



# City of Whitehorse

## AGENDA

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### Ordinary Council Meeting

To be held in the  
Council Chamber  
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

**Monday 21 March 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

### 3 DISCLOSURE OF CONFLICT OF INTERESTS

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 15 February 2016, Confidential Minutes 15 February 2016 and Special Council Meeting – Council Land 15 March 2016.

#### RECOMMENDATION

***That the minutes of the Ordinary Council Meeting of 15 February 2016, the Confidential Council Meeting Minutes 15 February 2016 and Special Council Meeting – Council Land 15 March 2016 having been circulated now be confirmed.***

### 5 RESPONSES TO QUESTIONS

## **6 NOTICES OF MOTION**

## **7 PETITIONS**

### **7.1 Petition relating to Former Brickworks Site Draft Development Plan**

A petition has been received objecting to the shopping centre at the former brickworks site being built as part of stage 1 of the development. The petition has been signed by 40 signatories who are traders at Burwood Heights Shopping Centre, the traders believe the shopping centre should be moved to Stage 3 or Stage 4.

#### **RECOMMENDATION**

***That Council receives the petition and that it be referred to the General Manager City Development for consideration as a multi signed submission on the former Brickworks Site Draft Development Plan.***

### **7.2 Petition relating to Proposed Development at 27 Box Hill Crescent, Mont Albert**

A petition signed by 39 signatories has been received objecting to the proposed construction of three double storey dwellings at 27 Box Hill Crescent, Mont Albert North.

#### **RECOMMENDATION**

***That Council receives the petition and that it be referred to the General Manager City Development for appropriate action and response.***

### **7.3 Petition relating to Northern Shared User Path between Middleborough Road and Springvale Road and Blackburn Station Redevelopment.**

A petition signed by 431 signatories has been received supporting for a Northern Shared User path between Middleborough Road and Springvale Road and redeveloping Blackburn Station to comply with current accessibility standards.

#### **Officer Comment**

The petition does not fully comply with Council's Meeting procedure Local Law as the petitioners are advising they support the Blackburn community in regard to the above and are not necessarily petitioning council for any specific action. However in accordance with the Local law Council may resolve to receive the petition even if it is not fully compliant.

#### **RECOMMENDATION**

***That Council receives and notes the 'petition' from signatories, who are supporting the Blackburn Community in regard to the matters as stated in the 'Petition' and that it be referred to the General Manager City Development for appropriate response.***

## **8 URGENT BUSINESS**

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **Statutory Planning**

#### **9.1.1 32 Roberts Avenue and 4 Richardson Street Box Hill South (Lots 136 & 137 On LP32752) – Construction Of Four Double Storey Dwellings**

FILE NUMBER: WH/2015/691  
ATTACHMENT

#### **SUMMARY**

*This application has been advertised and received 15 objections from 14 objector properties. Issues raised by the objectors include inconsistency with existing neighbourhood character, building bulk and form, accumulation of units, traffic and car parking congestion and amenity impacts. A Consultation Forum was held on 21 January 2016, chaired by Councillor Davenport, and some concessions were made by the applicant. An assessment of the proposal against the provisions of the Whitehorse Planning Scheme has been undertaken. It is recommended that the application be approved.*

#### **RECOMMENDATION**

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

- A. *Being the Responsible Authority, having caused Application WH/2015/691 at 32 Roberts Avenue and 4 Richardson Street Box Hill South to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development of four double storey dwellings is acceptable and should be supported.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 32 Roberts Avenue and 4 Richardson Street Box Hill South for the purpose of construction of four double storey dwellings, subject to the following conditions:***
  - 1. *Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) *The locations of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
    - b) *The Dwelling 2 garage to be setback 3m from the east boundary and the Dwelling 3 garage to be moved east approximately 3 metres, with the distances subject to demonstration of access to all car spaces in a single manoeuvre for a B85 design vehicle using electronic swept path analysis.***
    - c) *Redesign of the Dwelling 2 entry porch (associated with relocation of garage), and the new intervening area behind the garage to be incorporated into the SPOS of Dwelling 1.***
    - d) *The Dwellings 3 and 4 garages to be setback 1m from the south boundary.***

**9.1.1**  
(cont)

- e) *The Dwelling 1 first floor setback a minimum of 7.5 metres from the front boundary.*
- f) *The Dwelling 2 first floor east elevation setback increased to a minimum of 2.5 metres, with Bedroom 2 setback 3 metres.*
- g) *The Dwelling 2 first floor east elevation to include highlight windows to Bedrooms 2 and 3 with a minimum sill height of 1.7 metres.*
- h) *The Dwelling 3 first floor north elevation setback increased to a minimum of 2.5 metres.*
- i) *A minimum 4 metres separation between the first floors of Dwellings 3 and 4.*
- j) *The removal of all balconies.*
- k) *A privacy screen to the Dwelling 1 first floor west elevation computer room window and the Dwelling 3 north elevation computer room window, with notations that the screens are to be in accordance with Standard B22 of Clause 55*
- l) *Notation on site and elevation plans indicating that all obscured glazing is to be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- m) *The Dwelling 4 rain water tank relocated to behind the garage and the clothes line relocated to the SPOS.*
- n) *A recalculation of permeable areas which includes all areas of lilydale toppings to be considered as hard surface areas demonstrating a minimum of 30% permeability for the site.*
- o) *The width of the common driveway reduced to 3 metres and realigned to be perpendicular to the frontage where adjacent to Dwelling 1 with provision of a minimum 0.5m deep garden bed along the west boundary which widens to the south end of the garden bed.*
- p) *Provision and notation of a minimum 10.8 metres separation between the splays of the two crossovers to Roberts Avenue.*
- q) *A Landscape Plan in accordance with Condition 3, including the following:*
  - i. *Provision of screening plants (minimum 3m high) along south and west common boundaries with 2 Richardson Street, including medium to small trees in the widened garden bed adjacent to the frontage of Dwelling 1.*
  - ii. *A 5m<sup>2</sup> garden bed to the rear of the Dwelling 2 garage adjacent to Tree 16.*
  - iii. *Eight canopy trees capable of growing in excess of 8 metres, two each within the front setbacks of Dwellings 1 & 4, and one in the SPOS area of each dwelling.*
  - iv. *All new trees must be planted at a minimum height of 1.5 metres.*
  - v. *No trees to be planted within the easement.*

*All of the above must be to the satisfaction of the Responsible Authority.*

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

**9.1.1**  
(cont)

2. *The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.*
3. *No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:*
  - \* *A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
  - \* *Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
  - \* *Planting within and around the perimeter of the site comprising trees and shrubs capable of:*
    - *Providing a complete garden scheme,*
    - *Softening the building bulk,*
    - *Providing some upper canopy for landscape perspective,*
    - *Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.*
  - \* *A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
  - \* *The proposed design features such as paths, paving, lawn and mulch.*
  - \* *A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

4. *The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*

**9.1.1**  
(cont)

5. *Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
- a) *Tree Protection Zone distances:*
- i. *Tree 1 – Casuarina cunninghamiana - 2 metre radius from centre base of tree*
  - ii. *Tree 4 – Camellia - 2 metre radius from centre base of tree.*
  - iii. *Tree 5 - Camellia - 2.0 metre radius from centre base of tree.*
  - iv. *Tree 6 – Acca sellowiana – 2.3 metre radius from centre base of tree.*
  - v. *Tree 7 - Camellia - 2.0 metre radius from centre base of tree*
  - vi. *Tree 11 - Eucalyptus polyanthemos – 2.0 metre radius from centre base of tree*
- b) *Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
- i. *Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. *Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. *Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
  - iv. *No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. *All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. *No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. *Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. *Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
6. *During construction of any buildings, or during other works, there must be no changes to the existing soil level within 1m of the east boundary fence where within the Tree Protection Zone of Tree 16 – Callistemon saligna, to the satisfaction of the Responsible Authority.*

**9.1.1**  
(cont)

- 7. The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 8. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.**
- 9. The existing street trees shall not be removed or damaged except with the written consent of the Responsible Authority.**
- 10. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.**
- 11. Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.**
- 12. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.**
- 13. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 14. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 15. This permit will expire if one of the following circumstances applies:**
  - a) The development is not commenced within two (2) years from the date of issue of this permit;**
  - b) The development is not completed within four (4) years from the date of issue of this permit.**

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

**Notes:**

- 1. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**

**9.1.1**  
(cont)

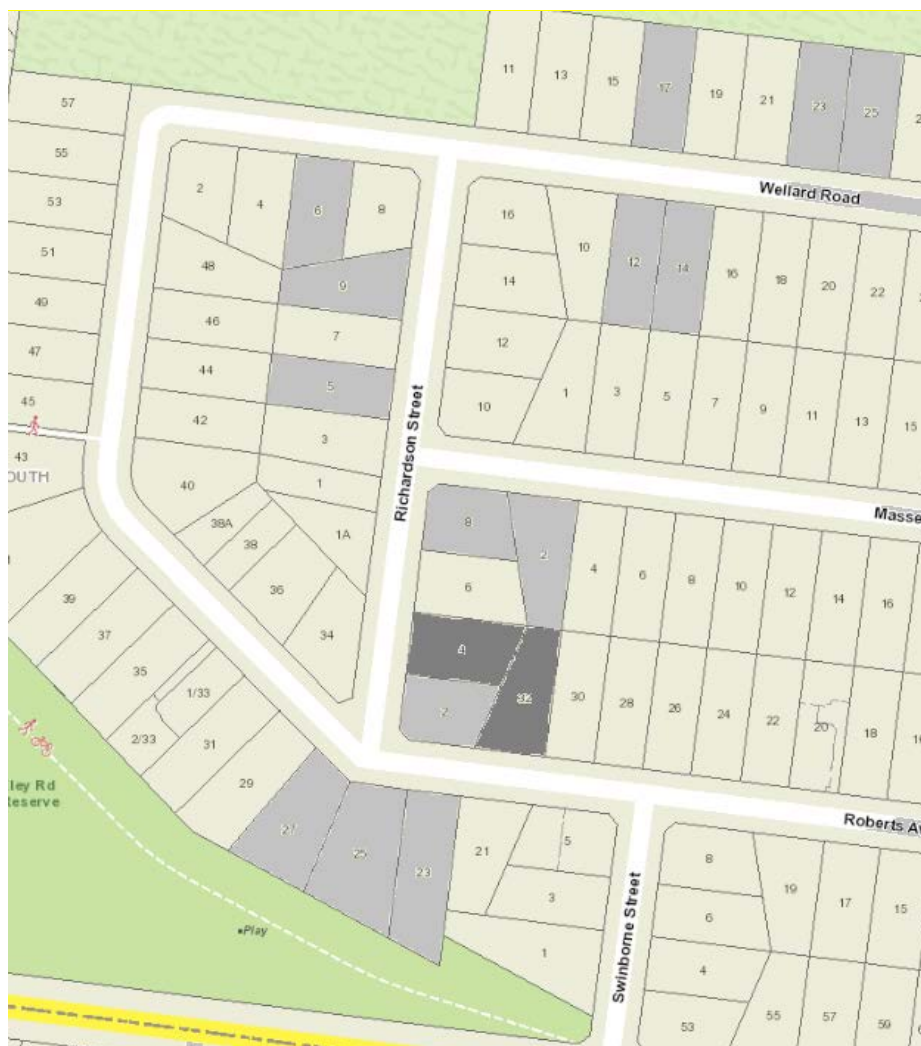
- 2. *The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***
  - 3. *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.***
  - 4. *No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.***
  - 5. *All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.***
  - 6. *The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.***
  - 7. *Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.***
  - 8. *Report and Consent – Building over the easement must be approved prior to the issue of the building permit.***
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.***
-


### 9.1.1

(cont)

MELWAYS REFERENCE 61 D4

|                  |  |
|------------------|--|
| Applicant:       | Valuable Investments Pty Ltd   |
| Zoning:          | General Residential Schedule 3   |
| Overlay:         | Nil  |
| Relevant Clauses | Clause 11 – Settlement<br>Clause 15 – Built environment and heritage<br>Clause 16 – Housing<br>Clause 21.05 – Environment<br>Clause 21.06 – Housing<br>Clause 22.03 – Residential development,<br>Clause 22.04 – Tree conservation<br>Clause 52.06 – Car parking<br>Clause 55 – Two or more dwellings on a lot<br>& residential buildings<br>Clause 65 – Decision guidelines |
| Ward:            | Riversdale   |
| Objectors:       | 15   |



|  |  |              |  |                        |  |
|--|--|--------------|--|------------------------|--|
|  |  | Subject site |  | 14 objector properties | <br>North |
|--|--|--------------|--|------------------------|--|

**9.1.1**  
(cont)

**BACKGROUND**

**The Site and Surrounds**

The subject site contains two lots, one located on the north side of Roberts Avenue and the other on the east side of Richardson Street, creating a right-angled parcel of land around 2 Richardson Street (the corner lot). The lots are irregular in shape with frontages of 19.8 and 22.9 metres, and a total area of 1356m<sup>2</sup>. There is a 2.44m wide easement bisecting the two lots. There is a street tree in front of each lot.

Dwellings within the vicinity of the site are predominantly single storey, although there are scattered two storey dwellings including on an abutting property to the north at 2 Massey Street.

**Planning Controls**

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

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Natural Change Area. The Natural Change Area is expected to undergo a modest level of change to accommodate future increases in dwelling stock, which seek to achieve the desired future character of the area. The Local Planning Policies have also identified the site being located in Garden Suburban Precinct 4.

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

A permit is required under Clause 32.08-4 (General Residential Zone) to construct two or more dwellings on a lot. The relevant purpose of Clause 32.08 is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects the neighbourhood character. Schedule 3 to the zone varies a number of the standards in Clause 55.

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

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

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

### **9.1.1** (cont)

#### **PROPOSAL**

The application proposes the construction of four double storey dwellings (two dwellings at 32 Roberts Avenue and two dwellings at 4 Richardson Street). Dwelling 1 is to have frontage and separate vehicular access to Roberts Avenue, Dwellings 2 and 3 are to share a common driveway with access to Roberts Avenue, and Dwelling 4 is to have frontage and separate vehicular access to Richardson Street.

All dwellings are to have three bedrooms with kitchen, dining, living, Bedroom 1 and sitting room at ground level, and two bedrooms and computer area at first floor. All dwellings are to have double garages (with Dwellings 1 and 4 have an additional tandem space in front of garages) and area of secluded private open spaces (not including areas of storage and water tanks) ranging from 30 to 46 square metres.

The cladding finishes are rendered walls with pitched (20°) concrete tiled roofs. The maximum building height is 8.0 metres. The site coverage is 46.3%, and permeability is stated as 36.4%. All dwellings are provided with 6m<sup>3</sup> storage sheds. There are no front fences proposed.

#### **CONSULTATION**

##### **Public Notice**

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on each frontage of each lot. Following the advertising period 15 objections were received from 14 objector properties. The issues raised in the objections can be summarised as follows:

- Double storey dwellings will change the feel and character of the area, particularly with accumulated effect of other proposals in the area
- Building bulk and form, including insufficient articulation of upper floors
- Will 'box-in' 2 Richardson Street
- Insufficient front setbacks
- Excessive building coverage and impervious surfaces
- Overlooking
- Overshadowing
- Increased on-street parking and loss of available street parking from additional crossover
- Increase in traffic and road safety
- Increase in noise
- Tree removal
- Insufficient landscape areas
- Do not want diversity of housing choice
- Increase load on utility services
- Extra houses are not required (current oversupply)
- Negative impact on surrounding property values.

##### **Consultation Forum**

A Consultation Forum was held on 21 January 2016, chaired by Councillor Davenport. The planning officer, applicant, and 10 objectors from 7 objector properties attended the meeting.

Discussion reviewed the planning controls in the area, increase in traffic and car parking, neighbourhood character (including proliferation of unit developments), overlooking, scale of development, and 'boxing in' of abutting corner lot.

### **9.1.1**

(cont)

The applicant agreed to remove all balconies and increase setbacks and increase garden beds adjacent to the abutting corner lot (2 Richardson Street).

#### **Referrals**

##### *Internal*

##### Engineering & Environmental Services:

- Assets Team

Council's Drainage Engineer requested standard conditions be placed on the permit.

- Transport Engineering Team

Council's Transport Engineers advised that there will be no impacts to Richardson Street and negligible impacts to Roberts Avenue. They advised that if the Dwelling 2 and 3 garages are moved then access to the garages need to be demonstrated using swept path analysis, and that a separation of 10.8m is required between the crossover splays in Roberts Avenue to allow provision for two street parking spaces in front of the subject site.

#### **DISCUSSION**

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

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

Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which natural change is expected to occur. The clause also identifies the site as being in Neighbourhood Character Precinct 4 in the *Whitehorse Neighbourhood Character Study 2014*. Within the precinct properties are to retain the classic garden suburban characteristics of modest, pitched roof dwellings in formal garden settings. The defined pattern of regular front setbacks and side setbacks from both side boundaries will be maintained, allowing sufficient space for planting and growth of new vegetation. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens.

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

The development proposed the construction of a set of two dwellings on two lots of 659 and 676 square metres. The dwellings are generally consistent with the preferred character of the area and are not considered an overdevelopment of the site. Subject to minor amendments, the proposed development is a suitable interpretation of the valued building styles of the area in a contemporary design approach and will not dominate the streetscape.

### 9.1.1 (cont)

In respect to the front setbacks, it is noted that the proposed front setbacks of Dwelling 1 to Roberts Avenue of 6.5 metres at ground level and 6.55 metres at first floor, are greater than the 6m setback of the adjoining property to the east (note the property to the west has a side setback of 1.9m) and therefore exceeds the requirements of Standard B6 of Clause 55. However while the Dwelling 4 front setbacks to Richardson Street of 7 metres at both ground and first floors are greater than the 6.5m setback of the existing dwelling, it is less than the 7.9m setback required to meet Standard B6 of Clause 55. Notwithstanding this it is noted that the property to the north at 6 Richardson Street is proposed to be demolished as a part of the development of two dwellings on that site, and the proposed setbacks exceed both the 5m setback of 2 Richardson Street and the 6m setback of 8 Richardson Street, and therefore meets the street setback objective of Clause 55.

In response to objector concerns that the dwellings will be bulky and have unreasonable amenity impacts on abutting properties, the applicant has agreed to increase the setback of the Dwelling 2 garage to the east boundary from zero to 3m, and the setbacks of the Dwellings 3 and 4 garages to the south boundary from zero to 1m, with the Dwelling 3 garage also moved 3m to the east. These changes will be an improvement to the design and reduce impacts to abutting properties. The changes to the Dwelling 2 garage will create a usable area of open space which can be incorporated in the SPOS of Dwelling 1, and the changes to the Dwellings 3 and 4 garages will create areas to be planted with screen plantings to reduce bulk impacts to the corner property at 2 Roberts Avenue. The relocation of the Dwelling 2 garage will also require relocation of the dwelling entry. These changes are included in conditions for approval.

It would be appropriate to further reduce bulk and mass by a number of changes to ensure the built form and setbacks are acceptable in the garden suburban setting, as follows:

- Although Dwelling 1 complies with the street setback objective of Clause 55, the first floor of the dwelling is large and the setback is recommended to be increased from 6.55 to 7.5 metres.
- Although bulk and mass to the east is being reduced by the movement of the Dwelling 2 garage, the length of the Dwelling 2 first floor east elevation wall will continue to have visual bulk impacts on the adjoining dwelling at 30 Roberts Avenue. Furthermore Bedroom 2 overhangs the new setback area which is to be allocated to Dwelling 1. It is therefore recommended the setback as a whole be increased from 2.05 to 2.5 metres to provide greater articulation facing east, with the Bedroom 2 setback increased to 3 metres. It is also recommended that a highlight window be installed in the first floor east elevation of Bedrooms 2 and 3 to further break up the expanse of wall facing the adjoining dwelling.
- To reduce bulk and mass to both the north property and the corner property to the south-west, the first floor north elevation setback of Dwelling 3 should be increased from 2 metres to 2.5 metres, and the first floor separation between Dwellings 3 and 4 should be increased from 2.4 metres to 4 metres.

Subject to the above changes which are listed in conditions for approval, the proposed setbacks and articulation will result in an acceptable level of visual bulk to the street and adjoining properties.

The application proposes building site coverage of 46.3%, which meets the maximum 50% site coverage required to satisfy the Standard as varied by the schedule to the zone.

### **9.1.1** (cont)

The plans state that there will be impervious paving areas of 17.2%, suggesting that permeability will be 36.4%. This calculation does not include areas of lilydale toppings as hard surface areas. The Garden Suburban Precinct 4 Guidelines state that the site should have a minimum 30% permeability to assist with maintaining and strengthening the garden setting of the dwelling and the tree canopy of the neighbourhood. It is considered that the areas of lilydale toppings within the service yards and paths do not contribute to the garden setting of the dwellings and therefore should not be calculated as permeable areas. Conversely it is noted that the proposed relocation of garages will increase opportunities for permeability. A condition of approval requires a recalculation of permeable areas which includes all areas of lilydale toppings to be considered as hard surface areas demonstrating a minimum of 30% permeability for the site.

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

The application proposes a double garage for all dwellings, with Dwellings 1 and 4 to have an additional space in front of the garages. The proposed parking provision meets Clause 52.06 requirements and is considered acceptable.

There will continue to be two on-street car parking spaces in front of Dwelling 4 and the number of on-street car parking spaces in front of Dwelling 1 will be reduced from three to two spaces on account of an additional crossover to Roberts Avenue. However this space will be made-up with the proposed relocation of the existing crossover to Roberts Avenue (which will be discussed later) so that a combined total of five street spaces will be maintained to Roberts Avenue in front of the subject site and the abutting property to the west.

Council's Transport Engineers advised that the level of traffic generated from an increase from 2 to 4 dwellings is acceptable. In respect to objector concerns regarding impacts to the intersection of Roberts Avenue and Richardson Street, it is noted that the layout proposes three dwellings having access from Roberts Avenue and therefore there will be no increase in traffic at the intersection as a consequence of this proposal.

Proposed modifications to the Dwelling 3 garage are acceptable subject to demonstration of vehicle access using a B85 swept path analysis.

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

- Overlooking

The applicant has agreed to remove all balconies and provide an aluminium privacy screen to the Dwelling 1 first floor west elevation computer room windows. This should also be provided to the Dwelling 3 north elevation computer room window. Subject to these changes, which are included in conditions for approval, the proposal will comply with the overlooking standard in Clause 55.

- Overshadowing

The application includes shadow diagrams which demonstrate compliance with the overshadowing objective of Clause 55. The provision of a further 1m setback of the Dwellings 3 and 4 garages to the south boundary will reduce overshadowing to the south.

### **9.1.1** (cont)

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

- Secluded private open space (SPOS).

The SPOS for Dwellings 1 and 4 are less than the 35 square metres required by Schedule 3 to the General Residential Zone on account of storage sheds and rain water tanks being located in these areas.

The proposed relocation of the Dwelling 2 garage and allocation of the new open space to the SPOS of Dwelling 1 will increase the SPOS for Dwelling 1, which will enable the relocation of the storage shed and will increase the size of the SPOS to an acceptable size. It is noted that Dwelling 4 will benefit from a large front yard and that the water tank can be relocated to behind the garage, which will in turn allow the clothes line, which can be retracted, to be located in the SPOS. This will improve solar access and breezes to the clothes line and increase available space in the SPOS. This is included in conditions for approval.

#### ***Landscaping***

The application proposes to retain a number of small trees adjacent to boundaries in the frontage to Dwelling 4, and a small tree in the rear yard of Dwelling 2. Consideration was given by officers to retaining Tree 12 (Liquidambar) within the frontage of Dwelling 1, however as this tree has structural problems and low retention values it was deemed that a better landscape outcome would be achieved by a realignment of the driveway away from the west boundary with provision for replacement trees.

There is a small tree near the common boundary on the abutting property to the east. It is important that there is no excavation within the structural root zone of this tree. A 5m<sup>2</sup> garden bed should be provided adjacent to this tree to both protect the tree and provide a landscape opportunity at this interface. These requirements are included in conditions for approval.

The schedule to the zone requires provision of at least two canopy trees with a minimum mature height of 8 metres per dwelling, with at least one tree in the SPOS of each dwelling. There is adequate space for these requirements to be met, with sufficient room in the SPOS areas and two trees each in the frontages of Dwellings 1 and 4. This is included in conditions for approval.

As discussed previously the applicant has agreed to setback Garages 3 and 4 from the south boundary to provide screen planting opportunities at that interface. The applicant has also agreed to realign the common driveway to create a larger garden bed at the south-west corner of the site for provision of a small to medium tree. This is supported with a requirement that a minimum 10.8m is provided between the crossovers to ensure that there will continue to be sufficient room for the parking of two cars in front of the site in Roberts Avenue. The width of the common driveway should also be 3.0 metres to provide a minimum 0.5m deep garden bed adjacent to the boundary. These requirements are listed in conditions for approval.

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

*Accumulated effect on the character of the area from new double storey unit developments* – There are no saturation controls and each application must be assessed on its merits. The proposal is consistent with both the existing and preferred character of the area as expressed by the zone and local planning policy.

**9.1.1**  
(cont)

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

*Provides diversity of housing choice* – diversity of housing choice is included in the purposes of the zone.

*Negative impact on surrounding property values* - VCAT and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and is not relevant to the determination of a planning permit application.

*Increase load on utility services* – the provision of an additional two dwellings will not unreasonably impact on existing utility services.

**CONCLUSION**

The proposal for construction of four double storey dwellings is an acceptable response to the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, and Clause 55, ResCode.

The new dwellings are appropriately sited and subject to changes to increase garage setbacks, to reduce the size of upper levels will be visually compatible with the existing built form and provide for replacement tree planting to maintain the Garden Suburban character of the surrounding residential area.

A total of 15 objections were received as a result of public notice and all of the issues raised have been addressed as required.

It is therefore considered that the application should be approved.

**9.1.2 62 Burwood Highway, Burwood (Lots 1-6 LP10162, Lot 1 TP865468H, & Lot 1 TP103119N) – Alterations And Additions To Convenience Restaurant, Signage, Reconfiguration Of The Existing Car Park And Reduction In Car Parking Requirements**

FILE NUMBER: WH/2015/267  
ATTACHMENT

**SUMMARY**

*This application has been advertised and received 16 objections from 13 objector properties. Issues raised by the objectors include offsite amenity impacts to abutting residential properties and failure to address existing traffic congestion. A Consultation Forum was held on 26 August 2015, chaired by Councillor Davenport, and no agreement was reached. An assessment of the proposal against the provisions of the Whitehorse Planning Scheme has been undertaken. It is recommended that the application be approved.*

**RECOMMENDATION**

***That Council:***

- A. Being the Responsible Authority, having caused Application WH/2015/267 for 62 Burwood Highway, BURWOOD (LOTS 1-6 LP 10162, Lot 1 TP865468H, & Lot 1 TP103119N) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the alterations and additions to convenience restaurant, signage, reconfiguration of the existing car park and reduction in car parking requirements is acceptable and should be supported.***
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 62 Burwood Highway, BURWOOD (LOTS 1-6 LP 10162, Lot 1 TP865456, & Lot 1 TP103119) for the alterations and additions to convenience restaurant, signage, reconfiguration of the existing car park and reduction in car parking requirements, subject to the following conditions:***
  - 1. Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) The property boundaries to be shown in accordance with the titles for the site, with demonstration that there are no works within the laneway except for the provision of a pedestrian crossing.***
    - b) Modifications to the 'keep clear' line marking to give precedence to traffic in the laneway over traffic in the drive-thru lane.***
    - c) Deletion of the "STOP" signs (drawing STD/0022/E) associated with the drive-thru.***
    - d) Deletion of signs S8C and S8F.***
    - e) Notation that approval is required from VicRoads for the proposed Pedestrian Crossing.***
    - f) Notation that the existing crossover to Scott Grove is to be removed and Council assets reconstructed in accordance with Condition 16 of this permit.***
    - g) Provision of a new acoustic fence to a height of 2.5m for the full length of the boundary with 6 Scott Grove with notation 'or as otherwise agreed to in consultation with the owner of 6 Scott Grove and the Responsible Authority'.***

**9.1.2**  
(cont)

- h) Increase the width of the garden bed adjacent to the south boundary from 1.0 metre to 2.0 metres.*
- i) The gantry and any other height clearance device to be setback a minimum of 7m from the Scott Grove frontage.*
- j) Deletion of Sign S4.*
- k) A landscape plan in accordance with Condition 3, including the following:*
  - i. The removal of Trees 4, 5, 9, 10, 24 26, 27, 28, 30, 31, 34, 35, 36, 37, 38, 39 and 40.*
  - ii. The retention of Tree A (adjacent to south-east corner of restaurant building) and Trees 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 29, and 32 (except if it is found that any of these trees inappropriately conflict with the use of the drive-thru ordering area), and subject to further approval and replacement to the satisfaction of the Responsible Authority.*
  - iii. New trees at any point along the south and west boundaries where there will be a break in retained trees.*
  - iv. Shrubs within the garden bed along the Scott Grove frontage.*

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

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

**Landscaping and Tree Protection**

- 3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority.*

*Landscaping in accordance with this approved plan and schedule shall be completed before the use of the car park is occupied.*

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

- 4. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*
- 5. Prior to commencement of any building or demolition works on the land, a Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
  - a) Tree Protection Zone distances:*
    - i. Tree 1 (Honey Locust) – 2.4 metres radius.*
    - ii. All other trees including Trees 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 29, and 32 – the outer edge of the construction area.*

**9.1.2**  
(cont)

- b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:*
  - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.*
  - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.*
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
  - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.*
- 6. Prior to the removal of the existing drive-thru the operator under this permit shall calculate the Tre Protection Zone (TPZ) of Tree A (located adjacent to the south-east corner of the restaurant building) in accordance with the AS 4970:2009 and then unsure that the removal of the drive-thru where with the TPZ is removed by hand.*

**Number of seats**

- 7. Not more than 147 seats shall be made available to the public.*

**Amenity impacts**

- 8. The amenity of the area shall not be detrimentally affected by the use or development, through:*
  - a) Transportation of materials, goods or commodities to or from the land,*
  - b) Appearance of any building, works or materials,*
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
  - d) Presence of vermin*
  - e) In any other way.*

### **9.1.2**

(cont)

9. *Within one month of the first operation of the customer ordering devices, the operator of the business must submit an acoustic report to the Responsible Authority demonstrating full compliance with SEPP N-1, to the satisfaction of the Responsible Authority.*

*If compliance with SEPP-N1 is not achieved, the report must identify methods to bring the customer ordering devices into compliance and a second report provided within one month after any alterations to the customer ordering devices have been made confirming any noise emissions are compliant with the SEPP-N1 regulations.*

#### **Signage and lights**

10. *The location and details of the signs shown on the endorsed plans shall not be altered without the written consent of the Responsible Authority.*
11. *The advertising signs and panels shall be constructed and maintained to the satisfaction of Responsible Authority. Any sign in a state of disrepair shall, at the direction of the Responsible Authority, be removed from the site.*
12. *No bunting, streamers and festooning shall be displayed.*
13. *The intensity of the lights in the advertising signs permitted shall be limited so as not to cause distraction of motorists in adjoining streets or loss of amenity in the surrounding area.*
14. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.*

#### **Pedestrian Crossing**

15. *Prior to the completion of works for the new car park a pedestrian crossing must be installed in the laneway linking the car park to the restaurant. Approval for the crossing must be obtained from VicRoads.*

#### **Council Assets**

16. *The existing crossover to Scott Grove is to be removed and Council assets reconstructed. The works required will include reinstatement of the footpath, kerb and channel, nature-strips, line-marking, and relocation of the parking sign, at the applicant's cost.*

*Any works required in the road reserves (including the laneway) require consent to undertake works in the road reserve (Road opening permit) and are to be undertaken to the satisfaction of the Responsible Authority*

17. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
18. *Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works*

**9.1.2**  
(cont)

19. *Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
20. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
21. *The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*

**Expiry**

22. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two (2) years from the date of issue of this permit;*
  - b) *The development is not completed within four (4) years from the date of issue of this permit.*

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

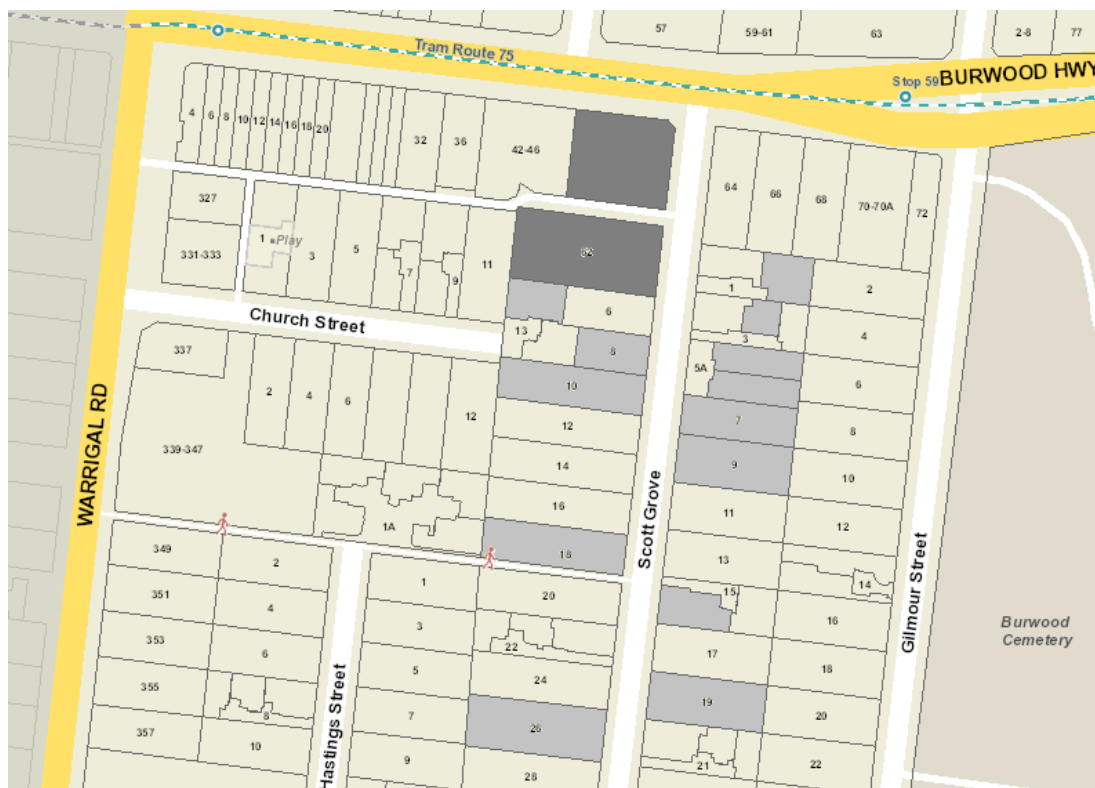
**Notes:**

1. *Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.*
  2. *The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.*
  3. *All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.*
  4. *The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.*
- C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*

**9.1.2**  
(cont)

MELWAYS REFERENCE 60 H6

|                  |  |
|------------------|--|
| Applicant:       | HDF Kingsbury Pty Ltd  |
| Zoning:          | Commercial 1 Zone and General Residential Zone Schedule 1  |
| Overlays:        | Nil  |
| Relevant Clauses | <p>Clause 11 – Settlement</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 21.05 – Environment</p> <p>Clause 22.02 – Visual Amenity and Advertising Signs</p> <p>Clause 22.03 – Residential Development,</p> <p>Clause 22.04 – Tree Conservation</p> <p>Clause 22.05 – Non-Residential Uses in Residential Areas</p> <p>Clause 22.06 – Activity Centres</p> <p>Clause 52.05 – Advertising Signs</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.20 – Convenience Restaurant and Take Away Food Premises</p> <p>Clause 65 – Decision Guidelines</p> |
| Ward:            | Riversdale   |
| Objectors:       | 16   |



|  |  |              |  |               |          |                       |
|--|--|--------------|--|---------------|----------|-----------------------|
|  |  | Subject site |  | 13 properties | objector | <p>↑</p> <p>North</p> |
|--|--|--------------|--|---------------|----------|-----------------------|

### **9.1.2** (cont)

## **BACKGROUND**

### **History**

The subject site, which is occupied by McDonalds Restaurant, was established as a convenience restaurant and associated car park in 1975. Subsequent permits were issued for signage, a playground, and other incidental buildings and works.

In 2004 Planning Permit WH/13876 was issued for alterations and additions to existing McDonald's convenience restaurant. This permit restricted the restaurant to not more than 134 seats to be made available to the public.

In 2008 Planning Permit WH/2007/554 was issued for the existing drive-thru (take-away) arrangement.

Planning application WH/2013/875 for buildings and works for extensions to an existing convenience restaurant associated with a relocated drive-thru arrangement and alterations to the existing car park layout was refused on 15 April 2014. The grounds for refusal were failing to adequately protect the residential amenity of the area, failing to provide safe and efficient vehicle and pedestrian movements through the site, and possibility of traffic flow disruption and potential conflict in vehicle movement along the adjoining Council laneway and Scott Grove.

The southern lot, which includes most of the car park has a covenant which restricts quarrying and the construction of more than one dwelling house. The proposal does not contravene the covenant.

The current application looks to address the issues which were unresolved with the previous application.

### **The Site and Surrounds**

The subject site is located on the south-west corner of the intersection of Burwood Highway and Scott Grove, Burwood, 160 metres east of the intersection of Burwood Highway and Warrigal Road. The site is dissected into two parcels by a Council laneway, containing a McDonald's restaurant on the northern parcel (zoned Commercial 1) and a car park on the southern parcel (zoned General Residential). The Council laneway which dissects the subject site runs in an east-west direction between Scott Grove and Warrigal Road, providing access to the rear of numerous commercial and residential properties along its length.

The surrounding properties to the south, east and west of the car park are essentially residential. The subject site contains a number of trees including 21 mature trees and shrubs along the southern boundary adjacent to residential properties, and a large Yellow Gum in the north-western corner of the car park on the southern parcel, and a mature native tree at the south-east corner of the restaurant building adjacent to Scott Grove.

### **Planning Controls**

The State Planning Policies at Clauses 11 (Settlement), 15 (Built Environment and Heritage), and 17 (Economic Development) aim to reinforce the role of activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres that are safe, functional and provide good quality environments, encouraging retention of existing vegetation or revegetation as part of development proposals.

### 9.1.2 (cont)

The Local Planning Policies at Clauses 21.05 (Environment), 22.03 (Residential Development), and 22.04 (Tree Conservation) seek to facilitate environmental protection and assist in the management of the City's tree canopy by ensuring that new development minimises the loss of trees and vegetation and provides adequate vegetation and gardens consistent with the preferred neighbourhood character.

Clause 22.02 (Visual Amenity and Advertising Signs) seeks to ensure that signage is located and designed with regard to the safe operation of the road network, and to encourage well designed and effective signage to preserve the visual amenity of the locality.

Clause 22.05 (Non-Residential Uses in Residential Areas) seeks to make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area and to ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on site car parking.

Clause 22.06 (Activities Centres) references the *Burwood Village Neighbourhood Activity Centre, Looking Towards the Future, May 2008*, which seeks to improve the laneway public realm by encouraging development to integrate with and front the laneway where possible.

In accordance with Clause 32.08-6 (General Residential Zone) a Planning Permit is required for buildings and works associated with a section 2 use under that zone. A convenience restaurant is a section 2 use under the General Residential Zone. A non-residential use and development is required to consider a number of factors including whether the development is compatible with residential use, the scale and intensity of the use and development, the proposed landscaping, and the safety, efficiency and amenity effects of traffic to be generated by the proposal.

In accordance with Clause 34.01-4 (Commercial 1 Zone) a Planning Permit is required for the construction of buildings and carrying out of works.

In accordance with Clause 52.05-9 (Advertising Signs) a Planning Permit is required for the display of business identification signage. The land zoned Commercial 1 is in Category 1 – Commercial areas, and the land Zoned General Residential Zone is in Category 3 – High Amenity areas.

In accordance with Clause 52.06 (Car Parking) a Planning Permit is required for a reduction in car parking.

Clause 52.20 (Convenience Restaurant and Take-away Food Premises) requires that consideration be given to the effect on the amenity or character of the street or neighbourhood in residential zones, including having regard to noise attenuation measures, landscaping, car parking, vehicle access lanes, lighting, advertising signs, drive-thru facilities and playgrounds.

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

### **9.1.2**

(cont)

#### **PROPOSAL**

The application proposes the following:

##### Existing building

- Replacement of the existing outdoor children's playground within the north (Burwood Highway) frontage with a building extension for the purpose of a playroom over a reduced footprint with new landscaping.
- Provision of a new cashier booth and dry goods storage area at the south-west corner of the building, with new awning over drive-thru in west setback.
- Removal of existing drive-thru lane in south setback and replacement with new landscaped rear entry and provision of relocated disabled car parking space.
- Removal of pitched roof to existing rear canopy and buildings and works for modified façade structure and design.

##### Drive-thru and car park

Realignment of the existing drive-thru lane currently located immediately to the south of the building, to be a part dual lane drive-thru on the southern car park involving the following changes to the existing layout:

- Deletion of the car park crossover onto Scott Grove with all access to the carpark to be via the laneway.
- The landscaped buffer area along the southern boundary reduced from 9 metres to between 1.0 metres (where adjacent to the drive-thru) and approximately 5 metres further west including the removal of five trees in this location, and the planting of an additional 6 trees within the existing car park area.
- Reconfiguration of the car park layout including a reduction in onsite car parking from 43 spaces to 41 spaces.
- Increase of vehicles with access from the laneway from five to 16 spaces.
- Relocation of existing light poles.
- Provision of a reduced drive-thru setback a minimum of 1.0 metre from the south boundary. The drive-thru will include a dual lane ordering bay adjacent to the south boundary including directional signage, four 2.2 metre high rotating menu boards, customer order display unit with speaker boxes, bollards and 3.0 metre high awnings over the customer order units supported by a 3.5m high gantry advising height clearance.
- The display of associated signage for the drive-thru.

The restaurant building, apart from the extended floor area, and new enclosed play area is not proposed to be internally altered in any way. The food preparation and dining areas will remain unchanged and the number of seats in the restaurant will also remain unchanged.

### **9.1.2**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on each frontage of the site. Following the advertising period 16 objections were received from 13 objector properties. The issues raised in the objections can be summarised as follows:

- Amenity impacts to abutting residential properties, including noise.
- The south facing illuminated signage is not necessary and will result in additional light spill.
- Gantry and signage within the residential zone.
- Removal of trees and vegetation.
- Trees should be provided in garden bed adjacent to Scott Grove.
- Will not resolve traffic congestion within Scott Grove and the car park.
- Vehicle conflict between the car park and drive-thru.
- Loss of car parking spaces.
- An increase in reversing onto the right-of-way.
- Devaluation of abutting properties.
- Inconsistent with purpose of the General Residential Zone.
- Inappropriate behaviour of vehicle drivers after leaving the drive-thru.

Comment was also received from VicRoads in the capacity of an interested party rather than a referral authority, who advised that the "STOP" sign associated with the drive-thru must be deleted as it is a major traffic control device which will not be supported. It is noted that all other objections were from residents in Scott Grove, with no objections from users of the laneway.

### **Consultation Forum**

A Consultation Forum was held on 26 August 2015, chaired by Councillor Davenport. The planning officer, applicant, and 7 objectors attended the meeting.

Discussion reviewed the erosion of the landscape buffer to the south, noise impacts to the abutting residential property, and traffic queuing in Scott Grove.

The applicant agreed to increase the landscape buffer and address noise concerns.

### **Referrals**

#### *Internal*

#### Engineering & Environmental Services:

- Assets Team

Council's Asset and Drainage Engineer had no objection subject to conditions and clarification that there will be no encroachment into the Council laneway and reinstatement of Council assets after removal of the crossover to Scott Grove.

- Transport Engineering Team

Council's Transport Engineers had no objections.

### **9.1.2** (cont)

#### Planning & Building:

- Planning Arborist

Council's Planning Arborist had no objection to removal of Trees 4, 5, 9, 10, 26, 27, 28, 30, 31 and 40 and advised that these trees are not worthy of retention.

### **DISCUSSION**

The proposed buildings and works to extend the existing McDonalds building (new play area) and reconfigure the drive-thru on this site is consistent with State and Local Planning Policies, which seek to encourage a mix of uses that meet local convenience needs and build upon the established Burwood Village Neighbourhood Activity Centre.

The changes to the play area will modernise the existing 40 year old building and will be an improvement to the existing streetscape.

Aside from the new play area and signage, the principal purpose of this application is to reconfigure the drive-thru. The current layout of the drive-thru poses a number of concerns for the business operation and roadway traffic congestion/queuing. This was confirmed by Council planning officers, who visited the site in business hours outside of ordinary meal times, and observed significant queuing in the drive-thru which was blocking the laneway and extending into Scott Grove.

The subject site is constrained by the existing building which occupies a large part of the front parcel of land, the need to maintain an adequate level of car parking with appropriate landscaping, a Council laneway which dissects the subject land, and a residential interface to the south and part west boundaries. Whereas it was found that the design for the previous application did not provide for the most functional layout and design, it is considered that subject to conditions the new proposed layout can address the queuing problem and appropriately respond to the constraints of the site.

#### **Traffic considerations**

The proposed drive-thru layout will increase the holding area for cars queuing to the order point from two to seven car spaces. The application includes a traffic report which recorded observations in peak times of up to six cars queuing to the current single order point. The proposed layout will have seven spaces and dual order points and therefore will be able to process orders quicker, which will significantly reduce the current queuing problems at the site and extent of vehicle queuing in both the lane and Scott Grove.

The application proposes to increase the number of car parking spaces with direct access from the laneway from five to 16 spaces. It is noted that all other businesses along the laneway also reverse onto the laneway. Reversing onto this laneway is therefore common and the increase in traffic vehicular movements will not have any unacceptable impacts on the operation of the laneway.

The submitted plans show a pedestrian crossing and a 'keep clear' section in the laneway. The proposed pedestrian crossing replaces an existing crossing and is considered to be a necessary traffic control device. A pedestrian crossing is a Major Traffic Control Device which requires VicRoads approval. The proposed 'keep clear' area however appears to give precedence to the drive-thru at the expense of the laneway traffic, which is not supported. The submitted plans are required to be modified to give precedence to the laneway. These requirements are listed in conditions for approval.

### **9.1.2** (cont)

#### **Amenity considerations**

It is noted that the McDonalds Convenience Restaurant currently operates 24hrs per day, seven days per week.

The applicant provided acoustic reports which noted that the customer ordering devices and car queuing must comply with SEPP N-1 night time noise limits, and recommended that a 2.5m high acoustic fence be provided at the property line adjacent to the ordering bays.

It is recommended that a new acoustic fence to a height of 2.5m be erected for the full length of the boundary with 6 Scott Grove, or as otherwise agreed by all properties including the Responsible Authority. It is also recommended that within one month of the first operation of the customer ordering devices that the operator of the business submit an acoustic report to the Responsible Authority demonstrating full compliance with SEPP N-1. These requirements are listed in conditions for approval.

Amenity consideration relating to traffic movements, landscaping and signage have been reviewed and will be discussed in later sections of this report.

#### **Landscaping considerations**

The application proposes to reduce the landscape strip between the new customer ordering area and the south boundary fence from 9 metres to in part 1.0 metre. The applicant has subsequently submitted an amended (indicative) layout design which increases this landscape strip to 2.0 metres without affecting the efficient use of the car park. This will allow for the retention of an existing tree along this boundary and is in the recommended conditions for approval.

Council's Planning Arborist has advised that Trees 4, 5, 9, 10, 26, 27, 28, 30, 31 and 40 are not worthy of retention. Council planning officers recently attended the site and also found that Tree 24 was in poor health and not worthy of retention. Recommendations for tree retention and removal are listed in conditions for approval.

New trees should be required at any point along the south and west boundaries where there will be a break in retained trees. Shrubs should be required to be planted within the garden bed along the Scott Grove frontage, as these will assist with softening the extent of hard surface in the car park without inconveniently restricting sightlines to the drive-thru bays. These requirements are included in conditions for approval.

#### **Car parking provision**

The existing restaurant currently has 95 internal dining seats and 52 outdoor seats (total of 147 seats), which generates a statutory car parking demand of 43 spaces. This is 13 seats more than the 134 seats allowed by the existing permit WH/13876. It is not evident how the seating numbers have changed since the permit was granted in 2004 given these changes seem to have occurred without planning approval. However, enforcement action has not been undertaken as the changes to the seating numbers are to be assessed through the current permit application. As such, the following assessment is based on the current seating numbers. It is proposed to reduce the number of car parking spaces from 43 to 41 spaces (reduction of two spaces).

The applicant provided a traffic report which advised that there was a peak car parking demand of 23 car parking spaces during the peak operating time of the business. The removal of the southern crossover to Scott Grove will assist the provision of two additional car parking spaces in Scott Grove.

### **9.1.2** (cont)

Council's Transport Engineers noted that on the basis of the statutory parking rates in Clause 52.06, the site should provide 43 on-site car parking spaces, which includes 28 spaces for the 95 internal seats and 15 spaces for the 52 outdoor seats. The Engineers questioned the assessment by the applicant that the parking reduction is acceptable relying on a one day survey with limited observations. However, it is considered that based on the limited statutory shortfall of two spaces from an overall requirement of 43 spaces, and that the removal of the southern crossover will increase the on-street parking capacity of Scott Grove by two spaces, the reduction in car parking is supported, subject to those extra parking spaces being line-marked in Scott Grove. This is included as a condition for approval.

Subsequently it is recommended there be a condition allowing a maximum of 147 seats.

#### **Signage considerations**

The application proposes the display of a number of business identification signs on the restaurant, which are considered appropriate for the site. There are also a number of signs for the drive-thru on the southern parcel of land, which is in a General Residential Zone. Planning approval is required for all business identification signs and internally illuminated signs within the General Residential Zone.

The proposed signage includes a number of signs measuring 2.3 metres in height and 0.7 metres in width at numerous points along the property perimeters, both welcoming patrons and directing traffic to the car park and drive-thru facility. The signs cannot be classified as 'direction signs' as the signs exceed 0.3m<sup>2</sup> and are therefore defined as business identification signs. One of these signs (S8F) is located on the north side the laneway exit and says 'Thank you' on one side and 'No entry' on the other, and another of these signs (S8C) is on the south side of the laneway entry and says 'Welcome'. These signs are inappropriately directed at all users of the Council laneway and are not supported. There is another sign further into the property (S8D) which says 'Drive Thru', which provides adequate assistance to vehicle drivers.

It is noted that there were objections regarding the south facing illuminated signage (Sign S4) which objectors considered was unnecessary and would result in additional light spill. The sign is a 1.6 square metres internally illuminated 'M' towards the west end of the south elevation. While the sign is low, modest in size and will be unlikely to result in any unreasonable light spill to land to the south given it is 40.0 metres from the nearest residential property and with intervening car park lights in between, the sign is considered to be repetition of existing signage at the north, east and west facades and will serve little utility for the restaurant given the sign will face the residential hinterland where it is expected residents would be well aware of the existence of the business. On the basis that the sign will result in repetition of signage and is not necessary for business identification purposes, a condition will require its deletion.

#### **Assets considerations**

Council's Assets Engineering Department require the plans to properly show current title boundaries, with the laneway 6.1 metres wide, and demonstration of no buildings and works within the laneway. These requirements are included in recommended conditions for approval.

### 9.1.2 (cont)

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

- *Gantry* – A 3.5m high gantry is proposed to be setback approximately 1m from the Scott Grove frontage. It is agreed that this will inappropriately dominate the streetscape. Any gantry or height clearance device should be setback a minimum of 7m from the Scott Grove frontage, to be more consistent with dwelling setbacks in the street. This is included in conditions for approval.
- *Inconsistent with residential zone* – There is a legitimate role for non-residential uses in residential zones and the restaurant has been operating on the site legally for a number of years. The modifications to the existing building, drive-thru, vehicle access, and car parking are acceptable subject to conditions.
- *Devaluation of abutting properties* - VCAT and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and are not relevant to the determination of a planning permit application.
- *Inappropriate behaviour of vehicle drivers after leaving the drive through* – This application is not able to address current issues regarding patron behaviour after leaving the premises. Off-site behaviour is a civil issue dealt with under separate legislation.

#### **CONCLUSION**

The proposal for alterations and additions to a convenience restaurant, signage, reconfiguration of the existing car park and reduction in car parking requirements is an acceptable response to the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the requirements of the Commercial 1 and General Residential Zones, and other provisions of the Whitehorse Planning Scheme.

A total of 16 objections were received as a result of public notice and all of the issues raised have been addressed as required.

It is recommended that the application be approved.

**9.1.3 240-244 Mitcham Road Mitcham (CP 105478) – Buildings and works (construction of a flue) and use as a take away food premises sharing existing building with existing service station/convenience shop**

FILE NUMBER: WH/2015/724  
ATTACHMENT

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**SUMMARY**

*This application has been advertised and 18 objections from 18 properties have been received. Issues raised by the objectors include offsite amenity impacts to abutting residential properties and failure to include appropriate measures to address customer behaviour. A Consultation Forum was held on 28 January 2016, chaired by Councillor Stennett, and no agreements were reached. An assessment of the proposal against the provisions of the Whitehorse Planning Scheme has been undertaken. It is recommended that the application be approved.*

**RECOMMENDATION**

***That Council:***

- A. Being the Responsible Authority, having caused Application WH/2015/724 for 240-244 Mitcham Road MITCHAM (CP 105478) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for buildings and works (construction of a flue) and use as a take away food premises sharing existing building with existing service station/convenience shop is acceptable and should be supported.***
  - B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 240-244 Mitcham Road MITCHAM (CP 105478) for buildings and works (construction of a flue) and use as a take away food premises sharing existing building with existing service station/convenience shop, subject to the following conditions:***
    - 1. Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
      - a) A total of 15 car parking spaces, including seven along the southern boundary and eight to the east of the existing building, shown in accordance with the dimensions required by Clause 52.06 (Car parking).***
      - b) Removal of the 'No parking' sign from the south-east boundary.***
      - c) A landscaping plan in accordance with Condition 3.***
- All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans.***
- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.***

**9.1.3**  
(cont)

3. *No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -*
- \* A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
  - \* Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.*
  - \* Planting along the south and south-western boundaries of the site comprising trees and shrubs capable of:
    - Providing a complete garden scheme,*
    - Softening the building bulk,*
    - Providing some upper canopy for landscape perspective,**
  - \* A schedule of the botanical name of all trees and shrubs proposed to be retained*
  - \* The proposed design features such as paths, paving, lawn and mulch.*
  - \* A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

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

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

4. *The take away food premises must not include any provision for internal seating.*
5. *The take away food premises must operate only between the hours of 6:00am and 10:00pm Monday to Sunday.*
6. *The amenity of the area shall not be unreasonably detrimentally affected by the use or development, through:*
- a) Transportation of materials, goods or commodities to or from the land,*
  - b) Appearance of any building, works or materials,*
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,*
  - d) Presence of vermin*
  - e) In any other way.*
7. *Within three months of the first operation of the flue, the operator of the business must submit an acoustic report to the Responsible Authority demonstrating full compliance with SEPP N-1.*

*If compliance with SEPP-N1 is not achieved, the report must identify methods to bring the flue into compliance and a second report provided within one month after any alterations to the flue have been made confirming any noise emissions are compliant with the SEPP-N1 regulations.*

8. *Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.*

**9.1.3**  
(cont)

9. *The collection of waste shall only occur between 6:30am and 8:00pm Monday to Saturday, and between 9:00am and 8:00pm Sunday and public holidays.*
10. *The delivery of goods to the site shall not occur between the hours of 11:00pm and 7:00am Monday to Sunday.*
11. *All car parking spaces identified on the endorsed plans must be line-marked and kept available for that use at all times to the satisfaction of the Responsible Authority.*
12. *Before the use commences, all 'no parking signs' where located near the parking spaces identified on the site plan are to be removed.*
13. *No bunting, streamers and festooning shall be displayed.*
14. *All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.*
15. *The subject land must be drained to the satisfaction of the Responsible Authority.*
16. *This permit will expire if one of the following circumstances applies:*
  - a) *The use is not commenced within two (2) years from the date of issue of this permit;*
  - b) *The development is not commenced within two (2) years from the date of issue of this permit;*
  - c) *The development is not completed within four (4) years from the date of issue of this permit.*

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

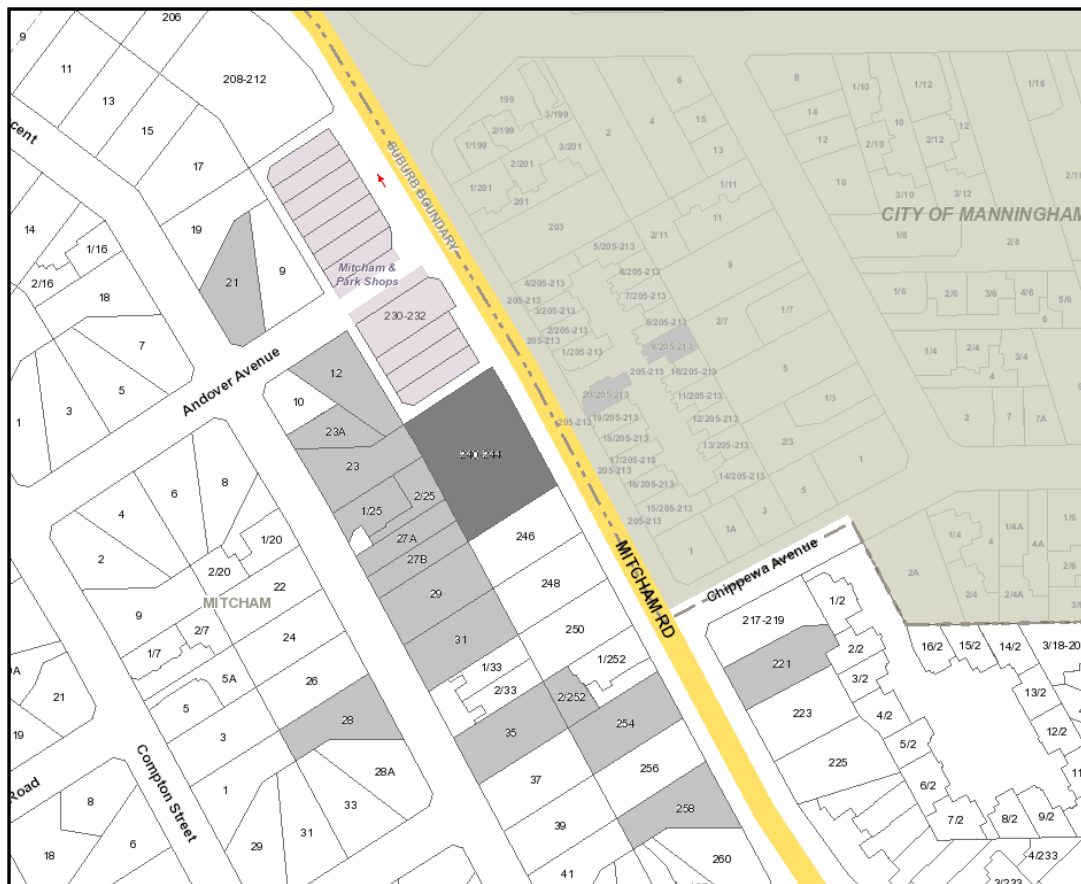
**Notes:**

- A. *This permit relates only to the use and/or development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.*
  - B. *All stormwater drains must be connected to a legal point of discharge in accordance with the requirements of Council's Engineering Department.*
  - C. *Environmental Health Department approval is required for food preparation and storage for the take-away facility.*
  - C. *Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.*
-

**9.1.3**  
(cont)

MELWAYS REFERENCE 48 J6

|                  |  |
|------------------|--|
| Applicant:       | Anil K Hanumanula  |
| Zoning:          | Neighbourhood Residential Zone (Schedule 4)  |
| Overlays:        | Nil  |
| Relevant Clauses | <p>Clause 11 – Settlement</p> <p>Clause 15 – Built Environment and Heritage</p> <p>Clause 17 – Economic Development</p> <p>Clause 21.06 – Housing</p> <p>Clause 22.03 – Residential Development,</p> <p>Clause 22.05 – Non-Residential Uses in Residential Areas</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.20 – Convenience Restaurant &amp; Take Away Food Premises</p> <p>Clause 65 – Decision Guidelines</p> |
| Ward:            | Springfield  |
| Objectors:       | 18   |



|  |  |              |  |                        |                       |
|--|--|--------------|--|------------------------|-----------------------|
|  |  | Subject site |  | 18 properties objector | <p>↑</p> <p>North</p> |
|--|--|--------------|--|------------------------|-----------------------|

### 9.1.3

(cont)

## BACKGROUND

### History

The subject site has an extensive planning history. A number of applications deal with advertising signage and works to the petrol station. The most relevant permits having regards to this application are as follows:

- Planning Permit NUN 1910 was issued in February 1982 for the use and development of the site as a convenience store with hours of operation restricted to 7am to 11pm, seven days a week.
- Planning Permit NUN 6201C was issued on 10 February 1994 for the purpose of 24 hour a day, 7 days a week trading, with an expiry date of 10 February 1995.
- Planning Permit NUN 7027J was issued on 22 March 1995 for ongoing 24 hour a day, 7 days a week trading for the convenience shop.
- In 2007, a take away food premises (kebab van) began operation on the site without planning approval. Enforcement action was undertaken following complaints from nearby residents regarding amenity impacts from the behaviour of customers. Consequently, planning application WH/2007/664 for the use of the land for a take away food premises (kebab van) was applied for. Council officers refused this application on 8 April 2008 on grounds broadly relating to adverse impacts on residential amenity.

### The Site and Surrounds

The subject site is approximately 1710m<sup>2</sup> in area and has a frontage to Mitcham Road of 46.71 metres, and a depth of 36.64 metres. The site has a regular rectangular shape and a slight slope falling to the rear (west). The majority of the site is covered by a concrete apron to provide for car parking and the refuelling of cars at the three rows of bowsters in the centre of the site. There is a 3-4 metre garden strip bordering the site to the south and west. The two permanent structures on the site are the shelter for the bowsters and the convenience shop. The shop covers an area of approximately 250m<sup>2</sup> and is a single storey brick building with a large, tiled verandah.

The surrounding area is predominately residential to the west, south and east and the *Mitcham Road and Andover Street Shops* activity centre is located to the north-west. Residential properties directly abut the site to the west and south. A right-of-way runs along the northern boundary of the site from Mitcham Road, where it turns 90 degrees to north and exits at Andover Avenue. There is a higher density residential development on the east side of Mitcham Road. All properties on the east side of Mitcham Road, north of Chippewa Avenue are within the City of Manningham.

### Planning Controls

The State Planning Policies at Clauses 11 (Settlement), 15 (Built Environment and Heritage), and 17 (Economic Development) aim to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres that are safe, functional and provide good quality environments, encouraging retention of existing vegetation or revegetation as part of development proposals.

Clauses 21.06 (Housing) and 22.03 (Residential Development) apply to all applications for non-residential use and development within residential zones and set out the preferred location, type and intensity of residential development.

### **9.1.3** (cont)

Clause 22.05 (Non-Residential Uses in Residential Areas) seeks to make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area and to ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on-site car parking.

In accordance with Clause 32.09-1 (Neighbourhood Residential Zone), a Planning Permit is required for the use of land for a Take Away Food Premises and for buildings and works in association with a Section 2 use.

Clause 52.06 (Car Parking) requires that before a new use commences, the statutory number of car parking spaces are provided within the subject site.

Clause 52.20 (Convenience Restaurant and Take-away Food Premises) requires that consideration be given to the effect on the amenity or character of the street or neighbourhood in residential zones, including having regard to noise attenuation measures, landscaping, car parking, vehicle access lanes, lights, advertising signs, drive through facilities and playgrounds.

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

### **PROPOSAL**

The application proposes to utilise the currently empty northern portion of the existing building for the purposes of a Take Away Food Premises. The remainder of the buildings and works on the site and the existing convenience shop/petrol station elements will not be affected by the proposed use.

The interior changes will include the addition of a commercial kitchen and a servery. These internal alterations do not require planning permission. No provision for internal seating will be made and the use will be entirely take away. The external buildings and works comprise construction of a flue to service the ovens. The flue will extend 1.2 metres above the existing roof line and will be 9.25 metres from the western boundary and 3.63 metres from the northern boundary.

The site currently contains eight car parking spaces directly to the east of the main building and a further 11 spaces along the southern boundary. Approximately four spaces extending from the south-western corner are currently inaccessible due to the placement of an above ground LPG tank frame and bollards, leaving seven identified spaces remaining along the southern boundary.

The subject site has available seven spaces along the southern boundary and eight in front of the main building for a total of 15 spaces.

### **9.1.3**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on each frontage of the site. Following the advertising period, 18 objections were received from 18 properties. The issues raised in the objections can be summarised as follows:

- Use of land:
  - Land is not commercially zoned.
  - No stipulated hours of opening.
- Amenity impacts:
  - Smell/pollution from the flue and from garbage.
  - Noise
  - Light glare, including from any new signage.
  - Will attract/encourage youth and hooners to congregate and loiter, which will likely result in alcohol consumption and fighting and affect the safety of nearby residents.
- Traffic and parking
  - Increase in traffic and safety impacts
  - Will attract hoon drivers
  - Noise pollution from cars.
  - Insufficient parking
- Other issues:
  - Unhealthy type of food.
  - Business is not required as there are already take-away food premises in the area.
  - Increase littering, including in front yards of surrounding properties.
  - Will result in an increase in robberies, graffiti, and vandalism to subject site and abutting properties.
  - Patrons may use bins on nearby properties and place the wrong refuse in the designated bins.
  - Decrease value of land in the immediate and surrounding area.
  - The previous kebab van attracted vandalism, pests, noise, litter and unsociable behaviour.

### **Consultation Forum**

A Consultation Forum was held on 28 January 2016, chaired by Councillor Stennett. The planning officer, applicant, and 14 objectors attended the meeting.

No issues raised by the objectors were resolved at this meeting.

### **Referrals**

Transport Engineering – reviewed the proposed use and onsite car parking provision and have no objection.

## **DISCUSSION**

### **Use and amenity considerations**

The use of the site for the purposes of a take away food premises and the addition of a flue to the roof of the existing building is consistent with State Planning Policies which seek to encourage a mix of uses that meet local convenience needs.

### 9.1.3 (cont)

Clause 21.06 (Housing) recognises that there is a legitimate need for non-residential uses in residential areas to serve the local community. This Clause encourages non-residential uses to be designed and operated in a manner that ensures they integrate into and respect existing neighbourhood character and do not cause detriment to the community or the amenity of the surrounding residential area. To achieve these outcomes, Clause 22.05 (Non-residential uses in residential areas) sets out a number of policy objectives relating to location, design, landscaping, amenity and car parking. These objectives are largely restated in Clause 52.20 (Convenience Restaurant and Take-away Food Premises).

#### *Location*

The location of the take away food premises is considered to be acceptable as it will adjoin an existing shopping centre. While the site is zoned residential, it is directly adjacent to commercially zoned land and while not defined as part of the Neighbourhood Activity Centre (NAC) pursuant to Clause 22.06 (Activity Centres), it can be viewed as a part of the NAC due to the proximity and its extensive history of use as a convenience shop and petrol station. The addition of a take away food premises to a site that has an extensive and on-going history of commercial uses will not so unreasonably alter the use of the land as to render the proposal unreasonable. On this basis, the inclusion of an additional non-residential use is considered acceptable, subject to conditions and measures to address amenity concerns discussed further below.

#### *Buildings and works*

In terms of building works, the sole change to the external façade of the building is the oven flue. This will be a 710mm wide and 1.2 metre high protrusion above the roof line. Given its low scale and the 9.25 metre setback from the residential interface at the western boundary, it is unlikely to result in any unreasonable change to the scale and appearance of the existing building. While non-residential developments in residential areas are encouraged to be designed in such a way as to harmonise with the housing styles and general character of the area, it is noted that the building has been on the site since the mid-1970s and is an existing part of the character of the area and integrates with the commercial developments directly to the north.

#### *Landscaping*

As there will be an intensification of the use of the site, it is considered that it is reasonable to require a landscape plan to enhance the contribution the site makes to the valued landscape character of the area.

#### *Noise*

Non-residential uses are discouraged by Clause 22.05 (Non-residential uses in residential areas) if they will cause nuisance to nearby residential properties by way of noise, traffic, lighting or loss of security.

The submitted flue noise data indicates a maximum 68dB emission at 3.0 metres from the source. The flue will be operating at 1,900 litres per second, below the rated 4,640 litres per second as per the data sheet, indicating that the total noise output at 3.0 metres may in fact be lower than 68dB. A condition of approval will require the submission of an acoustic report within three months of the commencement of operation demonstrating compliance with the SEPP-N1 (Control of noise from industry, commerce and trade) requirements. If compliance is not achieved, the report should detail any measures required to bring the flue in to compliance.

### 9.1.3

(cont)

In relation to noise generated by customers attending the site, it is noted the nearby NAC is a lowest-order activity centre where shops are not open into the night and consequently it is considered that any use that encourages patronage in to the late evening proceed with caution in order to maintain the amenity of the nearby residential areas. The applicant has not identified in the submission the proposed hours of use, but has suggested that the use is intended to operate after 10:00pm. The convenience shop and petrol station on the site close at 10:00pm and if the proposed use is to operate after this time, it will be the only commercial enterprise within the NAC continuing to trade after this time. It is considered that if the proposed use is to operate after 10:00pm, the noise and general amenity impacts on the surrounding residential amenity from lighting and vehicular and pedestrian movement are likely to increase exponentially as no other commercial operation will be concurrently trading. In addition as traffic movement declines along Mitcham Road after this time activity on the site would not be absorbed by background roadway noise so is likely to have more potential to disrupt the surrounding residential area. While it is noted that the convenience shop and petrol station currently has a planning permit allowing 24 hour trading, as mentioned above it currently closes at 10:00pm. If this use alters its trading hours to beyond 10:00pm, there may be scope to alter the hours of the proposed take away food premises for consistency between the uses. However, this would be the subject to further review through an amendment process.

On this basis, it is considered that the use should cease at 10:00pm and this will form a condition of approval.

In order to minimise noise impacts from the delivery of goods, a condition will require these to not be undertaken between the hours of 11:00pm and 7:00am. Additionally, in order to minimise noise impacts from the collection of waste, a condition will require these services to be undertaken between 6:30am and 8:00pm Monday to Saturday and between 9:00am and 8:00pm Sunday and public holidays. These times are consistent with existing restrictions for the convenience shop and petrol station.

#### *Odour emissions*

In relation to odour emissions, it is expected that the filters within the flue will minimise the emissions of smell from the pizza oven and that waste will be disposed of in accordance with health regulations. A condition of approval will require any odour emissions to be kept to a reasonable level having regard to the site context. The site plans indicate that the existing bin store will be utilised to house bins associated with the proposed use.

#### **Traffic and car parking**

While it is acknowledged that Mitcham Road at this point is a single lane in each direction, it is still a major thoroughfare carrying large amounts of traffic from Whitehorse Road to the south through to Doncaster to the west. On this basis an increase in the number of vehicles using the surrounding road network at the scale proposed is unlikely to have any appreciable effect on surrounding traffic levels.

The subject site currently contains 15 car parking spaces and has been operating as a petrol station and convenience shop since the mid-1970s. Clause 52.06 (Car parking) requires that a convenience shop use has a required car parking rate of ten spaces. A food and drink premises must be provided with four spaces for each 100m<sup>2</sup> of leasable floor area. Based on a proposed floor area of approximately 60m<sup>2</sup>, the food and drink premises will result in a car parking demand of two spaces.

Based on the existing number of onsite car parking spaces, statutory requirements are met, and the proposed car parking demand can be accommodated within the existing car parking provision without resulting in a reliance on on-street car parking spaces.

A condition of approval will require all 15 spaces to be identified on the site plan and to be appropriately line-marked.

### 9.1.3

(cont)

#### Objectors Concerns not Previously Addressed

- *Will attract hoon drivers* – the behaviour of drivers within the surrounding road network attending the site is not a relevant planning matter and is addressed under separation legislation.
- *Unhealthy type of food* – this is a matter of personal choice and is not a relevant planning matter.
- *Business is not required as there are already take-away food premises in the area* – the planning scheme does not consider or regulate market forces.
- *Increase littering, including in front yards of surrounding properties* – the behaviour of customers outside the subject site is not a relevant planning matter.
- *Will result in an increase in robberies, graffiti, and vandalism to subject site and abutting properties* – there is no evidence to support this contention and, further, the planning scheme does not address this matter.
- *Patrons may use bins on nearby properties and place the wrong refuse in the designated bins* – the behaviour of customers outside the subject site is not a relevant planning matter.
- *Decrease value of land in the immediate and surrounding area* – this is not a relevant planning matter.
- *The previous kebab van attracted vandalism, pests, noise, litter and unsociable behaviour* – this is not a relevant matter for the assessment of the current proposal.
- *Unsociable behaviour associated with loitering on the property* – the restriction of the opening hours to the current opening hours of the existing business on the site will effectively direct patrons to leave the site after take-away service.
- *Light glare from new signage* – not part of this proposal.

#### CONCLUSION

The proposal for buildings and works (construction of a flue) and use as a take away food premises sharing existing building with existing service station/convenience shop is an acceptable response to the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the requirements of the and Neighbourhood Residential Zone.

A total of 18 objections were received as a result of public notice and all of the issues raised have been addressed in the above assessment.

It is recommended that the application be approved.

**9.1.4 9 Barter Crescent, Forest Hill (LOT 131 LP 50918) –  
Construction three double storey dwellings**

FILE NUMBER: WH/2015/292  
ATTACHMENT

**SUMMARY**

*This application was advertised, and a total of 14 objections were received. The objections raised issues with overdevelopment, building setbacks, traffic & parking congestion, waste management, potential flooding, vegetation removal and amenity concerns. A Consultation Forum was held on Thursday, 19 November 2015 chaired by Councillor Bennett, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

**RECOMMENDATION**

***That Council:***

- A. Being the Responsible Authority, having caused Application WH/2015/292 for 9 Barter Crescent, FOREST HILL (LOT 131 LP 50918) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the construction of three double storey dwellings is acceptable and should be supported.***
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 9 Barter Crescent, FOREST HILL (LOT 131 LP 50918) for the construction of three double storey dwellings, subject to the following conditions:***
  - 1. Before the development starts, or any trees or vegetation removed, amended plans (three copies) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) Dwelling 1 east facing master bedroom, the west facing retreat windows of Dwelling 2, and the west facing master bedroom windows of Dwelling 3 to be screened in accordance with Standard B22 of Res Code.***
    - b) The location of the sight line triangle along the accessway in accordance with Design Standard 1 of Clause 52.06-8. A notation must be provided on the site plan stating objects and landscaping located within the sight line triangle must be no greater than 900mm in height.***
    - c) The location of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.***
    - d) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.***
    - e) A schedule of all external material and colour finishes.***
    - f) The location of 6m3 of externally accessible storage for each of the dwellings.***

**9.1.4**  
(cont)

- g) Landscape Plan in accordance with Condition 3, including the following:**
- i. Two native canopy trees capable of growing in excess of 8 metres within the front setback of Dwelling 1.**
  - ii. A native canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 1 located outside of the easement.**
  - iii. A native canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 2 located outside of the easement.**
  - iv. Two native canopy trees capable of growing in excess of 8 metres to the west of Dwelling 2.**
  - v. A native canopy tree capable of growing in excess of 8 metres in the SPOS area of Dwelling 3 located outside of the easement**
  - vi. All new trees must be planted at a minimum height of 1.5 metres.**

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.**
- 3. No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:**
- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.**
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:**
    - i. Providing a complete garden scheme,**
    - ii. Softening the building bulk,**
    - iii. Providing some upper canopy for landscape perspective,**
    - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.**
  - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
  - e) The proposed design features such as paths, paving, lawn and mulch.**
  - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

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

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

**9.1.4**  
(cont)

- 4. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.**
- 5. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:**
  - a) Tree protection zone distances:**
    - i. Tree 1 – *Betula pendula* – Silver Birch – 3.6 metre radius from the centre of the tree base.**
    - ii. Tree 6 – *Eucalyptus* sp – 7.6 metre radius from the centre of the tree base.**
    - iii. Tree 7 – *Acacia pravissima* - Ovens Wattle – 3.0 metre radius from the centre of the tree base.**
    - iv. Tree 9 – *Betula pendula* – Silver Birch – 3.0 metre radius from the centre of the tree base.**
  - b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:**
    - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
    - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
    - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.**
    - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
    - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
    - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
    - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
    - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**

**9.1.4**  
(cont)

6. *During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:*
  - a) *Where the driveway is within the TPZ of Trees 1 – Betula pendula – Silver Birch and 6 – Eucalyptus sp, it must be constructed at the existing soil grade and no roots are to be cut or damaged during any part of the construction process.*
  - b) *All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level of the land within the 3.0m TPZ of Tree 7 – Acacia pravissima - Ovens Wattle.*
  - c) *For Tree 9 – Betula pendula – Silver Birch, no roots are to be cut or damaged during any part of the construction process.*
7. *All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.*
8. *Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted for approval by Responsible Authority prior to the commencement of any works.*
9. *Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.*
10. *Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*
11. *The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner must be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.*
12. *The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.*
13. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two (2) years from the date of issue of this permit,*
  - b) *The development is not completed within four (4) years from the date of this permit.*

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

**9.1.4**  
(cont)

**Permit Notes**

- 1. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.**
  - 2. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.**
  - 3. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.**
  - 4. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.**
  - 5. The legal point of discharge is outside the perimeter of the subject property. The applicant will have to construct a stormwater drainage network to the Council nominated legal point of discharge.**
  - 6. Report and Consent – Building over the Easement must be approved prior to endorsement of the building permit.**
  - 7. The vehicle crossing must adhere to Whitehorse Councils – Vehicle Crossing General Specifications.**
  - 8. Trees are not to be planted within the drainage easements.**
  - 9. No excavation and/or fill permitted within the drainage easements.**
  - C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**
-

**9.1.4**  
(cont)

MELWAYS REFERENCE 62 C4

|                   |                                      |   |
|-------------------|--------------------------------------|---|
| Applicant:        | X & N Planning                       |   |
| Zoning:           | General Residential Zone, Schedule 1 |   |
| Overlays:         | Nil                                  |   |
| Relevant Clauses: | Clause 11                            | Settlement  |
|                   | Clause 12                            | Environment and Landscape Values                        |
|                   | Clause 15                            | Built Environment and Heritage                          |
|                   | Clause 21.05                         | Environment   |
|                   | Clause 21.06                         | Housing   |
|                   | Clause 22.03                         | Residential Development                                 |
|                   | Clause 22.04                         | Tree Conservation                                       |
|                   | Clause 32.08                         | General Residential Zone, Schedule 1                    |
|                   | Clause 52.06                         | Car Parking   |
|                   | Clause 55                            | Two or More Dwellings on a Lot or Residential Buildings |
|                   | Clause 65                            | Decision Guidelines                                     |
| Objectors:        | 14                                   |   |
| Ward:             | Morack                               |   |



|  |  |              |  |                        |            |
|--|--|--------------|--|------------------------|------------|
|  |  | Subject site |  | 14 Objector Properties | ↑<br>North |
|--|--|--------------|--|------------------------|------------|

#### 9.1.4

(cont)

### BACKGROUND

#### History

There is no record of any previous planning permit applications on the subject site.

The application was advertised in June 2015, and a Section 57A amendment was lodged on the 27 August 2015 by the applicant in response to issues raised by Council Officers in the site context letter dated 11 June 2015, and Council's Planning Arborist in regards to tree protection on an abutting property. The application was re-advertised October 2015.

#### The Site and Surrounds

The subject site is located at the north eastern side of the cul de sac bowl of Barter Crescent, Forest Hill, approximately 370 metres north east of the intersection of Mahoneys Road and Paul Road. The site is opposite a public car park (vehicular access only via Mahoneys Road), which provides pedestrian access to the Mahoneys Road shops and Forest Hill Chase.

The site is irregular in shape with a curved frontage of approximately 15.2m to Barter Crescent, a variable depth of 48.88 and 28.89 metres, rear boundaries of 10.5 and 47.8 metres, and an area of 1104 square metres. The site is currently occupied by a single storey brick dwelling with a tiled roof. There are a number of trees and shrubs existing on the land. A 1.83 metre wide easement is present to both the northern (rear) and eastern (side) boundaries.

The surrounding properties along Barter Crescent are predominantly single-storey in form. The dwellings on properties to the north and east facing Lyell Walk and Bottle Bend (Forest Gardens Estate) are a mixture of single and double storey attached and detached dwellings, with the lots being substantially smaller in area than those found in Barter Crescent. The subject site by virtue of being at the top of the court bowl is larger in size than other lots generally found in Barter Crescent.

Dwellings in the area typically constructed of brick/render with tiled hip roof forms. The properties along Barter Crescent generally have established gardens with a mixture of shrubs and trees. The car park opposite to the west is screened from Barter Crescent by shrubs on the nature strip. A landscaped median strip/roundabout is located in the court bowl.

The site is located within the Garden Suburban Precinct 6 under Council's Residential Development Policy, with a preferred character which is described as follows:

*The modest, pitched roof dwellings will site within well-established garden settings and will not dominate the streetscape due to consistent siting patterns and substantial planning.*

*The rhythm of dwelling separation will appear regular from the street, even with buildings occasionally built to one side boundary.*

*The streets will have a spacious and leafy feel, which is complemented by tall trees in the public and private realm, visible front lawn areas due to the frequent lack of or low front fencing and grass nature strips.*

The site is located less than 200 metres from the Forest Hill Chase Shopping Centre, which contains bus stops for routes along Canterbury Road. Mahoney's Reserve is within one kilometre of the site (to the south west) and there are two primary schools located within two kilometres of the site.

#### **9.1.4**

(cont)

#### **Planning Controls**

Pursuant to Clause 32.08-4 (General Residential Zone), a planning permit is required to construct two or more dwellings on a lot.

#### **PROPOSAL**

The proposal is to demolish the existing dwelling and to construct three double storey dwellings on site. The dwellings will be detached, separated by a minimum of 1 to 5 metres at ground level, and 3 to 7.8 metres at first floor, and will be accessed by a common driveway along the western side of the property, utilising the existing crossover. A 500mm wide landscaping strip is proposed to the west of the access way, with wider irregular shaped landscaping areas to the eastern side of the access way.

All three dwellings propose hipped roof forms and eaves. They are to be constructed of brick veneer to the ground floor, with render and vertical cladding elements to the first floor. Site coverage of 40.2% and permeability of 36.6% is proposed. No front fencing is proposed.

Dwelling 1 faces Barter Crescent, with vehicular access via the shared access way. The proposal has a minimum front setback of 8.5 metres with a porch encroachment, and a maximum building height of 8.7 metres.

The ground floor of Dwelling 1 will contain an open living/dining/kitchen area, guest bedroom with ensuite, separate lounge, laundry, and a double garage. The first floor of Dwelling 1 will contain three (3) bedrooms, one with ensuite, and a bathroom. The secluded private open space to Dwelling 1 is located to the north east of the dwelling, is irregular in shape, measuring 11.1 metres by 3.2 to 7.9 metres, with an area of approximately 59.5 square metres. One (1) canopy tree has been proposed within the secluded private open space of Dwelling 1, in addition to one (1) canopy tree within the front yard.

Dwelling 2 will be located in the middle of lot, with access via the shared access way. It is proposed to have a maximum overall height of 8.3 metres.

The ground floor of Dwelling 2 will contain an open living/dining/kitchen area, guest bedroom with ensuite, laundry and double garage. The first floor of Dwelling 2 will contain three (3) bedrooms, one with ensuite, a retreat, and a bathroom. The secluded private open space to Dwelling 2 is located to the north of the dwelling, and measures 5 metres wide and 9.17 metres long, with an area of approximately 75.55 square metres. One (1) canopy tree has been proposed within the secluded private open space to Dwelling 2, though this will need to be relocated outside of the easement. An additional two trees have been proposed to the west of Dwelling 2 in the common property.

Dwelling 3 will be located at the rear of the lot, with access also via the shared access way. It is proposed to have a maximum overall height of 7.57 metres.

The ground floor of Dwelling 3 will contain an open plan kitchen/living area, a meals area, laundry and a double garage. The first floor of Dwelling 3 will contain three (3) bedrooms, one with ensuite, a bathroom, and a study nook. The secluded open space is located to the north west of the dwelling with a length of 6.6 metres and a width of between 4 to 6.5 metres, with an area of approximately 86.5 square metres. One (1) canopy tree has been proposed to be planted within the secluded private open space to Dwelling 3, though this will need to be relocated outside of the easement.

The application proposes the removal of eight (8) trees on the subject site. The proposal has been accompanied by a landscape plan that shows six (6) canopy trees to be planted on site.

### **9.1.4**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Barter Crescent frontage. As outlined above the application was advertised on two occasions. Following the advertising periods 14 objections were received.

The issues raised are summarised as follows:

#### Neighbourhood Character

- Overdevelopment of the site.
- Site can only support two dwellings.
- Preference for single storey dwellings.
- Preference for increased setbacks.

#### Landscaping

- Tree removal and impact on bird life potentially (including the Swift Parrot).
- Impact on trees on neighbouring properties.

#### Amenity Impacts

- The site coverage will increase potential for flooding.
- Neighbouring properties have a known flooding problem.
- Overlooking.
- Noise.

#### Car Parking and Traffic

- Increased traffic as a result of additional dwellings.
- Increased on-street car parking.
- Existing roundabout in the cul de sac is a no parking zone.

#### Other

- Requests for replacement fencing.
- Impacts of raising fence heights on light into rooms.
- Insufficient street frontage for 6 bins.

### **Consultation Forum**

A Consultation Forum was held on 19 November 2015 and was chaired by Councillor Bennett. In attendance were the planning officer, the applicant (2), and six (6) objectors.

The issues raised in the objections were discussed and agreement was reached to screen some additional windows and circulate a copy of the re-establishment survey to a number of parties. No consensus was reached.

#### **9.1.4**

(cont)

#### **Referrals**

##### **Internal**

##### Engineering and Environmental Services Department

- Transport Engineer

Discussion and review with Council's Transport Engineer confirms that the vehicle turning circles are satisfactory and that Barter Crescent can accommodate traffic movements from two additional dwellings.

- Waste Engineer

Discussion and review with Council's Waste Management Officers confirms that there is sufficient kerb space on Barter Crescent for the placement of bins associated with three dwellings.

- Assets Engineer

Council's Asset Engineers have no objection to the proposal, subject to the inclusion of conditions on any permit issued.

##### Planning Arborist

The proposal was reviewed by Council's Planning Arborist, who agreed with the tree data provided by the applicant's arborist. In terms of trees on site, the only one considered to be significant is a Tree 4 *Eucalyptus saligna* (Blue Gum), however it has a poor structure, and retention cannot be justified.

Tree protection is required for trees on adjoining properties. This has necessitated the redesign of Dwelling 3 and subsequent re-notification of the application. Tree protection conditions are recommended for inclusion on any approval issued.

#### **DISCUSSION**

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

The State Planning Policy encourages new development to occur within established residential areas to reduce the pressure on the urban fringe, to respect neighbourhood character and to appropriately respond to its landscape, valued built form and cultural context.

The subject site has an overall area of 1104m<sup>2</sup>, and is well located with regard to facilities, with Forest Hill Chase, public transport, parks and schools being located within close proximity to the subject site. Whilst two storey, the proposed dwellings incorporate built form elements and materials that are in keeping with the surrounding neighbourhood such as masonry finishes and hip roof forms. There is sufficient separation between and around the proposed dwellings to maintain the rhythm of dwelling spacing within the streetscape and to provide for landscaping consistent with the existing and preferred neighbourhood character.

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

### **Neighbourhood Character and Infrastructure**

#### *Residential Policy*

The subject site falls within an area of Natural Change, which seeks to encourage low and medium density housing that contributes to preferred neighbourhood character, provides an appropriate interface to adjoining streetscapes and buildings, and provides for a range of dwelling types in locations close to facilities. The proposal is considered to be consistent with these objectives.

Pursuant to Clause 22.03 (Residential Development), this site also falls within a Garden Suburban Precinct 6 area. Within these areas, residential development should provide for a rhythm of dwelling spacing that is consistent from the street, with the occasional wall to boundary. The area also seeks development that accommodates substantial planting and an openness of street scape. The dwelling separation, planting opportunities, double storey built form, and setbacks from boundaries are considered to achieve the objectives of Garden Suburban Precinct 6 areas.

#### *Garden Suburban Precinct 6*

The preferred character statement encourages modest pitched roof dwellings sitting within well-established garden settings that do not dominate the street scape due to consistent siting and substantial planting. The proposed development, although double storey, is considered to have a modest presentation to the streetscape. Due to the curved nature of the frontage and the wide setback from the western boundary, only Dwelling 1 will be readily visible from the street. The front setback of Dwelling 1 is in line with abutting properties, and the first floor elements are recessed from the ground floors. The dwellings are proposed to have hipped roof forms with eaves consistent with surrounding built form.

The proposal includes the removal of eight (8) existing trees on the site, however there is sufficient space between and around the dwellings to enable planting of a minimum of seven (7) mid to upper canopy trees. Dwelling 3 has been designed to minimise impact upon the existing mature tree on the abutting property to the west. It is recommended that tree planting and tree protection conditions be included on any approval issued to ensure that landscape character objectives for the locality are achieved.

The preferred character statement also encourages a consistent rhythm of spacing between dwellings that appears regular from the street. The proposal does not include any building to the western boundary, with approximately 8.4 metres of wall to be constructed to the southern boundary. This is to be setback 4.69 metres behind the front façade and well behind the front setback of the garage constructed to the boundary on the abutting property to the south. Consequently it is considered that the development will have the appearance of being setback from both boundaries from the street. The sense of openness to the street will be further enhanced by the lack of front fencing.

The proposed development will have a minimum front setback of 8.5m with a small encroachment for an entrance porch to Dwelling 1 with side setbacks of 5.93 metres to the west and 1 metre to the south at this point. With the exception of a small portion of wall on the southern boundary, which immediately abuts a garage wall on the adjacent property, spacing has been provided between and around dwellings. Dwelling 1 has a setback from the eastern boundary of between 3.23 to 7.9 metres, and is separated from Dwelling 2 by a minimum of 1 metre at ground level and a minimum of 3 metres at first floor.

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

Dwelling 2 is setback between 2.3 to 2.6 metres from the eastern boundary, a minimum of 5.63 metres from the western boundary, and is separated from Dwelling 3 by 5 metres at ground level and 7.8 metres at first floor. Dwelling 3 is setback a minimum of 2.2 metres from the east boundary, 2.86 metres from the north boundary, and a minimum of 4 metres from the west boundary.

The separation between the dwellings and the setbacks from the west, east, and northern boundaries are sufficient to provide an appropriate development response to adjoining properties, and allow for the planting of meaningful vegetation to soften the built form of the development. There is room for planting of two canopy trees in the front setback, one within the secluded private open space of all three dwellings and two within the access way to the west of Dwelling 2 outside of the easements.

#### **Site Layout and Building Massing**

The proposed development complies with all of the standards and objectives relating to site layout and building massing including streetscape, building height, site coverage, permeability, energy efficiency, open space, landscaping, and access.

#### **Amenity Impacts**

The proposed development complies with the majority of standards and objectives relating to amenity impacts including: walls on boundaries, daylight to existing windows, north-facing windows, overshadowing, internal views, and noise impacts.

The development however does not meet the following standard:

##### *Overlooking*

Standard B22 requires habitable room windows to be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, with views measured within a 45 degree angle. The east facing master bedroom window of Dwelling 1, the west facing retreat windows of Dwelling 2 and the west facing master bedroom windows of Dwelling 3, result in potential overlooking of abutting properties. This was discussed at the consultation forum and the applicant has agreed to screen them in accordance with Standard B22. This can be addressed by way of condition on any approval issued.

#### **On-Site Amenity and Facilities**

The proposed development complies with all objectives relating to on-site amenity and facilities including accessibility, dwelling entry, daylight to new windows, private open space, solar access to open space, and storage.

#### **Detailed Design**

The proposed development complies with all the design detail and common property standards and objectives relating to detailed design.

It is recommended that a condition of any approval require the provision of 6 cubic metres of externally accessible storage for all dwellings to be shown on the plans.

#### **9.1.4**

(cont)

#### **Landscaping**

The proposed development complies with Standard B13, in relation to providing two (2) canopy trees that have the potential of reaching a minimum mature height of 8 metres. The development is also able to achieve the landscape objectives set out within Clause 22.03 (Residential Development) for Garden Suburban Precinct 6 areas. Adequate spacing has been provided between and around dwellings and along the accessway, to provide for a reasonable level of vegetation.

The Section 57A amendment included the redesign of Dwelling 3 to address the tree protection requirements of Council's Planning Arborist with regards to the tree at 7 Barter Crescent. Accordingly it is considered that subject to the inclusion of appropriate tree protection conditions on any approval issued that the development will not adversely impact trees on neighbouring properties.

#### **Clause 52.06 (Car Parking)**

The proposed development meets the requirements of Clause 52.06 in regard to the provision of car parking and access arrangements.

Each dwelling has been provided with a double garage measuring 5.6 metres wide and 6 metres long, which meets the requirements for three bedroom plus dwellings. Vehicles are also able to exit the site in a forward direction. As a sight line triangle has not been shown on the plans in accordance with Design Standard 1 of Clause 52.06-8 (Car Parking), a condition has been recommended to be included on any approval ensuring no objects or landscaping within the sight line triangle are greater than 900mm in height.

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

- Preference for single storey dwellings and a maximum of two dwellings

This was discussed at the consultation forum, however no consensus was reached. The application as proposed is permissible for consideration by Council and has an acceptable level of compliance with the relevant policy guidelines and Clause 55 objectives and standards.

- Preference for increased setbacks

This was discussed at the consultation forum, particularly with regards to the setbacks from the abutting property to the south, however no consensus was reached. The side and rear setback either comply with or exceed the minimum requirements of Standard B17 of Clause 55 of the Whitehorse Planning Scheme.

- Tree removal and impact on bird life potentially including the Swift Parrot

The proposal will result in the removal of all existing on site vegetation, including the eucalypt to the rear of the site. Whilst it is acknowledged that the tree is utilised by birds, Council Officers have not been provided with expert evidence to conclusively substantiate or disprove that the trees are roosted in by Swift Parrots as part of their migratory path to Tasmania.

Additionally the subject site is not subject to any tree protection controls that would prevent their removal, and Council's Planning Arborist advises that Tree 4 *Eucalyptus Saligna* (Blue Gum) has a poor structure. A condition of any approval can require canopy trees to be native to provide for future bird habitat.

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

- The site coverage will increase potential for flooding

The application has been referred to Council's Drainage Engineers, who have offered no objection on the basis of flooding. The abutting properties to the west are located within a Flood Prone Investigation area, however the subject site is not affected by any overlays or flooding controls.

- Noise

The use of the land for dwellings is an as of right, permit not required use. It is anticipated that post the construction period that noise generated will be commensurate with what can be reasonably expected for a residential use.

- Requests for replacement fencing

Fencing is a civil matter, between relevant parties. The plans indicate that existing fencing which varies between 1.8 to 2 metres tall is to be retained.

- Impacts of raising fence heights on light into rooms.

The plans indicate that the east facing windows on the abutting property to the west are located between 1.7 to 3.6 metres from the fence line, which is currently 1.8 metres. It is considered that these windows will receive an acceptable level of access to light.

- Insufficient street frontage for 6 bins

Council's Waste Management Officers consider that there is sufficient room on the kerb for the bins required to service three dwellings.

#### **CONCLUSION**

The proposal for construction of three double storey dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 1 and Clause 55, ResCode.

The proposal satisfies the relevant decision guidelines in terms of providing landscaping opportunities and spacing between and around dwellings, and a high level of compliance with the design guidelines for Garden Suburban Precinct 6.

A total of 14 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

## Strategic Planning

### 9.1.5 Strategic Planning Update

FILE NUMBER: SF10/90

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#### **SUMMARY**

*This report outlines progress with key strategic planning projects from September 2015 to date. The report recommends that this update report be acknowledged.*

#### **RECOMMENDATION**

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

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#### **BACKGROUND**

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

#### **DISCUSSION**

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided at its meeting on 21 September 2015.

***Key planning scheme amendments that are currently in progress and their status include:***

##### C110 – Tally Ho Activity Centre

Amendment C110 introduces the Tally Ho Urban Design and Landscape Guidelines, a Design and Development Overlay to the Tally Ho Activity Centre and the Development Plan Overlay to the former ATV Channel 0 site at 104 – 168 Hawthorn Road, Forest Hill. The amendment was approved by the Minister for Planning on 30 September 2015 and gazetted on 22 October 2015.

##### C130 – Environmentally Sustainable Development (ESD) Policy

The ESD Local Planning Policy was part of a joint amendment with the Cities of Banyule, Moreland, Yarra, Port Phillip and Stonnington. The combined panel and advisory committee report which considered the submissions to all six amendments, was considered by Council on 23 June 2014 and the amendment was submitted to the Minister for Planning for approval on 3 July 2014. The amendment has now been approved and came into effect on 19 November 2015, ending a six year process to secure the policy into the Whitehorse Planning Scheme.

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

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

### 9.1.5 (cont)

The owner of the land subsequently lodged an appeal with the Victorian Civil and Administrative Tribunal seeking a declaration that Council failed to comply with the *Planning and Environment Act 1987* in that it did not submit the adopted Amendment to the Minister for Planning following the 16 February 2015 Council meeting decision, and that the decisions to rescind the adoption of the Amendment and to subsequently abandon the Amendment were ultra vires, void and/or invalid. The appeal sought a direction from the Tribunal that Council, as the Planning Authority, must submit the adopted Amendment to the Minister.

The matter was heard by the Tribunal on 10 and 11 August 2015 and an order was made on 12 October 2015. The Tribunal found that Council had not complied with section 31 of the *Planning and Environment Act 1987* when it did not submit the amendment to the Minister for Planning, and the Tribunal obligated Council to submit the amendment to the Minister for Planning for approval. The amendment was submitted on 2 November 2015.

#### C155 – Daniel Robertson brickworks, 56 – 74 Station Street, Nunawading

The amendment proposes to rezone the land from Industrial 1 Zone to Residential Growth Zone and Mixed Use Zone and to introduce an Environmental Audit Overlay and the Development Plan Overlay to the site. The Panel hearing for the amendment was held on 14 and 15 September 2015. The Panel report was considered by Council at its meeting on 23 November 2015. The adopted amendment was subsequently submitted to the Minister for Planning for approval and was gazetted on the 10 March 2016.

#### C157 – Whitehorse Heritage Review 2012

The amendment proposes to introduce heritage overlays to 32 new heritage places identified as part of the 2012 Whitehorse Heritage Review. The heritage places consist of 29 individual places and 3 precincts. Exhibition of the amendment closed 3 November 2014 and a Panel hearing was held 23 - 27 March 2015. The Panel report and recommendations were considered by Council at its meeting of 20 July 2015. Having considered the independent Panel report to the amendment, Council adopted the amendment with changes including the removal of four of the heritage places. The adopted amendment was submitted to the Minister for Planning for approval on 2 September 2015.

#### C158 – Box Hill Central Activities Area Car Parking Strategy 2014

The amendment introduced a schedule which set out particular car parking provision rates for new office and residential uses within the Box Hill Activity Centre. Having considered the independent Panel report to the amendment, Council adopted Amendment C158 at its meeting of 22 June 2015 and the amendment was subsequently submitted to the Minister for Planning for approval. The amendment was approved and came into effect on 3 December 2015.

#### C162 – Neighbourhood Activity Centres

The *Neighbourhood Activity Centre Urban Design Guidelines 2014* were prepared as part of Council's *Housing and Neighbourhood Character Review* and looks at development opportunities, including housing, in neighbourhood activity centres (NACs). The amendment implements the Guidelines by applying a Design and Development Overlay, Schedule 4 (DDO4) to 60 NACs in Whitehorse and updating Clause 21.04 Strategic Directions and Clause 22.06 Activity Centres. The DDO4 sets out design objectives and guidance for the NACs.

### 9.1.5 (cont)

At its meeting on 28 April 2014, Council adopted the amendment and resolved to request that the Minister for Planning consider and approve Amendment C162 to the planning scheme under section 20(4) of the *Planning and Environment Act 1987* following extensive community consultation undertaken during the Review. Amendment C162 was lodged on 5 May 2014 together with Amendment C160 to implement the new residential zones. The amendment has now been approved and was gazetted over 16 months later on 24 September 2015.

#### C167 – 35 Hay Street, Box Hill South

The amendment rezones 35 Hay Street, Box Hill South from the Special Use Zone (Schedule 2 – Private Sport and Recreation Facilities) to the General Residential Zone and introduces Schedule 6 to the GRZ into the Scheme. The amendment was approved by the Minister for Planning on 9 December 2015 and gazetted on 14 December 2015.

#### C170 – Former Brickworks, 78 Middleborough Road, Burwood East

Refer to 'Activity Centres' below.

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

Amendment C172 proposes to implement the Post 1945 Heritage Study following Council's receipt of the Study at its meeting on 16 March 2015. The amendment proposes to apply the heritage overlay to 27 heritage places including four (4) precincts and 23 individual places. The amendment was exhibited and at its meeting of 14 December 2015 Council resolved to split the amendment into two parts. Amendment C172, Part 1 was adopted with changes including the removal of eight (8) places from the amendment. Part 1, consisting seven (7) individual places and has now been submitted to the Minister for Planning for approval. Amendment C172, Part 2, consisting of 12 places has been referred to an independent Planning Panel for consideration, with the hearing scheduled for 15 and 16 March 2016.

#### C174 – Residential Zones Standing Advisory Committee

The Victorian Government's new residential zones came into effect in the City of Whitehorse on 14 October 2014 with the gazettal of Amendment C160 to the Whitehorse Planning Scheme. On 6 October 2014, the former Minister for Planning requested that the Residential Zones Standing Advisory Committee (the Committee) review the Neighbourhood Residential Zone schedules that were proposed as part of the original Amendment C160.

The proposed Neighbourhood Residential Zone schedules were exhibited in February / March 2015 as Whitehorse Amendment C174. A two person Committee was appointed to consider the amendment and submissions in March / April 2015. The report of the Committee was provided to the Minister for Planning who approved the amendment as recommended by that Committee. The amendment was gazetted on 12 November 2015.

#### C176 – 837 Whitehorse Road, Box Hill

Amendment C176 proposed to include the above site in the Schedule to Clause 52.03 Specific Sites and Exclusions, along with an Incorporated Document specifying that a planning permit application proposing accommodation uses may be considered by Council. Council requested that the Minister for Planning consider and approve this amendment to the planning scheme under section 20(4) of the *Planning and Environment Act 1987*.

Amendment C176 was refused by the Minister on 29 December 2015. The Minister noted that although the Structure Plan identifies the area for mixed use development, the underlying Commercial 2 Zone does not allow the use and the Minister determined that it is not appropriate for him to approve the amendment under Section 20(4) of the Act. (Refer Amendment C186 below.)

### 9.1.5 (cont)

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

The Whitehorse Planning Scheme Review 2014 identified a number of changes to the Scheme that would help strengthen and improve its operation and its use to guide the assessment of development applications in the City. This amendment seeks to progress a number of minor corrections and updates to the Scheme. Council received authorisation from the Minister for Planning to prepare the amendment, as well as an exemption from notice requirements pursuant to section 20(2) of the *Planning and Environment Act 1987*. Following exhibition and adoption by Council, the amendment was submitted to the Minister for Planning for approval on 7 December 2015.

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

Council adopted the Significant Tree Study, Stage 3 at its meeting on 22 June 2015 and subsequently resolved to proceed with a planning scheme amendment to introduce VPO5 to 31 private properties across the municipality. The amendment was exhibited from 20 August 2015 until 25 September 2015. An independent planning panel was held on 21 January 2016 to consider the amendment and the submissions referred to it. The panel report was received on 17 February 2016 and will be the subject of a future report to Council.

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

The amendment seeks to rezone 217 and 219 - 223 Burwood Highway from the Residential Growth Zone to the Mixed Use Zone. The amendment was exhibited from 19 November 2015 until 21 December 2015. At its meeting on 1 February 2016, Council considered a report about the submissions and resolved to request an independent planning panel to consider the amendment.

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

Following the Minister's decision to refuse Amendment C176 (refer above), Council, at its meeting on 15 February 2016, resolved to request an amendment under Section 20(2) of the *Planning and Environment Act 1987* to rezone 10 properties in the Structure Plan area that are still rezoned Commercial 2. The rezoning of these properties to either the Commercial 1 Zone or the Mixed Use Zone will rectify identified inconsistencies between the land uses encouraged by the Structure Plan and the land uses allowed under the Commercial 2 Zone that currently applies to the land parcels.

### **Activity Centres**

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

#### Burwood Heights Activity Centre

In October / November 2014 Council consulted with the community on a proposed Masterplan and planning scheme amendment by the landowner Frasers Property Australia (formerly Australand) for the former brickworks site at 78 Middleborough Road, Burwood East. At its meeting on 27 January 2015, Council adopted the updated draft Masterplan subject to further review of the proposed open space network. Further, Council resolved to support a request by the land owner to the Minister for Planning to rezone the former brickworks site to Residential Growth Zone, General Residential Zone and Commercial 1 Zone, update associated local policies and to apply a Development Plan Overlay (DPO). Amendment C170 to the Whitehorse Planning Scheme was subsequently approved by the Minister for Planning and gazetted on 10 September 2015.

### **9.1.5** (cont)

The DPO approved for the site requires that a Development Plan be prepared to Council's satisfaction before planning permits can generally be granted for the development. A draft Development Plan prepared for Frasers Property Australia was lodged with Council in October 2015 for consideration. The draft Development Plan builds on and provides more detail than the adopted Masterplan and, if approved, will guide future planning permit applications for each stage of this major development and assessment of those applications.

The DPO specifies that the Development Plan must be displayed for public comment for 14 days and that Council must consider any comments it receives during the display before making a decision whether to approve the plan. In accordance with Council's decision on 14 December 2015, the draft Development Plan was placed on display from 1 February to 19 February 2016. Consideration of the submissions received and the draft Development Plan will be the subject of a future report to Council.

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

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

- Urban design, landscape and strategic planning advice on major developments;
- Engagement with relevant departments across the organisation and external stakeholders to progress the Structure Plan;
- Preparation of planning scheme amendments to progressively implement the Structure Plan and other strategies; and
- Undertaking further studies and guidelines to support implementation of the Structure Plan. This has included:
  - Completion of a Car Parking Strategy in 2014 for the MAC and implemented via Amendment C158 (refer above); and
  - Preparation of Built Form Guidelines (in progress) to give clearer direction on outcomes envisaged for Precinct F and Precinct C within the Structure Plan. The Guidelines will be the subject of a future report to Council.

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

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

The Educational event held during Sustainability Week seeks to promote the winners of the previous year's Awards. This year's Built Environment Education event is in April 2016 on '*Clever Design of Small(ish) Spaces*' to profile highly functional and sustainable homes which are modest in size and resource use as exemplified by last year's Built Environment Award winner in Blackburn in the Single House Project – New Dwelling category.

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

#### ***Heritage***

##### **Heritage Assistance Fund:**

The Fund provides grants up to \$1,000 to eligible owners and occupiers to assist with the ongoing maintenance of their heritage properties. Applications for the 2015/2016 round of funding closed on 11 September 2015 and were considered by the Heritage Steering Committee in October 2015. The 2015/2016 grants allocated \$23,166 to 25 properties to assist with works including restumping, veranda flooring, painting, and repairs to roofs, windows and brickwork.

### **9.1.5**

(cont)

#### Heritage Adviser:

Council's Heritage Advisor continues to provide specialist advice to the Strategic Planning Unit. Responsibilities of the Advisor include responding to planning application referrals from the Statutory Planning Unit, liaising with the community and other departments of Council on heritage matters and helping to assess Heritage Assistance Fund applications.

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

##### Whitehorse Tree Study

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

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

Planisphere consultants were appointed to prepare the Whitehorse Tree Study and have been undertaking background investigations. An initial community workshop was held on 4 February and registrations of interest in the project have been sought. Broader community consultation on the project is anticipated in April 2016.

##### Urban Realm Vision

Work has progressed on an Urban Realm Vision (URV) for Whitehorse. The URV is a collaborative project within Council that is intended to provide a strong strategic direction in the planning, design, development, activation and management of the public realm across the municipality. The urban realm is defined as any part of the built or natural environment which is available to the public.

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

The cornerstones of URV are to:

- Provide a consistent approach to, and application of a range of urban design and place making strategies and initiatives across Council.
- Be forward thinking regarding rapid change and urbanisation in parts of the municipality.
- Incorporate current best practice and emerging trends into public realm thinking.
- Inform decision making in relation to processes, priorities and resources.

### 9.1.5 (cont)

As part of the process in developing the URV, a number of 'spin-off' projects emerged which have helped to inform the URV and achieve some of the project objectives. A Temporary Activation Project Working Group convened through the Strategic Planning Unit has delivered the following:

- Two place activation events: the *Out of the Box* sessions in April 2015 and *The Big Draw* in October 2015.
- Creation of the Pop Up Furniture Palette.
- Delivery of a Place Activation Workshop for officers in October 2015, facilitated by Co-Design Studio, and a 12 month 'roadmap'.

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

#### ***State Government Projects***

##### Healesville Freeway Reservation

The current state government gave an election undertaking for the Healesville Freeway corridor in Whitehorse to be open space. There has been no significant activity on the matter since the election.

##### Plan Melbourne

In March 2015, the Minister for Planning announced that Plan Melbourne prepared under the previous State government would be "refreshed" and that the Ministerial Advisory Committee that developed the original plan would be reconvened. The intent of a "renewed Plan" is "to ensure it accurately reflects community and expert priorities and advice" and "provides the long-term vision for Victoria's growing population". The project "will include identifying further housing opportunities and alternatives, increasing jobs and improving liveability, dealing with a changing climate, integrating public transport and supporting infrastructure investment."

An issues and options paper for public consultation was released in October 2015. Council provided a submission on the discussion paper in December 2015. A revised Plan Melbourne is anticipated in the first half of 2016.

##### Managing Residential Development Advisory Committee

The Minister for Planning has appointed the Managing Residential Development Advisory Committee to consider the application of zones that provide for residential development (residential, commercial, mixed use etc). Council officers prepared a submission to the Advisory Committee based on the Committee's Terms of Reference. Submissions were due on 14 March 2016. The Advisory Committee expects to conduct public hearings in the coming months.

##### Blackburn and Heatherdale Level Crossing Removal Projects

Feedback has been provided to the VicRoads and the project Alliance on a proposed planning scheme amendment and associated Incorporated Documents aimed at facilitating the level crossing removal projects at Blackburn and Heatherdale. VicRoads sought consideration and approval of the amendments by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987*. The amendment (C183) was approved by the Minister on 21 February 2016 and subsequently gazetted on 3 March 2016.

## **CONSULTATION**

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

### **9.1.5**

(cont)

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

#### **FINANCIAL IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

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

#### **CONCLUSION**

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

## **Engineering & Environmental**

### **9.1.6 Box Hill to Ringwood Bicycle Path**

FILE NUMBER: SF13/1093  
ATTACHMENTS

#### **SUMMARY**

*The purpose of this report is for Council to consider a request from VicRoads for agreement to its proposed final alignment for the Box Hill to Ringwood Bicycle Path within the City of Whitehorse and proposed future maintenance arrangements.*

*It is recommended that Council provide in-principal agreement to the alignment of the path and maintenance responsibilities proposed by VicRoads (except some sections for further discussion and agreement), subject to an on-road alignment for Laburnum Street not on the north or south footpaths, no physical work or tree removal in Elmore Walk and treatments requiring cyclists to dismount, an indemnity for any liability as a result of the design of the path, and that the State Government be requested to provide an urgent commitment to a contribution towards future maintenance and replacement costs.*

#### **RECOMMENDATION**

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

- 1. Acknowledge the work of VicRoads in considering a range of options and community views in developing its final proposed alignment for the Box Hill to Ringwood Bicycle Path.***
- 2. Advise VicRoads that it gives general in-principal agreement to the final proposed alignment of the path as submitted subject to the following:-***
  - a) That Council does not approve any physical works or tree removal in Elmore Walk being land owned by Council.***
  - b) Requests VicRoads to apply treatments to require cyclists to dismount for the section within Elmore Walk.***
  - c) That the detailed design of the section in Laburnum Street is subject to final approval by Council and that it must be on-road only and the footpaths on the north and south side are not to be used.***
  - d) Requests VicRoads to further examine and include enhanced treatments to limit the conflict between cyclists and pedestrians at the Blackburn Station forecourt.***
  - e) That VicRoads provide Council with a suitable written indemnity for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.***
  - f) That agreement is reached with Council for the payment of an "amenity value" for any trees that are to be removed on Council owned or controlled land as a result of the construction of the shared use bicycle path.***
- 3. Advise VicRoads that it gives in-principal agreement to maintain the path as proposed by VicRoads (subject to further discussion and final agreement), except for the sections identified in the report under the officer recommendation for each section and subject to a response from the Minister for Roads and Road Safety as outlined in 4. below, to the satisfaction of Council.***
- 4. Write to the Minister for Roads and Road Safety requesting an urgent commitment to a contribution from the state government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.***

**9.1.6**  
(cont)

**5. Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.**

---

**BACKGROUND**

The State Government has committed to the construction of a 10km shared use bicycle path from Box Hill to Ringwood with \$14.8M included in the May 2015 State Budget.

VicRoads has written to Council seeking approval and agreement to a proposed final alignment for the Box Hill to Ringwood Bicycle Path within the City of Whitehorse and requests Council maintain sections of the path.

VicRoads has advised that the State has funded the project with the intention that Council maintain the path once open to the public, except in station precincts and signalised crossings at Blackburn Road, Springvale Road and Mitcham Road. VicRoads has provided a proposed Maintenance Responsibility Plan for consideration by Council.

The Blackburn section (Main Street to Nunawading Station) and Heatherdale section (Brunswick Park to Heatherdale Road) of the path will be incorporated into the rail crossing removal projects for Blackburn Road and Heatherdale Road.

Sections of the path have already been constructed from Station Street, Box Hill to Linsley Street (pre-existing), Linsley Street to Sagoe Lane (May 2015) and Walker Street, Nunawading to Brunswick Park (Mid 2014).

VicRoads has outlined a number of options that have been considered in relation to various sections of the path and its proposed final alignment, which includes sections within the rail reservation and sections within Council managed road reserves and on Council land. Its final proposal includes over 90% of the path off-road.

VicRoads has advised that the alignment has been determined with consideration of input from numerous stakeholders, community feedback, design experts, conformance with guidelines and meeting project objectives.

VicRoads key objectives for the Box Hill to Ringwood Bicycle Path project are:

- To improve connectivity to local communities and services along the route;
- To provide a safer alternative to separate bicycles from vehicles where possible
- To promote active transport modes
- To improve the health and well-being for the community;
- To promote a healthier environment.

Council has a strong commitment to the construction of the shared use path demonstrated over a number of years commencing in 1996 with the preparation of a *“Feasibility Study for an Eastern Rail Trail”* from the Yarra River west of Hawthorn to Heatherdale Road, Mitcham generally following the rail corridor. The study was commissioned by Whitehorse Council, Boroondara Council and the Department of Sport and Recreation Victoria. Components of the Eastern Rail Trail were identified prior to this in bicycle strategies for Nunawading, Box Hill, Camberwell, Hawthorn and Kew.

In 2010, Whitehorse Cyclists prepared *‘The Box Hill to Ringwood Trail Proposal’* advocating for the City of Whitehorse and VicRoads to proceed with planning and construction of a cycling link from Box Hill to Ringwood.

### 9.1.6 (cont)

The State Government committed \$5 million to fund a bicycle path from Box Hill to Ringwood as part of its 2010 election campaign and subsequently included the funding in its budget for 2011.

Council allocated \$75,000 of its own funds in 2011 to prepare a *“Box Hill to Ringwood Bicycle Path Connector Feasibility Study”* for a shared path for cyclists and pedestrians from Box Hill to Heatherdale Road. The study was the most detailed work that had been undertaken at that time and was completed in September 2011. The study found that it was possible to construct a path but that the project had significant issues, was technically challenging and required more detailed investigation and design and the cooperation of multi government stakeholders for the project to proceed.

Support for the project and the allocation of time, resources and expertise by Council, officers, Whitehorse Cyclists and the community over a number of years has been significant.

The expected difficulties and complexities of the project outlined in Councils feasibility study in 2011 have subsequently been confirmed as development of the project has progressed. There have been incremental increases in the budget allocated by the State Government from an initial \$5M in 2011 to \$14.8M currently as details and issues have emerged. In addition to the current 2015 budget allocation, it is understood that parts of the path have been and will be funded and delivered as part of past and proposed level crossing removal projects. It is considered that the total cost of the project could be in excess of \$20 million.

Council at its meeting on the 19 September 2011, considered the detailed feasibility study funded by Council and resolved:

***That Council write to the Minister for Public Transport and Roads providing a copy of the report and requesting the State Government to form a working group of key government stakeholders including Council to facilitate further planning and construction of the path.***

A working group was subsequently formed by the State Government including representatives from Whitehorse Council, which assisted in the preparation of a business case for State Government funding.

Council at its meeting on the 29 January 2013, resolved to write to the Minister for Transport and advise Council's position on a number of principals for the further planning of the shared use bicycle path project. These included an in-principal agreement to maintain the path on Council roads and railway land except for sections associated with the rail crossing removals at Middleborough Road, Blackburn Road, Springvale Road, Rooks Road and Mitcham Road. The in-principle agreement was conditional on Council approval to the detailed design, consideration of the actual maintenance requirements and costs and that replacement and upgrading costs be funded by the state government.

### **9.1.6**

(cont)

It was resolved that Council;

- 1. Write to the Premier, Minister for Public Transport and Roads and the Department of Transport reconfirming its strong commitment for the construction of the Box Hill to Ringwood shared use bicycle path and**
  - a) Advising that Council will maintain the Box Hill to Ringwood bicycle path on Council roads within the municipality at its cost, subject to its approval to the detailed design of the path on Council roads and consideration of the actual maintenance requirements and costs based on the scope, extent, standards and treatment proposed for the bicycle path.**
  - b) Advising that Council will maintain the bicycle path on railway land subject to a suitable VicTrack Licence Agreement being agreed with Council and the responses from the State Government to this resolution.**
  - c) Requesting a commitment that the sections of the path on the rail reservation that are associated with the rail crossing removal projects at Middleborough Road, Blackburn Road, Springvale Road, Rooks Road and Mitcham Road be maintained by the State Government.**
  - d) Requesting a commitment from the State Government to provide funding to replace the path at its cost at the end of its life.**
  - e) Requesting the State Government make available the total funds required to build the bicycle path in its entirety in the 2013/2014 State Government Budget and that the funding include all costs of construction and associated works including a contingency.**
  - f) Requesting a commitment from the State Government that it would be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the required level of service.**
- 2. Refer funding for ongoing maintenance of the bicycle path to the 2013/2014 Council budget and following budgets for consideration.**
- 3. Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.**

Council at its meeting on the 18 August 2014 reconfirmed its strong commitment to the project and resolved to not accept responsibility, liability or maintain sections of the path that do not meet the AusRoads and VicRoads guidelines and standards for bicycle paths. Council also resolved that the alignment of the path near Brunswick Park, Mitcham should be on the rail reservation and must not be through Brunswick Park.

It was resolved that Council:

- 1. Advise VicRoads:-**
  - a) It reconfirms its strong commitment to the construction of the Box Hill to Ringwood shared use bicycle path.**
  - b) It will not accept responsibility, liability or maintain sections of the path that do not meet the AusRoads and VicRoads guidelines and standards for bicycle paths including the section on the north side of Brunswick Road from Mitcham Road to Brunswick Park and the entrance and exit points to Brunswick Park.**
  - c) The alignment of the path should be on the rail reservation and must not be through Brunswick Park.**

### 9.1.6

(cont)

**Notes:**

- d) The Chief Executive Officer will advise VicRoads that Council is satisfied with the proposed design for the section of the path between Linsley Street and Sagoe Lane and that the Chief Executive Officer will proceed with finalising a suitable license agreement with VicTrack.**
- e) That in accordance with Council's resolution on the 29 January 2013, Council will take responsibility and maintain this section of the bicycle path.**

Council at its meeting on the 1 February 2016 resolved:-

***That in relation to the State Government's proposed Shared User Path between Middleborough and Springvale Roads, Council resolves that it:***

- 1. Does not support the use of Elmore Walk as part of the route.**
- 2. Will continue to advocate for the community proposals of a northern alignment.**
- 3. Expresses its profound concern at the lack of separation and ensuing conflict of east-west shared user path traffic and north-south commuter/pedestrian traffic at Blackburn station.**

The letter and supporting documents received from VicRoads are attached (as listed below) for consideration by Council.

- Attachment 5a - VicRoads letter dated 24/2/2016
- Attachment 5b - Box Hill to Ringwood Bike Path Alignment Report
- Attachment 5c - Proposed Maintenance Responsibility Plan
- Attachment 5d - Project Design Options Report
- Attachment 5e - Alternative Alignments Investigation (Parsons Brinkerhoff)
- Attachment 5f - Safety Overview (Malcolm Daff Consulting)
- Attachment 5g - Design Package B27 Blackburn, Blackburn to Nunawading (LCRA)
- Attachment 5h - Design Package HO6B Heatherdale, Creek Rd to Purchase St (LCRA)
- Attachment 5i - Design Package HO6A Heatherdale, Purchase St to Carpark (LCRA)
- Attachment 5j - Plan, Heatherdale Road Pedestrian Operated Signals
- Attachment 5k - Design Drawings, Sagoe Lane to Middleborough Rd (VicRoads)
- Attachment 5l - Design Drawings Section 2, Middleborough Rd to Laburnum (VicRoads)
- Attachment 5m - Design Drawings Section 3, Laburnum Station to Blackburn Station (VicRoads)
- Attachment 5n - Design Drawings Section 4, Nunawading Station to Walkers Road (VicRoads)
- Attachment 5o - Design Drawings Section 6, Molan St to Albert St (VicRoads)

### DISCUSSION

VicRoads has provided details of its proposed final alignment and proposed maintenance responsibilities for 7 sections making up the path between Box Hill and Ringwood. The details include an assessment and discussion of various options, indicative costs and an options assessment matrix for each option.

### 9.1.6

(cont)

#### Liabilities and responsibilities

VicRoads has acknowledged in its report that ***“it is likely that there will be various locations or lengths (of its proposed alignment) where it will be impractical to achieve the “desirable” level”*** of pathway values and acceptable ranges for various path features provided in the AustRoads and VicRoads guidelines.

VicRoads has applied ***“context sensitive design”*** and ***“critical engineering judgement”*** with ***“defensible evidence to support that judgement”*** in developing its proposed final alignment and has advised that ***“VicRoads is committed to designing and constructing a path which is safe, providing an acceptable level of service to users”***.

The intent of the design philosophy adopted by VicRoads is acknowledged. This however needs to be considered in the context of VicRoads constructing the project with the intention of handing over the majority of the path to Council. This could effectively pass responsibility and liability to Council as a result of the design and construction not meeting desirable or minimum values and acceptable ranges for various path features outlined in the AustRoads and VicRoads guidelines.

VicRoads has provided a Safety Overview report prepared by an independent consultant for the Box Hill to Ringwood Bicycle Path. The Safety Overview report is included as an attachment to its letter (Attachment 9). The purpose of the Safety Overview was to identify the safety implications of path designs not consistent with relevant guidelines.

The Safety Overview report recognised that:-

***These safety issues impact on the ongoing management of the path. The local municipalities of Maroondah and Whitehorse are expected to take responsibility for path maintenance once the path is constructed. If the path does not meet all the relevant desirable design guidelines then there may be safety implications and the local Council may be liable in the event of accidents.***

The Safety Overview also contains a useful review of legal cases in Australia related to Bicycle Paths. The Safety Overview states that:-

***Where an injury to a rider or pedestrian occurs on a shared path, and that injury results in a permanent physical impairment to a level greater than 5% or psychological impairment greater than 10%, the injured party may be able to make a claim for compensation against the authority deemed to maintain the path under the Road Management Act.***

Council first raised concerns about the potential liability for Council at its meeting on the 18 August 2014 when it resolved to not accept responsibility, liability or maintain sections of the path that do not meet the AustRoads and VicRoads guidelines and standards for bicycle paths.

These concerns remain with the current final alignment presented by VicRoads, as some sections do not meet desirable and minimum values and ranges in the AustRoads and VicRoads guidelines. It is considered that there is an elevated risk and liability for any future accidents and legal actions against Council as well as public liability insurance difficulties.

Council's legal advisors have been consulted on this issue and it is proposed that Council require a suitable written indemnity for any liability as a result of the path not meeting desirable or minimum values and ranges in the AustRoads and VicRoads guidelines. This is considered a reasonable approach given that VicRoads are committed to designing and constructing a path that will be safe and providing an acceptable level of service to users.

### 9.1.6 (cont)

The proposed written indemnity would document VicRoads commitment and assurances that the path will be safe based on evidence based judgement to support features and treatments that do not meet the desirable or minimum AustRoads guidelines, as well as provide an indemnity for Council for any liability as a result of the design and construction.

#### **Tree Removals**

The VicRoads Alignment Report provides some details of trees to be removed for the alignment options that are directly associated with the Box Hill to Ringwood Bicycle Path.

The Alignment Report provided to Council in relation to the Box Hill to Ringwood Bicycle Path makes various general references to some trees to be removed for various options as a result of the construction of the bicycle path. The report indicates 26 trees to be removed for the proposed final alignment of the bicycle path, with another 62 trees to be removed in the Heatherdale section due to level crossing removal construction works and/or the bike path (Appendix 2).

The report states that for the Blackburn Section, the preferred alignment on the south side of the railway line from Blackburn Road to Nunawading Station will have ***“very little, if any direct impact on vegetation”*** because a construction access path will be constructed in this location associated with the level crossing removal project, regardless of the alignment of the bicycle path.

It is also understood that there will be a number of trees removed as a result of the level crossing removals at Blackburn Road and Heatherdale Road.

It is expected that full details and arborist reports on trees to be removed, will be provided to Council as the final designs are developed. At that time, Council will undertake a detailed assessment of the trees to be removed on Council owned and controlled land for the Box Hill to Ringwood Bicycle Path and the level crossing removals at Blackburn Road and Heatherdale Road.

If it is considered essential that for any tree that needs to be removed, Council will require an “Amenity Value” to be paid for these community assets in accordance with an established formula within the policy adopted by Council in 2003. The policy requires any person who proposes to remove trees on Council owned and controlled land (including roads and reserves) to pay to Council the “Amenity Value” of these trees. The funds collected through this policy are used to assist with tree planting improvements across the municipality.

#### **Future Maintenance**

Council previously considered the responsibility for ongoing maintenance of the shared use bicycle path at its meeting on the 29 January 2013.

Council resolved at that time to maintain the path on Council roads and railway land at its cost subject to conditions. The full 2013 Council resolution is included in the background section of this report.

Since Councils initial commitment to maintain sections of the path in 2013, the design has developed and there is a clearer understanding of the maintenance requirements for the path. As previously indicated in this report, VicRoads has provided a proposed Maintenance Responsibility Plan for consideration by Council. It is envisaged that maintenance responsibilities will be finalised and agreed to once the detailed design for the entire path has been completed. An Officer Recommendation on maintenance responsibilities is provided under each section of the path discussed below.

### 9.1.6 (cont)

VicRoads has also advised in its report, that the State has funded the project with the intention that Council maintain the path once open to the public, except where the path integrates with key rail service areas such as train station precincts. VicRoads opinion is that Council is in the best position to maintain the path as it is part of Council's normal maintenance activities on its own land and roads, and state managed arterials and highways.

The indicative maintenance and replacement costs to maintain the path have progressively escalated as details of the path alignment and features have emerged and changed. For example, the addition of a significant overpass at Cochrane Street, Mitcham and signalised crossings on local council roads at Rooks Road and Heatherdale Road will potentially add significant maintenance and replacement costs.

#### Maintenance Costs

A summary of the indicative average maintenance costs for the path in Whitehorse based on the VicRoads proposed final alignment and Council Officers recommendations in this report about maintenance responsibilities is provided below.

| <b>Length</b>       |                    |
|---------------------|--------------------|
| Council             | 6655 metres        |
| State Government    | 1335 metres        |
| <b>Total Length</b> | <b>7990 metres</b> |

| <b>Maintenance</b>                 |                      |
|------------------------------------|----------------------|
| Council                            | \$75,000/year        |
| State Government                   | \$13,000/year        |
| <b>Total Maintenance (\$/year)</b> | <b>\$88,000/year</b> |

#### Replacement Costs

A summary of the indicative current day replacement costs for the path in Whitehorse based on the VicRoads proposed final alignment and Council Officers recommendations in this report about responsibilities is provided below.

| <b>Replacement (50 year life)</b> |                     |
|-----------------------------------|---------------------|
| Council                           | \$4,000,000         |
| State Government                  | \$8,000,000         |
| <b>Total Replacement</b>          | <b>\$12,000,000</b> |

In a practical sense, it is acknowledged that Council would be in the best position to physically maintain the path, except where the path integrates with key rail service areas such as train station precincts and specific signalised crossings.

There will be challenges for Council in future budgets in funding maintenance and replacement costs for the path in a constrained rate capping environment. Council carefully manages its expenditure on new infrastructure so it can focus on the management and maintenance of its current assets. The addition of new infrastructure places a significant burden on Council which needs to limit its expenditure because of the maximum cap for income from rates set by the State Government.

### 9.1.6 (cont)

The path is being constructed by the State Government as a path of wider significance and it is considered reasonable to request a contribution by the State to the cost of ongoing maintenance and replacement, given the constrained rate capping environment introduced by the State Government.

It is recommended that Council gives its in-principal agreement to maintain sections of the path generally as proposed by VicRoads, subject to Council writing to the Minister for Roads and Road Safety requesting an urgent commitment to a contribution from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.

#### **VicRoads proposed final alignment**

VicRoads has provided an Alignment Report which examines various options for the Box Hill to Ringwood Bicycle Path and proposes a final alignment for consideration by Council. The report outlines the technical challenges, competing interests and financial impacts for several options in sections of the path.

VicRoads acknowledges that some locations along the proposed final alignment will require further investigation and discussion with Council and stakeholders to develop detailed designs. These being Laburnum Park, Laburnum Street (on-road facilities), Elmore Walk, Walkers Road (off-road) and the crossing at Springvale Road.

There are several important critical issues for Council to consider in deciding whether to support the VicRoads proposed final alignment. These issues relate to the use of Laburnum Station Park, Laburnum Street, Elmore Walk, conflicts between pedestrians and cyclist at Blackburn Station, Council liability for the design and construction and the removal of trees and their "Amenity Value".

On balance, it is considered that the VicRoads proposed final alignment is generally appropriate given the complex issues involved, competing interests, community views and the constraints of retrofitting a major bicycle path in a "Brownfield" fully developed urban environment.

It is recommended that Council gives general in-principal support to the final proposed alignment of the path as submitted subject to a number of conditions relating to:-

- *Not approving any physical works or tree removal in Elmore Walk being land owned by Council.*
- *Requiring final approval by Council of the detailed design of the section on Laburnum Street and that it must be on-road only and the footpaths on the north and south side are not to be used.*
- *Applying treatments to require cyclists to dismount for the section within Elmore Walk. This would be similar to the section on the eastern footpath across the bridge over the railway line in Middleborough Road, where cyclists will be required to dismount because of limited width.*
- *Further examining and including treatments to limit the conflict between cyclists and pedestrians at the Blackburn Station forecourt.*
- *VicRoads providing Council with a suitable written indemnity for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.*
- *Payment to Council of an "Amenity Value" for any trees that are to be removed on Council owned or controlled land as a result of the construction of the shared use bicycle path.*

### 9.1.6 (cont)

#### **VicRoads Alignment Report**

A brief outline and discussion on the 6 sections identified (in Whitehorse) in the VicRoads Alignment Report is provided below.

#### **1. Box Hill Section**

The Box Hill section of the bike path begins at Linsley Street (Box Hill) connecting with an existing shared use path, and runs along the north side of the rail corridor to Middleborough Road (Box Hill). From Linsley Street to Sagoe Lane, the path runs between private residential properties and the railway line. The remaining section runs behind Whitehorse Reserve and Box Hill High School, connecting with the existing pedestrian underpass of Middleborough Road. A map of the alignment is shown below.



#### **VicRoads requests that Council:-**

Accept maintenance responsibility, as previously advised, for the completed Section 1A, from Linsley Street to Sagoe Lane.

Endorse section 1B, Sagoe Lane to Middleborough Road, along the north side of the rail corridor, including encroachment onto Whitehorse Reserve, where a 3m wide path cannot be accommodated on rail land.

Provide in-principle agreement to maintaining Section 1B.

Enter into a VicTrack Licence Agreement to maintain the path in the rail corridor.

#### **Officer Recommendation**

- In-principal general agreement to the proposed alignment of the path subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- In-principal agreement (subject to further discussion and final agreement) to maintain these sections of the path except the access ramps to the underpass and sections within the Middleborough Road road reserve, and subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.
- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

## 9.1.6 (cont)

### 2. Laburnum Section

The Laburnum section of the bicycle path continues from the Box Hill section at Middleborough Road and finishes at Blackburn Road. VicRoads proposes a southern alignment option (marked in blue in the map below) including an underpass under Blackburn Road.



VicRoads requests that Council:

- Endorse the southern route (Option 2).
- Consent to build the shared use path on council owned land at Laburnum Station Park.
- Provide in principle agreement to maintain the path between Middleborough Road and Blackburn Station, except within the Laburnum Station and Blackburn Station Precincts.
- Enter into a VicTrack Licence Agreement for the path in the rail corridor.

#### Officer Recommendation

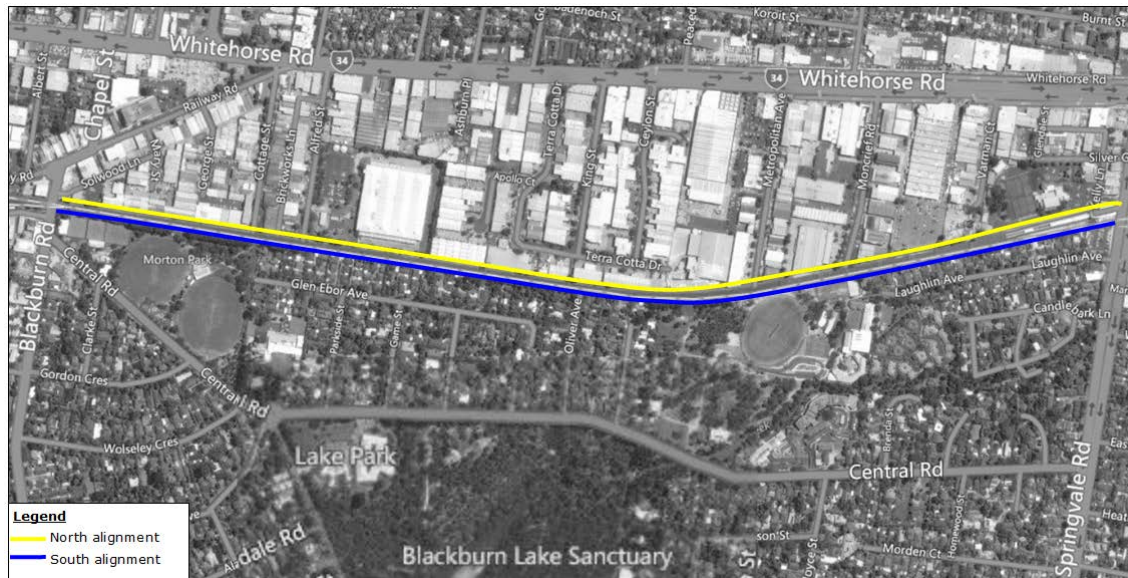
- In-principal general agreement to the proposed alignment of the path subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- Consent to the construction of a new shared use path in Laburnum Station Park generally on a southern alignment.
- That the detailed design of the section on Laburnum Street is subject to final approval by Council and that it must be on-road only and the footpaths on the north and south side are not to be used.
- Not approve any physical works or tree removal in Elmore Walk being land owned by Council.
- Request VicRoads to apply treatments to require cyclists to dismount for the section within Elmore Walk.
- Request VicRoads to further examine and include treatments to limit the conflict between cyclists and pedestrians at the Blackburn Station forecourt.
- In-principal agreement to maintain these sections of the path, (subject to further discussion and final agreement), except the sections in the Laburnum Station and Blackburn Station precincts including the section from Blackburn Station to east of Blackburn Road, and subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.

**9.1.6**  
(cont)

- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

**3. Blackburn Section**

The Blackburn section of the bike path begins at Blackburn Road, continuing east along the rail corridor to Nunawading Station. VicRoads proposes a southern alignment.



VicRoads requests that Council:-

- Endorse the southern route (Option2).
- Provide in-principle agreement to maintain the path between Blackburn Road and Nunawading Station.
- Enter into a VicTrack Licence Agreement for the path in the rail corridor.

**Officer Recommendation**

- In-principal general agreement to the proposed alignment of the path subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- In-principal agreement to maintain these sections of the path (subject to further discussion and final agreement) from east of Blackburn Road, except the section in the Nunawading Station precinct, subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.
- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

**9.1.6**  
(cont)

**4. Nunawading Section**

The Nunawading section of the bike path connects from the west side of Springvale Road to the eastern end of Walkers Road, Nunawading. VicRoads proposes the use of the western footpath on Springvale Road, an upgrade of the existing pedestrian crossing across Springvale Road for cyclists and an alignment generally on the southern side of Walkers Road connecting to the existing Bicycle Path at the eastern end of Walkers Road.



**VicRoads requests that Council:-**

- Endorse the route via Silver Grove pedestrian crossing and Walkers Road.
- Provide in principle agreement to maintain the path between Oval Way and the end of Walkers Road.
- Enter into a VicTrack License Agreement for the path in the rail corridor.

**Officer Recommendation**

- In-principal general agreement to the proposed alignment of the path subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- In-principal agreement to maintain these sections of the path, (subject to further discussion and final agreement) except for the signalised crossing at Silver Grove across Springvale Road and subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.
- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

### 9.1.6 (cont)

#### 5. Mitcham Section

The Mitcham section of the bike path was constructed for the VicRoads Box Hill to Ringwood Bike Path team as part of the Mitcham and Rooks Road level Crossing Removals Project. It runs in the rail corridor from Walkers Road to Mitcham Road, crossing from north to south at Simla Street and was opened in July 2014. The path then continues off road (within the road reservation) along the northern side of Brunswick Road to just east of Creek Road at Brunswick Park.

#### VicRoads requests that Council:-

- Accept the Brunswick Road section of path from Mitcham Road to east of Creek Road as a Shared Use Path and permit signage and line marking to be installed.
- Accept maintenance responsibility for the completed path between Walkers Road and Creek Road, except in the Mitcham station precinct.
- Enter into a VicTrack License Agreement for the path in the rail corridor.

#### Officer Recommendation

- In-principal general agreement to the proposed alignment of the shared use path (including the Brunswick Road section from Mitcham Road to east of Creek Road) subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- In-principal agreement to maintain these sections of the path (subject to further discussion and final agreement), except in the Mitcham Station precinct and the signalised crossing in Mitcham Road, subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.
- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

#### 6. Heatherdale Section

The Heatherdale Section of the bike path runs in the rail corridor from east of Creek Road to East Link. VicRoads proposes an alignment through Brunswick Park to the rail corridor then generally on the south side of the rail reservation to Purchase Street/Witts Street with an overpass at Cochrane Street and a new bridge across the rail cutting connecting Purchase Street and Witts Street. From Witts Street, VicRoads propose a northern alignment within the rail corridor.



### 9.1.6

(cont)

#### VicRoads requests that Council:-

- Endorse the preferred option.
- Provide consent to the use of Council land for the path at the west and east ends of Brunswick Park to get to and from the rail corridor.
- Provide in principal agreement to maintain the path from Creek Road to Heatherdale Road
- Enter into a VicTrack Licence Agreement for the path in the rail corridor.

#### Officer Recommendation

- In-principal general agreement to the proposed alignment of the shared use path (including access through Brunswick Park to get to and from the rail corridor) subject to the provision of a suitable indemnity to Council for any liability as a result of the path not meeting desirable values and acceptable ranges for various path features in the AustRoads or VicRoads guidelines.
- In-principal agreement to maintain these sections of the path (subject to further discussion and final agreement) except the proposed Cochrane Street bridge, the Purches Street/Witt Street bridge and the signalised crossing at Heatherdale Road, subject to requesting an urgent commitment from the State Government for future maintenance and replacement costs for the path as well as a commitment that it will be responsible for upgrading the path in the future if demand increases significantly or if design standards change which would require upgrades to maintain the level of service.
- Authorise the Chief Executive Officer to negotiate the details of a suitable Licence Agreement with VicTrack for the path on railway land and sign the agreement on behalf of Council.

### **CONSULTATION**

VicRoads has indicated that it has conducted extensive community consultation to understand community interests and concerns and has used the feedback to help develop design options and the proposed final alignment. Details of VicRoads community and stakeholder engagement activities are outlined in Section 0.9 of its Alignment Report.

Council has also received many submissions from the community in relation to the alignment of the path including alternate alignment options. There have been in some cases opposing community views received by Council, about the merits of a southern and northern alignment and other options.

### **FINANCIAL IMPLICATIONS**

As outlined in this report in the section **Future Maintenance of Bicycle Path**, Council previously considered the responsibility for ongoing maintenance of the shared use bicycle path from Box Hill to Ringwood at its meeting on the 29 January 2013. Council resolved at that time to maintain the path on Council roads and railway land at its cost subject to conditions.

An assessment of the indicative maintenance and replacement costs for the path in Whitehorse based on the current VicRoads proposed final alignment is provided in this Council report in the section **Future Maintenance**.

The average indicative maintenance cost per annum is \$75,000 pa (Council) and \$13,000 pa (State Government).

**9.1.6**  
(cont)

The indicative replacement cost (50 years) is \$4,000,000 (Council) and \$8,000,000 (State Government).

There will be challenges for Council in future budgets in funding maintenance and replacement costs for the path in a constrained rate capping environment.

The path is being constructed by the State Government as a path of wider significance and it is considered reasonable to request a contribution from the State to the cost of ongoing maintenance and replacement, given the constrained rate capping environment introduced by the State Government.

**POLICY IMPLICATIONS**

The Box Hill to Ringwood Bicycle Path is in accordance with the Whitehorse Integrated Transport Strategy 2011 and the Whitehorse Bicycle Strategy 2007.

### **9.1.7 Update on Ring and Book Hard Waste Service**

FILE NUMBER: 16/21819

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#### **SUMMARY**

*The purpose of this report is to provide an update on Council's Ring and Book hard waste service that has been in operation since 1 July 2012 as part of a 7-year contract for the collection of hard waste and bundled garden prunings.*

*The service is well utilised by the community with hard waste bookings increasing every year. This report provides commentary and data on the performance and trends associated with the hard waste collection service and dumped rubbish.*

#### **RECOMMENDATION**

***That Council notes the report.***

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#### **BACKGROUND**

The Ring and Book hard waste and bundled pruning collection service commenced on the 1 July 2012 replacing the previous twice-yearly area-based hard waste service. The service is provided under a 7-year contract that was competitively tendered. The changed hard waste and bundled pruning collection arrangements were implemented following a detailed review of hard waste services in metropolitan Melbourne, undertaken as part of developing Council's Waste Management Plan. Council adopted its Waste Management Plan in 2011 which included an action to change to an at-call hard waste service.

Prior to 1 July 2012, hard waste and bundled pruning collections occurred twice-yearly at a fixed time with the collection contractors progressively working their way around the municipality collecting hard waste and bundled prunings. Residents were advised by notice to place hard waste out in their street in a given week in accordance with a fixed annual cycle.

The previous method of delivering the hard waste collection on an area-by-area basis had significant amenity and risk issues including entire streets and suburbs with rubbish on the nature strip, scavenging night and day, dumped rubbish, a higher proportion of unsuitable materials, and safety concerns due to the constant scattering of the piles of waste by scavengers.

The current ring and book arrangements for the hard waste service offer more flexibility, where residents can book a hard waste service at a time when needed rather than wait for a fixed cycle collection. Residents are still entitled to 2 hard waste collections per financial year included in their Rates, but they need to make a booking first.

The flexibility of this arrangement means that hard waste collections are available throughout the year. Under the ring and book service arrangements, residents can also book and pay for additional hard waste collections at a nominal fee of \$44 for 3 cubic metres of waste, providing an added option for households with larger volumes of hard waste for disposal during the year.

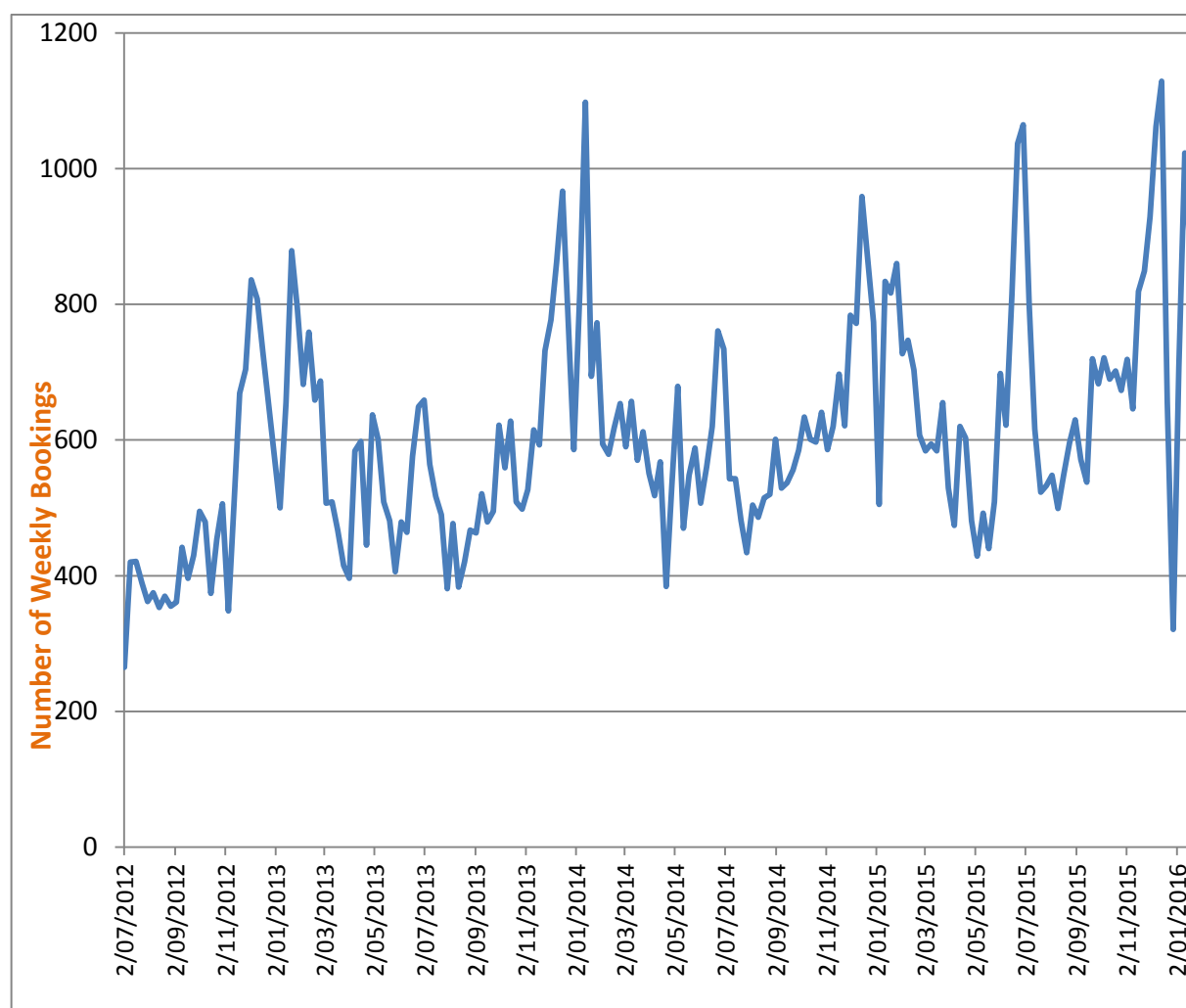
### 9.1.7 (cont)

Residents who ring and book a hard waste collection prior to 3pm on a Thursday have their hard waste collected the following week. Bookings are made directly with the hard waste contractor to ensure that any specific collection details and the correct service requirements are discussed directly between the resident and the contractor. Council monitors the performance of the contract on a regular basis.

### DISCUSSION

Since the introduction of the Ring and Book hard waste service, there has been a steady increase in the number of bookings to a current average for 2015/16 of 623 bookings per week. The year-to-date peak week was 1129 bookings during December 2015. The graph below indicates a steady increase in average number of bookings and the variations in bookings from month to month. Typically there are 4 peaks in bookings each year. The bookings received each month indicate that the flexibility of the Ring and Book arrangements is meeting resident needs of having a hard waste service available at times of the year when they want it.

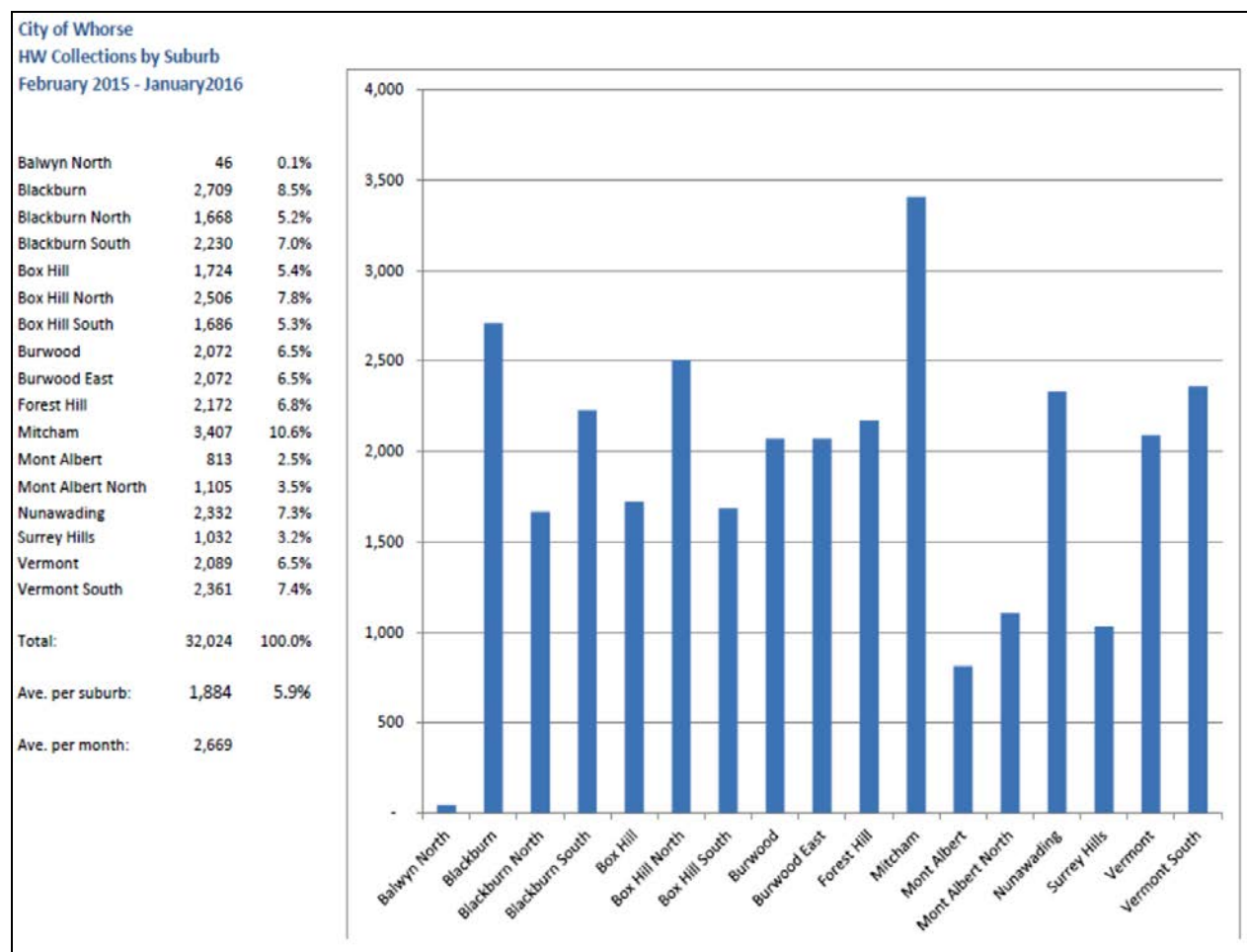
*Whitehorse Ring and Book Hard Waste & Bundled Pruning Weekly Bookings:*



### 9.1.7 (cont)

The graph below indicates the number of bookings by suburb for the 12 month period from February 2015 to January 2016 inclusive and indicates a spread of locations for collections across the entire municipality.

*Whitehorse Ring and Book Hard Waste & Bundled Pruning Bookings by suburb (Feb 2015 to Jan 2016 inclusive)*



#### Ring and Book Hard Waste service quantities:

The annual number of booked hard waste and bundled pruning collections and the quantities of waste collected are summarised in the table below:

|                           | 2012/13 | 2013/14 | 2014/15 |
|---------------------------|---------|---------|---------|
| Number of bookings        | 26,055  | 30,408  | 32,184  |
| General waste (tonnes)    | 3,421   | 4,418   | 4,609   |
| Garden prunings (tonnes)  | 521     | 523     | 502     |
| Electronic waste (tonnes) | 170     | 268     | 87      |
| No. of Fridges            | 1,008   | 1,056   | 966     |
| No. of Mattresses         | 6,861   | 8,684   | 9,355   |
|                           |         |         |         |
| Total tonnes              | 4,112   | 5,210   | 5,250   |
| Proportion recycled:      | 29.4%   | 32.6%   | 30.4%   |

### 9.1.7 (cont)

The number of bookings has climbed steadily. The tonnage of general waste that is not able to be recycled has increased, as have the number of mattresses collected. Garden pruning quantities and the number of fridges collected have remained steady, and after a peak in 2013/14 the tonnage of electronic waste dropped considerably in 2014/15. Some of this reduction in electronic waste being placed out for the hard waste collection is attributable to the introduction of a free TV and computer recycling drop-off service at Council's Whitehorse Recycling and Waste Centre, and some is attributable to the lighter weight of recent electronic goods, especially with plasma TV's instead of analogue TV's.

The range of materials collected in the Ring and Book hard waste service has remained similar to the previous area-based hard waste service.

Approximately 31% of the hard waste currently placed out for collection is able to be recycled. This is higher than the proportion of hard waste that was able to be recycled under the area-based hard waste collection because of the smaller number of piles of waste collected on a weekly basis in a Ring and Book service and targeted collections, enabling more items to be separated and recycled.

Projections for the full 2015/16 year indicate that the number of bookings will exceed 34,000 and the general waste tonnages are likely to be higher than previous years.

#### **Service Performance:**

The service performance in delivering the Ring and Book hard waste service has generally been satisfactory. There was a 2-month period in December 2014 and January 2015 where there were delays with taking bookings and completing collections. These matters were subsequently addressed and improvements made which resulted in the number of complaints dropping to lower levels. With the exception of this 2-month period, the service delivery standard has been good and the general level of complaints is considered to be at an acceptable level.

Council monitors the performance of the service by:

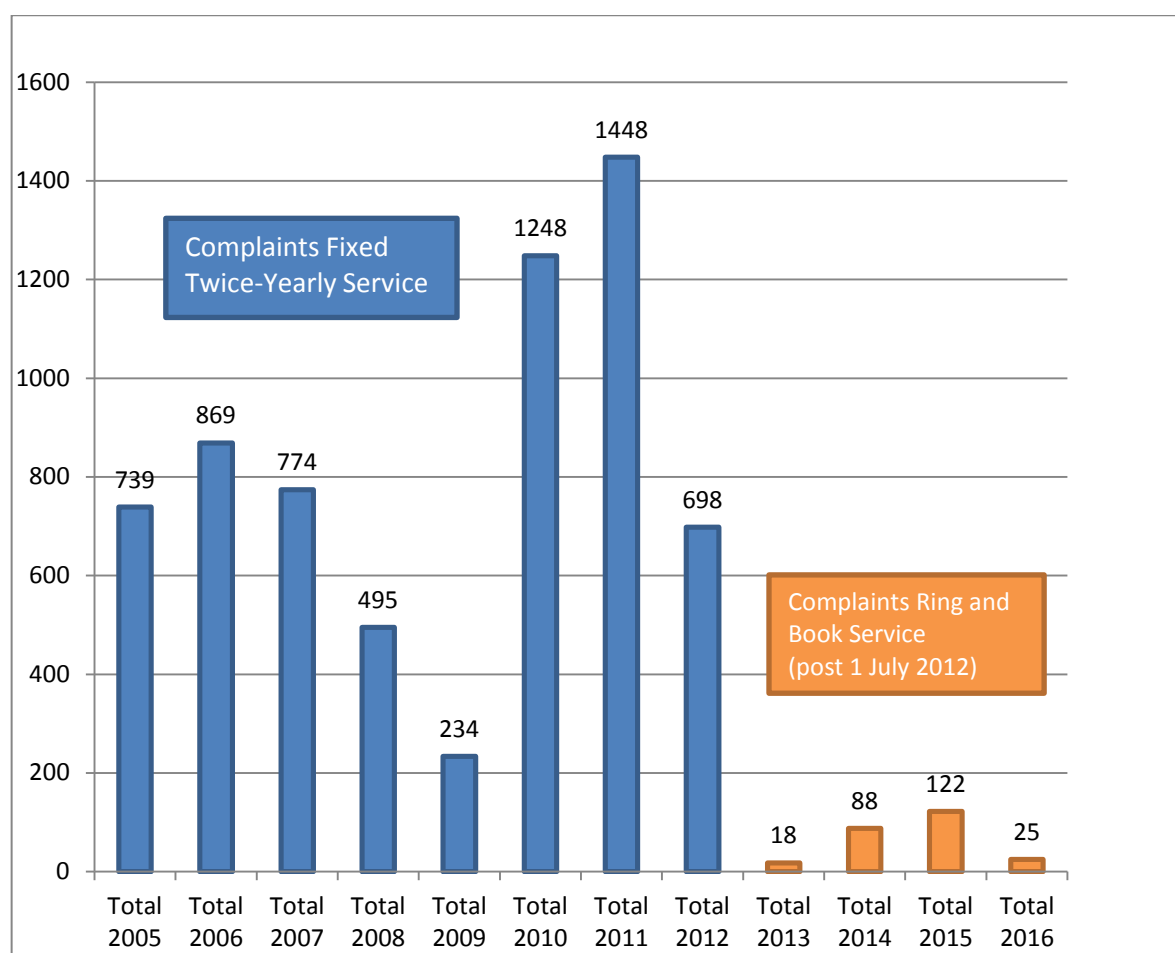
- Responding to customer service complaints as they arise, and reviewing complaint levels on a monthly basis (refer to graph below)
- Checking the weekly reports for bookings scheduled and collections achieved, including additional collections requested by Council, and noting comments from the contractor on site issues (eg. waste not put out, or waste in excess of 3 cubic metre limit)
- Bi-monthly meetings with the contractor covering a broad agenda of key performance indicators (KPI's) and service issues including general performance, reporting, OHS, customer service, permissible truck tonnage, waste volumes, operational matters and service improvements
- Conducting random site inspections and periodic detailed random audits of the weekly bookings compared with collections achieved
- Checking customer service by making random calls and mystery bookings to the booking line
- Reviewing an annual report on the number of bookings achieved for the year and the details of what was collected and how much was recycled

### 9.1.7 (cont)

The graph below indicates the number of complaints registered in Council's customer service system about hard waste service delivery since 2005. The complaints relate to missed hard waste collections, residents not receiving notification about the service, not all of the waste being collected, or the waste not being collected on time.

The service changed from a fixed twice-yearly area-by-area basis to a Ring and Book service on 1 July 2012. The number of service performance complaints has dropped considerably since the change to the Ring and Book collection arrangements, as indicated in the graph below.

#### **Hard Waste Service: Number of Complaints:**



#### **Service Delivery Compliance Audits**

A series of detailed random audits are periodically conducted to check compliance with the requirement to complete all of the booked collections by the end of the scheduled collection week. Inspections are carried out on a Monday morning of a random sample of streets with hard waste bookings scheduled for the previous week. Audits are progressively carried out in every suburb to gain an overall perspective of the completion rate. There should be no sites with hard waste still out at the booked address on a Monday morning, unless the hard waste was non-compliant or consisted of un-booked materials.

Audits carried out in 244 streets in March and April 2015 indicated a compliance rate of 98% and audits of 226 streets between December 2015 and February 2016 indicated a 100% compliance rate.

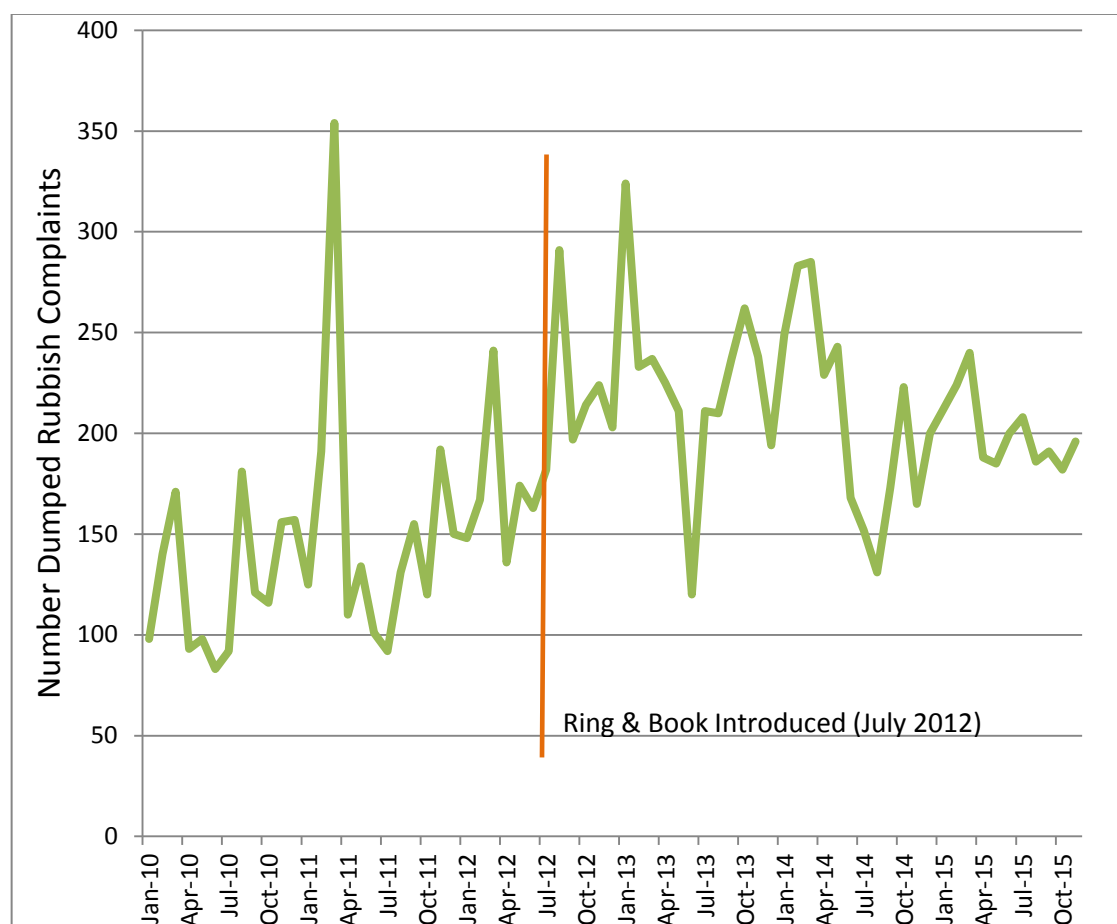
### 9.1.7 (cont)

#### Dumped Rubbish complaints

Complaints about dumped rubbish are monitored through Council's customer service management system. Dumped rubbish consists of all types of waste such as waste oil, household garbage, chemicals, trade and building waste, asbestos, garden waste, recyclables and hard waste. If hard waste is placed out on the street without a correct booking being made, it is often reported as dumped waste, but clearly not every report of dumped rubbish relates to dumped hard waste. Dumped rubbish complaints include incidences on roads and in Council parks and reserves.

Dumped rubbish complaints are not necessarily directly related to the performance of the hard waste service or to the type of hard waste service provided by Council. The number of complaints does however provide some indication of the effectiveness of the hard waste service, along with other factors such as the cost to dispose of waste to landfill.

The following graph indicates the total dumped rubbish complaints received at Council since January 2010. The dumped rubbish statistics include all reports of dumped rubbish and for different types of dumped rubbish, not just hard waste placed out without a booking. In addition to the dumped rubbish complaints, there are some dumped rubbish collections undertaken pro-actively by Council as part of normal maintenance activities, however the graphs below provide general trend information.



### 9.1.7 (cont)

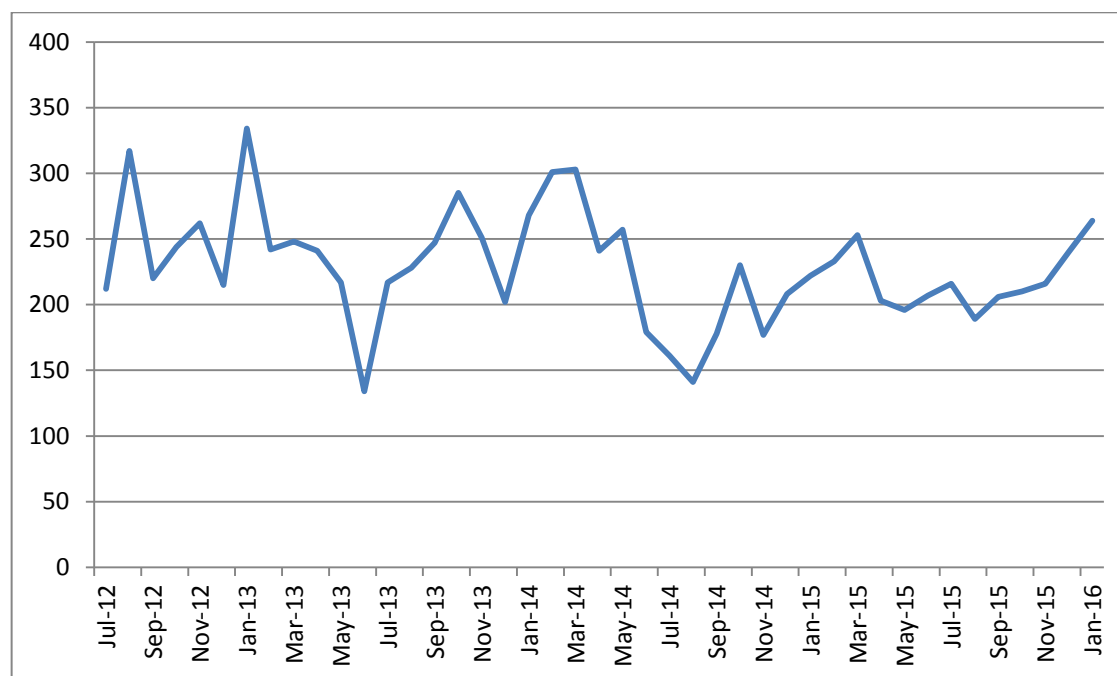
Several factors need to be considered when analysing the number of dumped rubbish complaints. The cost of disposing waste has increased significantly in recent years, driven in part by steep increases in the landfill levy and increases in landfill gate fees arising from imposed higher EPA standards. Whitehorse Council and other local governments have experienced spikes in incidents of dumped rubbish whenever the cost of waste disposal increases significantly.

From January 2010 to June 2012, Council's hard waste service was a twice-yearly area-based fixed schedule hard waste collection. During this period there was a noticeable increase in dumped rubbish reports, especially during the periods of hard waste collections. While the increasing trend in dumped rubbish complaints continued for the first 6 months of the change to a Ring and Book hard waste service, complaint levels then levelled out and are now declining.

The change of hard waste service arrangements to a Ring and Book service compared with an area-based collection did not result in a continued upward trend in dumped rubbish complaints.

Ongoing community education and information about the correct procedures for booking a hard waste collection has contributed to a reduction in reported incidents of dumped rubbish compared to the former twice-yearly fixed collection.

A more detailed graph showing the general downward trend of dumped rubbish complaints at Whitehorse since the Ring and Book collection arrangements were put in place in July 2012 is shown below. There are occasional spikes in the number of complaints such as during the January holiday period each year, but the overall trend is gradually declining.



### **9.1.7** (cont)

#### **Continuous improvements**

There are continuous service improvements being made to the hard waste service to ensure a high level of customer service. Examples of some recent improvements include:

- Providing fixed frequency hard waste collections (eg fortnightly or monthly) to multi-unit developments where there is a history of ongoing dumping of un-booked hard waste on the nature strip in front of the units;
- In conjunction with the issuing of warning notices and enforcement action where necessary, arrangements are made for the prompt removal of un-booked piles of hard waste in 'hotspot' areas to minimise opportunistic dumping of waste by adding to the piles;
- The introduction of an electronic in-truck system in the hard waste collection vehicles to improve communication and coordination between the collection crews as well as better monitoring;
- The development of an innovative new configuration for a hard waste collection truck that enables compactable and recyclable hard waste to be picked up (but kept separate) in the one truck, rather than using 2 separate trucks as previously occurred;

#### **CONSULTATION**

The Whitehorse Waste Management Plan was adopted in September 2011 after extensive community consultation.

#### **FINANCIAL IMPLICATIONS**

Funding for the Ring and Book hard waste and bundled pruning service is contained in Council's adopted budget as part of the suite of waste and recycling services provided by Council. The cost of the service includes collection, disposal of residual waste to landfill, printing and distributing booking information, and the cost of recycling as much of the collected materials as possible.

#### **POLICY IMPLICATIONS**

The provision of a flexible and needs-based hard waste collection service is a key part of the waste disposal arrangements detailed in Council's Waste Management Plan 2011 and subsequently implemented as part of a suite of waste and recycling contracts that commenced on 1 July 2012.

### 9.1.8 Whitehorse Sustainability Report 2008-2014

FILE NUMBER: 16/3774  
ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to present the Whitehorse Sustainability Report 2008-2014 that summarises the achievements of the Whitehorse Sustainability Strategy 2008: Our EcoVision and related Energy and Water Action Plans. The Whitehorse Sustainability Report outlines the status of various sustainability programs and projects across Council over the 6-year period covered by the current Sustainability Strategy and serves as a prelude to the preparation of a new Sustainability Strategy for Whitehorse.*

#### **RECOMMENDATION**

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

- 1. Receives the Whitehorse Sustainability Report 2008-2014 which outlines the achievements and learnings during the implementation of the Whitehorse Sustainability Strategy 2008: Our EcoVision***
- 2. Makes the Whitehorse Sustainability Report 2008-2014 available to the community on Council's website and provides hard copies upon request.***

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#### **BACKGROUND**

The *Whitehorse Sustainability Report 2008-2014* has been compiled to present to the Whitehorse community the progress made in implementing the *Whitehorse Sustainability Strategy 2008-2013: Our EcoVision*, Council's *Water Action Plan 2008-2013* and *Energy Action Plan 2009-2014* covering the period over which these strategies were implemented.

The Sustainability Report provides outcomes achieved for energy, water and waste reduction compared to base year data and illustrates various case studies that have enhanced the built and natural environment of Whitehorse.

The Sustainability Strategy 2008-2013 covered 10 priority areas with relevant targets and actions to support Council's strategic objectives and commitment to implementing sustainability into Council's operational practices and capital works projects. The key objective of the Sustainability Strategy was to make Whitehorse Council a more sustainable organisation and to help the Whitehorse community to become more sustainable.

The Sustainability Strategy 2008-2013 built on Council's original 2002 EcoVision Strategy that was one of the first comprehensive sustainability strategies developed and adopted by a Council in Australia.

As part of the 2002 EcoVision Strategy, Council participated in the ICLEI-Local Governments for Sustainability, Cities for Climate Protection and Water Campaign programs. These programs consisted of a 5-milestone process culminating in the development and implementation of an Energy Action Plan and a Water Action Plan that complemented Council's Sustainability Strategy and helped to embed sustainability principles into organisational practices.

The strategic framework provided by Council's Sustainability Strategy and the Energy and Water Action Plans covered the period from 2008 to 2014. The objectives and priorities outlined in these documents continued to guide Council's activities throughout 2015 as a new Sustainability Strategy (the draft Whitehorse Sustainability Roadmap) was being developed.

### 9.1.8 (cont)

The Sustainability Strategy and Action Plans contain some actions that are readily quantifiable and other actions where a beneficial outcome is achieved but may not be easy to quantify. The format of the Whitehorse Sustainability Report is therefore a combination of outlining progress towards measurable targets, providing examples of successful implementation of sustainable practices as case studies, and general commentary about actions taken and some of the learnings experienced.

The Whitehorse Sustainability Report 2008 – 2014 is attached for Council consideration. The design of the Report will be finalised once Council has approved the Sustainability Report and will be made available to the community.

## DISCUSSION

Council adopted some challenging targets for energy, water and waste reduction in the Whitehorse Sustainability Strategy in 2008, building on the targets set as part of the original EcoVision Strategy in 2002. The base year for the targets was set as 2002 so that progress and trends could be monitored over time.

The following summary indicates progress towards achieving key corporate energy, water and waste reduction targets:

| Target   | Base Year level in 2002         | 2014 actual level               | Target % reduction or diversion | % reduction or diversion achieved by 2014 |
|--|---------------------------------|---------------------------------|---------------------------------|---|
| Reduce corporate greenhouse gas emissions                              | 21,865 tonnes CO <sub>2</sub> e | 14,227 tonnes CO <sub>2</sub> e | 25% reduction by 2012           | 39%                                       |
| To be carbon neutral across all Council operations by 2015             | 21,865 tonnes CO <sub>2</sub> e | 14,227 tonnes CO <sub>2</sub> e | Net zero emissions by 2015      | 39%                                       |
| Reduce corporate water consumption                                     | 231,946 kL                      | 194,021 kL                      | 25% reduction by 2012           | 22%                                       |
| Recover, recycle and/or divert Council's municipal waste from landfill | 38.3%                           | 48.4%                           | 55% diverted by 2016            | 48%                                       |

The 39% reduction in greenhouse gas emissions has been achieved through a combination of energy efficiency measures in Council buildings and streetlights, installation of solar panels and solar hot water systems, fuel efficiencies in Council's fleet, and the purchase of GreenPower for street lighting and Council buildings.

Council has progressed steadily in implementing water-saving actions. The 25% reduction target was achieved during the period of compulsory water restrictions between 2007 and 2009, but the need to provide sufficient water to maintain quality and safe sporting and garden assets has subsequently resulted in a higher use of potable water, although it is still 22% below base year water usage levels. Council water-saving actions have included the installation of water-efficient fixtures and appliances at Council facilities, the capture and re-use of stormwater and rainwater, and corporate and community behaviour change programs.

Council has also implemented erosion-control measures and undertaken educational and monitoring activities to improve the quality of local waterways.

### 9.1.8 (cont)

The proportion of community waste diverted from landfill has progressively increased from 38.3% in 2002 to 48.4% in 2014, despite the increase in total waste collected since 2002. The waste diversion rate is defined as the percentage of the total waste collected from the kerbside collection services that is recovered and recycled rather than being disposed of at landfill. The proportion of waste recycled includes the commingled recyclables, garden organics, and the scrap metal, mattresses and bundled prunings from the hard waste collection.

The downsizing of garbage bins and introduction of larger recycling bins has contributed to the reduction in the tonnes of waste going to landfill. However the recyclable portion of waste varies each year, including a decrease in the tonnes of recyclables collected in recent years. The tonnage of kerbside recyclables has been progressively declining due to light-weighting of packaging, plastic bottles replacing glass bottles, and fewer newspapers and magazines due to online content.

There are also seasonal variations in the garden organics tonnages, particularly when comparing a drought year with a normal or a wet year. The fluctuations and occasional net decline in the annual tonnage of recyclables captured has a moderating effect on the percentage of waste diverted from landfill.

Other priority areas of the Sustainability Strategy had qualitative targets and each action within these areas of the Strategy contributed to an improvement in Council as an organisation and/or the community in becoming more sustainable.

Some examples of achievements in the Sustainability Strategy or related action plans include:

- Council's annual Sustainable Living Week provides a diverse range of activities for the community on how to live more sustainably, attracting increasingly larger crowds
- Practical and inspiring community achievements at households, schools, businesses and community organisations are recognised through the annual Whitehorse Sustainability Awards
- Community workshops and forums on sustainability topics are provided on a regular basis throughout the year as part of Council's Sustainable Living Workshop series
- Continued planting of indigenous and drought-tolerant vegetation across the municipality has enhanced the natural and built environment
- Development of Council's Bushland Reserves Bushland Management Framework 2012 sets best-practice standards for the preservation and enhancement of Council's valuable bushland reserves
- Blackburn Lake Sanctuary Education Program has been expanded and successfully implemented, proving to be very popular with schools and the broader community
- Development of Council's Urban Biodiversity Strategy 2014 is another example of best-practice approach to maintaining and improving biodiversity in Whitehorse
- Council's ESD Planning Policy was developed and adopted in 2010, guiding new developments to include more sustainable features than would otherwise have been provided. This has since been approved by the Minister for Planning and is now a policy within the Whitehorse Planning Scheme.
- Business-focussed sustainability information and workshops are provided as part of the annual Whitehorse Business Week and ongoing business programs
- Local businesses have implemented award-winning sustainable business programs or upgraded their business premises with notable ESD features

### 9.1.8

(cont)

- There has been positive uptake of Council's sustainability rebate incentive program by residents who have installed solar PV systems, solar hot water systems, water tanks, grey water systems, and home composting systems (1,937 in total)
- Council's finances have been well-managed by providing sufficient funds for a growing level of services and a diverse range of capital works at a rate level that is one of the lowest in metropolitan Melbourne
- Significant waste reduction measures have included expansion of the items that can be recycled, the introduction of 360 litre recycling bins, adopting a standard size garbage bin of 80 litres capacity, and introducing an optional garden organics bin collection service
- The development and progressive implementation of the *Whitehorse Climate Change Adaptation Plan 2011* to ensure that Council is adapting to climate change in a strategic and pro-active manner
- Completed a Climate Change Vulnerability Assessment of 14 civic and community buildings where the recommended outcomes inform Council's building maintenance and capital works programs
- Changed 60% of streetlights within Whitehorse to more energy-efficient globes, a measure that saves approximately \$400,000 per annum on electricity bills
- Integrated an extensive range of environmental sustainable design features into redevelopments and retrofits of Council facilities, including some outstanding energy and water-saving features at Aqualink Box Hill
- Completion of the water-efficient Warm Season Grass Transfer Program for sports fields, saving substantial amounts of potable water each year
- Implemented the annual ReNew Kerbside Collection and Drop-Off Day
- Developed and delivered a successful Sustainable Ambassadors program that helped the community participants to undertake projects and share sustainability information with others in the community
- Delivered an innovative Home Composting and Food Waste Avoidance Trial where 200 households actively reduced their food and garden waste using composting materials and food waste reduction techniques learned during the trial. This information has now been made widely available.
- Participated proactively in key alliances such as the Eastern Alliance for Greenhouse Action (EAGA), the Eastern Transport Coalition (ETC) and the Eastern Alliance for Sustainable Learning (EASL), working with neighbouring Councils on programs to reduce greenhouse gas emissions, adapt to climate change impacts, and to promote sustainable forms of transport.
- Installed solar panels and water tanks at many Council and community buildings

The participation by the Whitehorse community in a wide range of sustainability programs and the positive outcomes arising from projects such as the energy-efficient streetlighting changeover, warm season grasses planted at sporting fields, and solar panels and water tanks installed at many community facilities demonstrate that Council is progressing well in most of the priority areas of the Sustainability Strategy.

As a result of progressively implementing actions in the Whitehorse Sustainability Strategy 2008-2013, a number of sustainable practices and successful programs have been embedded into daily work practices and the corporate culture of the organisation.

### **9.1.8** (cont)

One of the targets that was not achieved in the Sustainability Strategy was for Council to become carbon neutral across its operations by 2015. Carbon neutrality is typically defined as having zero net carbon dioxide emissions. Council has been progressively reducing its carbon footprint using a combination of measures that have resulted in a 39% reduction in emissions by 2014. However there is still a residual of 61% of Council's emissions that have not yet been reduced or offset for Council to become carbon neutral

Council did reduce its greenhouse gas emissions to just below 50% in 2010/11 and 2011/12. However since that time, several Council building facilities have been expanded and the usage of Council buildings has increased, resulting in a net energy increase between 2012 and 2014 in energy consumption. The energy-efficiencies built into these building upgrade projects has moderated what otherwise would have been a more substantial energy increase.

To achieve carbon neutrality across all of Council's operations, Council would need to considerably accelerate its energy-efficiency and renewable energy installation program as well as purchase carbon credits or suitable carbon offsets to net off the remaining emissions. It has already taken more than 10 years to achieve a 39% reduction through a combination of installing energy efficient features and renewable energy infrastructure, fuel efficiencies, purchase of GreenPower, and behaviour change programs. A substantial purchase of carbon credits or carbon offsets would be necessary to rapidly achieve carbon neutrality.

The goal to become a carbon neutral organisation is still an important statement of Council's intention to be a leading Council in the area of reducing our carbon footprint and helping to mitigate the impact of greenhouse gas emissions on climate change. In recent years there has been a stronger emphasis given to implementing energy-saving measures that reduce Council's energy consumption or use energy from a renewable source, rather than purchase carbon offsets.

While this approach has slowed progress on achieving carbon neutrality, it provides a basis of more permanent energy savings that will result in environmental and financial savings over the long-term.

Further consideration to Council's approach to becoming carbon neutral and the time it will take to achieve this goal will be undertaken as an action in Council's new Whitehorse Sustainability Roadmap 2016-2022.

Progress in implementing the various programs and projects in the Sustainability Strategy, Energy Action Plan and Water Action Plan has been overwhelmingly positive thanks to the support of the community and the commitment of Council and staff. Whitehorse Council is considered to be one of the leading Councils in implementing sustainability across the organisation and has received recognition including a Victorian Premier's Award for some of its sustainability programs.

The outcomes and learnings from implementing these strategies will inform the development of Council's new Whitehorse Sustainability Roadmap 2016-2022.

It is recommended that Council receives the Sustainability Report 2008-2014 and makes it available to the community.

### **CONSULTATION**

The community and various Departments across Council were consulted in the development of the Sustainability Strategy 2008 and the Water and Energy Action Plans. Obtaining information about the progress achieved in implementing these various strategies has involved consultation across the organisation.

**9.1.8**  
(cont)

**FINANCIAL IMPLICATIONS**

Sustainability principles and practices are embedded into Council's 'business as usual' services to the extent that it is difficult to separately estimate the proportion of Council expenditure that is dedicated to making Council a more sustainable organisation and helping the community to become more sustainable. This is in line with Council's Vision and commitment to be a best-practice organisation that delivers its services and projects with a triple bottom line focus – economic, social and environmental, and good corporate governance arrangements.

Strategic investment into actions that make Council a more sustainable organisation has a positive dividend financially through the reduction of energy, water and waste expenditure, which is a large component of Council costs. Progressively improving Council's sustainable work practices also helps to create a corporate culture where staff look to continually improve service delivery and to identify further savings.

Some budget areas will reflect a saving as a result of actions taken to reduce electricity, water or waste costs – streetlighting and landfill waste disposal are good recent examples of this. Other budget areas will not be exposed to cost increases compared to the situation that would have existed if the energy/water/waste saving measures had not been implemented (ie if previous levels of consumption had continued) – Aqualink, Operations Centre and Civic Centre have all benefitted from energy and water saving installations.

Council's annual budget includes sustainable measures and actions approved as part of Council's adopted Sustainability Strategy and related Action Plans, in accordance with Council's overall financial plan.

**POLICY IMPLICATIONS**

The Whitehorse Sustainability Strategy 2008-2013 and Water and Energy Action Plans are adopted Council strategies that form part of the strategic framework to ensure delivery of sustainable actions consistent with the priorities set in the Council Vision and Council Plan.

The Sustainability Strategy is the key policy document for embedding sustainability as 'business as usual' into Council operations, one of the key sustainability objectives in the Council Vision.

### 9.1.9 Draft Whitehorse Sustainability Road Map 2016-2022

FILE NUMBER: 16/15375  
ATTACHMENT

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#### **SUMMARY**

*The purpose of this report is to present the draft Whitehorse Sustainability Road Map 2016-2022 and Action Plan for Council consideration and approval for placing on public exhibition. The draft Whitehorse Sustainability Road Map 2016-2022 replaces the Whitehorse Sustainability Strategy 2008: Our EcoVision as the key strategy to deliver the environmental sustainability objectives and performance indicators in the Council Vision and Council Plan.*

#### **RECOMMENDATION**

***That Council approves the draft Whitehorse Sustainability Road Map 2016-2022 and Action Plan for public exhibition and invites community comment***

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#### **BACKGROUND**

The Whitehorse Sustainability Road Map 2016-2022 has been developed to replace the *Whitehorse Sustainability Strategy: Our EcoVision 2008-2013* (Sustainability Strategy), *Water Action Plan 2008-2013* and *Energy Action Plan 2009-2014*. The draft Whitehorse Sustainability Road Map 2016-2022 and Action Plan will serve as the key strategic documents to guide the delivery of the environmental sustainability objectives and performance indicators in the Council Vision and Council Plan.

The achievements of the 2008-2013 Sustainability Strategy and the Energy and Water Action Plans were outlined in a separate Council report presented at this meeting. The progress achieved in implementing the previous Sustainability Strategy and Action Plans provided the starting point for the development of a new Sustainability Road Map. Council's Vision and the Council Plan contain long-term objectives, targets and performance indicators that require periodic reviews and updates of the strategic approach required to achieve these objectives and targets.

The development of a new Sustainability Road Map builds upon the foundation provided by Council's two previous Sustainability Strategies, with the inaugural ground-breaking Sustainability Strategy *Our EcoVision* being adopted by Council in 2002.

The development of a new Whitehorse Sustainability Road Map commenced in late 2014 and has involved an extensive period of research, a review of previous Sustainability Strategy and Action Plan outcomes, extensive community and corporate consultation, a further review of proposed actions, and alignment with other strategic policies and programs within Council. Changes to Victorian and Australian Government environmental policies in 2015 have also occurred during the development of Council's Sustainability Road Map.

Council engaged consultants Arup to assist with research into best sustainable practice, engagement with the community and the development of the draft Sustainability Road Map. Arup have undertaken similar work with other Councils and private organisations, enabling them to provide expertise and an independent perspective to the development of a comprehensive draft Sustainability Road Map 2016-2022 and accompanying Sustainability Road Map Action Plan.

The Sustainability Road Map Action Plan contains the detailed actions that collectively will enable Council to achieve the targets, objectives and priority outcomes of the draft Sustainability Road Map.

### 9.1.9

(cont)

#### DISCUSSION

The draft *Whitehorse Sustainability Road Map 2016-2022* (Road Map) has been developed to set the sustainability direction and priority areas for action for Council for the next six years. The draft Road Map builds on the programs, projects and work practices implemented since Council's first Sustainability Strategy: *Our EcoVision* in 2002. This includes the work that has been accomplished in delivering the *Whitehorse Water Action Plan 2008-2013* and *Energy Action Plan 2009-2014*, key documents developed as part of implementing the Sustainability Strategy.

The draft new Road Map continues the dual focus of actions to make Council a more environmentally sustainable organisation as well as actions to encourage the Whitehorse community to become more sustainable. Although the primary emphasis is on environmentally sustainable actions, the objectives and priority areas of focus within the Road Map continue the approach of including broader aspects of sustainability such as health and wellbeing, financial responsibility, and social connectedness.

The draft Road Map expands on the strategic objectives of the Council Vision to define the outcomes that will enhance the future liveability of the Whitehorse municipality. In developing the draft Road Map, Council embarked on extensive consultation during 2014/15 with the Whitehorse community, Councillors and Council staff. From this detailed consultation, a range of ideas and priorities were identified to advance the considerable progress made to date in making Council a more sustainable organisation, and how the Whitehorse municipality could become even more liveable into the future.

This consultation phase included:

- A Whitehorse Councillor Workshop
- Whitehorse Staff Workshops and follow-up consultations about priorities and actions
- Mail-out of a detailed Survey to 1,000 randomly selected households
- Jar-dropping suggestions, prioritisation for action and general feedback activities at
  - The Whitehorse Spring Festival 2014
  - Nunawading and Box Hill libraries
  - Solar Basics Community Workshop
  - Whitehorse Urban Harvest
  - Youth Connexions
- Community Workshop, online Survey and an invitation to submit written input and comments
- Vox-Pop interviews with:
  - Bellbird Dell Advisory Committee
  - Vermont Gardening Play Group
  - Random local businesses
- Information dissemination through the Whitehorse News, Whitehorse Leader, Whitehorse Sustainability e-News, community noticeboards, community venues and facilities.

More detailed outcomes of the consultation are included in the appendix of the draft *Whitehorse Sustainability Road Map 2016-2022*.

In addition to the consultation, consultants Arup undertook detailed research on strategies, projects and programs that could assist Whitehorse Council to become more sustainable and to enhance the liveability of the Whitehorse community.

The draft Road Map identified the following key sustainability principles and associated liveability outcomes to achieve this vision:

**9.1.9**  
(cont)

| <b>SUSTAINABILITY PRINCIPLES</b> | <b>LIVEABILITY OUTCOMES</b>   |
|----------------------------------|---|
| Efficient and Resilient          | Improved access to local food<br>Adapting to climate change and peak oil<br>Efficient buildings, transport and infrastructure<br>More renewable energy<br>Reduced waste to landfill<br>Reduced use of potable water<br>Improved water quality of local creeks and waterways<br>Informed and resilient community |
| A Great Place to Live and Work   | A mix of local businesses and jobs<br>Easy to walk and cycle<br>Better access to and use of public transport<br>Healthy and diverse parks and local vegetation<br>More recreational open space<br>Reduced cost of living  |
| Responsible Leadership           | Effective governance and corporate programs<br>Sustainability practices and policies embedded into Council practices  |

**Energy, Water and Waste Reduction Targets:**

The recommended energy, water and waste reduction targets for the draft Sustainability Road Map are shown in the last column of the following table. A comparison is made with the previous Sustainability and Waste Strategy targets and the progress achieved to 2014.

| <b>Target</b>  | <b>Base Year level in 2002</b>     | <b>Existing (2008-2013) strategy Target % reduction or diversion</b> | <b>2014 actual reduction or diversion</b> | <b>Existing (2008-2013) strategy Long-term Target % reduction or diversion</b> | <b>Recommended Target for the period of the new Road Map</b> |
|--|------------------------------------|--|---|--|--|
| Reduce corporate greenhouse gas emissions                              | 21,865 tonnes CO <sub>2</sub> e    | 25% reduction by 2012  | 39%                                       | 50% reduction by 2030  | <b>45% reduction by 2022</b>                                 |
| To be carbon neutral across all Council operations by 2015             | 21,865 tonnes CO <sub>2</sub> e    | Net zero emissions by 2015   | 14,227 tonnes CO <sub>2</sub> e           | Net zero emissions by 2015   | <b>Carbon neutral by 2022</b>                                |
| Reduce corporate water consumption                                     | 231,946 kL                         | 25% reduction by 2012  | 22%                                       | 40% reduction by 2030  | <b>30% reduction by 2022</b>                                 |
| Recover, recycle and/or divert Council's municipal waste from landfill | 38.3% waste diverted from landfill | 55% diverted by 2016   | 48%                                       | 55% diverted by 2016   | <b>65% diverted by 2022</b>                                  |

The long-term targets for reducing energy, water and waste consumption in the current strategies and Action Plans were reviewed as part of the process in preparing the new draft Road Map. The progress towards achieving these targets has been reported separately (refer to Whitehorse Sustainability Report 2008-2014).

### 9.1.9 (cont)

In the new Sustainability Road Map 2016-2022, it is recommended that reduction targets be set covering the 6-year duration of the Road Map as per the table above.

The rationale for the Road Map energy, water and waste reduction targets is as follows:

**Energy consumption reduction** and consequent **reduction in greenhouse gas emissions** is achieved by a combination of energy efficiency measures in Council buildings and streetlights, installation of solar panels and solar hot water systems, fuel efficiencies in Council's fleet, and the purchase of GreenPower for street lighting and Council buildings.

The rate of future greenhouse emission reductions are predicted to slow as Council has already implemented measures that more easily achieve energy reductions. There will need to be investment in more substantive energy-saving measures to achieve the next level of energy savings. However many such substantive energy-saving measures have a positive return on investment as a result of directly reducing Council's energy consumption or using more renewable energy from installing solar and other renewable energy features.

The recommended energy-saving actions in the Sustainability Road Map Action Plan are based on effective measures with priority given to measures with a positive return on investment, thereby providing long-term environmental and economic benefits. The actions include consideration of partnering and energy performance contract arrangements that can reduce the initial funding required by Council, and emerging technologies that accelerate the return on investment.

Further **reductions in water consumption** will be challenging and more gradual without major investment in infrastructure and smarter technology, or the imposition of compulsory restricted water-use limits. Council did not achieve the 2012 water reduction target from the current strategy as outlined in the Whitehorse Sustainability Report 2008-2014 (22% reduction achieved compared with a reduction target of 25%).

Further affordable water savings are possible by continuing to install water-efficient fixtures, technology and appliances at Council facilities; the capture and re-use of stormwater and rainwater; and corporate and community behaviour change programs.

Council is not likely to achieve the target from the current strategy of 55% of **municipal waste diverted from landfill** by 2016 as outlined in the Whitehorse Sustainability Report 2008-2014. The proportion of community waste diverted from landfill has progressively increased from 38.3% in 2002 to 48.4% in 2014. The recent major changes to reduce the size of the standard garbage bin and increase recycling bin capacity have achieved a significant reduction in the amount of waste going to landfill and therefore a saving in waste disposal costs. However the recyclable proportion of the waste stream has fluctuated resulting in the net diversion from landfill climbing at a slow rate.

It is anticipated that the next significant increase in the diversion from landfill will be achieved when more of the food and garden waste currently going to landfill (almost 60% of the waste stream) is captured and recycled. Future improvements in the separation, capture and recycling of food waste are envisaged which will be possible as part of the next suite of waste and recycling contracts after the current contracts expire in 2019/20. It is therefore recommended that a target be set of 65% of municipal waste to be diverted from landfill by 2022.

Achievement of these 2022 targets will provide worthwhile environmental and economic benefits for Council, and will continue to demonstrate good leadership in the community.

### **9.1.9**

(cont)

#### **Carbon neutrality:**

The Whitehorse Sustainability Report 2008-2014 provided information on Council not meeting its corporate target of becoming carbon neutral by 2015. Due to the complexity of setting and achieving carbon neutrality in a sustainable and affordable manner, the new Road Map contains an action to further review and develop Council's approach to becoming carbon neutral.

As indicated above when discussing energy reduction targets, the rate of reducing energy consumption from conventional energy sources and therefore reducing greenhouse gas emissions is expected to occur at a slower rate in future.

A review of Council's carbon neutral target will consider Council's position on carbon neutrality, the current best-practice approaches for becoming carbon neutral, and a more detailed consideration of the methodology, cost and timing for becoming carbon neutral.

#### **Other sustainability objectives and priority principles**

The new draft Sustainability Road Map contains a wide range of objectives and outcomes that will be delivered by different Departments across Council. In addition to target areas of energy, water and waste reduction outlined above, the following liveability outcomes each have their own actions in the Road Map and Action Plan:

- Achieving a mix of sustainable local businesses and jobs,
- Making it easy to walk and cycle in Whitehorse,
- Providing better access to public transport,
- Enhancing the health and diversity of parks and local vegetation,
- Providing more recreational open space, and
- Contributing to a reduced cost of living.

Some areas of focus for the new draft Road Map include actions where Council is not the primary service provider eg public transport. However Council plays an important supportive role in such areas and proposed actions include advocacy to the relevant responsible organisations for improvements to public infrastructure or services on behalf of the community.

The draft Whitehorse Sustainability Road Map 2016-2022 does not include every sustainable objective or area of sustainable focus that Council undertakes in providing its services and managing public assets. The draft Sustainability Road Map should be considered in conjunction with other adopted Council Strategies and Action Plans that include a sustainable element, such as the Municipal Public Health and Wellbeing Plan, the Open Space Strategy, Biodiversity Strategy, ESD Planning Policy, Bushland Management Framework and the Whitehorse Economic Development Strategy.

#### **Sustainability Road Map Action Plan**

The draft Road Map is accompanied by an Action Plan that broadly covers the 6-year period of the draft Sustainability Road Map. The strategic direction provided by the draft Road Map informed the actions necessary to achieve the desired outcomes in the Road Map.

The actions within the Action Plan came from the consultation phase, research into best practice, and continuation or expansion of the successful sustainability programs already embedded into Council practices or programs that continue to be well supported by the community.

The Sustainability Road Map Action Plan is divided into 3 sections:

### 9.1.9 (cont)

NOW – those proven and successful sustainability actions that are already embedded into Council practice and programs in an affordable manner within the core Council budget, including actions that are highly valued by the community

NEW – detailed actions recommended for implementation over the 3-year period from 2016/17 to 2018/19, subject to Council's annual budget process

NEXT – actions that require some further planning or preparation before they can be implemented, including actions that build on the NEW actions.

In addition to considering priority actions from the Road Map as part of Council's annual budget process, it is proposed to undertake a detailed mid-strategy review in 2018/19 to ensure that the NEXT actions proposed in the Road Map and Sustainability Road Map Action Plan remain relevant and affordable.

The annual budget consideration and mid-strategy review will ensure that the 6-year Road Map remains relevant and will progressively work towards achieving the liveability outcomes highlighted above.

Examples of the NEW action topics in the Road Map Action Plan include:

- Complete the replacement of all mercury vapour streetlights with energy-efficient lamps,
- Consider participation in co-operative or group projects to implement larger-scale energy-efficient measures in Council buildings,
- Consider extension of current programs that encourage the use of sustainable forms of transport to school, work or play,
- Expand Council's current waste reduction program with a particular focus on food waste avoidance and food waste reduction,
- Increasing community awareness of litter issues and consider further actions to reduce litter,
- Implement actions from Council's new Whitehorse Cycling Strategy,
- Upgrade Council's environmental data gathering and data management systems, to improve environmental reporting and earlier detection of water leaks and energy inefficiencies,
- Review Council's carbon neutral strategy,
- Consider various measures to increase tree planting and vegetation cover in public and private properties consistent with Planning guidelines,
- Increase the use of smart water-saving technology at Council facilities,
- Provide the community with practical advice and measures to adapt to the impacts of climate change, with a particular focus on vulnerable and low-income community members as well as the CALD community,
- Encourage local businesses to become more sustainable through the promotion of up-to-date examples of sustainable business practices and programs

Examples of some of the NEXT actions in the Road Map, building on those NEW actions that may have been implemented in the meantime include:

- Investigate the feasibility of Council establishing or partnering with a showcase community solar energy project,
- Consider working with a local shopping precinct that wishes to promote itself as a sustainable shopping precinct
- Develop a workshop program to help residents and businesses to undertake their own energy, water and waste audits to identify possible savings
- Accelerating the implementation of actions in Council's Open Space and Biodiversity Strategies
- Consider increasing the use of smarter technology, partnering arrangements and energy performance guarantee arrangements for reducing water and energy consumption at a faster rate,

### **9.1.9** (cont)

- Upgrade Council's online and smart technology methods of providing sustainability information to the community and engaging with the community to help them to improve their sustainability practices

Copies of the draft Whitehorse Sustainability Road Map 2016-2022 and accompanying Action Plan are attached for consideration.

## **CONSULTATION**

The community and various Departments across Council were consulted in the preparation of the draft Whitehorse Sustainability Road Map Strategy 2016-2022 as highlighted above. It is recommended that the draft Whitehorse Sustainability Road Map Strategy and Action Plan be placed on public exhibition until 27 April 2016. A further report will be provided to Council recommending adoption of the final Sustainability Road Map and Action Plan, taking into account any feedback received during public exhibition.

## **FINANCIAL IMPLICATIONS**

Sustainability principles and practices are embedded into Council's 'business as usual' services and it is difficult to separately estimate the proportion of Council expenditure that is dedicated to making Council a more sustainable organisation and helping the community to become more sustainable. This is in line with Council's Vision and commitment to be a best-practice organisation that delivers its services and projects with a triple bottom line focus – economic, social and environmental, and good corporate governance arrangements.

Strategic investment into actions that make Council a more sustainable organisation has a positive dividend financially through the reduction of energy, water and waste expenditure, which is a large component of Council costs. Progressively improving Council's sustainable work practices also helps to create a corporate culture where staff look to continually improve service delivery and to identify further savings.

The draft Whitehorse Sustainability Road Map 2016-2022 continues the responsible investment in sustainability-related programs and projects, with a focus on actions that help to reduce Council's operational costs. The Road Map recommends that Council continues to invest in measures that have a favourable return on investment, such as completing the replacement of all streetlights with energy-efficient light globes and ongoing upgrades to more efficient lighting, heating, cooling and water fixtures at Council buildings and facilities.

The actions within the Sustainability Action Plan require ongoing investment in operational and capital programs across a wide range of Council service areas. The Road Map is based on the continuation of core funding to support sustainable programs and projects at approximately the same level overall as current Council sustainability funding.

Actions that result in a significant reduction in electricity, water or waste consumption will help to achieve a cost saving in those budget areas that have high energy, water or waste consumption charges. To date there have been significant operational savings achieved in the budget areas of street lighting and waste disposal by reducing consumption levels through efficiency measures.

In other budget areas, a reduction in energy, water or waste consumption will reduce Council's exposure to cost increases that would otherwise have applied if the energy/water/waste saving measures had not been implemented. Utility tariffs and waste disposal costs typically increase every year so by reducing the base consumption levels even by a moderate amount, the impact of any annual increase in tariff or waste disposal charges is reduced by having achieved lower consumption levels. Aqualink Box Hill, Operations Centre and Civic Centre have all benefitted from energy and water saving installations.

### 9.1.9 (cont)

It is intended that external funding will be sought each year from State and Federal Governments to assist in the implementation of new sustainable projects and programs, to increase the benefit or advance the timing of eligible projects. Opportunities for State and Federal Government grant funds are expected to improve in coming years, but it is acknowledged that the availability of grant funding can fluctuate considerably. None of the actions in the Sustainability Road Map Action Plan rely on external or grant funding so if Council is successful in obtaining grant funding, it will save Council funds or enable an improved scope of project to be achieved.

The indicative cost of implementing the Sustainability Road Map and accompanying Sustainability Action Plan for 2016/17 and for the following two financial years is as follows:

| <b>Actions</b>  | <b>Operational</b>                  | <b>Capital</b>                     |
|---|-------------------------------------|------------------------------------|
| <b>NOW Actions:</b>   |                                     |                                    |
| Indicative cost of continuing the NOW actions built into Council's existing programs and practices, included in core budget for 2016/17 | \$766,500<br>(2016/17)              | \$890,000<br>(2016/17)             |
| Indicative cost of continuing the NOW Actions for a further 2 years in 2017/18 and 2018/19  | \$1,526,000<br>(2017/18 + 2018/19)  | \$1,320,000<br>(2017/18 + 2018/19) |
| <b>3-Year total for NOW actions:</b>  | <b>\$2,292,500</b>                  | <b>\$2,210,000</b>                 |
| <b>NEW Actions:</b>   |                                     |                                    |
| Indicative cost of implementing the NEW Actions included in the draft budget for 2016/17  | \$900,000*<br>(2016/17)             | \$0<br>(2016/17)                   |
| Indicative cost of implementing the NEW Actions for a further 2 years in 2017/18 and 2018/19  | \$1,982,000*<br>(2017/18 + 2018/19) | \$155,000<br>(2017/18 + 2018/19)   |
| <b>3-Year total for NEW actions:</b>  | <b>\$2,882,000*</b>                 | <b>\$155,000</b>                   |
| <b>TOTAL COST for NOW + NEW actions:</b>  |                                     |                                    |
| Indicative cost for 2016/17   | \$1,666,500*                        | \$890,000                          |
| Indicative costs for 2017/18 plus 2018/19<br>(Costs for 2 years)  | \$3,508,000*                        | \$1,475,000                        |

\* Includes one-off operational expenditure of \$1,800,000 over 2 years to changeover remaining streetlights to energy-efficient globes (\$900,000 in 2016/17 and \$900,000 in 2017/18, subject to approval in the budget process)

Most of the recommended actions in the Sustainability Road Map Action Plan can be continued or implemented as part of Council's current level of core funding. All operational and capital funding is subject to Council's annual budget process, so the scope and timing of actions implemented in the Sustainability Road Map Action Plan will depend upon available funding.

Actions that require additional funding will be presented annually as operational budget initiatives or considered as part of the capital works budget for funding. Where possible, capital initiatives will include the payback period for the repayment of the initial investment, which will ensure that priority is given to cost-effective measures and subsequent savings from the sustainability initiative will provide ongoing benefit to the operational budget.

### **9.1.9**

(cont)

#### **POLICY IMPLICATIONS**

The draft Whitehorse Sustainability Road Map 2016-2022 will continue to be the strategic framework document for implementing sustainable actions outlined in Council's 10-year Vision and Annual Plan. The Sustainability Road Map complements other key Council policies and strategies that deliver sustainable outcomes across the organisation and into the community. This will continue the development of a corporate culture where embedding sustainability into its operations is 'business as usual' for the City of Whitehorse.

## 9.2 INFRASTRUCTURE

### 9.2.1 Tender Evaluation Report (Contract 15019)– Civic Centre Office Refurbishment

FILE NUMBER: SF16/113

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#### SUMMARY

*To consider tenders received for the proposed Civic Centre Office Refurbishment to the Finance, Organisational Development, and Property and Rates Departments, and to recommend the acceptance of the tender received from Formula Interiors for the amount of \$652,230.70 including GST.*

#### RECOMMENDATION

***That Council accept the tender and sign the formal contract document ( Contract 15019 ) for the Civic Centre Office Refurbishment received from Formula Interiors (ABN 9112 8925 066 of L4 27 Albert Avenue Chatswood NSW 2007, for the tendered amount of \$ 652,230.70 including GST.***

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#### BACKGROUND

The Civic Centre office area first opened circa 1980 as the Nunawading Branch Library. In the late 80's the building was redeveloped as office accommodation and since amalgamation of the Nunawading and Box Hill Councils, the Civic Centre offices have remained largely in their original state.

The first floor Civic Centre floor area, which currently services Finance and Corporate Performance, Organisational Development, Property and Rates and Health and Family Services Departments, has undergone minor refurbishments which have largely ensured an acceptable level of office accommodation has been able to be provided. However, the office layout in this area compromises universal access and Disability Discrimination Act (DDA) access requirements, compliance with current OH&S standards, security and a range of facilities that are considered mandatory in a modern office layout.

Over the years staff have been accommodated in spaces that were not originally designed to accommodate an office environment resulting in ad hoc desk arrangements, diminishing space allowances per individual, and outdated desk configurations. The office area is now at capacity.

Ten years ago, Council engaged Peddle Thorp Architects to prepare a Strategic Accommodation Study for the Civic Centre and Depot. The key element of this report was to assess the organisational 'demand' for space against the building's 'supply' of space. The aim of this report was to reconcile 'supply' and 'demand' and to make recommendations in regard to the future use of office space within the Civic Centre and Depot.

The study measured efficient use of space in the current office environment, and made recommendations in regard to improvements to be adopted in order to optimise the use of the current office areas and ensure efficient use of space.

Office design principles have, in recent years, undergone substantial change and the Strategic Accommodation Study recommendations have been reviewed and included the proposed scheme for the office upgrade.

### 9.2.1

(cont)

#### DISCUSSION

In accordance with the consultants' recommendations to improve OH&S, compliance with the Disability Discrimination Act (DDA), space efficiency, and access to natural light for the occupiers, Grant Maggs Architects were engaged to prepare a Master Plan and tender document for the refurbishment of the western end of the first floor Civic Centre incorporating Organisational Development, Finance and Corporate Performance and Property and Rates Departments.

This design has achieved a number of efficiencies (listed below) within the existing office footprint and will provide a more efficient, effective and compliant workplace utilising the existing building.

#### **The proposed design solution for the office upgrade achieves the following:**

- Improved space efficiency of approximately 120 sqm of additional space reclaimed within the same office footprint.
- Full compliance with the Disability Discrimination Act in regard to circulation and access.
- Four additional work stations which will be used to accommodate existing staff and contractors have been accommodated.
- Five 'break out' areas for meeting purposes have been accommodated (three open plan and two fully enclosed for private meetings).
- Improved occupational health and safety due to easy adjustable desk heights
- Improved office amenity and work environment to achieve productivity benefits.

#### **Key Design Elements**

- The removal of perimeter offices, thus providing greater access to natural light for the majority of staff.
- Centralisation of manager's offices to the core of the building freeing up the perimeter space for general staff use, and limiting the allocation of offices to managers only.
- Introduction of 'break out' areas to the office environment for informal meetings and discussion.
- Review desk configurations to reflect modern computer desk requirements.
- Use of easily adjusted work stations to comply with OH&S requirements and eliminated ongoing and costly desk adjustments.

This office upgrade model offers significant financial benefits by future proofing of the Civic Centre Building, combined with the upgrading and compliance with OH&S and DDA requirements. This office upgrade model could be applied to the remainder of the Civic Centre which will enable an additional 700sqm of useable space to be freed up over the entire existing building. This model allows the added space to be achieved within the existing footprint. In comparison, the cost of expanding the Civic Centre building to achieve a similar office area would cost in the order of \$5 million.

Five builders were sourced from the Construction Supplier Register, and invited to tender on the project.

Works are anticipated to commence in mid April 2016 and be completed by the end of May 2016. In order to minimise disruption to the office environment, achieve a cost effective delivery in one year, and economy of scale, the construction time frame has been condensed. Arrangement for staff transfer to temporary locations during construction have been programmed as part of the proposed works to ensure business continuity

Tenderers were sourced from Construction Supplier Register and the Tender closed on the 27<sup>th</sup> January 2016.

### 9.2.1 (cont)

The tenders were evaluated against the following criteria:

- The Tender offer
- Contractor's resources
- Quality of Work
- Ability of tenderer to meet Council's timeframe
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The tender received from **Formula Interiors** is considered to provide the best value for money for this Contract.

### CONSULTATION

Extensive consultation has been carried out with all affected departments to ascertain their particular needs in the new office environment. In particular, detailed discussions with the Managers have been undertaken to ensure the decant process allows for uninterrupted work by the various departments during the construction program. The Managers have been consulted extensively, and they in turn have consulted with their staff. Temporary accommodation has been arranged for the affected Departments during the construction program.

### FINANCIAL IMPLICATIONS

\$500,000 has been provided in the 2015/16 and 2016/17 Capital Works Program. In order to achieve maximum savings, cost efficiencies through a shorter construction timeframe, economy of scale, and minimise disruption to the various Departments affected by the proposed works, the project is to be delivered in its entirety within this financial year 2015/16.

A range of funding sources have been re-allocated within the 2015/16 Budget in order to deliver this project as shown in the table below. The funding allocated for the 2016/17 budget will be re-allocated.

|   | 2015-16 | Budget               | Expenditure          |
|---|---------|----------------------|----------------------|
| <b>Capital Works Funding Account</b>                |         |                      |                      |
| S520- Civic Centre Office Modifications             |         | \$ 250,000.00        |                      |
| S907- Finance System Replacement                    |         | \$ 200,000.00        |                      |
| S908- Finance System Upgrade                        |         | \$ 80,000.00         |                      |
| S501- Energy Sustainability                         |         | \$ 20,000.00         |                      |
| Balance Insurance savings                           |         | \$ 140,937.00        |                      |
| <b>Total Budget (ex GST)</b>                        |         | <b>\$ 690,937.00</b> |                      |
| Preferred tenderer's lump sum offer (including GST) |         |                      | \$ 652,230.70        |
| Less GST  |         |                      | \$ 59,293.70         |
| <b>Net cost to Council</b>                          |         |                      | <b>\$ 592,937.00</b> |
| Plus Consultants Fees                               |         |                      | \$ 68,000.00         |
| Plus Contingency                                    |         |                      | \$ 30,000.00         |
| <b>Total Expenditure (ex GST)</b>                   |         |                      | <b>\$ 690,937.00</b> |

Temporary accommodation for the affected Departments will be provided within the existing Civic Centre building. Staff relocation (decanting) costs involving temporary desk installation and IT services are anticipated to be \$60,000.

Project Management will be undertaken by Senior Project Manager, Leo Pegoli. Given the short project timeframe of 12 – 16 weeks, in house project management fees are approximately \$20,000.

## **9.3 HUMAN SERVICES**

### **9.3.1 The Proposed Strathdon House & Precinct Development**

FILE NUMBER: SF15/105  
ATTACHMENT

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#### **SUMMARY**

*The Strathdon House Feasibility & Business Case Report outlines the research, two stages of community consultation and the findings for the proposed development of the Strathdon precinct. It is recommended the final report be released to the public and once Council learns the State Government master planning for the former Healesville Freeway Reserve it considers a staged approach to the future development of the Strathdon precinct.*

#### **RECOMMENDATION**

***That Council:***

- 1. Note the Strathdon House Feasibility and Business Case Report.***
- 2. Approve the release of the Strathdon House Feasibility and Business Case Report.***
- 3. Notify all public submissions on the Strathdon House Feasibility and Business Case Report of Council's decision.***
- 4. Consider the development of the Strathdon precinct based on the outcomes of the State Government master plan for the former Healesville Freeway Reserve and actively collaborate with stakeholders in its development in the best interests of Council.***
- 5. Consider the Strathdon development with a staged delivery that reflects an ongoing assessment and review of the demand for service and its capital and recurrent cost implications.***

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#### **BACKGROUND**

Strathdon House and orchard, comprising 2.5 hectares (449-465 Springvale Road, Forest Hill) and its contents were purchased from Mary Matheson, long-time owner of the property, by the City of Nunawading in 1988 as part of the Australian Bicentennial celebrations.

The property of Strathdon House is included in the Whitehorse City Council planning scheme as a rare surviving example in the area of an orchard and house. The site includes the house, outbuildings, orchard and a windmill.

The Strathdon site is located within the former Healesville Freeway Reserve. Whitehorse City Council, as the owner of the Strathdon House, engaged Context Pty Ltd in November 2014 to prepare a Feasibility and Business Case to identify the future use and development options of the site.

#### **DISCUSSION**

The consultants reviewed previous documentation, conducted site analysis and consulted with stakeholders and the community to determine the future possible use options for the Strathdon precinct.

### 9.3.1 (cont)

The four thematic themes identified included:

1. Orchard and Food – connected to conserving the significance of Strathdon as a rare surviving orchard
2. Environmental Sustainability - enable Whitehorse's significant sustainability initiatives and education programs on site and encourage broader use as a sustainability hub
3. Arts and Culture – allow for the interpretation of the historical significance of the site and a space for artists to display their work in a domestic space
4. Recreation – provision of multipurpose paths encouraging active recreation (cycling/walking/jogging) and provision of barbeque and seating facilities for passive recreation.

Within these four themes the Orchard and Food theme and Environmental Sustainability theme present as priority themes and work well in synergy. These two themes reflect the historic heritage values of the site, best fit with community expectations, as well as providing a vision that will capture broad community interest in food and environmental sustainability. When combined, the two key themes can be summarised as **Healthy Living and Sustainability**. The intention is that all four themes can co-exist and support each other under the lead of Healthy Living and Sustainability.

The Business Case recommends a staged approach to the development based upon the demand for Strathdon services and the available funds to support any development. This approach is identified in three stages because:

- It allows for engaging with the community and also utilising the community as a valuable resource;
- As the site becomes more known and valued demand will lead to further growth and change in the provision of activities and services; and
- The initial investment is contained with further funding contingent on viable growth.

A project assessment would be completed during stage two of development to identify the future development needs and opportunities for the Strathdon precinct and its activities. This would include a determination of demand for services including numbers of visitors, numbers attending programs, numbers who miss out, change in hours of operation etc. It would include periodic assessments of car parking and discussion with service providers such as the 'pop up' café operator and community users. It would include site usage surveys, user satisfaction surveys, community and user group consultation.

Council's Arborist considers that the existing orchard trees are in varying degrees of health within the open space/garden area at Strathdon precinct.

The majority of these trees appear to be remnant trees from the old orchard planted with exotic species that would once have formed a formal garden around the old house.

The site has been inspected and audited as part of Council's facilities pruning program annually. Pruning works and selective smaller removals occurred in December 2013 and again in October 2014. Total costs of the works were approximately \$1800.

An Arborist report on the trees on site was undertaken in April 2015. At the time approximately 98% of all trees were rated as being in fair to poor health with the majority of those trees having a useful life expectancy of less than 5 years. Since the report was completed these trees have deteriorated further of particular concern are the older Malus trees. They have not been pruned to maintain good form or structure nor to encourage fruiting for many years. Large decay pockets were present with the internals of the trunk exposed in many of the trees. Sun scald and collar rot were also observed. These trees are deemed significant in that they could be the original plantings but due to deterioration, removal in some instances is warranted. To preserve the historical value of these trees grafting or cuttings could be taken and grown on and new trees derived from old stock planted at a later date.

### **9.3.1** (cont)

Council will continue to monitor all the trees on site annually but long term retention is not considered an option. Removal of the trees as per the April 2015 report will need to be staged over the next 3-4 years.

## **CONSULTATION**

### **STAGE ONE – FEBRUARY 2015**

A consultation plan was developed for this project. The plan acknowledged the previous research undertaken and provided a recommended community engagement approach. The consultation methods used for this project included:

- A series of stakeholder meetings with: Morack Ward Councillors, Strathdon family descendants, Council Officers, Healesville Reserve community representatives and the Victorian Heritage Fruit Society.
- An Information Day was held at Strathdon on Saturday 28 February 2015 from 11am to 1pm. Approximately 70 people attended the day to see inside parts of the house and meet the consultants. Both the Whitehorse Leader and Council's website advised of the Information Day, as well as notifications sent to residents in a 300 metre radius of the property and other key stakeholders.
- A survey was used to receive community feedback on this project. Fifty two survey responses were completed by attendees both at the Information Day and online on Council's website.

### **STAGE TWO – OCTOBER/NOVEMBER 2015**

The community consultation for this stage occurred between 12 October and 20 November 2015. The community was advised of the second stage through the October and November editions of the Whitehorse News and through advice in the Whitehorse Leader. A project overview brochure of the report was prepared with reference to the full report available on-line. The Business Case and brochure was available at Council's Customer Service Centres and on request. The project overview brochure was also circulated to local residents in a 300 metre radius of Strathdon House and to key stakeholders.

Nineteen submissions were received:

- Fifteen were individual submissions;
- Two of the individual submissions noted in the submission that they were descendants of the original owners; and
- Four of the submissions were from organisations.

Analysis of community feedback:

- Overall the submissions received were very positive to undertake this work and supportive of the broad approaches recommended.
- The feasibility and business planning representation of the Strathdon precinct is conceptual. Some submissions would like to have seen more specific detail provided. If Strathdon was developed as proposed more detailed planning is outlined to occur as part of stage one works.
- A number of the submissions recommended that the Strathdon site, including current and lost features, be restored. The report identifies that returning the site to a particular period of time would require conjectural reconstruction that is not supported by current conservation approaches.
- The conservation of Strathdon as a 'house museum' would be more cost negative, would not meet broad community and Council expectations for the site. The Strathdon Feasibility and Business Case Report wording has been refined to identify how the proposed adaptive reuses do reflect the history, significance and form of the place as a whole, as well as providing for a viable future use.

### **9.3.1** (cont)

- The conceptual site plan for the Strathdon precinct has been refined to clarify and scale the two distinct precincts:
  1. House and Garden Precinct- this is represented by the orthogonal planning, restored orchard and garden where they were, reactivating the rear work area, and
  2. Amenities Precinct- identifying the public use recreation shelter

## **FINANCIAL IMPLICATIONS**

### **Capital Costs**

The consultants estimated capital expenditure is over \$1.4 million spread over the three capital development stages. The indicative capital cost breakdown is based upon 2015 estimates. There is currently no capital budget allocation for these works in Council's long term financial plan.

The estimated costs are staged based upon the demand for service expansion:

1. Stage 1 – Establishment \$208,000
2. Stage 2 – Initial Development \$600,000
3. Stage 3 – Growth Phase \$665,000

#### Commentary on Preliminary Capital Costs

Council officers note the estimated cost of the building and civil works outlined in Section 7 of the Context report. There are, however, unique site conditions that may require more extensive works than the consultant was not aware of at the time of writing the report. Council officers are developing an ever increasing knowledge of the building and site conditions and from the information now available the cost of the proposed works will be more than \$2 million. Detailed costing would be investigated and confirmed in preparation of both house and site works reflecting the capital cost at the time of staged implementation.

### **Recurrent Costs**

The Strathdon development will not return a surplus to Council. The subsidy to operate Strathdon is contingent on the scale of both activities and precinct development. The indicative 2015 recurrent cost breakdown is based upon full site development and program delivery. The development can be scaled up or down based upon community demand for service and available financial resources to fund operations. An indicative 2015 income projection and expenditure budget based upon both maximum site and activity use identified that in four stages the recurrent subsidy would be:

- Stage 1 – Establishment \$49,758
- Stage 2 – Initial Development \$120,649
- Stage 3 – Growth Phase \$223,233
- Stage 4 – Ongoing Operation \$281,528

#### Commentary on Preliminary Recurrent Costs

In Stage 4 the consultant report recommends a 2.5 EFT to deliver the services for Strathdon. The officer recommendation is to apply a more conservative approach of 2 EFT to deliver this service. This is based upon a comparative service delivery of other Council facilities and if additional EFT was required to meet demand a New Budget Initiative would be submitted to Council for consideration. Detailed recurrent costs would be determined and approved prior to implementation.

### **9.3.1**

(cont)

#### **POLICY IMPLICATIONS**

- Council Plan 2014-2018
- Sustainability Strategy 2008-2013.
- Energy Action Plan 2009-2014
- Water Action Plan 2008-2013
- Waste Management Plan 2011
- Peak Oil Action Plan 2011
- Climate Change Adaptation Plan 2011
- Urban Biodiversity Strategy for Council Managed Open Space, Streetscapes and Community Facilities
- Recreation Strategy 2015-2024
- Open Space Strategy
- Play Space Strategy 2011

### 9.3.2 Draft Whitehorse Reconciliation Action Plan 2016-2018

FILE NUMBER: SF12/106  
ATTACHMENT

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#### **SUMMARY**

*This report provides Council with information regarding the draft Whitehorse Reconciliation Action Plan 2016- 2018.*

#### **RECOMMENDATION**

***That Council endorses the draft Whitehorse Reconciliation Action Plan 2016-2018 for public exhibition, prior to its formal adoption by Council at a future date.***

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#### **BACKGROUND**

Reconciliation recognises the special place and culture of Aboriginal and Torres Strait Islander peoples' as the First Australians; it values their participation and provides equal life chances for all.

Reconciliation involves justice, recognition and healing. It's about helping all Australians move forward with a better understanding of the past and how the past affects the lives of Indigenous people in Australia today.

The first Whitehorse Aboriginal Reconciliation Action Plan 2001–2004 was adopted by Council in May 2001. The 2016-2018 Plan, which is the fourth Plan to be presented to Council, builds on the outcomes of the previous *Whitehorse Reconciliation Action Plan 2011-2015* and continues Council's long commitment to supporting Reconciliation and Closing the Gap. This Plan builds upon and furthers previous work undertaken by Council and other key stakeholders, by strengthening and expanding partnerships with Indigenous Elders, leaders, organisations and key stakeholders and provides an updated framework for action.

The Plan is guided by the *Council Vision*, *Council Plan* and the *Whitehorse Municipal Health and Wellbeing Plan* and the environments for Health Framework which details how the natural, economic, built and social realms have an impact on the health and wellbeing of the community

The Whitehorse Reconciliation Advisory Committee, chaired by Councillor Bill Bennett has overseen the development of this Plan and the implementation of the prior Plan. The Committee comprises of representatives from Indigenous residents and Elders, Indigenous service providers, community support groups, community representatives and Council Officers.

#### **DISCUSSION**

The Whitehorse Reconciliation Action Plan is the statement of what Whitehorse City Council, in partnership with key stakeholders, identifies and prioritises to contribute to Indigenous equality.

The concepts of equality and Reconciliation are closely aligned, which suggests that Reconciliation cannot be achieved unless there is also equality in the various domains of life such as economic, health and life expectancy. This approach has enabled the idea of Reconciliation to become more tangible. Furthermore, this approach uses the concept of fairness to encourage involvement in the process of Reconciliation in Australia.

### **9.3.2** (cont)

The latest Whitehorse Aboriginal Reconciliation Plan 2016-2018 demonstrates an enhanced awareness of and commitment to, addressing the physical, social, historical and cultural barriers that may exclude people from an Indigenous background from participating in community life. The Plan will assist Council, along with all key stakeholders, to fulfill their responsibilities and progressively complete practical steps that eliminate discrimination, address health inequalities and work toward Reconciliation.

Building on from previous Strategic Plans and work in this arena, Whitehorse City Council has now developed this new Reconciliation Action Plan for the period 2016 – 2018. The Plan has been developed for a two year period so as to bring it into alignment with the Whitehorse Public Health and Wellbeing Plan as well as other relevant social plans.

The thematic areas detailed below represent progress in the journey towards Reconciliation for the City of Whitehorse:

- Relationships
- Respect
- Opportunities

These priority areas will be further explored as part of a yearly planning process and will be prioritised in regard to emerging issues, priorities and available funding. In addition, work that is already being undertaken will be further built on and developed.

### **CONSULTATION**

A major component of the development process for the Plan was community consultation, which included engagement with Indigenous Australians, Council, the Whitehorse community, local organisations and peak bodies.

Council officers worked with Karen Milward (a local Indigenous consultant) to ensure that as many Aboriginal people as possible were able to have input into the Plan. The methodology employed included:

- Workshops held in November 2015 with the Whitehorse Reconciliation Working Group,
- Follow up meeting with the new Reconciliation Advisory Committee in Feb 2016
- Consultation meetings with Council officers
- Meetings with the Wurundjeri Tribe and Land Compensation Cultural Heritage Council
- Consultation with Aboriginal community members, Aboriginal organisations and services
- Consultation session with the broader Whitehorse community.
- Discussions at the Whitehorse Spring Festival
- An on line survey

### **FINANCIAL IMPLICATIONS**

The financial cost to Council, in regard to the development of the new Plan was approximately \$15,000.

In addition, Council allocates annual financial resources to implement the Plan; funds a component of the salary costs of Council's Diversity Officer; holds an annual flag raising ceremony and convenes meetings of the Reconciliation Advisory Committee, which equates to approximately \$28,000 per year.

In the past, Community Grant funding has also been given to fund Reconciliation activity within the municipality.

### **9.3.2**

(cont)

#### **POLICY IMPLICATIONS**

All social Plans developed at Whitehorse City Council are connected through a consistent planning process and they also align with the Vision Statement, Values and Objectives within the Council Plan.

There are also alignments to other Council social plans which ensures that Indigenous activity is linked:

- Whitehorse Public Health and Wellbeing Plan
- The Whitehorse Municipal Strategic Statement
- The Early Years and Youth Plans
- The Art Collection Policy
- The Whitehorse Open Space Strategy

## 9.4 CORPORATE SERVICES

### 9.4.1 Supplementary Valuation Quarterly Return: October to December 2015

FILE NUMBER: SF14/549

#### SUMMARY

*This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.*

#### RECOMMENDATION

***That Council:***

- 1. Note and accept the supplementary valuations undertaken during the period commencing 01 October to 31 December 2015.***
- 2. Authorise the rate records being adjusted to take account of the supplementary valuations returned.***

#### BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 18 May 2015 states the following:

*"The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:*

- The return of the general valuation and any supplementary valuations."*

This report relates to supplementary valuations undertaken by Council in accordance with *Valuation of Land Act 1960* for the period from 01 October 2015 to 31 December 2015.

Supplementary valuations are conducted regularly throughout the financial year to maintain the equity and accuracy of Council's rating valuation base.

Supplementary valuations are primarily due to construction, subdivision and/or planning activities.

Three supplementary valuation batches were completed between 01 October 2015 and 31 December 2015. Refer Table #1

Table # 1: Supplementary Valuation Batches completed between 01 October and 31 December

| Supplementary Valuation Reference (Batch #) | Number of Assessments | SITE VALUE    | C.I.V.        | N.A.V.       |
|---|-----------------------|---------------|---------------|--------------|
| WH14.22                                     | 386                   | \$175,980,000 | \$261,305,000 | \$13,065,250 |
| WH14.23                                     | 374                   | \$124,342,000 | \$230,020,500 | \$12,912,500 |
| WH14.24                                     | 386                   | \$110,750,000 | \$236,968,000 | \$13,685,900 |
| Supplementary Valuations Total              | 1,146                 | \$411,072,000 | \$728,293,500 | \$39,663,650 |

NB: Supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports. This is because non-rateable properties may incur a Fire Service Property Levy in accordance with the *Fire Services Property Levy Act 2012*.

### 9.4.1 (cont)

## CONSULTATION

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*.

All supplementary valuations contained in this report have been undertaken in accordance with the 2014 Valuation Best Practice Guidelines and have been certified by the Valuer-General's office as being suitable for use by Council.

## FINANCIAL IMPLICATIONS

The total quarterly change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$223,536,500.

This change in CIV has resulted in an additional \$290,571 of supplementary rate income.

A summary of Council's valuation totals for all rateable properties and non-rateable properties are set out below in Table #2, Table #3 and Table #4.

Table #2: Valuation Totals as at 01 October 2015

| BREAKDOWN              | Number of Assessments | SITE VALUE              | C.I.V.                  | N.A.V.                 |
|------------------------|-----------------------|-------------------------|-------------------------|------------------------|
| Rateable               | 69,910                | \$32,417,805,400        | \$48,234,647,500        | \$ 2,532,872,325       |
| Non-Rateable           | 1,082                 | \$2,443,039,500         | \$2,842,661,000         | \$165,471,700          |
| <i>Municipal Total</i> | <i>70,992</i>         | <i>\$34,860,844,900</i> | <i>\$51,077,308,500</i> | <i>\$2,698,344,025</i> |

Table#3 Change to valuation totals due to supplementary valuations from 01 October 2015 to 31 December 2015

| Supplementary Valuations | Assessments within Supplementary Valuation Batches | Change to Site Value | Change to CIV | Change to NAV |
|--------------------------|--|----------------------|---------------|---------------|
|                          | 1,146  | \$1,726,000          | \$223,536,500 | \$11,503,950  |

Table #4: Valuation Totals as at 31 December 2015

| NEW BREAKDOWN              | Number of Assessments | SITE VALUE              | C.I.V.                  | N.A.V.                 |
|----------------------------|-----------------------|-------------------------|-------------------------|------------------------|
| New Rateable               | 70,319                | \$32,419,884,400        | \$48,455,209,500        | \$ 2,544,142,575       |
| New Non Rateable           | 1,081                 | \$2,442,686,500         | \$2,845,635,500         | \$165,705,400          |
| <i>New Municipal Total</i> | <i>71,400</i>         | <i>\$34,862,570,900</i> | <i>\$51,300,845,000</i> | <i>\$2,709,847,975</i> |

## **9.4.2 Tender Evaluation Report – Retail Electricity, Natural Gas and Associated Services**

FILE NUMBER: SF15/649

### **SUMMARY**

*To consider an offer from Procurement Australia for the supply of retail electricity, natural gas and associated services and to recommend the endorsement of the signing of a Supply Agreement with AGL Sales Pty Limited on a Schedule of Rates basis for a period of 30 months and to consider the estimated expenditure over the life of the contract.*

### **RECOMMENDATION**

***That Council:***

- 1. Accept the offer from Maps Group Limited (ABN 45 058 335 363), trading as Procurement Australia, for the supply of retail electricity, natural gas and associated services and endorse the signing of a Supply Agreement with AGL Sales Pty Limited of Level 22, 101 Miller Street, Sydney NSW 2060 (ABN 88 090 538 337), on a Schedule of Rates basis for a maximum period of 30 months.***
- 2. Authorise the Chief Executive Officer to award two 12-month extensions of the contract, subject to a review of the Supplier's performance and Council's business needs, at the conclusion of the initial contract term.***

### **BACKGROUND**

Council is currently supplied with retail electricity and gas under 3 contracts. The contracts are listed below along with the contract expiry dates.

1. Contract 09018 – Natural Gas & Associated Services – Expiry 31 March 2016;
2. Contract 10051 – Electricity Supply to Public Lighting – Expiry 31 July 2016; and
3. Contract 12009 – Retail Electricity & Associated Services – Expiry 30 June 2016.

The contract extensions for 'Natural Gas & Associated Services' and 'Electricity Supply to Public Lighting' have been exercised. The contract for 'Retail Electricity & Associated Services' can be extended for a further two years. However, Procurement Australia (PA) decided that retendering the contract was a better option under the prevailing market conditions.

On 19 August 2015, Whitehorse City Council appointed Maps Group Limited, trading as Procurement Australia (PA), as its agent to seek public tenders from licensed Victorian retailers for a new electricity and gas supply contract (PA Contract No.1906/0625, Council Contract 15010) for a period of up to 30 months to 30 June 2018. The contract can be extended for a further two 12 month periods at PA's discretion.

The tender was conducted by PA on behalf of 65 Councils and 79 other participants. The contract delivers an optimum outcome as a result of aggregated purchasing power that Council would not be able to match by tendering on its own. The total estimated expenditure under the contract across all participants is \$100,000,000 per annum.

The contract includes the retail supply of electricity and gas for metered sites and public lighting, including GreenPower. The contract also includes metering and data services.

### **DISCUSSION**

PA advertised tenders in the Adelaide Advertiser and Sydney Morning Herald on 15 September 2015 and the Herald Sun on 16 September 2015. Tenders were closed on 11 November 2015. Seven tenders were received.

### **9.4.2** (cont)

The tenders were evaluated by PA against the following criteria:

- Price;
- Contractor's performance;
- Customer focus;
- Corporate and social responsibility; and
- Compliance.

On 3 December 2015, Council officers attended an Energy Forum at which PA presented their tender recommendations and invited comments from attendees.

AGL Sales Pty Limited (AGL) was selected by PA as the preferred tenderer for this contract. Third parties wishing to participate in the contract were required to sign a Supply Agreement with AGL by 26 January 2016. The Supply Agreement is created under a Master Agreement between PA and AGL.

A Supply Agreement was signed by Council on 21 January 2016, subject to endorsement by Council.

Through PA's aggregated purchasing power a tender result has been achieved which is considered to represent fair value in an energy market that is generally considered to be difficult to predict.

AGL's energy pricing will remain fixed for each financial year throughout the term of the contract. Network and metering charges are non-contestable and are passed through based on the rates which are gazetted via an Act of Parliament by the various network distribution businesses.

The contract provides an option for Council to purchase AGL Green Energy (referred to be AGL as GreenPower). This is a product accredited under the National Green Power Accreditation Program, whereby AGL ensures that an applicable percentage of total electricity consumption is sourced from renewable energy sources, including but not limited to solar and wind energy. Council currently purchases 25% GreenPower for Small Market Sites and 50% GreenPower for Large Market Sites in accordance with Council's Energy Action Plan and 100% GreenPower for street lighting in accordance with the Sustainable Public Lighting Action Plan. The purchase of GreenPower makes a significant contribution to reducing Council's greenhouse gas emissions.

The percentage of GreenPower purchased can be changed under the new contract. By accepting the contract, Council is not committing to purchasing any fixed percentage of GreenPower. It is currently proposed to continue to purchase the same percentages of GreenPower.

AGL is Council's incumbent retailer for the supply of electricity and gas and has provided consistent service delivery since 1995.

The contract is the largest retail electricity supply contract in Australia. The tender received from AGL is considered to provide Council with the best value for money in the current energy market.

### **CONSULTATION**

PA engaged Bid Energy Pty Ltd as a subject matter expert to assist with the evaluation of tenders.

**9.4.2**  
(cont)

**FINANCIAL IMPLICATIONS**

The financial implications for retail electricity, public lighting and gas are provided below.

**Retail Electricity**

The 2015-16 annual budget for electricity is \$1,073,965. Under the proposed contract, current tariffs are anticipated to decrease initially by up to 38% for Council's large market sites and decrease initially by up to 4% for Council's small market sites.

**Public Lighting**

The total Council budget for street lighting is made up of two components. The first component is for the operation, maintenance, repair and replacement (OMR) of street lights. This is undertaken by another supplier and does not form part of this contract.

The estimated cost for OMR for 2015/16 is \$672,075.

This contract relates to the other component, which is for electricity supply charges. The estimated costs for street lighting electricity supply are shown in the table below. The significant increase in 2016-17 is attributed to significant GreenPower cost increases being passed on to all consumers.

Green Power has suffered a significant increase in cost as retailers pass on the rising price of large-scale renewable energy certificates.

|                                       | <b>2015/16<br/>(current budget)</b> | <b>2016/17</b>                   | <b>2017/18</b>                   |
|---------------------------------------|-------------------------------------|----------------------------------|----------------------------------|
| Public Lighting<br>Electricity Supply | \$485,701<br>(current contract)     | \$667,743<br>(proposed contract) | \$734,517<br>(proposed contract) |
| % Increase on<br>previous year        | NA                                  | 37%                              | 10%                              |

**Natural Gas**

The 2015-16 annual budget for gas is \$517,851. Under the proposed contract, current tariffs are anticipated to decrease initially by up to 10.5%.

An allowance will be made in the recurrent budget for each year to cover the anticipated expenditure.

### **9.4.3 Whitehorse Council Election (Caretaker) Period Policy 2016**

FILE NUMBER: 16/31958  
ATTACHMENT

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#### **SUMMARY**

*Council Elections will be held on Saturday 22 October 2016 and Section 93B now requires all councils to adopt by 31 March 2016 and maintain an 'election period' policy. The Caretaker period begins on the Nomination day 20 September 2016 and is for a period of 32 days concluding on Election Day 22 October 2016.*

#### **RECOMMENDATION**

***That Council receive and note the report, and adopt its Election Period Policy (as attached) as its commitment to good governance and electoral fairness at the City of Whitehorse.***

---

#### **BACKGROUND**

##### **Establishment of clear and consistent election period policy.**

Existing provisions under **Section 93A** prohibit councils from making 'major policy decisions' during the election period - including decisions to award contracts beyond the threshold that requires a competitive tender process, decisions on certain entrepreneurial activities and decisions about the CEO's employment and remuneration.

Councils will also now be required to have an 'election period' policy to be in place to ensure that councils publicly explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the incoming council.

The policy must cover three matters as detailed below and any other matters that Council considers necessary and appropriate to suit its circumstances.

#### **DISCUSSION**

##### **1. Preventing inappropriate decisions and misuse of resources.**

Council must provide details on procedures it will take to prevent 'inappropriate' decisions being taken during the election period. Inappropriate decisions are those that would affect voting at an election or decisions that may unreasonably bind an incoming council and could reasonably be deferred until after the election.

*The attached policy outlines in clauses 4, 5 6 and 7 how Whitehorse Council will comply with this requirement.*

##### **2. Limiting public consultation and council events.**

The election period policy must outline procedures the council will undertake to limit public consultation and the scheduling of council events during this period.

Consultation is an integral part of councils' policy development process and operations; however, there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming council. The scheduling of council events in the lead up to elections also frequently raises concerns over their potential use by sitting councillors for electioneering purposes.

*The attached policy outlines in clauses 8, 9 and 11 how Whitehorse Council will comply with this requirement.*

### **9.4.3**

(cont)

#### **3. Equitable access to council information.**

There has been a perception that councillor candidates may have unfair access to council held documents to use in their campaigning. These are not freely available to other candidates. While this is not an issue at many councils, concerns have been raised in some instances that councillor candidates can ask for and obtain information not directly related to performing their role but for election purposes.

*The attached policy outlines in clause 10 how Whitehorse Council will comply with this requirement.*

#### **CONSULTATION**

No consultation required as it is a statutory requirement for Councils to implement.

#### **FINANCIAL IMPLICATIONS**

No financial impact of the policy.

#### **POLICY IMPLICATIONS**

Nil.

#### 9.4.4 Whitehorse - Shaoxing Friendship City Relationship

FILE NUMBER: SF08/56#02

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##### **SUMMARY:**

*The purpose of this report is for Council to consider an invitation from the City of Shaoxing in China for a delegation of up to six Whitehorse officials to visit Shaoxing in May 2016 to attend the 2016 Shaoxing International Friendship City Conference.*

##### **RECOMMENDATION**

***That Council consider the invitation (inclusive of two night's accommodation, meals and airport transfer expenses within China) from the City of Shaoxing, China for a delegation of up to six Whitehorse officials to visit Shaoxing from 24 May to 26 May 2016.***

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##### **BACKGROUND**

Council at its meeting 15 August 2005 resolved to establish a Friendship City relationship with the City of Shaoxing in China. Shaoxing is a city located in the northern part of Zhejiang Province in China with a population of 4.3 million of which 324,000 is urban population. Shaoxing's history is as an administrative centre and an important agricultural market town.

An invitation has been extended by the City of Shaoxing for officials from the City of Whitehorse to visit Shaoxing from 24 May – 26 May 2016 to attend the 2016 Shaoxing International Friendship City Conference. The City of Shaoxing will cover accommodation and related expenses (hotel accommodation for two nights, meals - dinner on 24 May, breakfast, lunch and dinner on 25 May - and transport from/to airport in China), for a delegation of up to six members.

##### **DISCUSSION**

The Friendship City model is about building community-to-community relationships over a long period of time and fostering international liaisons and links. These relationships offer people in our communities the opportunity to get involved at the grass roots level with a specific community, business or educational source.

In September 2007 a delegation of eight officials from City of Shaoxing led by Mayor Zhang Jinru visited Whitehorse. A '*Friendship Exchange Agreement*' (agreement) was signed by Mayor of Whitehorse Cr John Koutras and Mayor Zhang of Shaoxing on 21 September 2007. The agreement seeks to encourage and promote local business communities and educational groups to build community to community relationships and to facilitate consultation and cooperation amongst community groups.

In July 2010 at the invitation of the Mayor of Shaoxing and on the occasion of the 2,500<sup>th</sup> year of existence of Shaoxing as a City, a delegation of five officials from City of Whitehorse (four Councillors and a senior officer) visited Shaoxing. This visit enhanced mutual understanding and friendship between the two cities and explored opportunities for possible cooperation between local business communities and educational groups to work towards community to community relationships.

A visit to Deakin University in May 2015 by representatives from Shaoxing University was attended by officers of Whitehorse City Council.

#### **9.4.4**

(cont)

##### ***Benefits of a Friendship City Relationship to the Whitehorse Community***

- Foster greater cultural understanding, awareness and appreciation
- Friendship and understanding
- Goodwill, harmony and increased tolerance
- Breaking down barriers and building links
- Humanitarian support
- International link
- Educational/Business link
- Community understanding

##### **FINANCIAL IMPLICATIONS**

- The cost of return airfare Melbourne – Shanghai or Melbourne to Hangzhou (*Hangzhou is an international airport close to Shaoxing City*) vary considerably depending on carrier, return airfare estimated at \$1400 per delegate for travel during May 2016.
- Transport to and from airport within Australia and miscellaneous expenses are estimated to be approximately \$400 per delegate.
- As mentioned previously in this report, transport to and from airport within China, accommodation 24 May and 25 May and meals 24 May (dinner), 25 May (breakfast, lunch and dinner) for up to six delegates from Whitehorse will be met by the City of Shaoxing.

Council's policy on '*Conference attendance and Travel by Councillors*' allows any interested Councillor to undertake such a visit in accordance with the conditions and requirements of the policy.

## 9.4.5 Delegated Decisions – January 2016

FILE NUMBER: SF 13/1527#01

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

### RECOMMENDATION

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

| DELEGATION                         | FUNCTION   | Number for<br>September 2015 | Number for<br>September 2016 |
|------------------------------------|--|------------------------------|------------------------------|
| Planning and Environment Act 1987  | - Delegated decisions  | 158                          | 116                          |
|                                    | - Strategic Planning Decisions                               | Nil                          | Nil                          |
| Telecommunications Act 1997        |  | Nil                          | Nil                          |
| Subdivision Act 1988               |  | 14                           | 12                           |
| Gaming Control Act 1991            |  | Nil                          | Nil                          |
| Building Act 1993                  | Dispensations & applications to Building Control Commission  | 17                           | 54                           |
| 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                          | Nil                          |
| Local Government Act 1989          | Temporary road closures                                      | 3                            | 1                            |
| Other delegations                  | CEO signed contracts between \$150,000 - \$500,000           | 7                            | 1                            |
|                                    | Property Sales and leases                                    | 11                           | 10                           |
|                                    | Documents to which Council seal affixed                      | Nil                          | Nil                          |
|                                    | Vendor Payments  | 1129                         | 1134                         |
|                                    | Parking Amendments   | 2                            | 2                            |
|                                    | Parking Infringements written off (not able to be collected) | 261                          | 312                          |

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

Details of each delegation are outlined on the following pages.

**DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS JANUARY 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   |
|-----------|-----------|-----------------------------------|----------------------------------|-------------|---|--------------------|
| 964       | 13-01-16  | Application Lapsed                | 27 Wilton St, Blackburn North    | Central     | Construction of a double storey dwelling to the rear of an existing dwelling  | Multiple Dwellings |
| 10        | 19-01-16  | CMP Approved                      | 17 Poplar St, Box Hill           | Elgar       | Construction of an eight (8) storey building an a reduction in the standard car parking requirement   | CMP Process        |
| 15        | 12-01-16  | CMP Approved                      | 39 Livingstone Rd, Vermont South | Morack      | CMP - Development of the land for a residential aged care facility, development and use of the land for a retirement village and reduction in the standard car parking requirement  | CMP Process        |
| 146       | 13-01-16  | Delegate Approval - S72 Amendment | 712 Station St, Box Hill         | Elgar       | Development of a nine (9) storey building plus basement car park  | Permit Amendment   |
| 207       | 25-01-16  | Delegate Approval - S72 Amendment | 17 Victoria Cres, Mont Albert    | Elgar       | Amendment to Planning Permit WH/2013/207 (Issued for construction of a part double, part triple storey dwelling to the rear of an existing dwelling) for modifications to the landscape plan to relocate two existing palm trees. | Permit Amendment   |
| 266       | 12-01-16  | Delegate Approval - S72 Amendment | 470 Whitehorse Rd, Mitcham       | Springfield | Amendment to plans including internal layout changes, deletion of entry canopy, construction of a deck, changes to entry door and drop off bay  | Permit Amendment   |
| 286       | 18-01-16  | Delegate Approval - S72 Amendment | 73 Edinburgh Rd, Blackburn South | Central     | Construction of two double storey dwellings   | Permit Amendment   |

| Appl. No. | Dec. Date | Decision                          | Street Address                    | Ward        | Proposed Use or Development   | Application Type |
|-----------|-----------|-----------------------------------|-----------------------------------|-------------|---|------------------|
| 397       | 22-01-16  | Delegate Approval - S72 Amendment | 71 Alwyn St, Mitcham              | Springfield | Amendment to endorsed plan to permit WH/2015/397 (Issued for the Construction of two (2) double storey dwellings) for modifications to the internal layout, to the window design and location and addition of pavers in the frontage of Dwelling 1  | Permit Amendment |
| 403       | 27-01-16  | Delegate Approval - S72 Amendment | 16 Main St, Blackburn             | Central     | Amendment to endorsed plan to permit WH/2014/403 (issued for buildings and works to construct (1) dwelling and tree removal) comprising changes to windows, a door, the balcony, the maximum building height and building colours and materials   | Permit Amendment |
| 439       | 29-01-16  | Delegate Approval - S72 Amendment | 15 Irving Ave, Box Hill           | Elgar       | Construction of a 9 storey building (plus basement carpark) comprising of multiple dwellings; Reduction in car parking requirements for dwellings   | Permit Amendment |
| 505       | 29-01-16  | Delegate Approval - S72 Amendment | 45 Orchard Cres, Mont AlbertNorth | Elgar       | Amendment to Planning Permit WH/2008/505/B (for the construction of six new dwellings) comprising the removal of the garage to Dwelling 3, the installation of a new fence and modifications to the planning permit preamble to allow for a variation to the car parking requirements of Clause 52.06 | Permit Amendment |

| Appl. No. | Dec. Date | Decision                          | Street Address                 | Ward        | Proposed Use or Development  | Application Type |
|-----------|-----------|-----------------------------------|--------------------------------|-------------|--|------------------|
| 512       | 14-01-16  | Delegate Approval - S72 Amendment | 34 Dorking Rd, Box Hill        | Elgar       | Construction of 221 bed residential aged care facility and ancillary adult day over three levels plus basement in two stages   | Permit Amendment |
| 523       | 28-01-16  | Delegate Approval - S72 Amendment | 23 Wellington Ave, Blackburn   | Central     | Amendment to conditions, planning permit preamble, planning unit and endorsed plan to Planning Permit WH/2015/523 comprising works within 4 metres of a significant tree and the removal of an additional tree on the land at 23 Wellington Avenue Blackburn             | Permit Amendment |
| 568       | 19-01-16  | Delegate Approval - S72 Amendment | 314 Springvale Rd, Forest Hill | Springfield | Construct two (2) double-storey dwellings to the rear of two (2) existing single-storey dwellings  | Permit Amendment |
| 624       | 08-01-16  | Delegate Approval - S72 Amendment | 11 Mountainview Rd, Nunawading | Springfield | Construction of two double storey dwellings  | Permit Amendment |
| 653       | 18-01-16  | Delegate Approval - S72 Amendment | 1 Murray Drv, Burwood          | Riversdale  | Amendment to Planning Permit WH/2013/653 (Issued for the Construction of two double storey dwellings) to raise the finished floor levels and adjust the location of windows to both dwellings and the addition of a deck to Dwelling 1 and a fence to the front boundary | Permit Amendment |

| Appl. No. | Dec. Date | Decision                          | Street Address                   | Ward        | Proposed Use or Development  | Application Type |
|-----------|-----------|-----------------------------------|----------------------------------|-------------|--|------------------|
| 665       | 19-01-16  | Delegate Approval - S72 Amendment | 30 Cumming St, Burwood           | Riversdale  | Amendment to Planning Permit WH/2014/665 issued for the construction of three (3) double storey dwellings to increase first floor areas including internal layout alterations, an increase in building heights and additional windows to first floor levels. | Permit Amendment |
| 698       | 13-01-16  | Delegate Approval - S72 Amendment | 53 Relowe Cres, Mont AlbertNorth | Elgar       | Construction of two double storey dwellings on a lot   | Permit Amendment |
| 716       | 06-01-16  | Delegate Approval - S72 Amendment | 40 Maude St, Box Hill North      | Elgar       | Amedment to plans for retaining wall along the south and west elevation of dwelling 2.   | Permit Amendment |
| 788       | 08-01-16  | Delegate Approval - S72 Amendment | 85 Thames St, Box Hill           | Elgar       | Construction of a three storey building comprising eight dwellings and reduction of car parking requirement  | Permit Amendment |
| 1010      | 21-01-16  | Delegate Approval - S72 Amendment | 49 Springvale Rd, Nunawading     | Springfield | Amendment to Planning Permit WH/2011/1010 (Issued for the construction of a double storey dwelling to the rear of an existing dwelling) to increase the finish floor levels of Dwelling 2  | Permit Amendment |
| 13881     | 29-01-16  | Delegate Approval - S72 Amendment | 156 Springvale Rd, Nunawading    | Springfield | Amendment to Planning Permit WH/2003/13881 (issued for use of land for sale and consumption of liquor (on premise license)) comprising a modification to the category of liquor license sought   | Permit Amendment |

| Appl. No. | Dec. Date | Decision                          | Street Address                     | Ward        | Proposed Use or Development  | Application Type   |
|-----------|-----------|-----------------------------------|------------------------------------|-------------|--|--------------------|
| 14298     | 13-01-16  | Delegate Approval - S72 Amendment | 641-643 Burwood Hwy, Vermont South | Morack      | Use and Development of a Four Storey Medical Centre with Ancillary Pharmacy and Food and Drink Premises Requiring Dispensation for Car Parking, Creation of Access to Burwood Highway and Removal of Native Vegetation | Permit Amendment   |
| 340       | 29-01-16  | Delegate NOD 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       | 15-01-16  | Delegate NOD Issued               | 11 Newbigin St, Burwood            | Riversdale  | Construction of three double storey dwellings  | Multiple Dwellings |
| 548       | 28-01-16  | Delegate NOD Issued               | 41 Esdale St, Blackburn            | Central     | Construction of three double storey dwellings  | Multiple Dwellings |
| 549       | 20-01-16  | Delegate NOD Issued               | 10 Hamilton Ave, Blackburn         | Central     | Construction of four (4) double storey dwellings   | Multiple Dwellings |
| 575       | 14-01-16  | Delegate NOD Issued               | 26 Dunlavin Rd, Nunawading         | Springfield | Construction of a two (2) storey dwelling and carport to the rear of an existing dwelling  | Multiple Dwellings |
| 693       | 29-01-16  | Delegate NOD Issued               | 3 Madonna Crt, Vermont             | Morack      | Buildings and works for construction of four dwellings and tree removal  | Multiple Dwellings |
| 747       | 20-01-16  | Delegate NOD Issued               | 11 Tarwarri Place Burwood East     | Riversdale  | Construction of one (1) double storey dwelling to the rear of an existing dwelling   | Multiple Dwellings |
| 768       | 15-01-16  | Delegate NOD Issued               | 71 Junction Rd, Nunawading         | Springfield | Construction of two double storey dwellings  | Multiple Dwellings |
| 817       | 28-01-16  | Delegate NOD Issued               | 34 Margaret St, Box Hill           | Elgar       | Construction of two double storey dwellings  | Multiple Dwellings |
| 886       | 29-01-16  | Delegate NOD Issued               | 16 Mary St, Box Hill North         | Elgar       | Construction of three double storey dwellings  | Multiple Dwellings |

| Appl. No. | Dec. Date | Decision               | Street Address                       | Ward        | Proposed Use or Development   | Application Type       |
|-----------|-----------|------------------------|--------------------------------------|-------------|---|------------------------|
| 4         | 20-01-16  | Delegate Permit Issued | 5 Linum St, Blackburn                | Central     | Removal of two Desert Ash trees, root system fracturing adjacent path and penetrating house concrete footings | Special Landscape Area |
| 6         | 29-01-16  | Delegate Permit Issued | 172-210 Burwood Hwy, Burwood East    | Riversdale  | Display of internally illuminated buusiness identification sign   | Advertising Sign       |
| 7         | 22-01-16  | Delegate Permit Issued | 36 Myrtle Grv, Blackburn             | Central     | Removal of three (3) trees  | Special Landscape Area |
| 20        | 25-01-16  | Delegate Permit Issued | 557 Middleborough Rd, Box Hill North | Elgar       | Two Lot Subdivision   | Subdivision            |
| 21        | 27-01-16  | Delegate Permit Issued | 162 Springfield Rd, Blackburn        | Central     | Two Lot Subdivision   | Subdivision            |
| 22        | 27-01-16  | Delegate Permit Issued | 16 Doulton Rd, Blackburn             | Central     | Two lot Subdivision   | Subdivision            |
| 23        | 29-01-16  | Delegate Permit Issued | 71 Alwyn St, Mitcham                 | Springfield | Two Lot subdivision   | Subdivision            |
| 24        | 29-01-16  | Delegate Permit Issued | 101 Koonung Rd, Blackburn North      | Central     | Two lot subdivision   | Subdivision            |
| 25        | 29-01-16  | Delegate Permit Issued | 5 Norman St, Mitcham                 | Springfield | Two lot subdivision   | Subdivision            |
| 27        | 29-01-16  | Delegate Permit Issued | 39 Salisbury Ave, Blackburn          | Central     | Two lot subdivision   | Subdivision            |
| 28        | 29-01-16  | Delegate Permit Issued | 21 Beddows St, Burwood               | Riversdale  | 3 Lot subdivision   | Subdivision            |
| 29        | 29-01-16  | Delegate Permit Issued | 711 Canterbury Rd, Surrey Hills      | Elgar       | Two lot subdivision   | Subdivision            |
| 93        | 22-01-16  | Delegate Permit Issued | 53 Harrison St, Box Hill North       | Elgar       | Construction of two double storey dwellings   | Multiple Dwellings     |
| 165       | 05-01-16  | Delegate Permit Issued | 12 Elm St, Surrey Hills              | Riversdale  | Construction of two (2) double storey dwellings   | Multiple Dwellings     |
| 188       | 05-01-16  | Delegate Permit Issued | 14 Paul Ave, Box Hill North          | Elgar       | Development of six (6) double storey dwellings  | Multiple Dwellings     |
| 192       | 22-01-16  | Delegate Permit Issued | 29 Aberdeen Rd, Blackburn South      | Central     | Construction of three (3) double storey dwellings   | Multiple Dwellings     |

| Appl. No. | Dec. Date | Decision               | Street Address                    | Ward        | Proposed Use or Development   | Application Type       |
|-----------|-----------|------------------------|-----------------------------------|-------------|---|------------------------|
| 198       | 05-01-16  | Delegate Permit Issued | 1-3 Ruby St, Burwood East         | Morack      | Buildings and works to construct a three storey building, use of land for dwellings and reduction in the standard car parking requirement | Business               |
| 259       | 18-01-16  | Delegate Permit Issued | 177 Holland Rd, Burwood East      | Riversdale  | Construction of two (2) double storey dwellings   | Multiple Dwellings     |
| 272       | 22-01-16  | Delegate Permit Issued | 34 Greenwood St, Burwood          | Riversdale  | Construction of three double storey dwellings   | Multiple Dwellings     |
| 310       | 18-01-16  | Delegate Permit Issued | 21 Lemon Grv, Nunawading          | Springfield | Construction of a double storey dwelling to the rear of the existing dwelling   | Multiple Dwellings     |
| 313       | 05-01-16  | Delegate Permit Issued | 33 Lenna St, Burwood East         | Riversdale  | Construction of two double storey dwellings   | Multiple Dwellings     |
| 330       | 13-01-16  | Delegate Permit Issued | 3 Tudor St, Burwood               | Riversdale  | Development of three double storey dwellings  | Multiple Dwellings     |
| 332       | 04-01-16  | Delegate Permit Issued | 45 Stanley Rd, Vermont South      | Morack      | Construction of two double storey dwellings   | Multiple Dwellings     |
| 350       | 15-01-16  | Delegate Permit Issued | 10 Queen St, Blackburn            | Central     | Construction of a five storey apartment building comprising 51 dwellings a reduction of the visitor parking requirements of Clause 52.06  | Multiple Dwellings     |
| 373       | 05-01-16  | Delegate Permit Issued | 41 Barkly Trc, Mitcham            | Springfield | Construction of two double storey dwellings   | Multiple Dwellings     |
| 378       | 05-01-16  | Delegate Permit Issued | 20 Nara Rd, Mitcham               | Springfield | Building and works to extend a dwelling and removal of one tree   | Special Landscape Area |
| 439       | 04-01-16  | Delegate Permit Issued | 143 Woodhouse Grv, Box Hill North | Elgar       | Construction of six double storey dwellings   | Multiple Dwellings     |
| 441       | 12-01-16  | Delegate Permit Issued | 9 Boxleigh Grv, Box Hill North    | Elgar       | Construction of two double storey dwellings   | Multiple Dwellings     |
| 444       | 22-01-16  | Delegate Permit Issued | 42 Victoria St, Box Hill          | Elgar       | Construction of one double storey dwelling at the rear of the existing dwelling with a two lot subdivision                                | Multiple Dwellings     |
| 447       | 12-01-16  | Delegate Permit Issued | 19 Monica St, Burwood             | Riversdale  | Construction of two double storey dwellings   | Multiple Dwellings     |

| Appl. No. | Dec. Date | Decision               | Street Address                      | Ward        | Proposed Use or Development   | Application Type       |
|-----------|-----------|------------------------|-------------------------------------|-------------|---|------------------------|
| 505       | 07-01-16  | Delegate Permit Issued | 254 Burwood Hwy, Burwood            | Riversdale  | Construction of a part four, part five storey building comprising 66 dwellings plus two levels of basement parking and alteration of access to a road in a Road Zone, Category 1  | Multiple Dwellings     |
| 530       | 12-01-16  | Delegate Permit Issued | 19 Premier Ave, Mitcham             | Springfield | Construction of two double storey dwellings   | Multiple Dwellings     |
| 551       | 05-01-16  | Delegate Permit Issued | 4 Koala Ave, Nunawading             | Springfield | Development of the land for two (2) dwellings comprising the construction of a double storey dwelling to the rear of the existing single storey dwelling  | Multiple Dwellings     |
| 573       | 22-01-16  | Delegate Permit Issued | 54 Relowe Cres, Mont AlbertNorth    | Elgar       | Construction of three double storey dwellings   | Multiple Dwellings     |
| 620       | 05-01-16  | Delegate Permit Issued | 21 Frances Ave, Vermont             | Morack      | Building and works to construct a dwelling and tree removal   | Special Landscape Area |
| 634       | 22-01-16  | Delegate Permit Issued | 31 Great Western Drv, Vermont South | Morack      | Construction of two double storey dwellings   | Multiple Dwellings     |
| 636       | 05-01-16  | Delegate Permit Issued | 72 Burwood Hwy, Burwood             | Riversdale  | Use of land for motor vehicle sales, associated buildings and works, variations to the requirements of Clause 52.14 (Motor Vehicle Sales), waiver of bicycle facilities and alterations to access to a road in a Road Zone Category 1 | Business               |
| 682       | 11-01-16  | Delegate Permit Issued | 429 Mitcham Rd, Mitcham             | Springfield | Display of signage and alterations of access to a road in a Road Zone Category 1  | Advertising Sign       |
| 688       | 13-01-16  | Delegate Permit Issued | 1 Doncaster East Rd, Mitcham        | Springfield | Construction of one (1) double storey dwelling to the rear of an existing dwelling  | Multiple Dwellings     |
| 707       | 25-01-16  | Delegate Permit Issued | 43 Daniel St, Burwood               | Riversdale  | Construction of four (4) double storey dwellings  | Multiple Dwellings     |

| Appl. No. | Dec. Date | Decision               | Street Address                   | Ward        | Proposed Use or Development   | Application Type    |
|-----------|-----------|------------------------|----------------------------------|-------------|---|---------------------|
| 717       | 29-01-16  | Delegate Permit Issued | 2 Coonawarra Drv, Vermont South  | Morack      | Construction of a double storey dwelling to the rear of an existing single storey dwelling and alterations to the existing dwelling   | Multiple Dwellings  |
| 725       | 11-01-16  | Delegate Permit Issued | 33 Charlton St, Blackburn North  | Central     | Construction of two double storey dwellings and a two lot subdivision   | Multiple Dwellings  |
| 755       | 29-01-16  | Delegate Permit Issued | 45 Cornfield Grv, Box Hill South | Riversdale  | Construction of two double storey dwellings   | Multiple Dwellings  |
| 784       | 22-01-16  | Delegate Permit Issued | 1/11 Cobham Rd, Mitcham          | Springfield | Extension to existing dwelling (verandah and decking)   | Residential (Other) |
| 797       | 12-01-16  | Delegate Permit Issued | 129 Whitehorse Rd, Blackburn     | Central     | Buildings and works to construct a single storey addition, timber decking and a disabled car space and display of advertising signage | Business            |
| 816       | 22-01-16  | Delegate Permit Issued | 6/86 Victoria Cres, Mont Albert  | Elgar       | Buildings and works to extend the existing dwelling, including the construction of a sunroom, verandah and decking                    | Residential (Other) |
| 828       | 04-01-16  | Delegate Permit Issued | 17 Trawool St, Box Hill North    | Elgar       | Waiver of the standard car parking requirements (associated with the use of land for food and drink premises)                         | Business            |
| 864       | 25-01-16  | Delegate Permit Issued | 12 Maculata Wlk, Vermont South   | Morack      | Buildings and works (replace an existing front fence) within a Heritage Overlay   | Heritage            |
| 935       | 18-01-16  | Delegate Permit Issued | 468 Canterbury Rd, Forest Hill   | Morack      | 6 lot subdivision   | Subdivision         |
| 979       | 06-01-16  | Delegate Permit Issued | 147 Canterbury Rd, Blackburn     | Central     | Buildings and works to the existing dwelling  | Residential (Other) |
| 1014      | 18-01-16  | Delegate Permit Issued | 36 Linlithgow St, Mitcham        | Springfield | 2 lot subdivision   | Subdivision         |

| Appl. No. | Dec. Date | Decision               | Street Address                    | Ward        | Proposed Use or Development   | Application Type         |
|-----------|-----------|------------------------|-----------------------------------|-------------|---|--------------------------|
| 1051      | 29-01-16  | Delegate Permit Issued | 98 South Pde, Blackburn           | Central     | Buildings and works to provide a two storey extension (office) and a waiver of car parking requirements                   | Business                 |
| 1053      | 05-01-16  | Delegate Permit Issued | 85 Quarry Rd, Mitcham             | Springfield | Removal of 4 (four) trees   | Special Landscape Area   |
| 1054      | 29-01-16  | Delegate Permit Issued | 1/810-812 Whitehorse Rd, Box Hill | Elgar       | Display of advertising signs (for medical centre use)   | Business                 |
| 1057      | 14-01-16  | Delegate Permit Issued | 31 The Ridge Blackburn            | Central     | Tree removal  | Special Landscape Area   |
| 1061      | 08-01-16  | Delegate Permit Issued | 118 Surrey Rd, Blackburn North    | Central     | 2 lot subdivision   | VicSmart - Subdivision   |
| 1086      | 22-01-16  | Delegate Permit Issued | 148 Rooks Rd, Nunawading          | Springfield | Display of advertising signage  | Business                 |
| 1108      | 04-01-16  | Delegate Permit Issued | 1073-1087 Whitehorse Rd, Box Hill | Elgar       | Buildings and works to provide seating areas, landscaping and the provision of shade sails to an existing courtyard       | Education                |
| 1113      | 12-01-16  | Delegate Permit Issued | 25 Nelson Rd, Box Hill            | Elgar       | Subdivision of common property on RP 11322 to create Lot 11, and subsequent removal of Lot 11 from the owners corporation | Subdivision              |
| 1115      | 29-01-16  | Delegate Permit Issued | 43 Hanover Rd, Vermont South      | Morack      | Works to construct a fence, gate, deck and retaining wall within a Special Building Overlay.                              | Special Building Overlay |
| 1117      | 07-01-16  | Delegate Permit Issued | 60 Springvale Rd, Nunawading      | Springfield | 3 lot subdivision   | Subdivision              |
| 1120      | 12-01-16  | Delegate Permit Issued | 213 Burwood Hwy, Burwood East     | Riversdale  | 24 lot subdivision  | Subdivision              |
| 1125      | 25-01-16  | Delegate Permit Issued | 1 Elland Ave, Box Hill            | Elgar       | 85 lot subdivision  | Subdivision              |
| 1127      | 18-01-16  | Delegate Permit Issued | 4 Milne St, Mitcham               | Springfield | 3 lot subdivision   | Subdivision              |
| 1128      | 08-01-16  | Delegate Permit Issued | 4 Owen St, Mitcham                | Springfield | 2 lot subdivision   | Subdivision              |
| 1134      | 22-01-16  | Delegate Permit Issued | 1/706 Whitehorse Rd, Mitcham      | Springfield | 3 lot subdivision   | Subdivision              |

| Appl. No. | Dec. Date | Decision                | Street Address                  | Ward        | Proposed Use or Development  | Application Type          |
|-----------|-----------|-------------------------|---------------------------------|-------------|--|---------------------------|
| 1149      | 29-01-16  | Delegate Permit Issued  | 1 Apollo Crt, Blackburn         | Central     | Use of land for warehouse (cold food storage) and reduction in car park  | Industrial                |
| 1171      | 12-01-16  | Delegate Permit Issued  | 21 McDowall St, Mitcham         | Springfield | Extension to an existing dwelling  | Single Dwelling < 300m2   |
| 411       | 20-01-16  | Delegate Refusal Issued | 1 Hilltop Cres, Burwood East    | Riversdale  | Construction of nine double storey dwellings   | Multiple Dwellings        |
| 465       | 22-01-16  | Delegate Refusal Issued | 24 Albert St, Mitcham           | Springfield | Construction of three double storey dwellings  | Multiple Dwellings        |
| 519       | 29-01-16  | Delegate Refusal Issued | 26-32 McDowall St, Mitcham      | Springfield | Development of the land for a five (5) storey building, basement car parking and a reduction in the standard car parking requirement | Multiple Dwellings        |
| 574       | 19-01-16  | Delegate Refusal Issued | 4 Gillard St, Burwood           | Riversdale  | Construction of two (2) double storey dwellings  | Multiple Dwellings        |
| 611       | 28-01-16  | Delegate Refusal Issued | 390 Mont Albert Rd, Mont Albert | Elgar       | Construction of a double storey dwelling to the rear of the existing double storey dwelling  | Multiple Dwellings        |
| 619       | 12-01-16  | Delegate Refusal Issued | 21 Renown St, Burwood           | Riversdale  | Construction of six double storey dwellings  | Multiple Dwellings        |
| 694       | 19-01-16  | Delegate Refusal Issued | 35 Norma Rd, Forest Hill        | Morack      | Construction of five double storey dwellings   | Multiple Dwellings        |
| 833       | 13-01-16  | Delegate Refusal Issued | 27 Clyde St, Box Hill North     | Elgar       | Construction of six (6) double storey dwellings  | Multiple Dwellings        |
| 1001      | 08-01-16  | Delegate Refusal Issued | 75 Laburnum St, Blackburn       | Central     | Construction of a part two, part three storey apartment building comprising six (6) dwellings and basement car park                  | Multiple Dwellings        |
| 668       | 20-01-16  | Permit Corrected        | 89 Nelson Rd, Box Hill North    | Elgar       | Construction of three (3) double storey dwellings  | Multiple Dwellings        |
| 687       | 08-01-16  | Permit Corrected        | 178 Junction Rd, Nunawading     | Springfield | Construction of two double storey dwellings and two lot subdivision  | Multiple Dwellings        |
| 818       | 15-01-16  | Withdrawn               | 213-243 Burwood Hwy, Burwood    | Riversdale  | Use and development of the land for a pedestrian bridge and removal of native vegetation   | Native Vegetation Removal |

| Appl. No. | Dec. Date | Decision  | Street Address                       | Ward        | Proposed Use or Development   | Application Type               |
|-----------|-----------|-----------|--------------------------------------|-------------|---|--------------------------------|
| 927       | 22-01-16  | Withdrawn | 506-510 Middleborough Rd, Blackburn  | Central     | Extension to existing McDonald's family restaurant, new car park and drive through lane and changes to signage                                  | Residential (Other)            |
| 1167      | 06-01-16  | Withdrawn | Ground 353 Whitehorse Rd, Nunawading | Springfield | Reduction in number of car parking spaces required under Clause 52.06-3 by three (3) car spaces for a Medical Centre comprising 7 practitioners | VicSmart - General Application |
| 1179      | 04-01-16  | Withdrawn | 11 Narallah Grv, Box Hill North      | Elgar       | Dual occupancy, double storey dwellings   | Multiple Dwellings             |

**BUILDING DISPENSATIONS/APPLICATIONS JANUARY 2016**

| Address                             | Date     | Ward    | Result                           |
|-------------------------------------|----------|---------|----------------------------------|
| 1 Salisbury Avenue, BLACKBURN       | 29-01-16 | Central | Consent Granted R604             |
| 1 Stewart Avenue, BLACKBURN SOUTH   | 27-01-16 | Central | Consent Granted R409             |
| 10 Edinburgh Road, BLACKBURN SOUTH  | 27-01-16 | Central | Consent Granted R409             |
| 11 Kalang Street, BLACKBURN         | 29-01-16 | Central | Consent Granted R424             |
| 15 Hearty Street, BLACKBURN SOUTH   | 15-01-16 | Central | Consent Granted R415             |
| 16 Orchard Grove, BLACKBURN SOUTH   | 13-01-16 | Central | Consent Granted R427             |
| 20 Gordon Crescent, BLACKBURN       | 29-01-16 | Central | Consent Granted R424             |
| 25 Marama Street, BLACKBURN SOUTH   | 19-01-16 | Central | Consent Granted R414, R411       |
| 30 Rosalind Crescent, BLACKBURN     | 29-01-16 | Central | Consent Granted R409             |
| 61 Canora Street, BLACKBURN SOUTH   | 20-01-16 | Central | Consent Granted R415             |
| 75 Laurel Grove South, BLACKBURN    | 27-01-16 | Central | Consent Granted R411             |
| 10 Faulkner Street, BLACKBURN SOUTH | 08-01-16 | Central | Consent Refused R414, R415       |
| 19 Lee Ann Street, BLACKBURN SOUTH  | 08-01-16 | Central | Consent Refused R409             |
| 25 Marama Street, BLACKBURN SOUTH   | 19-01-16 | Central | Consent Refused R415             |
| 104 Woodhouse Grove, BOX HILL NORTH | 20-01-16 | Elgar   | Consent Granted R414             |
| 17 Poplar Street, BOX HILL          | 18-01-16 | Elgar   | Consent Granted R604             |
| 4 Birkby Street, BOX HILL NORTH     | 08-01-16 | Elgar   | Consent Granted R414             |
| 42 Barkly Street, BOX HILL          | 18-01-16 | Elgar   | Consent Granted R414             |
| 52 Victoria Crescent, MONT ALBERT   | 12-01-16 | Elgar   | Consent Granted R411, R409       |
| 56 Victoria Crescent, MONT ALBERT   | 11-01-16 | Elgar   | Consent Granted R424             |
| 42 Barkly Street, BOX HILL          | 19-01-16 | Elgar   | Consent Refused R415             |
| 7 Marama Street, BOX HILL NORTH     | 20-01-16 | Elgar   | Consent Refused R409             |
| 13 Ritz Street, VERMONT SOUTH       | 25-01-16 | Morack  | Amendment Approved R409          |
| 25 Thornhill Drive, FOREST HILL     | 20-01-16 | Morack  | Consent Granted R409             |
| 33 Woodcrest Road, VERMONT          | 19-01-16 | Morack  | Consent Granted R415, R414, R411 |
| 38 Aubrey Street, VERMONT           | 18-01-16 | Morack  | Consent Granted R414             |
| 43 Bellbird Crescent, VERMONT       | 18-01-16 | Morack  | Consent Granted R415             |
| 7 Mindah Court, VERMONT SOUTH       | 14-01-16 | Morack  | Consent Granted R414             |

| Address                           | Date     | Ward        | Result                           |
|-----------------------------------|----------|-------------|----------------------------------|
| 798 Canterbury Road, VERMONT      | 29-01-16 | Morack      | Consent Granted R411             |
| 43 Barry Road, BURWOOD EAST       | 20-01-16 | Morack      | Consent Refused R424             |
| 31 Goold Street, BURWOOD          | 15-01-16 | Riversdale  | Amendment Approved R424          |
| 67 Wellman Street, BOX HILL SOUTH | 19-01-16 | Riversdale  | Amendment Approved R424          |
| 27 Ireland Street, BURWOOD        | 25-01-16 | Riversdale  | Consent Granted R424, R427       |
| 36 Daniel Street, BURWOOD         | 08-01-16 | Riversdale  | Consent Granted R415             |
| 67 Somers Street, BURWOOD         | 18-01-16 | Riversdale  | Consent Granted R416             |
| 9 Warrina Court, BURWOOD EAST     | 12-01-16 | Riversdale  | Consent Granted R416, R409       |
| 3/22 Beech Street, SURREY HILLS   | 12-01-16 | Riversdale  | Consent Refused R411             |
| 461 Highbury Road, BURWOOD EAST   | 14-01-16 | Riversdale  | Consent Refused R415             |
| 12 Reserve Avenue, MITCHAM        | 11-01-16 | Springfield | Consent Granted R417, R414       |
| 14 Peel Street, MITCHAM           | 08-01-16 | Springfield | Consent Granted R409             |
| 20 Omega Court, MITCHAM           | 12-01-16 | Springfield | Consent Granted R409             |
| 34 Boyle Street, FOREST HILL      | 29-01-16 | Springfield | Consent Granted R415, R414, R411 |
| 509 Mitcham Road, VERMONT         | 25-01-16 | Springfield | Consent Refused R424             |
| 3 Sunshine Avenue, MITCHAM        | 20-01-16 | Springfield | Report Approved R427             |

#### DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – JANUARY 2016

*Under the Planning and Environment Act 1987*

Nil

#### REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION JANUARY 2016

| Contract | Service                         |
|----------|---------------------------------|
| 15006    | Supply of Walking Floor Trailer |

#### REGISTER OF PROPERTY DOCUMENTS EXECUTED JANUARY 2016

| Property Address                            | Document Type                 | Document Detail                            |
|---|-------------------------------|--|
| <b>LEASES</b>                               |                               |  |
| Room 1A, 5 Combarton Street, Box Hill       | Residential Tenancy Agreement | Landlord (expires 16/04/2016)              |
| 1/1049 Whitehorse Road, Box Hill (Gowanlea) | Residential Tenancy Agreement | Landlord (expires 30/06/2016)              |
| <b>Fire Services Property Levy (FSPL)</b>   |                               |  |
| 20 Sydenham Lane Surrey Hills               |                               | Changed from Public Benefit to Residential |

| Property Address  | Document Type                | Document Detail  |
|---|------------------------------|--|
| <b>RATEABILITY CHANGES<br/>(Section 154 of the Local Government Act 1989)</b> |                              |  |
| 43 to 47 Ashmore Road Forest Hill   | Property Now Rateable        | Former church sold for residential development   |
| 2 Tyrrell Street, Mont Albert North   | Property Now Rateable        | Former Salvation Army Ministers residence sold   |
| Rear 320 Burwood Highway Burwood East   | Exempt-Public Purpose        | Occupation of Council premises by Highland Pipe Band is now on seasonal allocation basis and not leased. |
| 37 to 43 Moore Road VERMONT   | Exempt-Unoccupied Government | Formerly tenanted VicRoads owned land is now vacant.   |
| 34 to 40 Moore Road VERMONT   | Exempt-Unoccupied Government | Formerly tenanted VicRoads owned land is now vacant.   |
| CAFE, 465 Elgar Road MONT ALBERT  | Property Now Rateable        | Part of Box Hill Tafe is lease privately for use as a café.  |
| CAFE, 853 Whitehorse Road BOX HILL  | Property Now Rateable        | Part of Box Hill Tafe is lease privately for use as a café.  |

#### REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – JANUARY 2016

Nil

#### PARKING RESTRICTIONS APPROVED BY DELEGATION JANUARY 2016

**Address:** Church Street, Mitcham: from Barkly Terrace to southern boundary of 7 Church Street – west side  
**Previously:** 2 'Unrestricted' parking spaces  
**Now:** 2 'No Stopping' parking spaces

**Address:** Brunswick Street, Mitcham: 223m east of Mitcham Road to 251m east of Mitcham Road - north side  
**Previously:** 3 '1/4-Hour, 9am -3pm, Monday to Friday' parking spaces  
**Now:** 3 '2-Hour, 9am - 6pm, Monday to Friday' parking spaces

**VENDOR PAYMENT SUMMARY – SUMS PAID DURING JANUARY 2016**

| Date                      | Total Issued   | Payments (direct debit, cheques or electronic funds transfer) | Transaction Type EFT/CHQ/DD |
|---------------------------|----------------|---|-----------------------------|
| 07.01.16                  | \$3,970.60     | 5   | EFC                         |
| 07.01.16                  | \$41,892.18    | 39  | CHQ                         |
| 07.01.16                  | \$582,694.21   | 53  | EFT                         |
| 11.01.16                  | \$558.00       | 1   | CHQ                         |
| 12.01.16                  | \$2,902.90     | 1   | EFT                         |
| 14.01.16                  | \$4,295.95     | 4   | EFC                         |
| 14.01.16                  | \$39,666.70    | 87  | CHQ                         |
| 14.01.16                  | \$3,251,766.04 | 372   | EFT                         |
| 14.01.16                  | \$3,941.00     | 3   | EFC                         |
| 14.01.16                  | \$9,042.00     | 1   | EFT                         |
| 21.01.16                  | \$9,880.45     | 12  | EFC                         |
| 21.01.16                  | \$16,555.97    | 47  | CHQ                         |
| 21.01.16                  | \$344,452.30   | 34  | EFT                         |
| 28.01.16                  | \$2,266.00     | 10  | EFC                         |
| 28.01.16                  | \$56,365.97    | 62  | CHQ                         |
| 28.01.16                  | \$3,424,285.24 | 303   | EFT                         |
| <b>Monthly Leases</b>     | \$73,000.00    |   | <b>DD</b>                   |
| <b>GROSS</b>              | \$7,867,535.51 | 1034  |                             |
| <b>CANCELLED PAYMENTS</b> | -\$9,688.28    | -27   |                             |
| <b>NETT</b>               | \$7,857,847.23 | 1007  |                             |

**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 15 March 2016**

**10.2.1 Mitcham Road Parking and Speed Restrictions**

Moved by Cr Stennett, Seconded by Cr Carr

***That Council:***

- 1. Write to VicRoads requesting that the speed limit along Mitcham Road between Redland Drive and Carween Avenue be reduced to 50kph at all times.***

**CARRIED**

- 2. Consult with residents and owners in Mitcham Road and surrounding local streets seeking their views about changing the currently unrestricted parking on both sides of Mitcham Road (Whitehorse Road to the Rangeview Shops) to 2 hour parking during weekdays and changing the currently unrestricted parking in nearby local streets (Windouran Drive, Lucknow Street, Percy Street, Simpson Street, Creek Road, Sunshine Avenue, Garden Avenue and Sim Street) to 2 hour parking during weekdays for one side of the streets.***

**CARRIED**

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

**CARRIED**

**RECOMMENDATION**

***That the recommendations from the Special Committee of Council Meeting of 15 March 2016 Items 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 |
|----------------------------------|--|---|--|-------------------------------------|---|
| <b>15-02-2016</b><br>6.30-7.00pm | <b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>Council Agenda 15 February 2016</li> </ul>  | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett<br><br>NB. Cr Davenport left at 6.35pm & Returned at 6.40pm | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>S Freud<br>J Russell<br>C Critchley | Nil                                 | Nil   |
| <b>18-02-2016</b><br>7.45-9.30am | <b>Federal &amp; Victorian Government Briefing for Members Breakfast</b> <ul style="list-style-type: none"> <li>Summary of Key Challenges &amp; Demographic Changes facing the City of Whitehorse</li> <li>Impacts of Rates Capping Policy on Whitehorse Community</li> <li>Investment in Box Hill and Transport Interchange Upgrade</li> <li>Box Hill to Ringwood Shared use Bicycle Path</li> <li>Rail Crossing Removal at Blackburn Road</li> <li>Nunawading Community Hub Project</li> <li>Future of Healesville Freeway reservation</li> <li>Future Issues (Whitehorse Centre)</li> </ul> | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett<br>NB. Cr Munroe left at 8.55am                             | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>S Freud                             | Nil                                 | Nil   |

| Meeting Date               | Matter/s Discussed  | Councillors Present   | Officers Present   | Disclosures of Conflict of Interest   | Councillor /Officer attendance following disclosure  |
|----------------------------|---|---|--|---|--|
| 29-02-2016<br>6.00-7.30pm  | <b>Council Key Priorities – Direction 2016</b>  | Cr Daw (Mayor & Chair)<br>Cr Chong AM<br>Cr Davenport<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett  | N Duff<br>A De Fazio   | Nil   | Nil  |
| 07-03-2016<br>4.00-5.45pm  | <b>Box Hill Activity Centre Reference Group</b> <ul style="list-style-type: none"> <li>Box Hill First</li> <li>Box Hill Advocacy</li> </ul>   | Cr Daw (Mayor & Chair)<br>Cr Carr<br>Cr Chong AM<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud   | J Green<br>W Gerhard<br>D Vincent Smith  | Nil   | Nil  |
| 07-03-2016<br>6.30-10.15pm | <b>Strategic Planning Session</b> <ul style="list-style-type: none"> <li>Councillor OHS Obligations</li> <li>Strathdon House: Consultation</li> <li>Whitehorse Centre</li> <li>Council Land</li> <li>Child Care Briefing</li> <li>Capital Works</li> <li>Update on Blackburn Station Grade Separation</li> <li>Update on Hay Street</li> <li>Staffing Matter</li> </ul> | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Davenport<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett<br><br>N.B Cr Munroe arrived at 7.20pm | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>P Bennett<br>E Roberts<br>B Morrison<br>S Price<br>T Peak<br>T Johnson<br>S Adamson<br>M Grant<br>D Logan | Nil   | Nil  |
| 08-03-2016<br>6.30-9.15pm  | <b>Budget 2016-17 Councillor Briefing</b>   | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett                         | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>S Freud<br>J Gorst<br>N Sotko<br>J Blythe<br>D Logan  | Nil   | Nil  |
| 15-03-2016<br>6.30-10.00pm | <b>Councillor Briefing Session</b> <ul style="list-style-type: none"> <li>Finance Report January 2016</li> <li>Special Committee Agenda-Other Business</li> <li>Special Council Meeting- Council Land</li> <li>Draft Council Agenda 21 March 2016</li> </ul>  | Cr Daw (Mayor & Chair)<br>Cr Bennett<br>Cr Carr<br>Cr Chong AM<br>Cr Davenport<br>Cr Ellis<br>Cr Harris OAM<br>Cr Massoud<br>Cr Munroe<br>Cr Stennett                         | N Duff<br>J Green<br>P Warner<br>T Wilkinson<br>P Smith<br>A De Fazio<br>S Freud<br>K Marriot<br>P McAleer<br>I Goodes<br>I Barnes<br>D Seddon<br>J Gorst<br>T Peak                | Cr Massoud Declared an indirect conflict of interest (conflict of duty) in Item 9.1.2 62 Burwood Highway, Burwood | Cr Massoud Left the meeting at 7.14pm prior to the discussion and returned at 7.15pm after the Item was considered |

## 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**

Nil

**13      CLOSE MEETING**