37	23-02-16	Delegate Permit Issued	224 Springfield Rd, Blackburn	Central	Two lot subdivision	Subdivision
38	05-02-16	Delegate Permit Issued	9A Zetland Rd, Mont Albert	Elgar	Construction of a deck in a Heritage Overlay	VicSmart - General Application
53	11-02-16	Delegate Permit Issued	93 Esdale St, Nunawading	Springfield	6 lot subdivision	Subdivision
56	18-02-16	Delegate Permit Issued	369 Springvale Rd, Forest Hill	Morack	2 lot subdivision	Subdivision
57	26-02-16	Delegate Permit Issued	2 Hayward Crt, Vermont	Morack	Partial demolition and buildings and works to alter and partially reconstruct an existing fire damaged dwelling	Heritage
58	17-02-16	Delegate Permit Issued	160 Whitehorse Rd, Blackburn	Central	Buildings and works for a temporary rail commuter car park in association with the Blackburn Railway Station, for the Blackburn Road level crossing grade separation	Business
71	12-02-16	Delegate Permit Issued	123 Rooks Rd, Nunawading	Springfield	2 lot subdivision	Subdivision
72	15-02-16	Delegate Permit Issued	1 Ivy St, Burwood	Riversdale	2 lot subdivision	Subdivision
73	15-02-16	Delegate Permit Issued	14 Hill St, Box Hill South	Riversdale	3 lot subdivision	Subdivision
78	26-02-16	Delegate Permit Issued	74 Churinga Ave, Mitcham	Springfield	Buildings and works for the construction of one (1) single storey dwelling	Special Building Overlay
87	24-02-16	Delegate Permit Issued	1181 Riversdale Rd, Box Hill South	Riversdale	2 lot subdivision	Subdivision
101	23-02-16	Delegate Permit Issued	555 Canterbury Rd, Vermont	Springfield	Removal of (1) one tree	VicSmart - General Application
102	08-02-16	Delegate Permit Issued	14 Stott St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
109	26-02-16	Delegate Permit Issued	4 Wattle Valley Rd, Mitcham	Springfield	Removal of one tree	VicSmart - General Application

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
115	29-02-16	Delegate Permit Issued	28 William St, Box Hill	Elgar	Buildings and works for a spa pool and associated fencing and pergola	VicSmart - General Application
340	24-02-16	Delegate Permit Issued	142 Thames St, Box Hill North	Elgar	Construction of 16 three storey dwellings (2 Bedroom) and the reduction of the car parking requirements of Clause 52.06	Multiple Dwellings
341	24-02-16	Delegate Permit Issued	11 Newbigin St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
466	24-02-16	Delegate Permit Issued	4 Edinburgh Rd, Blackburn South	Central	Construction of two double storey dwellings and two lot subdivision	Multiple Dwellings
529	01-02-16	Delegate Permit Issued	1 Hillside Pde, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
546	01-02-16	Delegate Permit Issued	10 Carween Ave, Mitcham	Springfield	Construction of two (2) double storey dwellings and the removal of two (2) trees	Multiple Dwellings
549	24-02-16	Delegate Permit Issued	10 Hamilton Ave, Blackburn	Central	Construction of four (4) double storey dwellings	Multiple Dwellings
569	12-02-16	Delegate Permit Issued	1 Victory St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
575	24-02-16	Delegate Permit Issued	26 Dunlavin Rd, Nunawading	Springfield	Construction of a two (2) storey dwelling and carport to the rear of an existing dwelling	Multiple Dwellings
593	01-02-16	Delegate Permit Issued	7 Patterson St, Nunawading	Springfield	Buildings and works to construct a dwelling and the removal of ten(10) trees	Special Landscape Area
633	12-02-16	Delegate Permit Issued	71 Orchard Cres, Mont Albert North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
640	09-02-16	Delegate Permit Issued	13 Cornfield Grv, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
654	26-02-16	Delegate Permit Issued	20 Tyrrell Ave, Blackburn	Central	Amendment to Planning Permit WH/2013/654 (Issued for the construction of four (4) dwellings on a lot) for modifications to approved development	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
684	01-02-16	Delegate Permit Issued	29 Banbury St, Burwood East	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings
687	01-02-16	Delegate Permit Issued	13-15 Centre Rd, Vermont	Morack	Subdivision of land into two lots	Subdivision
693	24-02-16	Delegate Permit Issued	3 Madonna Crt, Vermont	Morack	Buildings and works for construction of four dwellings and tree removal	Multiple Dwellings
722	15-02-16	Delegate Permit Issued	20 Robert St, Burwood East	Morack	2 lot subdivision	Subdivision
742	24-02-16	Delegate Permit Issued	47 Francis St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
747	24-02-16	Delegate Permit Issued	11 Tarwarri Place Burwood East	Riversdale	Construction of one (1) double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
758	09-02-16	Delegate Permit Issued	26 Eugenia St, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
759	10-02-16	Delegate Permit Issued	49 Mahoneys Rd, Forest Hill	Morack	Buildings and works associated with an extension to the floor area of a Restaurant (two parcels), a reduction in the car parking requirement, to display internally illuminated signage, and to use land to consume liquor	Business
760	11-02-16	Delegate Permit Issued	28 Cook Rd, Mitcham	Springfield	Construction of two new double storey dwellings	Multiple Dwellings
765	02-02-16	Delegate Permit Issued	886 Station St, Box Hill North	Elgar	Buildings and works for medical centre use and alteration of access to a Road Zone Category 1	Residential (Other)
766	25-02-16	Delegate Permit Issued	53 Beaver St, Box Hill South	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
767	15-02-16	Delegate Permit Issued	26 Fuchsia St, Blackburn	Central	Development of land for buildings and works to extend the existing dwelling and the addition of a domestic swimming pool and associated pool house within a Heritage Overlay	Special Landscape Area

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
768	24-02-16	Delegate Permit Issued	71 Junction Rd, Nunawading	Springfield	Construction of two double storey dwellings	Multiple Dwellings
829	19-02-16	Delegate Permit Issued	2 Stevens Rd, Forest Hill	Morack	Construction of two double storey dwellings	Multiple Dwellings
832	22-02-16	Delegate Permit Issued	410 Belmore Rd, Mont Albert North	Elgar	Construction of three double storey dwellings and alteration of access to a road in a road zone, Category 1	Multiple Dwellings
844	01-02-16	Delegate Permit Issued	13 Loddon St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
853	01-02-16	Delegate Permit Issued	89 Central Rd, Blackburn	Central	Buildings and works associated with the construction of a single dwelling and domestic swimming pool and the removal of vegetation within a Significant Landscape Overlay- Schedule 2	Special Landscape Area
885	15-02-16	Delegate Permit Issued	33 Neville St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
886	24-02-16	Delegate Permit Issued	16 Mary St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
887	16-02-16	Delegate Permit Issued	65 Heathfield Rise Box Hill North	Elgar	Construction of one double storey dwelling	Multiple Dwellings
903	29-02-16	Delegate Permit Issued	6 Park St, Blackburn	Central	Construction of an extension to an existing dwelling and a front fence on a lot of less than 500 square metres	Single Dwelling < 300m2
918	16-02-16	Delegate Permit Issued	129 Mount Pleasant Rd, Nunawading	Springfield	2 lot subdivision	Subdivision
929	25-02-16	Delegate Permit Issued	39-51 Chapman St, Blackburn North	Central	Display of business identification signs	Advertising Sign
1004	26-02-16	Delegate Permit Issued	586 Elgar Rd, Box Hill North	Elgar	Alteration to access to a road in a Road Zone, Category 1	Business
1174	19-02-16	Delegate Permit Issued	Level 1 353 Whitehorse Rd, Nunawading	Springfield	Display of two (2) business identification signs	Advertising Sign

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1259	01-02-16	Delegate Permit Issued	71 Peter St, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
1053	15-02-16	Delegate Refusal - S72 Amendment	16 Downing St, Blackburn	Central	Buildings and works to construct retaining walls	Permit Amendment
1087	08-02-16	Delegate Refusal - S72 Amendment	22 Wavell St, Box Hill	Elgar	Amendment to delete Conditions 1.g) and h)	Permit Amendment
329	26-02-16	Delegate Refusal Issued	17 Evelina St, Mont Albert North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
495	02-02-16	Delegate Refusal Issued	20 Harrison St, Mitcham	Springfield	Construction of twenty double storey dwellings	Multiple Dwellings
555	04-02-16	Delegate Refusal Issued	12 George St, Blackburn	Central	Use of the and for a brothel and escort agency and associated buildings and works.	Industrial
706	03-02-16	Delegate Refusal Issued	19 Johnston St, Burwood	Riversdale	Construction of four double storey dwellings	Multiple Dwellings
980	29-02-16	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
1122	05-02-16	Delegate Refusal Issued	43 Zetland Rd, Mont Albert	Elgar	Construction of a four storey apartment building plus basement	Multiple Dwellings
1138	16-02-16	Delegate Refusal Issued	78 Railway Rd, Blackburn	Central	Use of the land for industry (coffee roasting facility)	Business
40	02-02-16	No Permit Required	5 Newton St, Surrey Hills	Riversdale	Lopping of a protected tree	VicSmart - General Application
637	26-02-16	Withdrawn	463-465 Whitehorse Rd, Mitcham	Springfield	Development of a two storey apartment building comprising seven dwellings (plus basement car park) and associated reduction of car parking requirements	Permit Amendment
729	26-02-16	Withdrawn	14 Kneale Drv, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
952	26-02-16	Withdrawn	1 Queen St, Blackburn	Central	Construction of a five storey apartment building comprising 77 dwellings with basement car parking	Permit Amendment

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
1027	05-02-16	Withdrawn	44 Diosma Cres, Nunawading	Springfield	Construction of a double storey dwelling and a carport	Multiple Dwellings
1063	09-02-16	Withdrawn	104-106 South Pde, Blackburn	Central	Display of an above-verandah sign	Advertising Sign
1064	24-02-16	Withdrawn	1/14 Laburnum St, Blackburn	Central	Works to construct deck and verandah within a Special Building Overlay	Special Building Overlay
1168	10-02-16	Withdrawn	3/22 Beech St, Surrey Hills	Riversdale	Extension of existing dwelling over common property and on a lot less than 300m2	Single Dwelling < 300m2

BUILDING DISPENSATIONS/APPLICATIONS FEBRUARY 2016

Address	Date	Ward	Result
16 Derby Street, BLACKBURN	03-02-16	Central	Amendment Approved R414
19 Lee Ann Street, BLACKBURN SOUTH	29-02-16	Central	Amendment Approved R409
30 Forest Glen Avenue, BLACKBURN SOUTH	08-02-16	Central	Amendment Approved R424
1 Anjaya Court, BLACKBURN	18-02-16	Central	Consent Granted R409
1/252 Middleborough Road, BLACKBURN SOUTH	19-02-16	Central	Consent Granted R411, R414
11 Violet Court, BLACKBURN SOUTH	18-02-16	Central	Consent Granted R409, R414
12 Verbena Street, BLACKBURN NORTH	26-02-16	Central	Consent Granted R415, R409
14 Terra Cotta Drive, BLACKBURN	01-02-16	Central	Consent Granted R424, R427
2 Yorkshire Street, BLACKBURN NORTH	12-02-16	Central	Consent Granted R409
236-238 Whitehorse Road, NUNAWADING	10-02-16	Central	Consent Granted R604
50 Koonung Road, BLACKBURN NORTH	15-02-16	Central	Consent Granted R424
61 Canora Street, BLACKBURN SOUTH	09-02-16	Central	Consent Granted R409
9 Nestor Grove, BLACKBURN NORTH	01-02-16	Central	Consent Granted R409
14 Vernon Street, BLACKBURN SOUTH	26-02-16	Central	Consent Refused R414
29 Lawrence Street, BLACKBURN SOUTH	19-02-16	Central	Consent Refused R415
7 Marama Street, BOX HILL NORTH	29-02-16	Elgar	Amendment Approved R409
120 Thames Street, BOX HILL NORTH	12-02-16	Elgar	Consent Granted R604
14 Anthony Crescent, BOX HILL NORTH	12-02-16	Elgar	Consent Granted R409
16 Tower Street, SURREY HILLS	01-02-16	Elgar	Consent Granted R427
18 Black Street, MONT ALBERT	05-02-16	Elgar	Consent Granted R424
18 Cairo Road, MONT ALBERT NORTH	09-02-16	Elgar	Consent Granted R414, R411
19 Wellington Road, BOX HILL	15-02-16	Elgar	Consent Granted R604
67 Peter Street, BOX HILL NORTH	29-02-16	Elgar	Consent Granted R409, R414
9 Bundoran Parade, MONT ALBERT NORTH	12-02-16	Elgar	Consent Granted R426
3 Patrick Street, BOX HILL NORTH	17-02-16	Elgar	Consent Refused R415
15 Manhattan Square, VERMONT	24-02-16	Morack	Consent Granted R414
178 Hawthorn Road, VERMONT SOUTH	16-02-16	Morack	Consent Granted R424, R427
2 Manhattan Square, VERMONT	19-02-16	Morack	Consent Granted R409
20 Beddoe Road, VERMONT	05-02-16	Morack	Consent Granted R411, R414
2-3 Terrigal Lane, VERMONT	01-02-16	Morack	Consent Granted R415
2-3 Terrigal Lane, VERMONT	01-02-16	Morack	Consent Granted R411, R414, R409
24 Coonawarra Drive, VERMONT SOUTH	08-02-16	Morack	Consent Granted R409
3 Ryecroft Court, VERMONT	15-02-16	Morack	Consent Granted R414
32 Panorama Drive, FOREST HILL	16-02-16	Morack	Consent Granted R409

Address	Date	Ward	Result
5A Renmark Court, VERMONT SOUTH	16-02-16	Morack	Consent Granted R424
6 Barter Crescent, FOREST HILL	05-02-16	Morack	Consent Granted R424
798 Canterbury Road, VERMONT	03-02-16	Morack	Consent Granted R420, R412
9 McClares Road, VERMONT	08-02-16	Morack	Consent Refused R414, R409
14 Gareth Drive, BURWOOD EAST	03-02-16	Riversdale	Amendment Approved R409
1 Tricia Court, BURWOOD EAST	19-02-16	Riversdale	Consent Granted R409
18 Daniel Street, BURWOOD	24-02-16	Riversdale	Consent Granted R415, R409
2 Hiddleston Avenue, BOX HILL SOUTH	29-02-16	Riversdale	Consent Granted R604
224 Elgar Road, BOX HILL SOUTH	16-02-16	Riversdale	Consent Granted R427
30 Hamel Street, BOX HILL SOUTH	12-02-16	Riversdale	Consent Granted R409
61 Neville Street, BOX HILL SOUTH	09-02-16	Riversdale	Consent Granted R409
7 Bennett Street, BURWOOD	16-02-16	Riversdale	Consent Granted R424
7 Cornish Road, BURWOOD EAST	16-02-16	Riversdale	Consent Granted R424
8 Carver Street, BURWOOD EAST	10-02-16	Riversdale	Consent Granted R416
8 Carver Street, BURWOOD EAST	10-02-16	Riversdale	Consent Refused R409, R417
509 Mitcham Road, VERMONT	12-02-16	Springfield	Amendment Approved R427
10 Good Governs Street, MITCHAM	22-02-16	Springfield	Consent Granted R420
15 Howard Street, MITCHAM	26-02-16	Springfield	Consent Granted R411
19 Owen Street, MITCHAM	22-02-16	Springfield	Consent Granted R409
193-195 Springvale Road, NUNAWADING	10-02-16	Springfield	Consent Granted R604
2 Robyn Drive, NUNAWADING	22-02-16	Springfield	Consent Granted R411
28 Nielsen Avenue, NUNAWADING	22-02-16	Springfield	Consent Granted R414
34 Denis Street, VERMONT	12-02-16	Springfield	Consent Granted R411, R409, R414
36 Fellows Street, MITCHAM	15-02-16	Springfield	Consent Granted R414
44 Alwyn Street, MITCHAM	29-02-16	Springfield	Consent Granted R414
523 Canterbury Road, VERMONT	08-02-16	Springfield	Consent Granted R414
55 Creek Road, MITCHAM	24-02-16	Springfield	Consent Granted R409
6 Forster Street, MITCHAM	16-02-16	Springfield	Consent Granted R411, R414
60 Betula Avenue, VERMONT	01-02-16	Springfield	Consent Granted R411, R414
63 Shady Grove, FOREST HILL	08-02-16	Springfield	Consent Granted R409
78 Hedge End Road, NUNAWADING	03-02-16	Springfield	Consent Granted R409, R414
8 Brae Grove, NUNAWADING	11-02-16	Springfield	Consent Granted R409
9 Lindsay Avenue, NUNAWADING	08-02-16	Springfield	Consent Granted R414
15 Howard Street, MITCHAM	26-02-16	Springfield	Consent Refused R415

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – FEBRUARY 2016
Under the Planning and Environment Act 1987

Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION FEBRUARY 2016

Nil

REGISTER OF PROPERTY DOCUMENTS EXECUTED FEBRUARY 2016

Property Address	Document Type	Document Detail
Leases		
Room 2, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2016)
Room 7, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 30/06/2016)
Room 8, 5 Combarton Street, Box Hill	Residential Tenancy Agreement	Landlord (expires 31/08/2016)
6A Fraser Place, Forest Hill - M&BT Investments and Michael Tochovitis	Lease	Landlord (expires 31/10/2021)
83 Eley Road, Blackburn South - Girl Guides Association of Victoria	Lease	Landlord (expires 31/10/2018)
19 Station Street, Burwood - Girl Guides Association of Victoria	Lease	Landlord (expires 31/10/2018)
13C Luckie Street, Nunawading - Girl Guides Association of Victoria	Lease	Landlord (expires 31/10/2018)
11 Nunkeri Street, Vermont - Girl Guides Association of Victoria	Lease	Landlord (expires 31/10/2018)
73 Rostrevor Parade, Mont Albert North - Girl Guides Association of Victoria	Lease	Landlord (expires 31/10/2018)
23 Oak Street, Surrey Hills	Residential Tenancy Agreement	Landlord (expires 28/06/2016)
Deed of Confidentiality Agreement		
Council Owned Land	5 Deeds of Confidentiality RE: Expressions of Interest	Whitehorse City Council as per probity requirements
Council Owned Land	1 Deed of Confidentiality RE: Expressions of Interest	HWL Ebworth as per probity requirements
Agreements		
Contractual Matter	Community Joint Use Agreement	Whitehorse City Council & Minister for Education

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – FEBRUARY 2016

Nil

PARKING RESTRICTIONS APPROVED BY DELEGATION FEBRUARY 2016

Address: Mitcham Road, Mitcham: from 35m north of southern boundary of 429 Mitcham Road to 8m north of southern boundary of 429 Mitcham Road – east side
Previously: 1 'Unrestricted' parking space
Now: 1 'No Stopping' parking space

VENDOR PAYMENT SUMMARY – SUMS PAID DURING FEBRUARY 2016

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
04.02.16	\$5,638.83	13	EFC
04.02.16	\$27,320.02	39	CHQ
04.02.16	\$464,981.61	30	EFT
08.02.16	\$2,703.50	1	CHQ
08.02.16	\$2,703.50	1	CHQ
08.02.16	\$66,452.66	2	EFT
11.02.16	\$2,912.20	11	EFC
11.02.16	\$117,415.64	62	CHQ
11.02.16	\$1,567,134.33	251	EFT
11.02.16	\$31,630.00	1	CHQ
11.02.16	\$41,296.35	1	EFT
17.02.16	\$975.50	1	EFT
18.02.16	\$975.50	1	EFT
18.02.16	\$4,922.05	11	EFC
18.02.16	\$9,498.68	31	CHQ
18.02.16	\$141,887.49	40	EFT
25.02.16	\$38,325.81	1	EFT
25.02.16	\$2,327.70	14	EFC
25.02.16	\$144,832.76	81	CHQ
25.02.16	\$1,988,386.28	326	EFT
Monthly Leases	\$73,000.00		DD
GROSS	\$4,735,320.41	918	
CANCELLED PAYMENTS	-\$11,467.13	-19	
NETT	\$4,723,853.28	899	

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

10.1 Reports by Delegates

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

RECOMMENDATION

That the record of Reports by Delegates be received and noted.

**10.2 Recommendations from the Special Committee of Council Meeting
of 11 April 2016**

10.2.1 Shaoxing Friendship City Conference - 24 - 26 May 2016

Moved by Cr Stennett, Seconded by Cr Bennett

That Council approve the attendance of Councillor Ben Stennett to the Shaoxing (China) Friendship City Conference to be held between the 24th - 26th May 2016 in accordance with Council's policy on travel and attendance at conferences.

CARRIED UNANIMOUSLY

RECOMMENDATION

That the recommendation from the Special Committee of Council Meeting of 11 April 2016 Item 10.2.1 be received and adopted.

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
21-03-2016 2.30- 4.00pm	Judging Session for 2016 Sustainability Awards	Cr Carr Cr Harris OAM Cr Massoud	J Green I Goodes S Kuisma M Wells B Van Duppen I Barnes	Nil	N/A
21-03-2016	Councillor Informal Briefing Session <ul style="list-style-type: none"> • 32 Roberts Avenue and 4 Richardson Street Box Hill South • 240-244 Mitcham Road Mitcham (CP 105478) • 9 Barter Crescent Forest Hill (Lot 131 LP 50918) • Box Hill to Ringwood Bicycle Path • Draft Sustainability Road Map 2016-2022 • Whitehorse - Shaoxing Friendship City Relationship • Advocacy Campaign for funding Emergency Management 	Cr Daw (Mayor & Chairperson) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	Nil	N/A
01-04-2016 to 03-04-2016	Councillor Budget Planning Weekend 2016/2017 Session <ul style="list-style-type: none"> • Budget Deliberations 	Cr Daw (Mayor & Chairperson) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud D Logan J Gorst	Nil	N/A

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
04-04-2016	Whitehorse Tree Study	Cr Daw (Mayor & Chairperson) Cr Bennett Cr Carr Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud	N Duff J Green P Warner P Smith A De Fazio A Egan V Mogg	Nil	NA
04-04-2016	Strategic Planning Session <ul style="list-style-type: none"> Whitehorse Cycling Strategy Matsudo Presentation Box Hill Vision for Development & Investment 	Cr Daw (Mayor & Chairperson) Cr Bennett Cr Carr Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Stennett	N Duff J Green P Warner P Smith A De Fazio A Egan V Mogg I Goodes L McGuinness J Russell H Anderson D Vincent-Smith T Peak B Morrison	Nil	NA
11-4-2016	Councillor Briefing Session <ul style="list-style-type: none"> Budget Briefing Capital Works presentation Residential Zones Review Draft Council Agenda 18 April 2016 Council Owned Land Box Hill 	Cr Daw (Mayor & Chairperson) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Ellis Cr Harris OAM Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud D Logan J Gorst J Russell K Marriott A Skraba T Johnson I Goodes D Seddon N Sotko J Blythe T Peak A Egan J White	Nil	NA

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 Contract Extension (12043) – Receival, Processing and
Management of Green and Timber Waste at the Whitehorse
Recycling and Waste Centre**

12.2 Inclusion Support Program Discussion Brief

12.3 Council Owned Land Box Hill

13 CLOSE MEETING