

Minutes

Ordinary Council Meeting

of the

WHITEHORSE CITY COUNCIL

Held in the

Council Chamber

Nunawading Civic Centre

379 Whitehorse Road

Nunawading

on

Monday 20 October 2014

at 7:00 p.m.

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

Ms Noelene Duff
Chief Executive Officer

TABLE OF CONTENTS

1	PRAYER	3
2	WELCOME AND APOLOGIES	3
3	DISCLOSURE OF CONFLICT OF INTERESTS	3
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	3
5	RESPONSES TO QUESTIONS	3
6	NOTICES OF MOTION	4
7	PETITIONS	4
8	URGENT BUSINESS	4
9	COUNCIL REPORTS	5
9.1	CITY DEVELOPMENT	5
	STATUTORY PLANNING	5
9.1.1	131-173 Central Road, Nunawading – Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements	5
	STRATEGIC PLANNING	22
9.1.2	Amendment C167 – Request to Rezone Lot 2, PS508073R, formally part of 202 Station Street, Box Hill South, from the Special Use Zone Schedule 2 to the General Residential Zone	22
9.1.3	Australand Former Brickworks Site, East Burwood – Update	30
	BUSINESS & ECONOMIC DEVELOPMENT	45
9.1.4	Burwood Heights Shopping Centre - Declaration of Special Charge for Marketing and Promotion Purposes	45
	ENGINEERING & ENVIRONMENTAL	53
9.1.5	Tender Evaluation Report – Box Hill Gardens Lighting Upgrade Installation Works	53
9.1.6	Proposed Amendment of the Road Management Plan	56
9.2	INFRASTRUCTURE	61
9.2.1	Contract Extension – Provision of Mechanical Plant Maintenance Services	61
9.2.2	Tender Evaluation Report – Supply of Line Marking and Road Marking Services	63
9.3	HUMAN SERVICES	65
9.3.1	Whitehorse Recreation Strategy	65
9.3.2	Arts & Cultural Strategy	68
9.4	CORPORATE SERVICES	72
9.4.1	Annual Report 2014	72
9.4.2	Council Meeting Cycle – January to December 2015	73
9.4.3	Revoking of S11A Instrument of Appointment and Authorisation (planning and Environment Act 1987)	76
9.4.4	Audit Advisory Committee – Reappointment of Independent Member	78
9.4.5	Proposed Discontinuance & Sale at the rear of 9 to 15 Goodwood Street and 31 to 37 Boisdale Street, Surrey Hills	80
9.4.6	Supplementary Valuation Quarterly Return: July to September 2014	87
9.4.7	Delegated Decisions - August 2014	89

10	REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS	100
10.1	REPORTS BY DELEGATES	100
10.2	RECOMMENDATIONS FROM THE SPECIAL COMMITTEE OF COUNCIL MEETING OF 13 OCTOBER 2014	101
10.3	RECORD OF ASSEMBLY OF COUNCILLORS	103
11	REPORTS ON CONFERENCES/SEMINARS ATTENDANCE	104
12	CONFIDENTIAL REPORTS	104
13	CLOSE MEETING	105

Meeting opened at 7.00pm

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

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

The Mayor Welcomed All.

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Bennett, Seconded by Cr Carr

That the Minutes of the Ordinary Council Meeting 15 September 2014 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

- 5.1 Ms V Hawkins, Nunawading asked two questions regarding item 9.1.1 - 131-173 Central Road, Nunawading - Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements

The Chief Executive Officer responded on behalf of Council

6 NOTICES OF MOTION

Nil

7 PETITIONS

7.1 Proposed Road Discontinuance and Sale of rear 9 to 15 Goodwood Street and 31 to 37 Boisdale Street, SURREY HILLS

The petition has 27 signatures from 12 properties requesting Council:

- *Not to proceed with the proposed sale.*
- *Make the unmade right of way (road) between Boisdale and Elwood Streets a right of way, removing any obstacles or impediments*
- *To develop a policy on the access, the security and environmental use of Laneways, recognizing their historical character.*

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Chong

That the petition be received and deferred to be considered in conjunction with Item 9.4.5 on the agenda.

CARRIED UNANIMOUSLY

8 URGENT BUSINESS

Nil

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 131-173 Central Road, Nunawading – Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements

**FILE NUMBER: WH/2013/449
ATTACHMENTS**

SUMMARY

This application was advertised, and a total of 171 objections and one letter of support were received. The objections raised issues with neighbourhood character, impact and loss of vegetation, visual bulk, traffic congestion and safety, amenity impact, drainage and commercial use. A Consultation Forum was held on Tuesday, 29 October 2013 chaired by an independent facilitator, at which the issues were explored, however no resolution was reached between the parties. The applicant lodged a Section 79 Appeal (failure to determine within prescribed time frame) with VCAT on the 22 September 2014. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that this application is not supported.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Daw

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2013/449 for 131-173 Central Road, NUNAWADING to be advertised and having received and noted the objections is of the opinion that Council should form the position not to support the proposed use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements.*
- B** *Has formed a position to not support the application in relation to the land described as 131-173 Central Road, NUNAWADING for the use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements, subject to the following grounds:*
 - 1.** *The proposal fails to provide a positive contribution to neighbourhood character, as required by state and local planning policies, by providing large bulky buildings with a lack of landscaping and opportunity for substantial vegetation. The outcome results in an overdevelopment that would present an unreasonable visual impact to adjoining properties and the streetscape.*
 - 2.** *The proposal fails to comply with the State Planning Policy Framework at Clause 15 (Built Environment and Heritage).*
 - 3.** *The proposal is inconsistent with existing lot sizes and built form pattern and the preferred neighbourhood character.*

9.1.1
(cont)

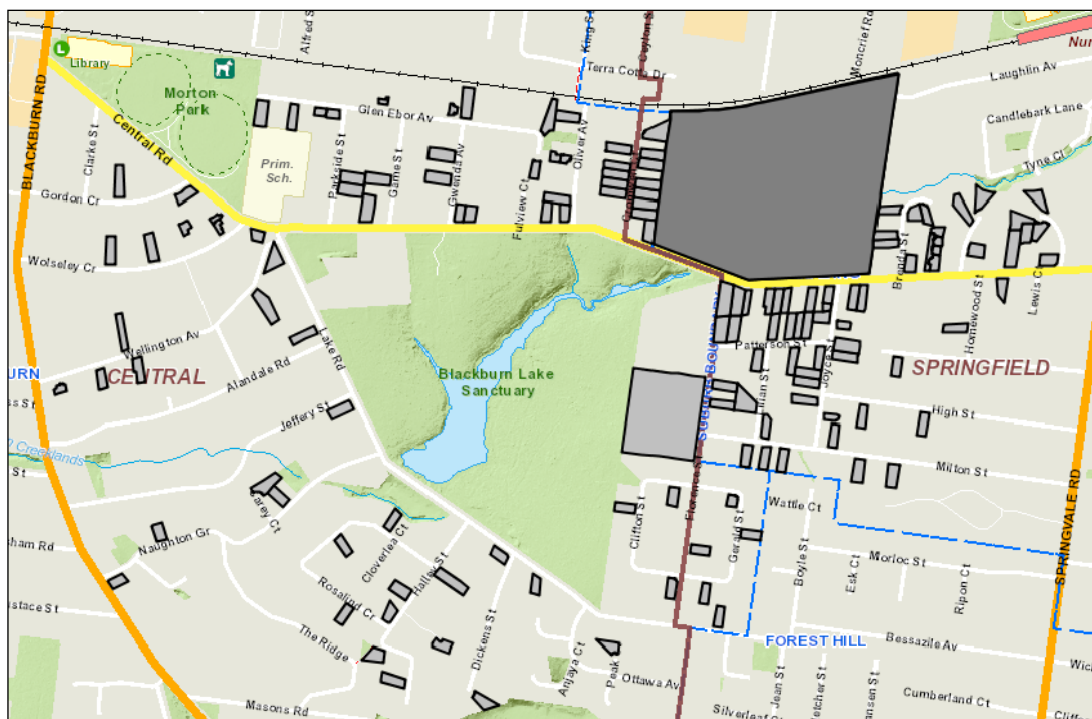
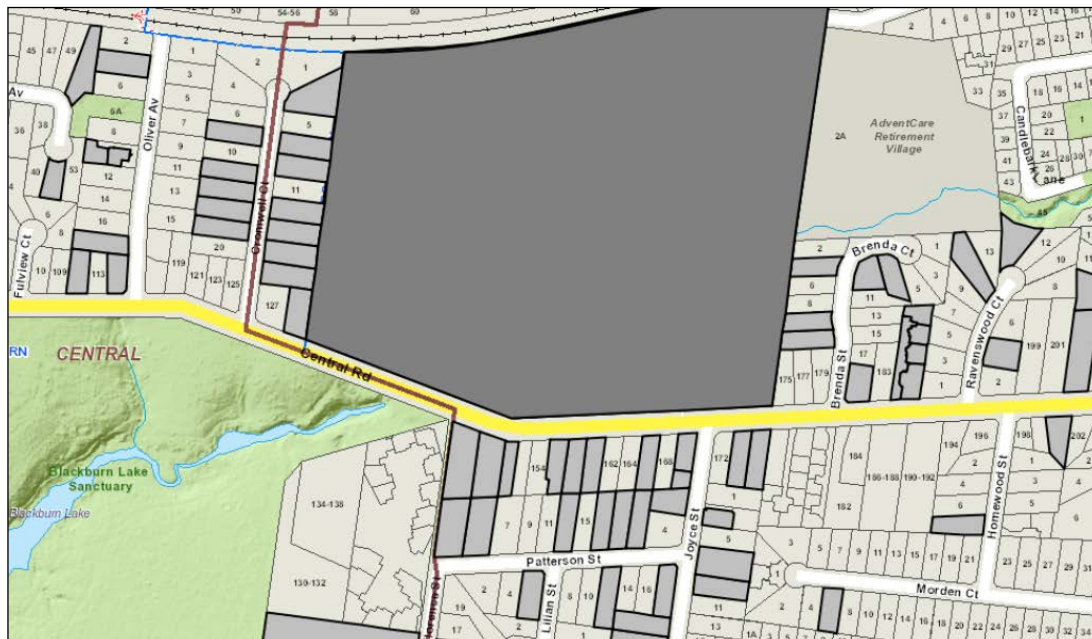
- 4. The proposal does not meet the objectives and policy outcomes for residential development within the Minimal Change area of the Bush Environment Area as contained within Clause 22.03 of the Whitehorse Planning Scheme.**
 - 5. The proposal does not meet the objectives and policy outcomes for tree conservation as contained within Clause 22.04 of the Whitehorse Planning Scheme.**
 - 6. The proposal fails to adequately meet the objectives and decision guidelines of the Significant Landscape Overlay Schedule 5, as the buildings and works do not retain an inconspicuous profile within the landscape given the proposed setbacks, building height and scale, vegetation removal and lack of space for the planting of new vegetation.**
 - 7. The proposal fails to adequately meet the objectives and decision guidelines of the Environmental Significance Overlay Schedule 1.**
 - 8. The proposal fails to comply with Clause 52.06 (Car Parking) and Clause 52.34 (Bicycle Facilities) with respect to layout of vehicle and bicycle parking.**
- C Has formed this position having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**




CARRIED UNANIMOUSLY

MELWAYS REFERENCE 48 D10/D11

Applicant:	Australasian Conference Association Ltd
Previous Zoning:	Residential 1 Zone
Current Zoning:	General Residential Zone (since 1 July 2014)
Proposed Zoning:	Neighbourhood Residential Zone Schedule 1 (with Minister)
Overlays:	Significant Landscape Overlay Schedule 5 Environmental Significance Overlay Schedule 1 Special Building Overlay
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 22.05 Non-residential Uses in Residential Areas Clause 32.08 General Residential Zone Clause 42.01 Environmental Significance Overlay Clause 42.03 Significant Landscape Overlay Clause 44.05 Special Building Overlay Clause 52.06 Car Parking Clause 52.07 Unloading and loading facilities Clause 52.17 Native Vegetation Clause 52.34 Bicycle Facilities Clause 65 Decision Guidelines
Ward:	Springfield

9.1.1
(cont)



		
Subject site	171 Objector Properties (many outside of map)	North

9.1.1 (cont)

BACKGROUND

History

Previous planning applications

The site has several previous planning applications including:

- Planning Permit issued in relation to the Seventh Day Adventist Church - MMBW 60329 issued in 1971 by the Melbourne and Metropolitan Board of Works for an extension to the existing church buildings, which at the time included the Church, hall and welfare facilities.
- Planning Permit NUN/2303 was issued 8 June, 1984, allowing erection of buildings and works to be used as elderly persons units, a community centre and off-street car parking areas.
- Planning Permit NUN/4556 was issued 12 January, 1990, allowing the development and use of the land for extensions and renovations to the existing retirement village to provide an additional 19 hostel beds and 25 replacement hostel beds.
- Planning Permit WH/2007/79 was issued for alterations and extension to the aged care facility.
- Planning Permit WH/2008/873 was issued on 9 August 2010 for construction of a new school oval, tennis courts and car parking area, and the removal of vegetation.
- Planning Permit WH/2010/309 was issued on 23 June 2010 for buildings and works for external alterations to the existing plant room.
- Planning Permit WH/2010/735 was issued on 31 January 2011 for replacement of existing signage.
- Planning Permit WH/2012/671 was issued on 14 February 2013 for alterations and additions to the existing school building.
- Planning Permit WH/2012/884 was issued on 27 March 2014 for alterations and additions to the existing church building, car parking and bicycle reduction.

New Residential Zones

The site was formerly zoned Residential 1 Zone, however, as of the 1st July 2014 the Planning Minister rezoned all residential land in Whitehorse City Council to General Residential Zone (GRZ).

Council has recently completed its Housing and Neighbourhood Character Review. The Review documents together with Amendment C160 and C162 to implement the Review was adopted by Council at its meeting on 28 April 2014. It is anticipated that Amendment C160 to the Whitehorse Planning Scheme will be gazetted shortly.

The land is still currently zoned General Residential Zone (GRZ). Amendment C160 proposes to rezone this subject site and its surrounding residential properties to Neighbourhood Residential Zone Schedule 1.

9.1.1 (cont)

The Site and Surrounds

The subject site is located on the northern side of Central Road, Nunawading, between Cromwell Court and Brenda Street. It has a total site area of 128,561 square metres (12.83 hectares). The site is owned by the Seventh-Day Adventist Church. The Nunawading Christian College occupies the north-eastern section of the land, and the Seventh-Day Adventist Church manages the balance of the land. The site contains a number of buildings including a school, retirement village, aged care facility and campground. The balance of the site is predominantly covered by scattered stands of vegetation. The vegetation within the site is of very high local conservation significance. It plays an important role in contributing to the biodiversity of the area around Blackburn Lake Sanctuary.

Immediately north of the subject site is the Lilydale/Belgrave railway line. Further north development comprises a mix of commercial and industrial uses including Bunnings and Brandsmart. Adjoining the site to the east is part of the Coronella Retirement Village, as well as residential dwellings fronting Laughlin Avenue and Brenda Street. Development to the south and west consists of residential dwellings and Blackburn Lake Sanctuary.

The residential properties in the vicinity of the site are predominantly single storey dwellings within well-vegetated gardens including numerous mature upper canopy trees.

Nunawading train station is approximately 1.2 kilometres from the site and there are a number of bus routes along Central Road, Springvale Road and Whitehorse Road.

Planning Policy

Permit Triggers

Pursuant to Clause 32.08-6 (General Residential Zone) of the Whitehorse Planning Scheme, a permit is required for buildings and works associated with a Section 2 Use.

Pursuant to Clause 32.08 (General Residential Zone) of the Whitehorse Planning Scheme, a permit is required for Section 2 Uses (Retirement Village, food and drink premises, place of assembly, convenience store). The use as a retirement village is not listed within the table and falls within the nesting of 'accommodation'. Therefore the use and development of the retirement village requires a permit in a General Residential Zone. In accordance with Clause 74 of the Scheme, a 'retirement village' is described as:

"Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village."

Pursuant to Clause 42.01 (Environmental Significance Overlay – Schedule 1), a permit is required to construct a building or carry out works and remove vegetation.

Pursuant to Clause 42.03 (Significant Landscape Overlay – Schedule 5), a permit is required to construct a building or carry out works and remove vegetation.

Pursuant to Clause 44.05 (Special Building Overlay), a permit is required to construct a building or carry out works.

Pursuant to Clause 52.06 (Car Parking) a planning permit is required for the reduction in the statutory parking rate.

Pursuant to Clause 52.17-2 (Native Vegetation) a planning permit is required to remove native vegetation.

9.1.1 (cont)

Relevant State and Local Planning Policy

State Planning Policy Framework

Clause 11.01-4 of the Scheme has an objective to encourage higher density housing in and around Neighbourhood Activity Centres that is designed to fit the context and enhances the character of the area while providing a variety of housing options for different types of households.

Under Clause 15.01-2, the design and built form objective is to achieve a high quality urban design and architecture that:

- * Reflects the particular characteristics, aspirations and cultural identity of the community.
- * Enhances liveability, diversity, amenity and safety of the public realm.
- * Promotes attractiveness of towns and cities within broader strategic contexts.

For residential development proposals not covered by Clause 55 (Res Code), Responsible Authorities must have regard to the design principles outlined in Clause 15.01. In addition, the Design Guidelines for Higher Density Residential Development is not applicable as it relates to development of five or more storeys and this proposal is less than 5 storeys in height. An assessment of the proposal against the design principles and guidelines of Clause 15 is therefore provided in this report.

Clause 16.01-1 of the scheme has an objective to promote a housing market that meets community needs.

Municipal Strategic Statement/Local Planning Policy Framework

The Municipal Strategic Statement (MSS) requires new development to make a positive contribution to the character of a residential area.

Clause 21.05 of the Local Planning Policy Framework (LPPF) relates to 'Environment' and aims to protect and enhance areas with special natural, environmental, cultural or historic significance. Clause 21.05-5 notes that to implement the objectives of this clause, lot sizes in the area affected by the Significant Landscape Overlay should be generally in accordance with the prevailing minimum lot size of 650 square metres.

Clause 21.06 Housing has an objective to direct higher density housing to specific areas, including activity centres, with excellent public transport and shopping access and is integrated with existing residential areas in a form consistent with the character of neighbourhoods.

Clause 22.03 (Residential Development) identifies the site as being in a Bush Environment precinct where minimal change is anticipated. These areas are noted for having a considerable presence of mature or large trees or shrubs, many native in front gardens. Vegetation often dominates the street perspective. The most important characteristic of the area includes vegetation notable for its height, density, maturity and high proportion of Australian native trees. This in turn contributes to the significance of the area as a valuable bird and wildlife habitat.

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 and suggested design responses for hard surface areas close to retained trees.

9.1.1 (cont)

The General Residential Zone, Significant Landscape Overlay Schedule 5, Environmental Significance Overlay Schedule 1, Special Building Overlay and particular provisions will be assessed below. The relevant particular provisions include: Clause 52.06 Car Parking, Clause 52.07 Unloading and loading facilities, Clause 52.17 Native Vegetation and Clause 52.34 Bicycle Facilities.

PROPOSAL

The application seeks approval for the construction of a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements.

The proposal is summarised as follows:

Retirement Village

- Retirement village (151 dwellings with 105 x 1-2 bedroom, 46 x 3 bedrooms) spread across 6 buildings with basement parking. The buildings are 3 to 4 storeys with basement.

Vegetation Removal

- The native vegetation proposed to be removed consists of 0.5ha (0.25 habitat hectares) of vegetation within the Valley Heathy Forest Ecological Vegetation Class (EVC) including 1 Large Old Tree and 1 Medium Old Tree and 6 Small scattered trees.
- The total number of trees proposed for removal is approximately 65 trees.

Other

- Convenience shop (80 square metres)
- Food and drink premises (420 square metres)
- Place of assembly – multi use church and auditorium for 350 patrons
- Construction of paths and trails and fencing
- Car parking reduction and waiver of loading/unloading requirements (348 car parking spaces required and 334 car parking spaces provided).

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the street frontage. Following the advertising period 171 objections were received (some were multiple objections from the same property).

The issues raised are summarised as follows:

Inappropriate uses proposed

- How does it contribute to the needs of the community?
- Compared to the social service Regis facility provides, what service would this development be adding?
- Non-residential uses – cafe, convenience store, auditorium/assembly hall, office.
- Convenience store

9.1.1 (cont)

Environmental impacts

- Habitat loss
- Impact on habitat including impact on the yellow black cockatoos which are endangered
- Impact on ducks crossing the road
- Impact on wildlife corridor, ecological and environmental values; encroachment on Blackburn Lakes Sanctuary
- Inconsistency with the objectives of the SLO (Significant Landscape Overlay) and ESO, including setbacks, tree removal and open space requirements
- Impact on trees on adjoining properties (9, 15 and 17 Cromwell specifically mentioned); trees not correctly located on plans
- Potential pollution of lake water
- Impact of basement parking on trees and drainage flow
- Impact on Gardiners Creek.

Scale, character and visual amenity

- The proposed density, scale and design in the context of the area is out of character and not complementary
- Compatibility with existing density of 650 square metres per dwelling of the SLO where townhouses would be a more suitable response
- Incompatibility of commercial uses with quiet residential and bushland surrounds.
- Loss of landscape character through removal of established trees
- Height and scale of building abutting residential properties to the west (Cromwell Court). Low scale versus high density.
- Potential for overshadowing, overlooking and loss of privacy for adjacent residents
- Shadow diagrams unclear
- Impact on views
- Is proposed screening compliant? (75% transparent; more benefit to new residents not existing)
- Turbines on the roof add to height and negative visual impact
- Shift more buildings toward the train line interface.

Other amenity issues

- Noise impact on the tranquillity of the wetlands opposite
- Noise of water pump and drainage of water tank, and air conditioners/heating on adjoining properties
- Increase in lights – effect on sleep
- Exhaust fumes from the basement expelled into backyards and windows of existing residents
- Litter impacts.

9.1.1 (cont)

Traffic, parking and safety

- Traffic congestion impacts on Central Road and in wider area
- Pedestrian and cyclist safety, including school children and ducks
- Dangerous entry point for vehicles, and proximity of school crossing
- Secondary entrance needed?
- Impact on long-standing access gate?
- Parking provision; already issues with church parking on Saturdays; no visitor parking?
- Waiver of loading facilities – will this force traffic onto Central Road to unload goods?

Drainage and other infrastructure

- Management of overland flows from the west
- Waste management
- Sewerage pressures
- Strain on infrastructure.

Construction

- Construction impacts
- Impact of excavation on adjoining properties and trees.

Other

- Aboriginal Heritage values not thoroughly explored
- Would set a precedent
- Impact on property values.

Consultation Forum

A Consultation Forum was held on 29 October 2013 where the key issues listed above were discussed. Approximately 120 objectors attended the meeting. At the meeting no agreement was made.

Since the Consultation Forum several meetings have been held with the applicant to discuss the key concerns and encourage amended plans to try to alleviate these concerns. A meeting was held on 19 August 2014 at the request of the applicant to present amended plans. Council planning officer's advised that a Section 57A amendment would need to be lodged and that these plans would then be readvertised to objectors and those originally notified. The applicant has decided not to follow this path and has subsequently lodged a failure appeal with VCAT on 22 September 2014.

9.1.1 (cont)

Referrals

External

Melbourne Water

Plans require amending to satisfy Melbourne Water. Preliminary land and flood level information available at Melbourne Water indicates that the property is subject to flooding from the Lake Road Drain. For a storm event with a 1% chance of occurrence in any one year, the flood level for the property is 104.34 metres to Australian Height Datum (AHD). The applicable flood level at the location of the proposed buildings and works is 100.9 metres to AHD. Melbourne Water requires additional information before being able to respond to the referred application. The information required is as follows: The development plans must be amended to indicate that the development can be constructed with finished floor levels a minimum of 300mm above the applicable flood level of 100.9 metres to AHD. Melbourne Water requires this information to be able to fully assess the development plans and to determine if the new development can comply with Melbourne Water's freeboard requirements.

Department of Environment and Primary Industries

DEPI has considered the proposal and has no objection to the planning permit application subject to conditions offsetting the removal of 0.5ha (0.25 habitat hectares) of vegetation within the Valley Heathy Forest Ecological Vegetation Class (EVC) including 1 Large Old Tree, 1 Medium Old Tree and 6 Small scattered trees. The applicant must provide a native vegetation offset that meets the following requirements:

- a) Protection and management for conservation purposes of 0.5 habitat hectares of Valley Heathy Forest.
- b) The protection and management for conservation purposes of 8 Large Old Trees, and
- c) The recruitment of 241 plants (or protection of 2 Medium Old Trees and recruitment of 171 plants).

General Comments

The offsets required to mitigate the proposed clearing have been assessed by Atlas Ecology to be protection of 0.5 habitat hectares of Valley Heathy Forest, the protection of 8 Large Old Trees and the recruitment of 241 plants (or protection of 2 Medium Old Trees and recruitment of 171 plants). Offsets are proposed to be met onsite and the net gain report confirms that the conservation offset areas meet the offset criteria and required gains and that these areas will be permanently protected through on-title agreement.

DEPI considers that the proposed retention of native vegetation on site in conservation reserves has minimised the impacts of the native vegetation removal on biodiversity. DEPI considers that the trees close to the buildings (Tree Numbers 106, 417, 418 in Figure 3 of the Net Gain Report) require further assessment to ensure they will be protected from construction impacts and therefore retained in accordance with Australian Standard and DEPI policy. Council may wish to make this a condition should a permit be issued.

DEPI would not object to the removal of these trees if the outcome of further assessment demonstrates that the trees cannot be effectively retained in the long term.

9.1.1 (cont)

Public Transport Victoria

No objection was received and no conditions were required if any permit were to be issued.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The Transport Team supports the proposed development in principle, subject to a number of layout issues to be modified on the plans.

Traffic generation impacts

It is considered that the level of traffic generated by the proposed development can be accommodated without any negative impacts. In assessing the application, consideration was given to the interaction between the additional traffic generated by the proposal and the operation of the existing school crossing over Central Road. As the existing access is to be utilised to accommodate trips generated by the proposed dwellings (as opposed to creating new vehicle access points along Central Road) it is considered that the proposed arrangements will not significantly alter traffic flow along Central Road.

Traffic consultants have undertaken numerous studies of the traffic generation characteristics of retirement dwellings. It is widely accepted that the traffic generated by retirement dwellings is lower than the level of traffic generated by 'standard' residential dwellings. These studies also indicate that residents of retirement developments often choose to make vehicle trips outside of the peak periods to avoid traffic. It is anticipated in this case that residents of the proposed dwellings would alter their travel behaviour to avoid school drop-off and pick-up times.

The traffic report submitted by the applicant indicates that 47 trips are expected during the AM peak hour (i.e. 8am-9am) and 35 trips are expected to be generated during the PM peak hour (5pm-6pm). Whilst not explicitly stated in the report, it is conservatively estimated that up to 35 trips would be generated during the school pick-up period of 3pm-4pm. This level of additional traffic is not expected to interfere with the operation of the school crossing, or significantly alter traffic flows along Central Road.

Parking provision

The proposed visitor parking provision of 14 spaces represents a shortfall against the statutory requirement of 30 spaces and the proposed provision of 13 spaces for the shop and cafe represents a shortfall of 3 spaces against the statutory requirement. The at-grade auditorium car park (comprising 90 spaces) would be suitable to accommodate any overflow parking demands associated with residential visitors and convenience shop/cafe customers. It is accepted that the peak parking demand periods of these uses will not coincide with the expected peak period of the auditorium and that sharing of car parking resources can be achieved. On this basis, the Transport Team considers the proposed parking provision to be adequate.

9.1.1 (cont)

Loading Facilities

Clause 52.07 of the Whitehorse Planning Scheme requires provision to be made for loading and unloading activity associated with the proposed convenience shop and cafe uses on the site. An informal loading bay is shown on the submitted plans, located within the building 1 lower car park. It is stated in the traffic report that due to the reduced height clearance this loading bay would only be suitable for commercial vehicles up to 6.4m in length. It is agreed that the height clearance of the loading bay should be clearly signed at the entrance to the Building 1 lower ground car park. The traffic report states that deliveries requiring larger commercial vehicles could be made within the drop off area outside Building 1. The proposed loading arrangements are considered satisfactory in this case.

- Waste Engineer

The Waste Management Plan (WMP) is satisfactory and development is to be serviced by a private collection contractor.

- Assets & Drainage Engineer

TBC (require Melbourne Water to be satisfied prior to final conditions and assessment).

Planning Arborist

Significant concerns with the development as it will create major encroachment into the Tree Protection Zones of several trees. For example Tree 2 will have a 50% encroachment into its TPZ which would effectively make it unviable.

33 of the trees to be removed are either in poor health, structure or dead and are therefore supported for removal.

There are however 5 significant trees that are worthy of retention that are proposed to be removed (trees numbered 121, 128, 146, 158 and 426).

There will be no detrimental impact on trees on adjoining properties.

ESD Advisor

The application does not meet Council's Environmentally Sustainable Design (ESD) standards for a development of this size and potential environmental impact. The ESD report is missing key measures and assessment against rating tools such as Green Star Communities, Bioregional/One Planet Communities, the Living Building Challenge, or other, produced by a suitably qualified ESD consultant.

The level of sustainable design measures generally does not meet Council's standards for a development of this size and potential environmental impact. This statement is reflected in both the lack of passive design measures as well as in the lack of applied ESD measures (i.e. solar hot water, solar PV, rainwater tanks).

9.1.1 (cont)

DISCUSSION

Consistency with State and Local Planning Policies

The construction of a retirement village is in accordance with State and Local policies to encourage higher density development within walking distance of community facilities and public transport.

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

However the scale, size, massing, height, setbacks and extent of vegetation removal is not responsive to the site or the relevant state and local planning policies. This is highlighted below under the assessment of the Environmental Significance Overlay (ESO) and Significant Landscape Overlay (SLO) headings. The Whitehorse Planning Scheme has a considerable emphasis on protecting the natural environment in those areas of the municipality identified as having environmental significance. Council's Residential Development Policy (Clause 22.03) and Tree Conservation Policy (Clause 22.04) and the relevant decision guidelines of the SLO5 and ESO1, together with the objectives of Clause 12.04 Significant Environments and Landscapes, is to assist the protection and conservation of native vegetation and habitats for native plants and animals and to control pest plants and animals. Clause 12.04-2 Landscapes, has an objective to protect landscapes and significant open spaces that contribute to character, and to maintain the identity of sustainable environments. The proposed development does not satisfy these objectives of the SPPF.

In Clause 22.04-4, a 4 metre minimum separation distance for buildings and works near existing trees in the SLO is noted as being a minimum which may need to be increased having regard to the specific situation. There are some trees proposed for retention that will be within 4 metres of a building and there is concern that these trees will not remain viable.

In addition to these broader State and Local Planning Policies, the proposed development must recognise, consider and meet any policies, objectives or strategies included in the SLO and ESO, which has been specifically applied to recognise the unique, and highly valued natural characteristics of the locality.

Clause 21.05 of the LPPF relates to 'Environment' and aims to protect and enhance areas with special natural, environmental, cultural or historic significance. Clause 21.05-5 notes that to implement the objectives of this clause, lot sizes in the area affected by the Significant Landscape Overlay should be generally in accordance with the prevailing minimum lot size of existing and preferred future development and subdivision size in a landscape sensitive area.

The subject site is located in an area of Minimal Change in Clause 22.03 of the Scheme. The objectives of a Minimal Change area are to maintain dwelling numbers and lots, with the exception of large identified development sites, and to respect the special environmental qualities of the areas. This site is large and could accommodate more than one additional dwelling, however, this must be done so in a sympathetic manner with regard to the environmental importance of the site and neighbourhood character.

The proposal is inconsistent with the sections of the SPPF which seek to ensure new development appropriately responds to its neighbourhood context and urban design including Clause 21.05 (Environment), Clause 22.03 (Bush Environment) and Clause 22.04 (Tree Conservation).

9.1.1 (cont)

Clause 15.01-2 – Design & Built Form

As the provisions of Clause 55 are not applicable for a retirement village the following assessment of the residential building has been made against the provisions of this clause. The proposal is not considered to have been appropriately designed in response to the site's strategic context within an SLO and ESO. Significant vegetation is to be removed requiring extensive offset planting and setbacks to the street and side boundaries are minimal. There is concern with the overall building heights and visual bulk combined with the minimal front and side setbacks. As such, there is concern over the configuration, extent and scale of the proposed built form.

The proposal could improve its presentation to the streetscape as the current proposal will present a dominant built form. The proposal includes a café at the frontage which will encourage activity for the public realm.

It is considered that the shadow cast to adjoining residential properties is not unreasonable given the sites orientation. However, should the buildings be decreased in height and the side setbacks increased the shadowing would be considerably reduced.

The applicant has submitted an Environmental Management Plan with the application that has been assessed by Council's ESD officer. It was considered that this plan did not accord with Council's sustainability requirements.

There is significant concern on the lack of landscaping opportunity around dwellings to reduce impact from the street and adjoining properties.

Significant Landscape Overlay Schedule 5

A key element of the landscaping described in this SLO5 is vegetation remaining a dominant feature of each site with built form being a secondary feature. The subject site is important within the environs of the Blackburn Lake Sanctuary and assists in maintaining important regional habitat linkages. The significance of the area is attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of indigenous trees. This in turn contributes to the significance of the area as a valuable bird and wildlife habitat.

The preservation and enhancement of the area is dependent upon ensuring that built features are subservient to vegetation and the provision of sufficient open space to sustain large mature trees. The proposed development with minimal side and front setbacks, spacing between buildings and extensive vegetation removal will not meet the requirements of this overlay. There is concern that the buildings will become conspicuous rather than subservient in the landscape. This will change the neighbourhood character and will not meet the following objectives of the overlay:

- *To retain and enhance the vegetation dominated vistas, streetscapes and sites, through ensuring the dominance of native vegetation cover.*
- *To ensure that new development enhances and respects the vegetation and landscape qualities of the Blackburn Lake Sanctuary and surrounding residential area.*
- *To provide for the retention and planting of tall trees in keeping with the bush environment and habitat values.*
- *To encourage the development of sympathetic buildings within an envelope, which ensures the maintenance of tree cover as a key feature of the site.*
- *To ensure that all setbacks are well vegetated.*
- *To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape.*
- *To ensure that development is compatible with the character of the area.*
- *To ensure that the perimeter trees are protected and enhanced where possible, and if necessary their replacement is appropriately managed.*

9.1.1 (cont)

The SLO details many objectives and design techniques to assist in ensuring development sits within a landscaped environment and does not dominate the landscape. For example:

- *Building massing and siting should provide space for frequent pockets of existing and new trees and other vegetation throughout the site.*
- *Buildings should be set back a minimum of 9 metres from the front and 6m from the rear boundaries.*
- *Setbacks from side boundaries should be not less than 1.2 metres.*
- *Building materials should use earthy tones or lighter materials (eg. timber, non-masonry materials).*
- *Built form and overall building height should sit below the existing tree canopy.*
- *Development should be no higher than two storeys or 9 metres.*

The development fails to achieve these design techniques with a minimal front and side setback, visually bulky dwellings that are over 9 metres in height and are extensive in their length with minimal breaks and building heights that exceed two storeys.

Environmental Significance Overlay Schedule 1

The site contains remnant native vegetation of very high local conservation significance. This site of botanical significance plays an important role in contributing to the biodiversity of the area around Blackburn Lake Sanctuary. This Ecological Value Class (EVC) is severely threatened to the extent that records indicate only about 470 hectares remain out of the 20,000 hectares that may have existed in the Gippsland Plain Bioregion.

Development within the property needs to be appropriately managed to ensure the long term protection and sustainability of this biodiversity. Relevant decision guidelines to consider include:

- *The impact of the proposal on the identified very high habitat values of the land.*
- *The significance of the vegetation that may be affected by the proposal, in terms of its rarity, variety or as a habitat for wildlife.*
- *The capability of the site to accommodate the proposal without adversely affecting the environmental features of the site and its environs.*
- *Any alternative means of locating proposed buildings, works and subdivision that would protect and enhance the environmental features of the site and its environs.*
- *The extent to which the proposal will avoid, minimise or offset impacts on the native vegetation which is an endangered EVC and has a very high conservation significance.*

Whilst there are proposed offsets as required under Net Gain, the concern is that the loss of significant vegetation and the need to provide offsets when there are alternative means to locate the proposed building and works which would minimise the extent of impact. The proposal is considerably large for a site that is in a bush environment area and that the 6 large buildings proposed for the retirement village could be reduced in size and number to reduce the significant impact on vegetation. This would assist in meeting the objectives of the ESO1 which are:

- *To ensure the long term protection of the very high conservation values of this site of botanical significance.*
- *To recognise the importance of the site as a key habitat area for the Valley Heathy Forest endangered EVC.*
- *To ensure that the very high habitat value of the site is not diminished by the incremental removal of remnant vegetation or inappropriate development.*
- *To protect the natural resources and maintain the ecological processes and genetic diversity of the site and area.*
- *To ensure that any new development is sensitively designed and sited to reinforce the existing environmental characteristics of the site.*

9.1.1 (cont)

Amenity

The proposed built form in terms of setback, massing and overall height will result in unreasonable detrimental impact on the properties to Cromwell Court. The side setback is as close as 2 metres and severely limits opportunity for landscaping. There is also overlooking within 9 metres of proposed habitable rooms.

With regard to concern for overshadowing that was raised by objectors the extent of overshadow is not considered unreasonable given the orientation of the site and would comply with ResCode standards.

Special Building Overlay

The Special Building Overlay does not cover the entire site. It runs through part of the bottom half of the site and leads to the Blackburn Lake Sanctuary. The Special Building Overlay is solely for referring to the local water authority which is Melbourne Water to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

Melbourne Water requested further information prior to fully assessing the application. This information was not revised and as such Melbourne Water's request is outstanding.

Clause 52.06 Car Parking and Layout

Car parking provision and generation is adequate as discussed in detail above under the referral section. There is concern, however, that the layout needs further revision including widening entrance ways (height and width) to improve vehicular access and also further clarification on gradients on the plans. This will form a ground of refusal.

Clause 52.17 Native Vegetation

The purpose of this clause is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. Subject to conditions DEPI do not object as they intend to offset the vegetation to be removed.

It is noted that one of the approaches to meeting this purpose is to avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity. The proposal is considered large and an overdevelopment of the site. If the scale was significantly smaller the amount of vegetation lost would be considerably reduced.

Objectors Concerns not Previously Addressed

Inappropriate uses proposed

Concern was raised on non-residential uses such as a café, convenience store and auditorium. These uses are not prohibited and it is considered that the uses will not result in unreasonable detriment to the amenity of the area. Car parking is satisfactory and the site is large enough to accommodate all uses that are at sufficient distances from residential land which will limit noise concerns. Furthermore, the site currently contains many non-residential uses. As such, it is not considered warranted to include this as a ground for refusal.

Loss of views

Whilst it is recognised that views may form part of residential amenity, there is no specific controls within the Whitehorse Planning Scheme that protects residents' rights to a view.

9.1.1 (cont)

Noise

The proposed retirement village is not anticipated to create unreasonable noise issues. The non-residential uses are located sufficient distance from residential land to limit noise concerns. It is considered appropriate to include a ground of refusal based on noise.

Drainage and other infrastructure

If a permit were granted conditions will be required by Council's Drainage Engineers to ensure the land is appropriately drained. With regard to sewerage and other utilities these are managed by utility companies not Council.

Disruption during construction

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. However in addition to these requirements a Construction Management Plan is recommended as a permit condition if a permit were to be issued.

Property devaluation

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

Aboriginal Heritage values not thoroughly explored

A Cultural Heritage Management Plan (CHMP) was provided with the application. This CHMP was approved under the Aboriginal Heritage Act 2006 by the Acting Deputy Director of Aboriginal Affairs Victoria on 30 July 2012. Conditions were included in the CHMP that would need to be included in a permit if permission was granted.

CONCLUSION

This application was advertised, and a total of 171 objections were received at the time this report is written. The objections raised issues with neighbourhood character, impact and loss of vegetation, visual bulk, traffic congestion and safety, amenity impact, drainage and commercial use.

Assessment of the application against relevant State and Local Planning Policies, requirements under the Whitehorse Planning Scheme including the Environmental Significance Overlay, Significant Landscape Overlay and Special Building Overlay fails to demonstrate a positive response to relevant provisions, objectives and decision guidelines. The proposal does not adequately respond to the landscape and ecological values of the area with extensive vegetation removal, minimal front and side setbacks and limited room for screen planting. The proposed buildings are not considered to be inconspicuous or subservient to the canopy tree line.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as objector concerns. It is considered that the application should not be supported.

Strategic Planning

9.1.2 Amendment C167 – Request to Rezone Lot 2, PS508073R, formally part of 202 Station Street, Box Hill South, from the Special Use Zone Schedule 2 to the General Residential Zone

FILE NUMBER: 14/145363

[ATTACHMENTS](#)

SUMMARY

On 20 August 2014 Council received a request to consider an Amendment to the Whitehorse Planning Scheme. The request concerns Lot 2, PS508073R which is located at the end of Hay Street, Box Hill South.

The Amendment request seeks the rezoning of the land from Special Use Zone Schedule 2 to the General Residential Zone. It proposes a new site specific Schedule to the zone. This report recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment to the Whitehorse Planning Scheme.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Munroe

That Council as Planning Authority, following receipt from the proponent of a written agreement to pay all fees and costs, including any panel costs, associated with the proposal, seek authorisation to prepare and exhibit an Amendment to the Whitehorse Planning Scheme to rezone Lot 2, PS508073R from Special Use Zone Schedule 2 to the General Residential Zone.

CARRIED UNANIMOUSLY

MELWAYS REFERENCE 61 E1

Applicant:	James Livingston Planning on behalf of Visconti Investments Pty Ltd
Zoning:	Special Use Zone Schedule 2 – Private Sport and Recreation Facilities
Overlay:	None
Relevant Clauses	Clause 11 Settlement Clause 16 Housing Clause 18 Transport Clause 19 Infrastructure
Ward:	Riversdale

BACKGROUND

On behalf of Visconti Investments Pty Ltd, James Livingston Planning (the proponent) has submitted a request to Council to rezone land formerly included in the Box Hill Golf Club from the Special Use Zone Schedule 2 (SUZ2) to the General Residential Zone (GRZ).

The site has the following characteristics:

- Land area of 2425m²;
- Excised from the north-west corner of the Box Hill Golf Club;
- Vehicular access to Hay Street via an easement;
- Pedestrian access to Hay Street and Gardiners Creek Trail; and
- Mostly flat topography, with rows of trees along the western and eastern boundaries that are not located on the subject site.

9.1.2 (cont)

The official street address for the subject site is 202 Station Street, Box Hill South, which is the street address for the Box Hill Golf Club. However the site has been excised from the Golf Club and therefore it is known in this report as Lot 2, PS508073R.

HISTORY

The subject site was previously used as part of the former St Leo's College to the north and was part of a larger site that Parks Victoria sold to the Golf Club. As a result of the land sale, Council obtained land for the Gardiners Creek trail extension.

The Box Hill Golf Club land was subdivided in 2012, excising the subject site from the northwest corner of the Box Hill Golf Club as it was dislocated from the course by the trail and wetland. The site is no longer required by the Box Hill Golf Club and was recently sold.

The site to the immediate north, 15-31 Hay Street, has been the subject of multiple Planning Scheme Amendments, including a current Amendment C153.

Amendment C8 was exhibited in December 1999 and January 2000. Following exhibition of the Amendment, Council resolved in March 2000 to abandon the Amendment.

A second Planning Scheme Amendment was initiated in 2001, known as Amendment C31. The Independent Panel appointed to consider this Amendment recommended that it be abandoned, citing the proximity of the land to an existing odorous industrial activity and the potential for this site to be affected by emissions and noise.

The current Amendment C153 seeks the rezoning of the land from Special Use Zone 1 (SUZ1) and Public Use Zone 1 (PUZ1) to General Residential Zone (GRZ) and Residential Growth Zone (RGZ) to allow the use and development of the land for dwellings and a retirement village. The GRZ will be applied to the western and eastern parts of the site while the RGZ will form a ribbon through the centre of the site running in a north-south axis. At the time of this report, Amendment C153 is the subject of an independent Planning Panel.

The Site and Surrounds

The subject site is located to the west of Gardiners Creek and south of the end of Hay Street, Box Hill South. The site is currently vacant and is surrounded by a row of trees along the western boundary and another row of trees abutting the creek on the eastern boundary. Neither row of trees is located on the subject site.

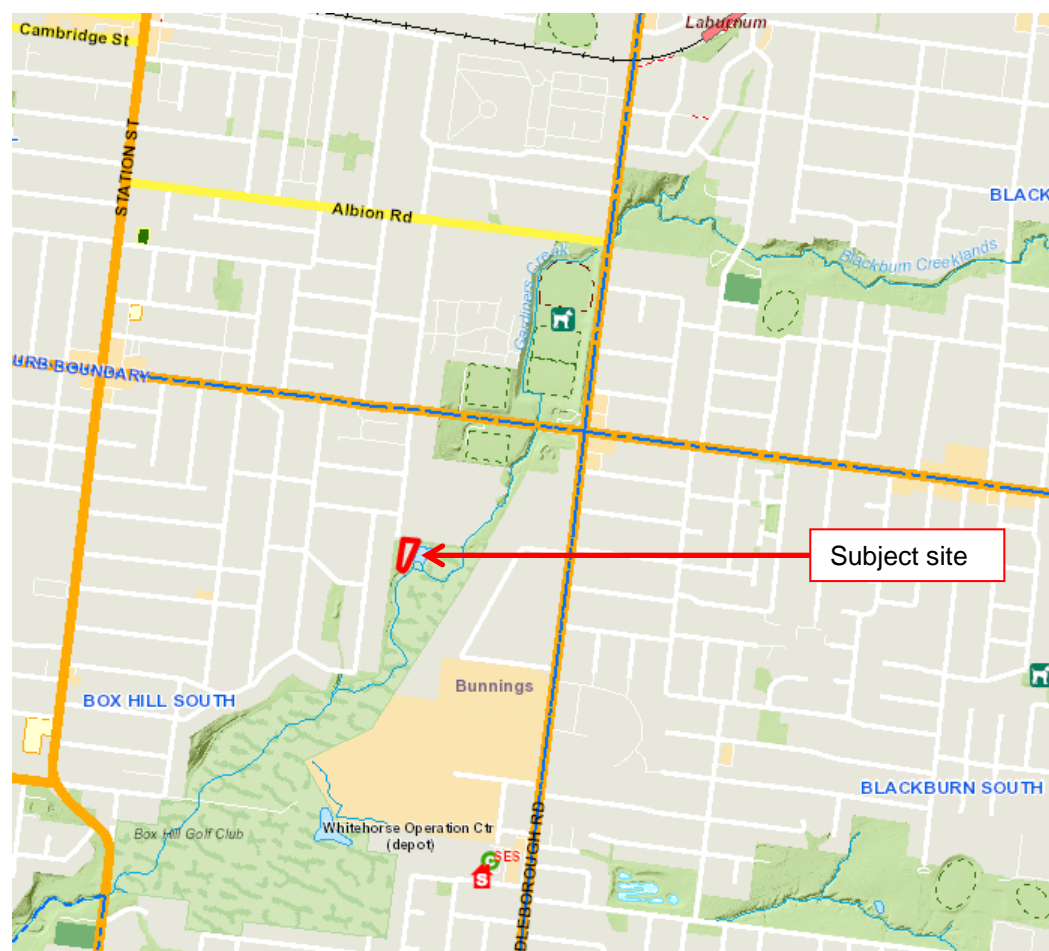
Residential dwellings exist to the west of the site and a 15.33m shared trail corridor has been created on the plan of subdivision between the subject site and those dwellings. An industrial estate is located east of the Box Hill Golf Course, approximately 180m from the subject site.

The Gardiners Creek Trail runs along the western boundary of the site and vehicular access is from the end of Hay Street.

The land to the north of the site, 15-31 Hay Street, is currently subject to Amendment C153 to the Whitehorse Planning Scheme. Amendment C153 proposes to rezone the land from SUZ1 and PUZ1 to the RGZ and GRZ and to develop the land for residential purposes. At the time of this report, Council is awaiting the Panel report from the Panel appointed to consider Amendment C153.

9.1.2 (cont)

Map 1 and Map 2 show the location of the subject site in relation to the surrounding area.



Map 1 – Urban context of the subject site

9.1.2 (cont)



Map 2 – Aerial view of the subject site

Planning Controls

The site is currently zoned Special Use Zone Schedule 2 - Private Sport and Recreation Facilities. There are no overlays present on the site and there are not proposed to be any overlays as part of the Amendment. The land is not identified as Bushfire prone.

PROPOSAL

The Amendment request seeks the rezoning of the land from SUZ2 to the GRZ. The Amendment does not propose any additional overlays. The Amendment includes a new schedule to the zone, with the same content as the schedule GRZ1 exhibited in Amendment C153 which affects the land directly north of the subject site. The new schedule does not propose any variations to the requirements of ResCode, which currently has a maximum site coverage of 60% and a requirement that at least 20% of the site is covered by pervious surfaces.

Officers believe that the site specific GRZ1 schedule proposed for this site is consistent with the site specific GRZ1 proposed in Amendment C153. The land included in Amendment C153 that directly abuts the subject site is proposed to be rezoned GRZ with new site specific schedules 1 and 2. The proposed schedule does not include any variations to ResCode for site coverage, permeability, setbacks, open space or fences. The schedule includes a requirement that a building used as a dwelling or residential building must not exceed a height of 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.

9.1.2 (cont)

Any future planning application for the site will be assessed against the Planning Scheme to ensure any development appropriately respects the sensitive interface between the site and Gardiners Creek.

It should be noted that the schedule number may change depending on when Amendment C160 is gazetted. Amendment C160 seeks to implement the new State Government's residential zones and already has a GRZ1. Therefore the schedule proposed on this site will be renumbered to a later schedule prior to adoption.

A map of the proposed rezoning, site specific schedule, draft explanatory report and notice of preparation of an Amendment are included as Attachments.

The request has been made on the following basis:

- The site has been sold by the Box Hill Golf Club and therefore the SUZ is no longer considered appropriate;
- The site was excised from the Box Hill Golf Club in 2012;
- The site is bordered by existing residential development to the west;
- The site is south of 15-31 Hay Street, which is currently the subject of Amendment C153 to rezone the site for residential development and the strategic development of 15-31 Hay Street provides a rationale for the proposed rezoning of this site; and
- The development of the site will provide accommodation for future residents, offer housing diversity and provide potential local employment.

CONSULTATION

If Council resolves to prepare an Amendment, it will be placed on public exhibition for a minimum of one (1) calendar month. It is proposed to commence exhibition in February 2015. This avoids exhibiting the amendment during the summer school holidays which run from mid-December to late January as typically many people are on holidays and would therefore not have the opportunity to make a submission if they otherwise would.

The exhibition will include the advertising of the proposed Amendment to the owners and occupiers of the subject site and surrounding properties. These requirements are in addition to the need to publish a notice in the Whitehorse Leader and the Government Gazette and to notify specific Ministers and referral authorities.

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

DISCUSSION

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

9.1.2 (cont)

Why is the Amendment required?

The land is currently zoned as Special Use Zone (Schedule 2 Private Sport and Recreation Facilities). The land was subdivided in 2012 which excised Lot 2 from the Box Hill Golf Club. The site is no longer required by the Golf Club and has been sold. The Practice Note of the use of zones requires that where there is the potential to use other tools from the Victorian Planning Provisions that the zone be replaced. It will ensure that, in line with the provisions of the GRZ, the site can be used and developed for the purpose of housing.

How does the Amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are outlined within Section 4(1) of the *Planning and Environment Act 1987*. They include:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To balance the presents and future interests of all Victorians.

The subject site has been excised from the Box Hill Golf Club and now sits as vacant, cleared land available for redevelopment. Furthermore, the land to the north of the subject site is currently subject to Amendment C153 which proposes to rezone the land from SUZ and PUZ to RGZ and GRZ and develop the land for residential purposes. The subject site is located at the end of Hay Street and is bordered by the Gardiners Creek trail and an existing residential area to the west. This site would therefore be consistent with the proposed rezoning of the site to the north and the Amendment would provide the relevant planning framework for the facilitation of appropriate development of the land.

How does the Amendment address any environmental, social and economic effects?

The rezoning to the GRZ is unlikely to have any significant impacts on the environment due to the site's location in an established urban area. The rezoning of the site to GRZ will allow the site to be developed for moderate housing growth while respecting the character of the surrounding area. Any future development of the site will need to be cognisant of the existing level of vegetation on the site including significant trees. The site is surrounded by trees but they are not located on the subject site. The development of the site will allow for landscaping along the Gardiners Creek environment.

The development of the land will provide accommodation for future residents of Box Hill South and will provide housing diversity located close to existing infrastructure and amenities. The rezoning of the site will provide potential for local employment through construction of any residential development on the site and increase the number of residents within the catchments of nearby activity centres at Box Hill and Forest Hill.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The proposed Amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes and Strategic Assessment Guidelines. No other Ministerial Direction applies to the Amendment.

9.1.2 (cont)

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

By rezoning the land to the GRZ the Amendment releases land for further future residential use and development in an established and serviced area. This supports the following objectives of the SPPF:

- Planning is to anticipate and respond to the needs of existing and future communities. (Clause 11);
- Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and facilities (Clause 11);
- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1);
- To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services (Clause 11.04-2);
- To promote a housing market that meets community needs (Clause 16.01-1);
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land (Clause 16.01-1);
- To create a safe and sustainable transport system that encourages use of public transport and promotes the use of walking and cycling as alternatives to motorized trips (Clause 18); and
- To promote the efficient use of existing infrastructure (Clause 19).

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment will support and implement the following aspects of the LPPF by rezoning land for future residential development in close proximity to a Major Activity Centre:

- To provide for a wide range of housing types to meet the changing needs of the population. (Clause 21.06-3).
- To encourage development to contribute to the preferred neighbourhood character where specified. (Clause 22.03-2).

Does the Amendment make proper use of the Victoria Planning Provisions?

The VPP Practice Note for the Special Use Zone states that this zone should only be used if other zones cannot achieve a desired outcome. As the land is no longer required by the Box Hill Golf Club and has been sold, it is therefore appropriate to find a more applicable zone for the site.

The site is to the immediate south of land identified as a strategic redevelopment site. The abutting residential uses and proposed development to the north make the GRZ the most appropriate zone for this site.

Referral Authorities

No views from referral authorities or any agencies have been in sought in relation to this Amendment. If the Amendment is exhibited, the views of any relevant agencies will be sought during the exhibition stage of the amendment process.

9.1.2
(cont)

FINANCIAL IMPLICATIONS

The amendment will have minimal financial implications for Council. The proponent has paid the initial fee for Council's assessment of the amendment (\$798). If the Amendment is exhibited, the proponent will be required to bear all subsequent fees associated with the Amendment, including consideration of submissions and Planning Panel costs.

Detailed consideration of requirements for infrastructure would form part of a future planning permit application process following the rezoning of the site.

CONCLUSION

The proposed rezoning of the land from Special Use Zone 2 to the General Residential Zone is appropriate as it is no longer used by the Box Hill Golf Club and represents an appropriate future site for residential development. It is adjacent to existing residential development to the west and potential future residential development to the north. The site is located close to existing services and infrastructure and within the catchments of the Forest Hill and Box Hill Activity Centres and is well connected along the Gardiners Creek Regional Trail.

The subject site directly abuts a large site that is currently the subject of an amendment to rezone the land for residential development. It is therefore recommended that Council support the Amendment request, and seek authorisation from the Minister for Planning to prepare and exhibit the Amendment to the Whitehorse Planning Scheme.

9.1.3 Australand Former Brickworks Site, East Burwood – Update

SF14/375
ATTACHMENTS

SUMMARY

Australand has recently purchased the 20.5 hectare former brickworks in East Burwood and has prepared a draft master plan that will be used to guide future redevelopment of the vacant site and to inform future planning controls. Australand seeks to expedite the planning scheme amendment process via section 20(4) of the Planning and Environment Act 1987 and in order to consider whether it will support the request it is recommended that Council first engage with the community on the draft master plan and draft planning scheme amendment. This report outlines Australand's proposal for the site and a program of consultation.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Chong

That Council:

- 1. Note the draft Master Plan report, associated Summary Report and Request for Amendment to the Whitehorse Planning Scheme report at Attachment 3a and Attachment 3b***
- 2. Endorse the proposed program for community consultation on the draft master plan and draft planning scheme amendment as outlined in this report***
- 3. Receive a further report after consultation with the community on the proposed master plan and planning scheme amendment request for the site.***

CARRIED UNANIMOUSLY

MELWAYS REFERENCE 61 G5

Proponent:	Australand Residential Burwood No 2 Pty Ltd
Zoning:	Priority Development Zone - Clause 37.06, Schedule 1
Overlay:	Environmental Audit Overlay – Clause 45.03
Relevant Clauses	Multiple clauses of the State Planning Policy Framework (SPPF) – Clause 9 Plan Melbourne; Clause 11.01 Activity Centres; Clause 11.02 Urban Growth; Clause 11.03 Open Space; Clause 11.04 Metropolitan Melbourne; Clause 13.02 Soil Degradation; Clause 14.02 Water; and Clause 15.01 Urban Environment
	Clause 21.04 Strategic Directions (MSS)
	Clause 21.06 Housing (MSS)
	Clause 21.07 Economic Development (MSS)
	Clause 22.03 Residential Development (LPPF)
	Clause 22.06 Activity Centres (LPPF)
	Clause 22.11 Burwood Heights Activity Centre (LPPF)
	Clause 22.12 Former Brickworks Site (LPPF)
Ward:	Riversdale

9.1.3 (cont)



BACKGROUND

Burwood Heights remains as an Activity Centre under *Plan Melbourne*, the Victorian Government's metropolitan planning strategy released in May 2014. This, and its earlier designation as a Major Activity Centre under the previous metropolitan strategy *Melbourne 2030*, recognises the significance of Burwood Heights in terms of the range of existing uses, access to public transport and the potential for major development.

Key sites in the Activity Centre include the 20.5 hectare former brickworks site on Middleborough Road, the RSPCA's site at the corner of Middleborough Road and Burwood Highway, and the Burwood Heights Shopping Centre.

In August 2006, Council adopted the Burwood Heights Structure Plan, to provide guidance for future improvement of the Activity Centre and development of key sites. The Structure Plan included extensive community engagement.

In February 2006, the Minister for Planning rezoned the former brickworks site to a Priority Development Zone via Amendment C63 to recognise the site's significance in the metropolitan area and introduced two interim planning policies – one for the wider Burwood Heights Activity Centre and another specifically for the former brickworks site. These interim policies were later made permanent by the Minister via Amendment C92 gazetted on 1 October 2009.

The zone and policies are based on the broader Structure Plan and a conceptual 'Framework Plan' completed for the former brickworks in July 2005. The schedule to the Priority Development Zone allows for a mix of residential, commercial, retail, office, entertainment and leisure uses.

9.1.3 (cont)

A Development Plan is required under the Priority Development Zone. Community comment was sought in late 2007 on the Burwood Square Development Plan that was prepared by former owners of the site, Reading Properties, and the Plan was subsequently approved by Council at its meeting on 18 February 2008. The Development Plan (still current) is intended to guide assessment of future planning permit applications for the site and Reading Properties proposed the following key elements:

- A mix of uses within three activity precincts across the site
- A new boulevard through the site (Main Street) to link Middleborough Road and Burwood Highway, and lined with uses such as shops, cafes and restaurants
- A new park with a lake in the northern residential precinct
- An urban plaza as a central focus and as a vibrant meeting and activity space
- High quality buildings fronting Middleborough Road and in a campus-style setting along Burwood Highway
- Upgrade of surrounding intersections to manage traffic and new traffic signals at Middleborough Road / Main Street for the new link road
- Higher density housing with scope for a range of housing types
- A transition of building height towards the edges of the site
- A walking and cycling network
- Scope for public transport improvements
- Use of ecologically sustainable development principles
- Urban design guidelines for future buildings
- A range of facilities for the community including restaurants, specialty shops, entertainment / cinemas, gymnasium and ten-pin bowling in a new, state-of-the-art centre with a 'lifestyle/leisure-based' focus.

Both the planning scheme amendment and consideration of the Burwood Square Development Plan involved extensive input from the Priority Development Panel appointed by the Minister for Planning at Council's request to provide advice on these two important planning phases for this significant site.

Since approval of the Burwood Square Development Plan, the site has remained vacant and there has been no progress toward implementation of the approved Development Plan, despite strong aspirations in the community and of Council for its redevelopment.

In May 2014, Australand purchased the former brickworks site and has commenced discussions with Council to plan for future development of the land.

Australand is proposing to develop the site for a mix of uses including a diversity of housing, a retail centre and public spaces. To facilitate the development, Australand has prepared a draft master plan that will be used to guide future development of the vacant site and intended to form the basis of changes to the existing planning controls.

DISCUSSION

As a first critical phase, Australand is keen to progress a master plan and future planning scheme amendment for its newly acquired site. Subject to relevant approvals being obtained, Australand aspires to commence development in 2015 and to complete the development in stages over approximately eight (8) years.

This timeframe and the need to make progress in a timely manner is acknowledged and generally supported provided a desirable outcome for this longstanding vacant strategic development site is achieved.

9.1.3 (cont)

Australand's indicative proposal for the site includes up to 950 dwellings for approximately 2,000 new residents, a shopping centre with 10,530 square metres of floor space, plus open spaces and public realm improvements. Australand's proposal is less intensive and less diverse in its uses than the previous Reading Properties proposal which had promoted the idea of a 'lifestyle / leisure' based retail, commercial and entertainment experience comprising approximately 63,000 square metres of floor space and based around a 17 screen cinema (creating around 900 jobs), plus 700 dwellings across the site and opportunities for building height in the central portion of the site up to 9 storey. The Australand proposal will however still be a significant change and opportunity for the local area and the impact of its insertion on this 20.5 hectare site will need to be carefully considered.

Australand has assembled a consultant team for the project to provide expertise in planning, urban design, architecture, infrastructure, geotechnical and environmental engineering, traffic and transport, community infrastructure, economic analysis, and flora and fauna. Continuity with some consultants for the previous Reading proposal is considered a positive in terms of site familiarity, particularly around the task of site remediation including filling of the land.

In developing the draft master plan for the site, Australand has engaged with officers and key external stakeholders such as VicRoads, Melbourne Water, Yarra Valley Water and others.

Draft Master Plan – Refer Appendices 1 and 2

Australand's Vision for the site is guided by three interrelated elements – "*Local, Activated, Place*" with the following themes:

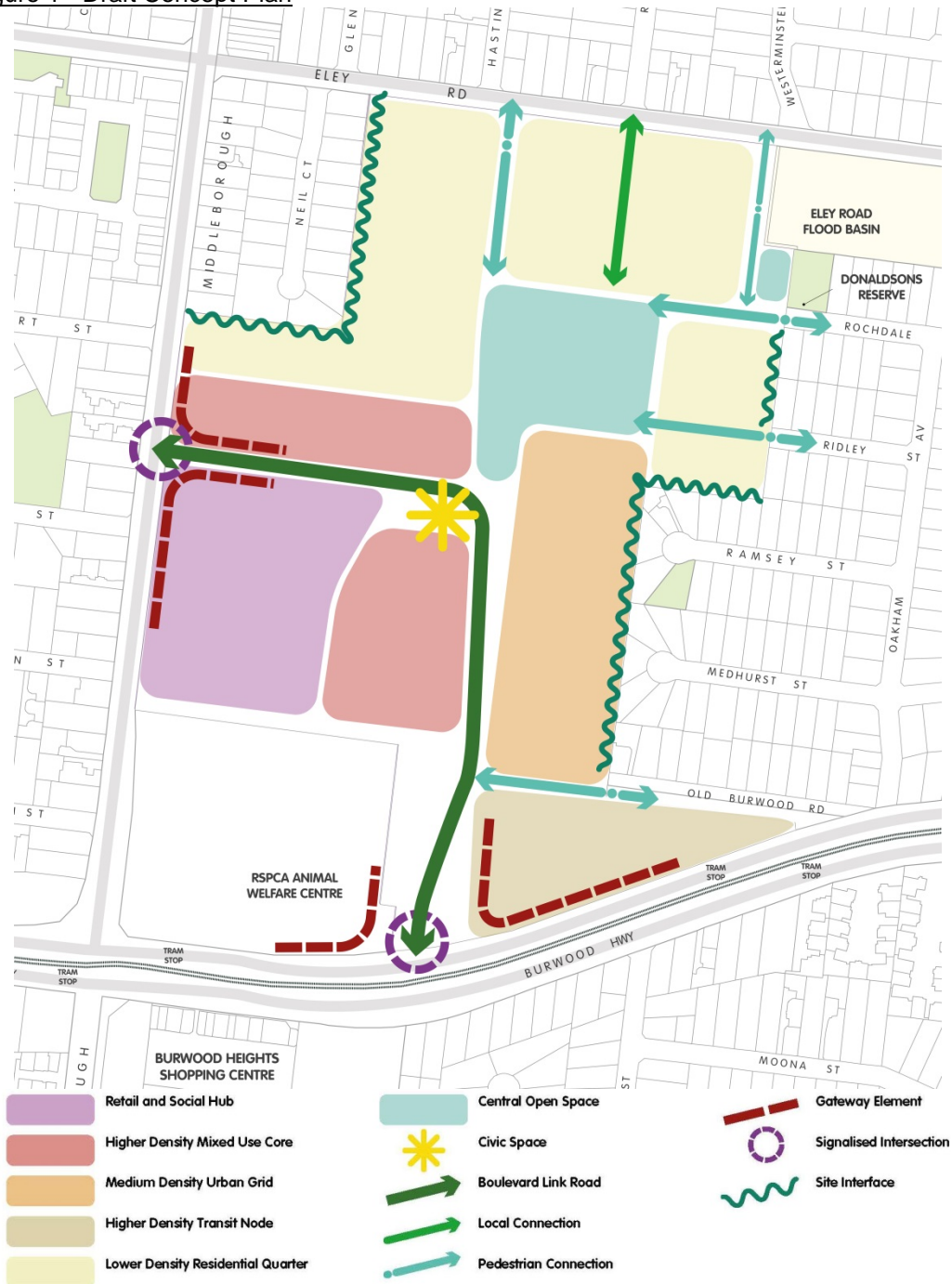
- **Local:** build on the character of Burwood; sensitive transitions and integration; new amenities for the community
- **Activated:** a social hub and meeting place for the local community; quality civic and public spaces
- **Place:** a distinctive address; highest quality urban development; the foundations of a community.

The Vision also presents a hierarchy of design elements, key parts of which are collectively shown in the draft concept plan (Figure 1) below and form the 'building blocks' for the overall draft master plan:

- Amenity and connectivity
- Activation and urban intensity
- Urban character and place shaping
- Edges and integration
- Housing diversity
- Internal street connections and car parking

9.1.3 (cont)

Figure 1 - Draft Concept Plan



9.1.3 (cont)

Key features of the draft master plan (Figure 2 below) include:

- Rehabilitation of the former brickworks site.
- Up to 950 dwellings, housing approximately 2,000 new residents.
- A mix of dwelling types – detached and semi-detached houses; terraces and town houses; and apartments – strategically located with lower intensity forms on the northern part of the site, up to 2 storey interfacing with existing residential areas, and more intensive forms (up to 4 - 6 storey including car parking) toward the centre of the site, along the main boulevard, wrapping the retail centre and closer to public transport. Refer Figures 3 and 4 below for the housing mix and building heights respectively.
- Dwellings along Eley Road of a traditional character that reflects the existing neighbourhood opposite. Dwellings that generally back onto established rear yard interfaces of the site rather than face them.
- A main tree-lined boulevard linking Burwood Highway and Middleborough Road, with signalised intersections at both ends and gateway elements to define the entrances to the site.
- Two large public spaces – the central open space containing a significant retarding basin / wetland required for stormwater retardation and passive parkland linked to a civic space / urban plaza adjoining the shopping centre and functioning as a key meeting space.
- A series of smaller connected parks linking to the central open space.
- Permeability through the site, with pedestrian / cyclist connectivity to adjoining local streets.
- Dedicated off road cycle paths and a network of secondary shared pedestrian and cycle paths aligning with green spaces, local roads and the surrounding neighbourhood.
- A legible local road grid with limited vehicle access to Eley Road. Under the previous Reading Properties proposal 340 dwellings were approved to access Eley Road. The Australand proposal will not exceed this limit.
- Generation of approximately 9,300 vehicle movements per day spread across a number of access points.
 - A traffic assessment considers that the existing road network can absorb this additional traffic when combined with the proposed access strategy which includes the new and modified signalised intersections for the main boulevard / link road and works to extend the existing right turn lanes on the east and north approaches at the Burwood Highway / Middleborough Road intersection.
- A shopping centre with approximately 10,530 square metres of leasable floorspace including a 4,500 square metre full line supermarket, 1,700 square metres for mini-majors, 3,430 for specialty shops and 900 square metres of non-retail, generating an increase of around 400 jobs in the area.
 - An economic assessment for the development considers there is sufficient demand in the catchment and into the future (primarily from population growth, including addition of around 2000 new residents in the Australand development, and improved incomes) to justify the new shopping centre without having significant impact on the turnover of and services in existing centres in the area. In particular, the impact on / of the Burwood Heights Shopping Centre and Burwood One has been assessed.

9.1.3
(cont)

- At grade and basement car parking in the shopping centre precinct.
- During construction, creation of around 1,150 direct jobs and 1,800 indirect jobs (via supplier employment / multiplier effect) is estimated.

The draft master plan does not suggest any improvements to public transport integration at Burwood Highway / Middleborough Road (envisaged as an integrated transport 'super stop' in the previous Reading proposal) on the basis that the development is proposing a much less intensive retail / commercial area. It is however proposing more housing (up to 950 dwellings compared to 700 dwellings previously) and a significant population increase of around 2,000 people. In light of the existing tram stop (number 66) being the only stop along tram route 75 from approximately Elgar Road to Vermont South that has not been upgraded to be accessible and the key bus routes through this intersection, as well as the Activity Centre status of Burwood Heights, there is merit in further consideration being given to improved integration of public transport services.

The development is to be undertaken in six (6) stages, commencing in 2015 and completed over an eight (8) year construction program. Stage 1 includes the retail centre, the main boulevard, residential development fronting Eley Road and a section of residential along the boulevard to Burwood Highway. Stage 2 includes residential development adjoining the eastern boundary of the site through to and including formation of the central open space. Site remediation is planned to continue and due to be completed by mid-2015. The existing planning permit for filling the site needs to be extended and updated to progress these works.

9.1.3
(cont)

Figure 2 - Draft Master Plan



9.1.3
(cont)

Figure 3 - Proposed Housing Mix



9.1.3
(cont)

Figure 4 - Proposed Building Heights



9.1.3 (cont)

Future Asset Responsibilities

At this point, the draft master plan does not contain sufficient detail to establish the future treatment / development, ownership, maintenance and management responsibilities for key infrastructure such as open space, roads, drains, lighting and any other community infrastructure. This matter will need to be carefully considered by Council in future planning stages of the development. The need for future agreements with the landowner / developer should preferably be identified in the proposed planning controls but can also be managed during future planning application processes. In preliminary discussions with Australand, the following key areas of concern in regard to future asset responsibilities have been raised by officers:

- The retarding basin / wetland required by Melbourne Water to store stormwater and regulate its discharge into the adjoining Eley Road retarding basin. The retarding basin / wetland will have a permanent water body and is expected to flood a large portion of the surrounding open space in the 100 year flood event. It will also have a sediment dry out area.
- The suitability and functionality of land areas identified for public open space in terms of being either floodprone (mentioned above), too small or narrow, sloping land to deal with level changes across the site and functionality of multiple, fragmented spaces.
- The suitability of roads and associated assets (eg: drains, lighting, etc) many of which will be on filled land and, if delivered to Council standards, would typically be assumed as Council's responsibility.

Draft Planning Scheme Amendment

It is proposed that the master plan will inform a future planning scheme amendment and guide future approvals for the proposed development. An amendment to the Whitehorse Planning Scheme will be needed to facilitate the project for the following key reasons:

- As part of the 2013 zone reforms, the State government announced that the Priority Development Zone (PDZ) would be removed from Victorian planning schemes. A State-wide amendment is yet to be approved by the Minister to remove the PDZ. A separate local amendment to the Whitehorse Planning Scheme for this project would effectively replace the PDZ with an alternative zoning arrangement, supported by Council, using zones currently available in the Victorian Planning Provisions.
- The schedule to the Priority Development Zone and Clause 22.12 Former Brickworks Site local policy were drafted to reflect the vision and concept for development of the site as contained in the *Former Brickworks Site Framework Plan* (2005) prepared to guide the Reading Properties proposal. While many of the principles within the controls and policy are still relevant to and have been validated in the Australand proposal, the land use and intensity context is inconsistent with Australand's development intentions.

Australand is seeking more flexible planning controls as it considers that the current planning arrangement is not well suited to large development sites such as this, which will be developed over an extended timeframe and would benefit from flexible planning controls to respond to changes in the market and economic conditions. This is noted, however Council will need to consider Australand's proposal in light of its own aspirations for the site and the outcomes it supports, as well as ensuring that flexible planning controls do not disadvantage Council or the community and that there is a reasonable level of certainty for all parties.

9.1.3 (cont)

It is proposed that the site be rezoned from Priority Development Zone to Residential Growth Zone (RGZ) for the bulk of the site and to the Commercial 1 Zone for the proposed shopping centre fronting Middleborough Road. A very small strip of General Residential Zone land that abuts the rear boundaries of 1 – 5 Neil Court (and is an anomaly), is also proposed to be rezoned to RGZ. In principle the proposed zone arrangement is generally supported. Strategic justification for these zones is outlined in Appendix 2. For this master planned development, it is yet to be established whether any variations to the Rescode requirements should be scheduled into the proposed RGZ in line with the schedules submitted for approval of the new residential zones under Amendment C160 (eg on landscaping, private open space, etc).

It is proposed that a suitable planning overlay apply to the site to give effect to the desired outcomes expressed in the draft master plan. The proposed type of overlay control best suited to site is being determined.

Australand has requested Council's support for a Design and Development Overlay (DDO) to guide the development. Amongst other things, the Overlay will manage building heights rather than scheduling heights into the RGZ and will include a series of design objectives and built form outcomes, as well as showing an indicative concept plan (as per Figure 1). Australand propose to include its master plan for the site as a reference document to the DDO.

As the name suggests, a DDO can fundamentally deal with matters relating to built form and design. Council is conscious of the sizable amount of work undertaken to prepare the planning framework for the site for the previous Reading proposal and is keen to utilise relevant parts of this in drafting any new overlay, appreciating that content from the existing PDZ needs to be simplified and updated to reflect the shift between the Reading and the Australand proposal.

As with the PDZ, Council seeks to include matters beyond built form and design considerations, however the RGZ does not allow for inclusion of like provisions. To this end, it is considered that the Development Plan Overlay (DPO) may be an appropriate tool for this site. In addition to matters addressed in a DDO, a DPO can also include, for example, consideration of use, staging and the triggers for agreements. The Department of Transport, Planning and Local Infrastructure Practice Note on Applying the Incorporated Plan and Development Plan Overlays provides guidance to Council on use of the DPO.

The DPO requires that a development plan be prepared to the satisfaction of the responsible authority before a permit can be granted for use, subdivision or development of land, and that permits be generally in accordance with the development plan. Subject to suitable display of and consultation on Australand's draft master plan, Council may consider whether it is satisfied with the draft master plan becoming 'a development plan' for the purpose of the DPO or whether it desires a higher level of detail.

Both the DDO and DPO can enable exemptions from third party notification of future planning applications that will be needed for the development. This is considered appropriate for the project in light of the overall master planning for the site and there being a reasonable understanding of the future development outcome for the site as a result of the community consultation that is proposed.

The existing Environmental Audit Overlay would continue to apply to the site.

Draft planning scheme amendment documentation based on the draft Master Plan will be made available for future consultation and subsequent report to Council to consider Australand's planning scheme amendment request.

9.1.3 (cont)

In addition to the zone and overlay controls, updates to the Local Planning Policy framework are required to reflect Australand's development intentions. In particular, Clause 22.11 *Burwood Heights Major Activity Centre* policy which currently refers to the Former Brickworks Site Framework Plan report (2005) as a reference document has been updated. Related Clause 22.12 *Former Brickworks Site, 78 Middleborough Road, East Burwood* policy is proposed to be amended to update the context for the Australand Development proposal. It is noted that most of the principles contained in these policies are still relevant to the Australand proposal and will remain or be updated slightly.

Minor corrections are also proposed to make these Local Planning Policies consistent with current metropolitan strategy, *Plan Melbourne*, which no longer designates Major Activity Centres, but rather refers to these classifications as just Activity Centres.

There are two paths that the planning scheme amendment could follow:

- Notification of the amendment via the normal process, involving exhibition, consideration of any submissions received by Council, an Independent Panel which would likely be appointed to hear the submissions and subsequent consideration of the Panel's advice by Council
- A request to the Minister for Planning to exempt himself from the usual notification and exhibition requirements via section 20(4) of the *Planning and Environment Act 1987*.

Australand has lodged a future request (contained in Appendix 2) to amend the Whitehorse Planning Scheme via section 20(4) of the Planning and Environment Act 1987 and is seeking Council's support for this request.

It is noted that the two previous critical amendments for this site (Amendment C63 and C92) were also approved via Ministerial exemption under section 20(4) in light of the significant community consultation undertaken on the strategic work toward these amendments, the need for urgency on the matter and in the public interest, and given the State policy significance of the site to deliver on metropolitan strategy [then *Melbourne 2030*].

To assist Council in considering the request and to provide a level of assurance that the community has been afforded an adequate opportunity to understand and provide feedback on the Australand proposal (as it did with the former proposal by Reading Properties), it would be appropriate to consult the community on the draft master plan and proposed amendment.

A community engagement process is outlined below.

CONSULTATION

Consultation with the community on the project will be an important part of planning for this significant site.

It is proposed that Council undertake consultation on Australand's draft master plan and planning scheme amendment for the site using engagement methods consistent with consultation on other Council projects, including successful methods used during previous engagement with the Burwood Heights community. Council's *Community Engagement Framework* adopted in June 2014 is to be a reference.

9.1.3 (cont)

Acknowledging Australand's desire to move forward in a timely manner, the consultation program will be undertaken as efficiently as possible. Broadly, the following approach is proposed:

- 4 week consultation period, with notification via the Council web site, Leader advertisements, mail out, etc
- Preparation of an information flyer
- Two information drop-in session/s held during the consultation period at local venues.
- Documents on display at Council's service centres, libraries in Whitehorse, at key local locations and on the Whitehorse web site.
- Feedback mechanism such as, submissions, capture of feedback at information sessions, possible survey, etc.

It is envisaged that Australand and its consultant team will actively participate in the consultation process, by providing necessary information and resourcing the consultation including staff availability at the information drop-in sessions.

Feedback from the Council-led consultation will then be reviewed and a recommendation made on the master plan and planning scheme amendment in light of that feedback and whether it should support the section 20(4) request by Australand.

FINANCIAL IMPLICATIONS

Council officer resources will be required to undertake the above consultation. Resourcing will also be required from Australand including payment of consultation expenses (venue hire, provision of documents for display, printing, mail out, advertising, etc) plus Australand staff and its consultant team time to attend the information drop-in sessions.

Depending on the level and complexity of information provided, Council's may require assistance from external consultants to assess elements of the Australand draft master plan and planning scheme amendment. Funds are available in the 2014 / 2015 budget for this purpose as needed.

Future development approvals will require resources from the Statutory Planning Unit and other referral units across Council. In part this may be offset by notice exemptions that can be built into the proposed planning controls.

Until further detail is available, the future cost implications to Council should it decide to assume ownership and / or responsibility for future maintenance, management and future upgrade of any key infrastructure or of any community assets is not yet known, but is likely to be significant. Australand's future role (eg: in terms of implementing improvements, funding, ongoing responsibilities, etc in relation to site assets) will also need to be considered at the appropriate time.

If key infrastructure is not proposed by Australand in its development, but there is an identified need as a result of the development, a Development Contribution Overlay can also be considered. It is unclear at this point whether this overlay is warranted as most infrastructure and related existing asset upgrades will be provided or required as part of the development. The need for any funding to meet demand for additional community infrastructure generated by the development is yet to be established.

9.1.3 (cont)

POLICY IMPLICATIONS

The Council Plan 2014 - 2018 and relevant Council strategies, such as the Burwood Heights Activity Centre Structure Plan, Whitehorse Open Space Strategy, Bicycle Strategy, Integrated Transport Strategy, Housing Strategy, Neighbourhood Character Study, Neighbourhood Activity Centre Guidelines, Community Engagement Framework, Recreation Strategy, Sustainability Strategy, Health and Wellbeing Plan, Economic Development Strategy, Streetscape Strategy (and other associated documents) all inform Council's approach to the future of this strategic development site.

CONCLUSION

Australand has lodged a request seeking Council's support to amend the Whitehorse Planning Scheme under section 20(4) of the *Planning and Environment Act 1987* based on a draft master plan for the former brickworks in East Burwood. The request seeks to rezone the site from the existing Priority Development Zone to a combination of Residential Growth Zone for the bulk of the site and to Commercial 1 Zone for the proposed shopping centre. A suitable planning overlay is also proposed for the site to implement the outcomes of the draft master plan. The existing Environmental Audit Overlay will continue to apply to the site.

The draft master plan for the site proposes up to 950 dwellings ranging from detached housing to apartment forms, a retail centre with 10,530 square metres of floor area, a main boulevard linking Middleborough Road and Burwood Highway, open spaces, paths for pedestrians and cyclists plus public realm improvements. Overall, while the dwelling yield will be slightly higher, the proposed development by Australand is less intense and less diverse in its uses than the previous Reading Properties proposal.

Australand's timeframe to commence development and its desire to make progress in a timely manner is acknowledged. In order for a well-informed decision to be made on the proposed master plan and the request to support a planning scheme amendment under section 20(4) of the Act, it is important that community consultation first be undertaken on Australand's proposal.

Business & Economic Development

9.1.4 Burwood Heights Shopping Centre - Declaration of Special Charge for Marketing and Promotion Purposes

FILE NUMBER: SF13/191, SF13/192, SF13/193, SF13/194

SUMMARY

A signed letter of support has been received from Burwood Heights Business Association (Traders' Association) regarding the Special Charge Scheme. Through consultation it has been identified that there is a strong level of support for the renewal of a Marketing and Promotion Special Charge Scheme (Special Charge Scheme) for the Burwood Heights Shopping Centre.

The necessary statutory process for the renewal of the Special Charge Scheme has been completed. Under Section 223 of the Local Government Act 1989, a Council Committee is to be elected to consider written submissions and objections to the proposed Scheme. All stakeholders were communicated with regarding the process; however no submissions or objections were received.

It is recommended that Council declare a Special Charge Scheme for the Burwood Heights Shopping Centre, for marketing, promotion and economic development purposes (which is consistent with the Burwood Heights Shopping Centre Business Plan and Council's previous consideration of the matter).

COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Davenport

That Council:

- 1. Having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and otherwise making no further alteration to the proposed declarations of Special Charge specified in the public notice given by Council, Council hereby declares the following Special Charge Scheme under section 163(1) of the Act:**
 - A Special Charge for the purposes of defraying expenses to be incurred by Council in, administratively only and subject to the approval and direction of Council, providing funds to the body operating and known as the Burwood Heights Business Association to be used for the purposes of promotion, marketing, business development and the appointment of a part-time Shopping Centre Coordinator as agreed to between Council and the Business Association, all of which are associated with the encouragement of retail and commercial activity and economic development in the Burwood Heights Shopping Centre.**
- 2. The Special Charge will be based on geographic criteria, having regard to the location of those rateable properties in the area of the Scheme that are presently (or are reasonably capable of) being used for, commercial, retail or professional purposes, the addresses of such rateable properties being more particularly described and listed in column 1 of the table forming Annexure A to the declaration of Special Charge, which rateable properties are otherwise shown as being situated within the highlighted area enclosed by continuous thick black lines on the plan forming Annexure B to the declaration of Special Charge.**

9.1.4
(cont)

3. *In performing functions and exercising powers in relation to activities associated with the encouragement of retail and commercial activity and economic development in the area for which the Special Charge is to be declared, Council intends to declare and levy:*

- *An amount of \$41,000 per annum, raising in total an amount of \$205,000 over the five year period of the Scheme*

Such amounts being the total cost of the performance of the function and the exercise of the power by Council (in relation to the encouragement of retail and commercial activity and economic development of the Centre and the properties in the Centre), to be adjusted annually in accordance with movements in the Consumer Price Index (CPI).

4. *The Special Charge is declared (and will remain in force) for the period commencing 1 September 2014 and ending 31 August 2019, being for a period of five years.*
5. *The area for which the Special Charge is to be declared is the area containing all of the rateable land known as the Burwood Heights Shopping Centre, as that area is otherwise shown as being situated within the highlighted areas enclosed by continuous thick black lines on the plan forming Annexure B to the declaration of Special Charge.*
6. *The land in relation to which the Special Charge is to be declared is all that rateable land as described and listed as property addresses in column 1 of the table forming Annexure A to the declaration of Special Charge.*
7. *The Special Charge will be assessed and levied as follows:*
- a) *For the first year of the Special Charge, the Special Charge will comprise the respective amounts that are set out in column 2 of the table forming Annexure A to the declaration of Special Charge;*
 - b) *For each subsequent year, the Special Charge will comprise the amounts that were payable in the previous year, adjusted in accordance with movements in the CPI (but shall not be less than the amounts payable in the immediate preceding year).*
8. *Council considers that there will be a special benefit to the persons required to pay the Special Charge (being the owners and/or the occupiers of the properties listed in column 1 of the table shown forming Annexure A to the declaration of Special Charge) in that there will be a special benefit over and above that available to persons who are not subject to the Special Charge, and directly and indirectly, the viability of the Centre as a commercial, retail and professional area will be enhanced through increased economic activity because of the following:*
- a) *In relation to the Special Charge, there will be:*
 - i. *Improved marketing and promotion for the Centre as a whole increasing the public awareness, profile, image and perception of the Centre and attracting increased patronage to the Centre;*
 - ii. *All businesses will have better access to advice, information and assistance on latest trends in marketing, retailing, small business and promotion;*

9.1.4
(cont)

- iii. All businesses will benefit from having an experienced person coordinating their activities for their mutual advantage and acting as a single liaison point, lobbyist and spokesperson to represent local business within the Centre and deal with various arms of Government (Federal, State and Local); and*
 - iv. The value and the use, occupation and enjoyment of the properties and the individual businesses in the Scheme area will be maintained or enhanced through increased economic activity.*
- 9. Council considers only those properties included in the Scheme area as proposed will derive a relevant special benefit from the Special Charge and that there are no wider special benefits or community benefits to be taken into account in relation to the proposed Scheme. Council formally determines for the purposes of sections 163(2)(a), 163(2A) and 163(2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is, a benefit ratio of one to one (or 100%).**
- 10. Having regard to the preceding parts of this declaration, the Special Charge will be levied by sending notices to the owners or (if authorised by the owners) the occupiers of the properties included in the Scheme, which will require that the initial Special Charge as set out in column 2 of the table forming Annexure A to this declaration of Special Charge payable under this Scheme must be paid in full by the date specified in the notices, which will be a date not less than thirty days after the issue of the notices, or if an owner or an occupier so elects to pay the Special Charge by four equal instalments (or near equal in respect to the final instalment) by the dates fixed by the Minister by notice published in the Government Gazette being the dates on which payment by four instalments of rates and charges are fixed pursuant to section 167(2) of the Act, and further declares that interest shall be charged on all late payments of the Special Charge as set from time to time by Council pursuant to section 172 of the Act.**
- 11. The Burwood Heights Business Association be informed of the matters specified in this resolution.**
- 12. The Burwood Heights Business Association be authorised to administer the proceeds of the Special Charge on the express condition that it maintains and renews its funding agreement with Council for the period of the Special Charge Scheme.**
- 13. Council authorises the General Manager, City Development (or a nominee) to prepare the funding agreement between Council and the Burwood Heights Business Association by which the administrative arrangements in relation to the Special Charge Scheme are confirmed, such agreement being a precondition to the payment by Council to the Burwood Heights Business Association of any of the funds to be obtained from the Special Charge.**
- 14. All owners and occupiers of the properties included in the Scheme be notified in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision.**

9.1.4
(cont)

- 15. For the purposes of paragraph 14 of this resolution, the reasons for the decision of the Council to declare the Special Charge are that:**
- a) There is minimal opposition and/or objection to the Scheme and it is otherwise believed that there is a broad level of support for the proposed Special Charge from all property owners and occupiers;**
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;**
 - c) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the occupation, use or enjoyment of the properties;**
 - d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable, and further, that in the opinion of Council, the most appropriate manner of levying the Special Charge is by way of differential Special Charge.**
- 16. The Burwood Heights Business Association must each financial year prepare a summary of the annual budget, showing marketing and promotional activities for submission to Council.**

CARRIED UNANIMOUSLY

BACKGROUND

Since 1993 there have been active Business Plans and an accompanying Special Charge Scheme in place for the Burwood Heights Shopping Centre (**Centre**). The previous Special Charge Scheme was primarily for the purposes of marketing, promotional activities and economic development.

At the special committee meeting on 14 July 2014, Council resolved to give notice of its intention to declare a renewal of the Special Charge Scheme for the Centre, for the purpose of defraying expenses incurred by Council in providing funds to the body operating and known as the Burwood Heights Business Association and to give public notice under sections 163A, 163B and 223 of the *Local Government Act 1989* (**Act**), and to invite submissions and/or objections in writing.

DISCUSSION

It is considered that, based on feedback and the results of surveys from business operators and property owners (and also arising from the positive “history” of the Scheme), the Business Association has clearly demonstrated a strong case for the re-introduction of this Special Charge Scheme, including the likely “special benefit” for the properties and the businesses in the Centre. This case has previously been reported to Council.

9.1.4 (cont)

In support of the Scheme and the fair application of the Special Charge, it is considered that:

- Special Charge Schemes are investment funds for the local business community, and should not be considered as yet another levy “imposed” by Council; and
- Special Charge Schemes help to provide local shopping centres with the most viable method of achieving outcomes through long term business planning.

Specifically, the benefits of a Special Charge are:

- It helps provide a coordinated management approach for advertising and promotion, networking, communications, business development initiatives and lobbying/advocacy on behalf of a shopping centre;
- It helps to create a more professional and vibrant business environment; and
- It helps to bring about coordination of marketing activities, which would be unlikely to occur with businesses acting in isolation.

CONSULTATION

Council has been involved in a full and proper consultation process with all relevant stakeholders, including involvement in the preparation of the Burwood Heights Shopping Centre Business Plan, the development of the Special Charge Scheme and the preparation of the statutory processes that are required under the *Local Government Act* 1989. In particular, public notices of Council's intention to declare the Special Charge were given in the Whitehorse Leader newspaper on 28 July 2014. Further, copies of the public notices were sent to all property owners and business operators affected by the proposed Special Charge by separate letters.

As at the closing date for written submissions and/or objections (Wednesday 27 August 2014) Council had not received any submissions or objections in relation to the Scheme proposal.

A Committee of Council comprising Councillors Sharon Ellis and Andrew Davenport were not required to meet as there were no written submissions or objections received.

FINANCIAL IMPLICATIONS

Preparation, raising and ongoing administration of the Special Charge is covered within Council's annual budget. However, it should be noted that this does not apply in the instance of any VCAT appeal, where the costs of both an application for review and legal advice are usually borne by Council and are not a budgeted item (such costs can accumulate up to approximately \$50,000, as Council has previously experienced from the Blackburn Station Village VCAT appeal).

In determining and calculating a Special Charge, the Act now requires Council to ensure that it takes into account any wider special benefits or community benefits. These are defined as tangible and direct benefits to properties outside of the Special Charge Scheme area or to people in the broader community, and are not confined to the Scheme contributors.

9.1.4 (cont)

It is considered that no such wider special benefits or community benefits exist in this Scheme because, in the relevant sense, the Special Charge will be used exclusively for the benefit of the owners and occupiers (businesses) of the properties included in the Scheme, by way of:

- Appointing a part-time Centre Manager; and
- Authorising expenditure for promotional, marketing and business development activities for the benefit of the businesses within the Scheme area.

It is also noted that Council has not received objections from a majority of the ratable properties included in the Scheme so section 163B of the Act (which would otherwise prohibit Council from making the proposed declarations) does not apply to the Special Charge being proposed.

POLICY IMPLICATIONS

The declaration of the Special Charges proposed in this report are consistent with relevant Council policies.

Whitehorse Council Plan 2013–2017

The Whitehorse Council Plan 2012–2016 Key Direction provides –

“Support a prosperous, diverse and healthy local economy that contributes to the wellbeing of our community”.

Whitehorse Economic Development Strategy 2014 – 2019.

The Whitehorse Economic Development Strategy 2014 – 2019 provides that Council will continue to implement the Economic Development Strategy by –

- *Provide support to business associations in the development of marketing plans, business plans and government guidelines;*
- *Ensure shopping and activity centres are attractive for businesses to locate and operate in;*
- *Encourage appropriate commercial development in established shopping and retail activity centres that supports retail trade.*

CONCLUSION

A signed letter of support was received from the Burwood Heights Business Association regarding the Special Charge Scheme. Through consultation it was identified that there is a strong level of support for the renewal of a Marketing and Promotion Special Charge Scheme for the Burwood Heights Shopping Centre.

The necessary statutory process for the renewal of the Special Charge Scheme has been completed. All stakeholders were communicated with regarding the process. No formal submissions or objections were received.

It is recommended that Council declare a Special Charge Scheme for the Burwood Heights Shopping Centre, for marketing, promotion and economic development purposes, which is consistent with the Burwood Heights Shopping Centre Business Plan and Council's previous consideration of the matter.

9.1.4
(cont)

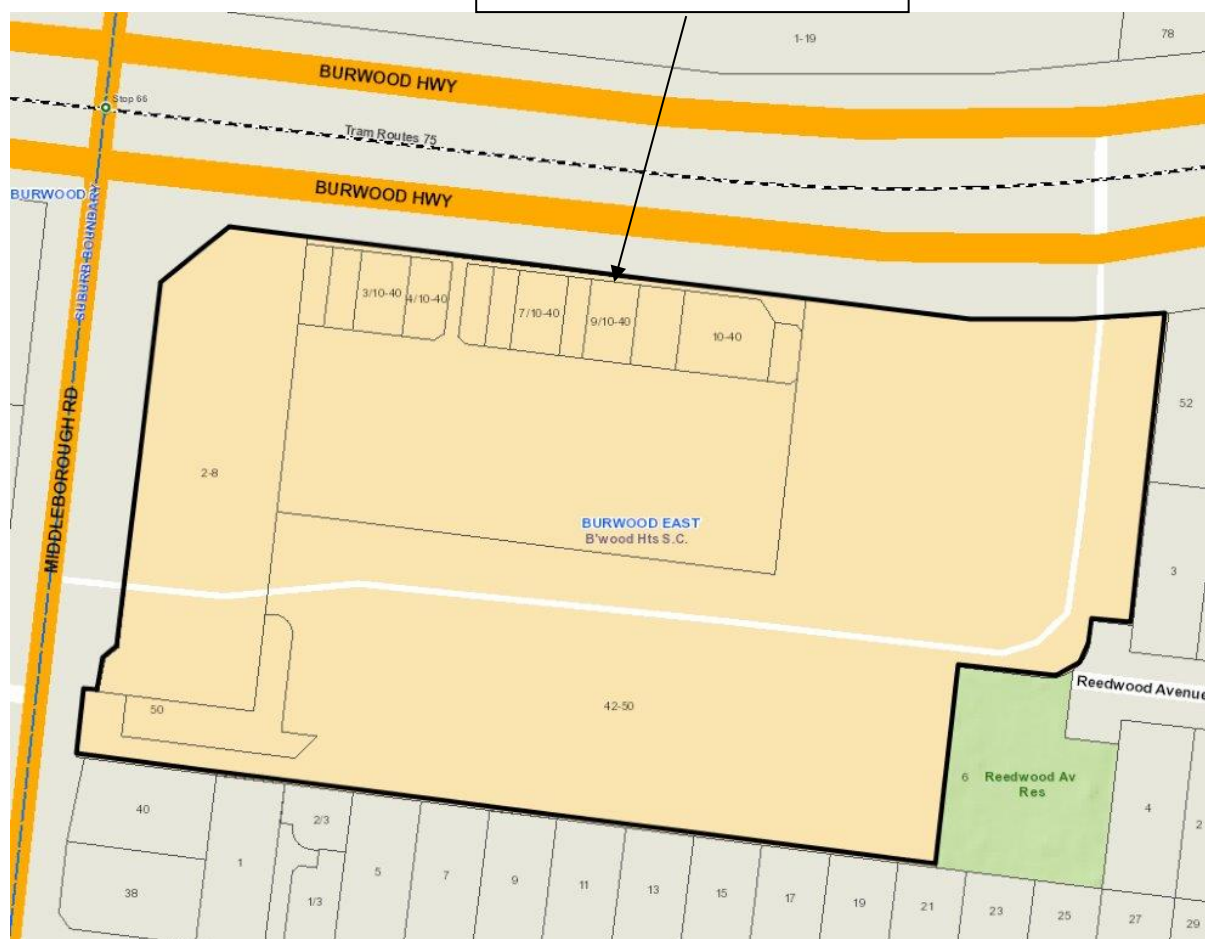
ANNEXURE A

Column 1	Column 2
Property Address	Marketing and promotional
1/10-40 Burwood Hwy	\$778.90
2/10-40 Burwood Hwy	\$1,138.69
3/10-40 Burwood Hwy	\$1,895.11
4/10-40 Burwood Hwy	\$1,471.52
5/10-40 Burwood Hwy	\$1,083.43
6/10-40 Burwood Hwy	\$1,026.74
7/10-40 Burwood Hwy	\$2,478.66
8/10-40 Burwood Hwy	\$1,352.57
9/10-40 Burwood Hwy	\$1,913.53
10-11/10-40 Burwood Hwy	\$1,545.15
11A/10-40 Burwood Hwy	\$916.27
12/10-40 Burwood Hwy	\$2,936.05
13/10-40 Burwood Hwy	\$1,045.21
50 Middleborough Rd	\$2,322.81
Suite 1/2-8 Burwood Hwy	\$379.55
Suite 2/2-8 Burwood Hwy	\$276.03
Suite 3/2-8 Burwood Hwy	\$448.85
Suite 4 /2-8 Burwood Hwy	\$321.41
Suite 5/2-8 Burwood Hwy	\$547.99
Suite 6/2-8 Burwood Hwy	\$362.47
Suite 7/2-8 Burwood Hwy	\$832.72
Roof/2-8 Burwood Hwy	\$365.35
Shop 1/2-8 Burwood Hwy	\$753.43
Shop 2/2-8 Burwood Hwy	\$756.26
Shop 3/2-8 Burwood Hwy	\$702.40
Shop 4/2-8 Burwood Hwy	\$683.41
Shop 5/2-8 Burwood Hwy	\$683.41
Shop 6/2-8 Burwood Hwy	\$683.41
Shop 7/2-8 Burwood Hwy	\$683.41
Shop 8/2-8 Burwood Hwy	\$683.41
Shop 9/2-8 Burwood Hwy	\$683.41
Shop 10/2-8 Burwood Hwy	\$683.41
Shop 11/2-8 Burwood Hwy	\$683.41
Shop 12/2-8 Burwood Hwy	\$1,961.58
Shop 13/2-8 Burwood Hwy	\$683.41
Shop 14/2-8 Burwood Hwy	\$683.41
42-50 Burwood Hwy	\$4,556.21
Total	41,002.97

9.1.4
(cont)

ANNEXURE B

Burwood Heights
Special Charge
Scheme Area



Engineering & Environmental

9.1.5 Tender Evaluation Report – Box Hill Gardens Lighting Upgrade Installation Works

FILE NUMBER: SF14/363

SUMMARY

To consider tenders received for the lighting upgrade installation works for Box Hill Gardens and to recommend the acceptance of the tender received from The Trustee for The Schofield Family Trust, trading as M&J Schofield Pty Ltd, for the amount of \$724,823, including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Chong, Seconded by Cr Harris

That Council accept the tender and sign the formal contract document for Contract 13042 Box Hill Gardens Lighting Upgrade Installation Works received from The Trustee for The Schofield Family Trust (ABN 55 283 609 492), of 10 Windsor Avenue Mount Waverley VIC 3149, trading as M&J Schofield Pty Ltd, for the tendered amount of \$724,823, including GST; as part of the total expected project expenditure of \$869,788, including GST (\$790,716 excluding GST).

CARRIED UNANIMOUSLY

BACKGROUND

The Box Hill Gardens Masterplan was adopted by Council in February 2011. The Masterplan sets out a number of recommendations for the upgrade and improvement of Box Hill Gardens over a number of years.

Stage 1 of the implementation of the Box Hill Gardens Master Plan recommended the demolition of the pavilion and tennis courts, and the construction of a flat, paved multi-purpose activity area and associated infrastructure in the space. This was completed in the 2012/2013 financial year.

Stage 1 also recommended the construction of a circuit pathway around the perimeter of the gardens and this was completed in the 2013/2014 financial year. The purpose of the circuit pathway is to enhance the functionality of the gardens by providing new entrance nodes to better connect the gardens with the surrounding neighbourhood while maintaining the existing thoroughfare pathways.

The next priority in the implementation of the Masterplan is to improve the lighting within the gardens. There is currently no lighting for the new circuit pathway. There is some lighting for the existing transit pathways through the gardens but this lighting is in poor condition and does not provide sufficient lighting levels. The purpose of the lighting works is to provide a safer and more secure environment for park users. The transit pathways are regularly used at all times of the day and night by local residents and also by staff and visitors to the Box Hill Hospital as there is a direct link through the gardens to the Box Hill public transport interchange. The lighting will also allow for increased recreational use of the circuit pathway, after daylight hours.

The proposed works under this contract include the removal of the existing lighting and the supply and installation of new custom light poles and energy efficient LED lights along the transit pathways and along the circuit pathway. The works also include the installation of a renewable energy power system including photovoltaic cells installed on the roof of the shade structure that is part of the multi-purpose activity area. This will provide a sustainable power supply that will offset all of the power requirements for the new lights.

9.1.5

(cont)

DISCUSSION

It is proposed to award a single contract and stage and fund the works over the 2014/2015 and 2015/2016 financial years. A single contract over the two financial years is preferred compared to having two contracts with one in each financial year. A single contract will provide the best value for money for Council. It will provide economies of scale due to the larger quantities resulting in reduced costs as well as reduced costs for only a single site establishment. There will be the advantage of having the same contractor complete all the works to ensure there is consistency in the quality of work. This is of particular concern to ensure a consistent quality of the custom made light poles and to ensure a consistent standard of workmanship. A single contract will also limit the disruption for park users, and ensure that the works will be completed over a shorter duration.

The works will be staged and programmed to limit disruption for park users.

Tenders were advertised in The Age newspaper on Saturday 2 August 2014 and were closed on Wednesday 27 August 2014. A total of 6 tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderer's experience;
- Quality of Work;
- Availability of Tenderer;
- Available Resources; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

M&J Schofield Pty Ltd is the recommended contractor for this project. M&J Schofield Pty Ltd is an experienced electrical contractor with expertise in both civil works and the installation of light poles. They have successfully completed a number of similar projects for other Councils and are highly recommended based on referee checks. They are a well-resourced company for this type of work and have an acceptable Occupational Health and Safety policy.

The tender received from M&J Schofield Pty Ltd is considered to provide the best value for money for this Contract.

CONSULTATION

This project has been developed in consultation with Engineering and Environmental Services, Parks Planning and Recreation Team, City Works and ParksWide.

Extensive community consultation was undertaken for this project as part of the development of the Box Hill Gardens Masterplan.

The preferred tenderer's business viability has been considered.

9.1.5
(cont)

FINANCIAL IMPLICATIONS

	Budget	Expenditure
2014/2015 – Capital Works Funding Account No R418 Box Hill Gardens Masterplan Implementation	\$ 452,000	
2015/2016 – Capital Works Funding Project No PP44 Box Hill Gardens Masterplan Implementation	\$ 460,000	
Total Budget	\$ 912,000	
Preferred tenderer's lump sum offer (including GST)		\$ 724,823
Less GST		\$ 65,893
Net cost to Council		\$ 658,930
Plus Contingencies		\$ 65,893
Plus Project Management Fees		\$ 65,893
Total Expenditure		\$ 790,716

The remaining funds will be used on other Masterplan implementation projects.

POLICY IMPLICATIONS

The construction of the Box Hill Gardens lighting upgrade is a recommendation in the Box Hill Gardens Masterplan (2011) which was adopted by Council in February 2011.

9.1.6 Proposed Amendment of the Road Management Plan

FILE NUMBER: 14/135371
ATTACHMENT

SUMMARY

The purpose of this report is to seek formal endorsement by Council of a draft amended Road Management Plan for the purposes of publically exhibiting and inviting submissions. It is recommended that Council endorse the draft amended Road Management Plan 2014 and approve its release for public comment and submissions.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Munroe

1. That Council:

- a) In accordance with the requirements of section 54 (6) of the Road Management Act 2004 and Part 3, Division 2, of the Road Management (General) Regulations 2005, hereby endorses the draft of the proposed amended Council Road Management Plan 2014 (as included as Attachment 4 to this report), for the purpose of giving public notice of the proposed amendment.*
 - b) Make available the draft proposed amended Road Management Plan 2014, making it available for copying or inspection at the place designated in the public notice.*
 - c) Following public consultation and external stakeholder comment (if any), proceed to amend its Road Management Plan, in accordance with the findings and conclusions of the review and the public consultation process previously conducted by Council, and/or from comments and recommendations made by Council departments or other stakeholders, or a combination of all of these, and as otherwise Council sees fit.*
- 2. That the findings and conclusions of the public consultation/external consultation process (including all submissions) and any further comments and recommendations from Council departments and/or other stakeholders are to be reported to Council for final consideration prior to its adoption of the amended Road Management Plan.**

CARRIED UNANIMOUSLY

BACKGROUND

Victoria's 79 local Councils are responsible for maintaining considerable infrastructure such as roads (including footpaths, kerb and channel and other road related assets), bridges, drains, parks, recreation facilities and buildings. There is considerable interest in the performance of local government in terms of asset management, with road infrastructure in particular the subject of specific and detailed legislation.

The High Court of Australia's decision in *Brodie v Singleton Shire Council* (in 2001) significantly altered the civil liability and responsibility positions for Councils in relation to the performance of their functions for road management. The effect of the decision was to abolish the traditional legal defence of 'non-feasance', which had meant that a Council acting as a road authority could not be held liable for injury or loss caused by the condition of a road where it had not previously done any work on the road, and to replace the defence with the prospect of legal liability being based on normal principles of negligence, that is whether or not Council owed and had breached a duty of care.

9.1.6 (cont)

Given this significant change in the law, the Victorian State Government initiated a review of the State's road management legislation and as a result of the review, the Road Management Act 2004 (**the RM Act**) was passed by the State Government. This established a legislative scheme to allow each road authority to determine its own framework, priorities and standards for the care and management of public roads under its administration by the use of an appropriate Road Management Plan.

Council adopted its first Road Management Plan on 25 October 2004 and also approved the Public Roads Register (which lists all of the roads throughout the municipal district which Council considers are "reasonably required for general public use", and which are subject to the requirements specified in the Road Management Plan), in accordance with the requirements of Division 5, Part 4 of the RM Act.

Council adopted its current Road Management Plan on 14 December 2009 after reviewing its original plan.

The Roads Register has since its first adoption by Council, had five revisions that have been approved under delegation, dated 20 January 2005, 3 February 2006, 14 October 2006, 17 November 2006, and 19 February 2010 respectively.

The Road Management Plan provides Council with a legal "policy defence" in civil liability against claims of negligence arising from the standard and condition of the roads and road related infrastructure that are under Council's administration. In short, the Road Management Plan details how and by what standards and priorities Council will inspect and maintain its roads in the context of available budgetary and other resources.

Council's insurers undertake an annual risk assessment and audit of Council operations in relation to public and professional liability and its compliance with Council's Road Management Plan and the results influence Council's insurance premiums. Council's Road Management Plan and compliance with the Plan is included in these assessments by Council's insurers.

There are separate requirements set out in the RM Act and the *Road Management (General) Regulations 2005* (**the Regulations**) for Council to review its Road Management Plan. An incoming Council must conduct a review of its Road Management Plan within a period of 6 months after each general election or by the next 30 June, whichever is the later date.

The purpose of the review is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and road related infrastructure to which the Road Management Plan applies are appropriate.

Following the review, Council may, if the review indicates that it is appropriate to do so and under a separate statutory process, amend its Road Management Plan.

Council at its meeting on 11 June 2013 received a report on the requirements of the Regulations and that the Chief Executive Officer acting under delegated authority pursuant to section 98(1) of the Local Government Act 1989 had authorised commencement of a review of the current Road Management Plan 2009.

9.1.6
(cont)

REPORT OF FINDINGS AND CONCLUSIONS OF REVIEW

Council at its meeting on 24 June 2013 noted and adopted the findings and conclusions of the review of Council's Road Management Plan 2009. The results and conclusions of the review adopted by Council were:-

- Consideration should be given to including inspection and maintenance standards for roads which may be included on Council's Roads Register which are the subject of a Special Charge Maintenance Scheme.
- Consideration should be given to including inspection and maintenance standards for roads which may be included on Council's Roads Register which are constructed by a Special Charge Scheme to retain the natural streetscape elements.
- Consideration should be given to reviewing and specifying the inspection and maintenance standards for constructed laneways which are included on Council's Roads Register.
- Revised references to Council's updated Risk Management Policy & Strategy, Council Plan and other updated documents as required.
- References to the standards of construction need to be amended to reflect any new and updated standard drawings since the original plan was adopted.
- Consideration should be given to the inclusion of indicative future Capital Works programs.
- Consideration should be given to including inspection and maintenance standards for drainage pipes and pits on roads which are on the Roads Register.

DISCUSSION

As a result of Council's review of its current Road Management Plan 2009 and following further comment and recommendations from Council departments, a draft of the amended Road Management Plan 2014 has been completed.

Revisions in the draft amended Road Management Plan include:

- Minor editing of text.
- References to updated Council policies and documents.
- Reference to Council's updated Asset Management Policy and Strategy.
- Update of Bicycle and Shared Path (Off-Road) Hierarchy Schedule and reference to updated standard drawings.
- Update of schedule of Roads Budget.
- Reference to Council's updated Customer Service Charter and Complaint Resolution Policy.
- Reference to updated Risk Management Policy and Strategy.
- Inclusion of inspection and maintenance standards for drainage pits and pipes on roads on the Roads Register.

9.1.6 (cont)

Council now needs to consider the draft amended Road Management Plan and if endorsed, give public notice in the Victoria Government Gazette, The Age newspaper and the Whitehorse Leader, in accordance with the requirements of regulations 303(2) of the regulations, inviting submissions in respect of the draft amendment of the Road Management Plan.

In accordance with the Road Management Act and Regulations, there are a number of matters Council must do and then subsequently may do following the review of the Road Management Plan which was completed and endorsed by Council at its meeting on 24 June 2013.

- First, Council must endorse a draft of the amended Road Management Plan, and give public notice stating the purpose and general purport of the proposed amendment, the roads and classes of roads to which the Road Management Plan applies and make a copy of the current Road Management Plan and a copy of the draft amended Road Management Plan available for public inspection. Public submissions and external stakeholder comment will be accepted and further reviewed as a part of this amendment process.
- Secondly (and following a consideration of submissions and external stakeholder comment), Council may then amend the Road Management Plan. Amendments that are recommended to Council may come from the public consultation process required to be undertaken by Council, or from comments and recommendations made by Council departments or other stakeholders, or a combination of all of these.

The draft amended Road Management Plan 2014 satisfies the requirements of the earlier review process and now forms the basis on which public notice will be given for Council to amend its Road Management Plan.

Subject to Council's endorsement of the draft amended Road Management Plan for the purposes of giving public notice, a further report will be provided to Council about any submissions received as a result giving public notice and the final plan recommended for adoption.

The proposed detailed amendments of the Road Management Plan (since the completion of the review and following further comments and recommendations made by Council departments) have been completed and are now presented to Council in this report. Public notice of the amended Road Management Plan is now required and further consideration by Council of any submissions and external stakeholder comment.

The draft amended Road Management Plan is included as Attachment 5.

It is recommended that in accordance with this report, Council endorse the draft amended Road Management Plan 2014 and proceeds with the public notification/consultation process.

CONSULTATION

The review of the Road Management Plan which was adopted by Council on 24 June 2013 included giving public notice of the review and inviting submissions. No public submissions were received. Relevant Council Departments were consulted as part of the review and in the preparation of the draft amended Road Management Plan 2014.

Public notice of the draft amended Road Management Plan inviting submissions is required prior to Council formally considering adoption of an amended Road Management Plan.

9.1.6

(cont)

FINANCIAL IMPLICATIONS

The type of road assets and the inspection, maintenance and repair standards included in the Road Management Plan 2014 directly relate to Council budget allocations. Budget implications were taken into account in preparing the proposed amended plan.

POLICY IMPLICATIONS

A draft amended Road Management Plan has been prepared and now requires further public consultation/external stakeholder comment.

Council's Road Management Plan provides Council with a legal "Policy Defence" in civil liability against claims of negligence arising from the standard and condition of roads and road-related infrastructure that are under Council's administration.

9.2 INFRASTRUCTURE

9.2.1 Contract Extension – Provision of Mechanical Plant Maintenance Services

FILE NUMBER: SF11/27

SUMMARY

To consider an extension of Contract 10037 for the provision of Mechanical Plant Maintenance Services that is due to expire on 30 November 2014. RKH Air Conditioning Pty Ltd is the current supplier of this service and has successfully delivered the required services to Council over the past three years. It is recommended that Council exercise its option to extend the contract with RKH Air Conditioning Pty Ltd on a schedule of rates basis for a period of two years.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council exercise its option to extend Contract 10037 for the provision of Mechanical Plant Maintenance Services with RKH Air Conditioning Pty Ltd (ABN 63 006 154 838) of 7/1637 Main Road Research Victoria 3095 on a schedule of rates basis for a period of two years commencing 1 December 2014, at the previously tendered rates at an estimated cost of \$530,000 per year, GST inclusive.

CARRIED UNANIMOUSLY

BACKGROUND

RKH Air Conditioning Pty Ltd has provided programmed and reactive Mechanical Plant Maintenance services to 135 buildings for the past three years under this Contract.

The initial three year contract term was awarded following a publicly advertised tender process on 28 September 2011. This culminated with the letting of a schedule of rates based contract by Council to RKH Air Conditioning Pty Ltd (RKH) in November 2011. The contract commenced on the 1st December 2011 and is due to expire on 31 November 2014. This contract has a provision to allow Council to exercise an option to extend the contract for a further two year period.

The purpose of this contract extension is to ensure Council continues to meet its mechanical plant maintenance obligations as defined by the Building Code of Australia, building regulations and relevant Australian Standards. The scope for this contract includes 360 specific planned maintenance inspections for 2600 nominated plant items with an estimated value of \$10,000,000. Typical items of plant to be serviced include air handling units, chillers, heating hot water boilers, exhaust fans, air-conditioning control systems and circulation pump sets.

DISCUSSION

The current service provider, RKH, has delivered a high standard of service and has met all the requirements of the contract over the initial three year term. Performance monitoring, regular contract meetings and random works audits have confirmed RKH has met quality and customer satisfaction expectations in accordance with specification requirements. There have been no OHS or performance issues within the initial three year period and a strong working relationship has continued between the contractor and Council officers managing this contract.

Mr Ron Harper, Managing Director of RKH has agreed to accept Council's offer to extend the contract under the current Contract terms and conditions, subject to Council approval. The contractor has confirmed in writing the company's willingness and capacity to meet the requirements of the contract over the 2 year extension period, subject to Council approval.

9.2.1
(cont)

The extension of this contract will negate the need to conduct a new tender process for these services, thereby maintaining continuity of service over this period of extension.

CONSULTATION

The option to extend the current contract for a further two years has been discussed and agreed upon by relevant officers from other Council departments across the organisation that occupy buildings serviced by this contract.

FINANCIAL IMPLICATIONS

The provision of Mechanical Plant Maintenance Services is based on an agreed Schedule of Rates which RKH has agreed to cap at the year 3 rates for the two year extension period.

The estimated expenditure under this contract for each year of the contract extension is approximately \$530,000 GST inclusive. It is anticipated that the total expenditure over the next 2 years of the contract extension will be approximately \$1.06 million.

Funding for this contract will be made available from relevant Operational and Capital Works budgets as required over the two year extended term of this contract.

9.2.2 Tender Evaluation Report – Supply of Line Marking and Road Marking Services

FILE NUMBER: SF14/146136

SUMMARY

To consider tenders received for the provision of Line Marking and Road Marking Services and to recommend the acceptance of the tender received from Roadside Services and Solutions Pty Ltd, on a Schedule of Rates basis for a period of 1 year with three 1 year optional extension terms.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Carr

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 14011 for the Supply of Line Marking and Road Marking Services received from Roadside Services and Solutions Pty Ltd (ABN 33 137 851 937), of 10 Jesmond Road, Croydon Victoria 3136 for the estimated cost of \$251,403 on a schedule of rates basis for period of 1 year.***
- 2. Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial one year contract term.***

CARRIED UNANIMOUSLY

BACKGROUND

This Schedule of Rates contract is for the continuing provision of programmed and reactive line marking works including road pavements, car parks, pedestrian crossings and shared paths throughout the municipality in accordance with Council's Road Management Plan.

The tendered contract is a 1 year contract with three 1 year optional extension terms.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 18th June 2014 and were closed on 15th August 2014. Three tenders were received.

The tenders were evaluated using a weighted attribute basis against the following criteria:

- Financial benefit to Council;
- The tenderer's experience in undertaking similar services;
- The capacity to provide services and reliability;
- The quality of work of the tenderer;
- Equal Employment Opportunity; (Pass/Fail)
- Occupational Health and Safety; (Pass/Fail).

Tenderers have submitted unit prices against the full range of line marking and road marking services required by Council. Estimates of the annual cost to Council based on tendered unit prices and estimated workloads have been derived from each of the three tenderers. The tendered unit rates will be subject to a CPI adjustment on each anniversary of the contract.

9.2.2
(cont)

The Tender received from Roadside Services and Solutions Pty Ltd is considered to offer the best value for money to Council for this Contract.

Roadside Services and Solutions Pty Ltd have a proven history of provided high quality line marking services to Council under various contracts. Given the provision of high quality standard service from the tenderer, no further consultation was required.

CONSULTATION

The recommended tenderers business viability satisfies Council's requirements for this contract.

FINANCIAL IMPLICATIONS

	Estimated Budget	Estimated Expenditure
Operational Account No 4030 2097	\$240,236	
Total Budget	\$240,236	
Preferred Tenderers Estimated Contract Cost		\$251,403
Less GST		\$22,855
Total new estimated cost to Council		\$228,548

Note: The Tenderers estimated contract cost represents a sample of the frequently used services within the schedule of rates with quantities applied.

9.3 HUMAN SERVICES

9.3.1 Whitehorse Recreation Strategy

FILE NUMBER: SF14/145802
ATTACHMENTS

SUMMARY

The draft Recreation Strategy (2015 – 2024) has been placed on exhibition for a period of five weeks seeking public submissions. A total of 57 submissions were received. The draft Recreation Strategy has been modified after considering the submissions. This report is seeking Council's endorsement to adopt the final Recreation Strategy.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Massoud

That Council

- 1. Notes the feedback received from the public exhibition (Attachment 5a)***
- 2. Adopt the Recreation Strategy (2015 – 2024) (Attachment 5b)***
- 3. Notify all respondents to the draft Recreation Strategy of Council's decision.***

CARRIED UNANIMOUSLY

BACKGROUND

A draft Recreation Strategy was developed after comprehensive community consultation and industry research. The draft Recreation Strategy provides a strategic framework to support Council to make decisions for recreation and sport for the next ten years. Council resolved on the 23 June 2014 *'that Council endorses the draft Recreation Strategy to be placed on public exhibition for a period of four weeks'*.

The draft Recreation Strategy was placed on public exhibition on Friday 27 June and closed on Monday 4 August 2014 (a total of five weeks).

Public submissions have now been considered and amendments have been made where appropriate. The final Recreation Strategy is now presented to Council for formal adoption.

DISCUSSION

Council received 57 public submissions on the draft Recreation Strategy. This included five submissions from residents, 45 submissions from community groups (including sport clubs, sport associations, schools, recreation / parkland advisory committees) and seven submissions from State Associations / local leagues. The public submissions are summarised and discussed in Attachment 5a. In addition three submissions were received from Council departments.

9.3.1 (cont)

In general, there was broad support from residents, sports clubs, community groups and other stakeholders for the overall intent and directions in the draft Recreation Strategy. The level of comments was varied with some common feedback including:

- Support from non-sport related community groups (eg. parkland advisory groups and City of Whitehorse Bicycle Advisory Committee) on Principle 3 which outlines Council's focus on unstructured (non-sport) recreation opportunities while continuing to support organised sport. Submissions from sport clubs reinforced the benefit of sport and the focus on unstructured recreation opportunities should not be to the detriment of organised sport.
- 30 submissions received seeking a centralised table tennis facility.
- Site specific operational requests from Clubs eg. quality of sports fields, requests for improvement to the site, etc.

The significant interest in table tennis through the public exhibition phase has been recognised in the body of the Recreation Strategy and will be further considered as part of *Action 28 – Melbourne East Regional Sport and Recreation Strategy* (external report). This external report will inform *Action 32 - Indoor Sports Study* (internal report) which will consider the demands of various indoor sports with a particular focus on gymnastics, basketball and table tennis. The challenges with table tennis may include exclusivity (in accommodating at multipurpose facilities), access arrangements and logistical requirements to set up facilities from an Occupational Health and Safety particularly for elderly participants.

The draft Recreation Strategy has now been modified after considering the public submissions. The key changes include:

- Further explanation of some areas of the report including the recreation facilities map on page 15, stronger linkages with Council's Integrated Transport Strategy, clarification of responsible departments and timelines for certain actions and reference to the Domestic Animal Management Plan.
- Commentary on the need expressed through the public exhibition stage for a centralised table tennis facility and inclusion of this sport under Action 32 to undertake a feasibility study to better understand the demands of various indoor sports.
- Review of the Walking School Bus Program.
- Amendment to Action 1 to consider a Principal Pedestrian Network.
- Inclusion of a new Action to review Council's existing Bicycle Strategy.
- Relevant comments from Council Officers.

9.3.1

(cont)

CONSULTATION

The draft Recreation Strategy was placed on exhibition for five weeks and included the following:

- Direct mail out (and reminder email) to Council's database of sport and recreation clubs;
- Three advertisements in the Leader newspaper;
- On hold messages;
- Media Release;
- Available on Council's website;
- Display document at Council's three customer service centres (Nunawading, Forest Hill and Box Hill), Aqualink Box Hill, Aqualink Nunawading, Golf Course, Sportlink, Nunawading Community Centre, Libraries and the Community Arts Centre , and;
- Distribution to the Whitehorse Sports and Recreation Network.

Submissions closed on Monday 4 August 2014. A total of 57 public submissions were received.

FINANCIAL IMPLICATIONS

Thirty thousand dollars was received from the State Government through the Community Facility Funding Program (Planning category) to assist with costs to review Council's Recreation Strategy.

The action plan as modified will cost approximately \$110,000 over the life of the Strategy to implement and is subject to Council annual budget considerations. This estimate of costs does not include additional costs associated with a proposed human resource position, capital works or undertaking further investigation into indoor sports requirements such as gymnastics, basketball and table tennis, investigating a Principal Pedestrian Network or reviewing Council's Bicycle Strategy.

Business cases for these projects that require additional costs will be prepared on a case by case basis and presented to Council as part of Council's annual budget process.

Council Officers will also pursue other relevant funding opportunities from external sources where appropriate.

POLICY IMPLICATIONS

The Recreation Strategy (Attachment 5b) is consistent with the objectives in the Whitehorse Council Vision and the Whitehorse Council Plan. The Recreation Strategy will provide a framework for recreation and sport in Whitehorse until 2024.

9.3.2 Arts & Cultural Strategy

FILE NUMBER: SF 14/146194
ATTACHMENTS

SUMMARY

The draft Arts & Cultural Strategy 2014-2022 outlines the research, consultation and findings that emerged through a review of arts and culture in Whitehorse. Council endorsed a program of consultation on the draft Strategy and this consultation was undertaken from the 27 June until 4 August 2014 (5 weeks) with a total of 17 submissions received some containing multiple points of feedback. The draft Arts & Cultural Strategy has been modified after considering submissions.

COUNCIL RESOLUTION

Moved by Cr Daw, Seconded by Cr Harris

That Council

- 1. Notes the feedback received from the public consultation (Attachment 6a)**
- 2. Adopt the Arts & Cultural Strategy 2014-2022 (Attachment 6b)**
- 3. Notify all respondents to the draft Arts & Cultural Strategy of Council's decision.**

CARRIED

BACKGROUND

The City of Whitehorse has a strong and vibrant arts and cultural heritage. From the home of Australian Impressionism through to today's diverse and engaged arts community it has been an evolution reflecting the changing needs of the city.

The review of arts and culture in Whitehorse was undertaken to achieve a research driven Arts and Cultural Strategy that delivers organisational goals and incorporates the needs of the broader community as well as outcomes that would influence planning across a wide range of Council Departments.

DISCUSSION

Two major themes emerged as priorities for Arts & Cultural in Whitehorse

1. Arts & Cultural Programs and Facilities
2. Community Cultural Development

These two pillars form foundation stones for arts and culture in Whitehorse. The review identifies the importance of arts and culture and a high degree of user satisfaction with arts and culture in Whitehorse.

The key themes identified as part of these two pillars are:

Arts & Cultural Programs and Facilities

- Box Hill Community Arts Centre – the research identified an increasing demand for space and programs that are not always able to be accommodated by the Centre and limited car parking for users. It is recommended that a market analysis and business case for the Centre be conducted to examine its potential growth opportunities.

9.3.2 (cont)

- Box Hill Town Hall – car parking is seen as the biggest challenge that users identified for accessing the Town Hall. It is recommended that in line with the Box Hill Central Activities Area Car Parking Strategy further communication and initiatives that identify parking alternatives for users and promoting the convenience and sustainability of the public transport system.
- Festivals – to review the current festival programming and identify any gaps in service/demographic provision, review the accessibility/capacity of event sites and how to best support community driven festivals so they are managed appropriately with best practice site and safety management.
- Heritage – users of Schwerkolt Cottage and Museum Complex reported a high satisfaction with the facility and service. It was identified that greater community utilisation of the facility be encouraged through a review of its marketing initiatives. It is also recommended that a business case be developed on the future use of Strathdon House.
- Whitehorse Artspace – user feedback was very positive for this service however many people reported the visibility of the Artspace was a major impediment to increasing its community recognition and use. A lack of street presence was identified as the obstacle and improving its street presence recommended.
- Whitehorse Centre – outcomes of the Whitehorse Centre Development Project will inform the future direction of the Whitehorse Centre once identified.

Community Cultural Development

- Urban Improvement – it is recommended there be the ongoing inclusion of public and/or community art into Whitehorse. Installations at the gateways into the city, to the places that people gather to establish a sense of 'place'.
- Economic & Tourism – the role of the arts and artists can play in attracting people to a city is well documented. It is recommended to further explore the economic and tourism benefits of growing the local arts industry for the benefit of the local economy
- Arts Education - there is concern the opportunity to access education based arts experiences is in decline through schools and tertiary institutions. It is recommended to investigate the potential to form greater connections between Council's arts and culture programs and facilities and education institutions.
- Arts Marketing & Communications – the Cultural Facilities and Programs Unit continues to expand its marketing initiatives to ensure maximum exposure and impact to the programs and services offered. Artists identified their skills do not necessarily lie in marketing and communications and an opportunity exists for Council to provide guidance to both professional and community arts organisations to enhance their skill base so their work reaches new audiences.

CONSULTATION

A comprehensive research and community consultation process was undertaken to understand the arts and cultural requirements of the Whitehorse community. Over 5000 people were represented or directly spoken to as part of the extensive community consultation. The research has included a review of Council programs and arts organisations, three tiers of government policies, strategies and reports as well as direct consultation through surveys, workshops and interviews.

9.3.2 (cont)

The consultation included:

- A sample of 501 randomly selected residents via a telephone survey
- Over 200 people participated in meetings, focus groups and/or stakeholder interviews
- Arts, Cultural & Heritage Groups, Community Groups and Artists completed on-line surveys
- Facility User Surveys were conducted
- An online survey was also established on Council's website

Following the completion of the draft Arts & Cultural Strategy, Council at its meeting on the 23 June 2014 endorsed the community consultation plan for the Strategy. Presentation and consultation was undertaken between the 27 June and 4 August and included:

- The draft Strategy posted on Council's website inviting public submissions
- Two community forums were conducted on the 15 July at the Nunawading Civic Centre and on the 23 July at the Box Hill Town Hall
- A community presentation to Elgar Contact was conducted on Tuesday 15 July
- The draft Strategy was distributed to Customer Service Centre's and Council's Cultural Facilities
- Approximately 500 key arts and cultural stakeholders were advised of the community consultation for the Strategy
- Notices were listed in the Whitehorse Leader on the 2 & 23 July
- A presentation was made to the Visual Arts Committee on 16 July
- Council's on-hold message service advised callers in the month of July
- Facebook posts were made on the Whitehorse Centre, Box Hill Community Arts Centre and Festivals sites

Consultation Findings

Council received submissions from both residents and community groups on the draft Strategy and these are summarized in Attachment 6a. The feedback from the community consultation on the value and importance of arts and culture in Whitehorse was very positive and received broad support with only minor changes for wording clarification and referencing of some of community groups within the Strategy. Council Officers also provided feedback on the Strategy. The key themes that emerged focused primarily on the following items;

- The lack of street presence of the Whitehorse Artspace is a significant impediment to its exposure and visitation. It was felt the Artspace is hidden within the Box Hill Town Hall.
- Marketing support of Council programs and community knowledge and training in marketing was identified as important in assisting to promote arts and cultural activities within Whitehorse
- The importance of public and community art in Whitehorse was identified as a great opportunity for further development in the municipality

9.3.2

(cont)

FINANCIAL IMPLICATIONS

Implementation of proposed actions where possible will be covered through recurrent budgets with no further financial implications. Proposed actions beyond current service delivery will be subject to obtaining funding as part of Council's capital and/or recurrent budget processes over the eight years. Council will also seek external funding opportunities as they present to enhance and support arts and cultural facilities and programs.

POLICY IMPLICATIONS

The Whitehorse Arts & Cultural Strategy 2014 -2022 (Attachment 6b) is consistent with the objectives in the Whitehorse Council Vision and the Whitehorse Council Plan. The Arts & Cultural Strategy will provide the framework for arts and culture in Whitehorse for the next eight years.

9.4 CORPORATE SERVICES

9.4.1 Annual Report 2014

FILE NUMBER: SF14/145979
ATTACHMENT

SUMMARY

The Council has given public notice of its intention to discuss the Annual Report for 2013/14 at this Council meeting in accordance with Section 131 and Section 134 of the Local Government Act 1989. It is recommended that the Annual Report incorporating the Financial Statements, Standard Statements and Performance Statement be received.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council having considered the report, as per Section 134 of the Local Government Act 1989, that the Annual Report incorporating the Report on Operations, Annual Financial Statements, Standard Statements and Performance Statement for 2013/14 be received and noted.

CARRIED UNANIMOUSLY

BACKGROUND

The Council is required under Section 134 of the Local Government Act 1989 to meet to discuss the annual report each year. Council gave public notice in The Age on 1 October 2014 and for information purposes in the Whitehorse leader on 6 October 2014, of this meeting to be held to discuss the Annual Report for the year ended 30 June 2014. Council approved the draft Annual Report incorporating the Financial, Standard and Performance statements in principle at its meeting on 18 August 2014 and the draft Annual Report incorporating the Report of Operations in principle at its meeting on 15 September 2014. The Auditor General has supplied the Council with the signed, unqualified opinion on the Financial Statements, Standard Statements and Performance Statement.

The Council was able to forward a copy of the completed Annual Report including the Audited Financial Report the Minister for Local Government by 30 September 2014, in accordance with Section 131 of the Local Government Act 1989.

DISCUSSION

The Council is required under Section 131 of the Local Government Act 1989 to completion annual report each year and forward it to the Minister by 30 September 2014. The Annual report comprises:

- A report on the operations
- Audited annual financial statements
- Audited standard statements
- An audited performance statement.

The Annual Report incorporating, the report of operations the audited financial statements, standard statements and performance statement were required to be certified by Council's Principal Accounting Officer and by two Councillors on behalf of the Council prior to the Council's Auditor signing the Audit Report.

9.4.2 Council Meeting Cycle – January to December 2015

SF: 10/646

SUMMARY

This report is to set the meeting dates for the period January to December 2015. It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting

Week 3 – Council Meeting

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

That:

- 1. The report be received and noted and the Meeting Cycle for the period January to December 2015 as detailed in Appendix A to this report be adopted.***
- 2. Meetings of the Council and Special Committee of Council be held in the Council Chamber, 379 Whitehorse Road, Nunawading, with the exception of the first Ordinary Council meeting of the year Tuesday 27 January 2015 which will be held in the Council Chamber Box Hill Town Hall.***
- 3. Public notice of Council's meeting schedule be given as required by Section 89 (4) of the Local Government Act 1989.***

CARRIED UNANIMOUSLY

BACKGROUND

The Council Meeting Cycle is currently as follows:

Week 1	Week 2	Week 3
6.30pm Strategic Planning Session (not a formal or public meeting)	6.30 - 8.00pm Councillor Briefing Information gathering for briefing on agenda for Council Meeting on Week 3 (not a formal or public meeting) 8.00pm Special Committee of Council Meeting	7.00pm Council Meeting

9.4.2

(cont)

This report is to set meeting dates for the period January to December 2015 as listed in Appendix A to this report.

It is recommended that Council continue with the current meeting cycle which provides for meetings to take place on Monday nights as follows:

Week 1 – Strategic Planning Session

Week 2 – Councillor Briefing and Special Committee Meeting

Week 3 – Council Meeting

- Meetings will take place on Monday nights in a four weekly cycle, with Week 4 (and Week 5 in those months with a fifth Monday) being a meeting free night. Where Monday is a public holiday the meeting will take place on the Tuesday night immediately following.
- During January 2015 the Councillor Briefing will be at Week 3 and the Council Meeting will be at Week 4 on the Tuesday
- The meeting cycle has been adjusted in June due to the Australian Local Governance Association National General Assembly being scheduled for 14-17 June 2015; and in November due to Melbourne Cup Day.
- During October 2015 Meeting to Elect the Mayor for 2015-2016 Mayoral year will be held Week 4 (on the Monday)
- During December 2015 the Councillor Briefing will be held Week 1 and the Council Meeting will be held Week 2.
- Strategic Planning Sessions will be held from February to November 2015 inclusive
- Special Committee of Council meetings will be held from February to November 2015 inclusive.
- All meetings will be conducted in accordance with the Charters and Council's Meeting Procedure and Common Seal Local Law 2013.

CONSULTATION

Councillors are familiar with the meeting cycle, structure and Council meeting processes.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

9.4.2
(cont)



PUBLIC MEETING CYCLE 2015

January		July	
*Ordinary Council Meeting	27 (Tues)	Special Committee	13
		Ordinary Council Meeting	20
February		August	
Special Committee	9	Special Committee	10
Ordinary Council Meeting	16	Ordinary Council Meeting	17
March		September	
Special Committee	10 (Tues)	Special Committee	14
Ordinary Council Meeting	16	Ordinary Council Meeting	21
April		October	
Special Committee	13	Special Committee	12
Ordinary Council Meeting	20	Ordinary Council Meeting	19
		Special Statutory Council meeting to Elect Mayor	26
May		November	
Special Committee	11	Special Committee	16
Ordinary Council Meeting	18	Ordinary Council Meeting	23
June		December	
Special Committee	9 (Tues)	Ordinary Council Meeting	14
Ordinary Council Meeting ¹	22		

Additional meetings may be called as required and will be advertised in local newspapers when possible and/or by notice on the public noticeboards at Civic Offices.

- All meetings to be held in the Council Chamber, Whitehorse Civic Centre, 379 Whitehorse Rd, Nunawading with the *exception of the meeting scheduled for Tuesday 27 January 2015, which will be held in the Council Chamber, Box Hill Town Hall
- Council Meetings commence at 7.00pm unless otherwise advised.
- Special Committee of Council Meetings commence at 8.00pm unless otherwise advised.
- All meetings open to the public, unless Council resolves to close the meeting to the public to consider an item 'in camera'.
- All these meetings are subject to change as necessary, changes to the meeting cycle will be advised by public notice as appropriate.

¹ Meeting schedule adjusted due to ALGA national conference scheduled 14-17 June 2015

9.4.3 Revoking of S11A Instrument of Appointment and Authorisation (planning and Environment Act 1987)

[FILE NUMBER: 10/119902](#)

SUMMARY

The purpose of this report is to recommend revoking an Officers S11A Appointment and Authorisation under the Planning and Environment Act 1987.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Daw

That the attached Instrument of Appointment and Authorisation (Planning and Environment Act 1987) to Arborist Shannon Brown be revoked and sealed.

CARRIED UNANIMOUSLY

BACKGROUND

On 19 September 2011, an S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) was presented to Council, allowing Council officers to conduct their normal business in relation to enforcement of the *Planning and Environment Act 1987* and to act and commence proceedings in Council's name.

Arborist, Shannon Brown has now however left Whitehorse City Council and his S11A Instrument of Appointment and Authorisation should now be formally revoked.

CONSULTATION

Relevant staff including Acting General Manager City Development and Acting Manager Planning and Building were consulted during the preparation of the proposed Instrument of Revocation of Appointment of Authorisation.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

There are no policy implications.

9.4.3
(cont)

WHITEHORSE CITY COUNCIL

**Instrument of Revocation of an Authorised Officer
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

SHANNON BROWN
Planning Arborist

with immediate effect, revoke the authorisation to the following Officer:

By this instrument of Whitehorse City Council:

1. under section 147(4) of the *Planning and Environment Act 1987* - revoke the authorisation of the officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* revoke the authorisation of the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument:

- (a) comes into force immediately upon its execution;

This Instrument of Revocation is authorised by a resolution of the Whitehorse City Council on 20 October 2014

THE COMMON SEAL of the
WHITEHORSE CITY COUNCIL
was hereunto affixed this
day of October 2014
in the presence of:

NOELENE DUFF
CHIEF EXECUTIVE OFFICER

9.4.4 Audit Advisory Committee – Reappointment of Independent Member

FILE NUMBER: SF08/319

SUMMARY

Council appointed Mr Greg Hollyman as the independent person on the Audit Advisory Committee for the term from 1 July 2011 to 30 August 2014, with performance based options for extension of three plus three years. It is recommended that Council re-appoint Mr Greg Hollyman to the position.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Davenport

That Council:

- 1. Reappoint Mr Greg Hollyman as the independent person on the Audit Advisory Committee for the term from 1 September 2014 to 30 August 2017.**
- 2. Approve remuneration of \$1,400 per meeting for a maximum of five meetings per annum.**

CARRIED UNANIMOUSLY

BACKGROUND

Under the terms of the *Audit Advisory Committee Charter 2013*, independent members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, for a further two, three year terms after a review of their performance.

Mr Greg Hollyman, the current independent member of the Audit Advisory Committee completed his first three-year term on 30 August 2014 and expressed interest in serving a second three-year term.

DISCUSSION

The Chair of the Audit Advisory Committee, Mr Michael Said, invited comments back from each of the Councillor representatives on the Audit Advisory Committee in relation to Mr Hollyman's performance, as well as any qualitative comments, using the Institute of Internal Auditors Public Sector Guide 2014 below, considered an authoritative and independent forum for guidance.

Exhibit 6: The Chair's Assessment of Individual Members

Did the audit committee member:

1. Regularly attend meetings (with valid and, ideally, reasonable preapproved absences only)?
2. Demonstrate a thorough understanding of the organization's statutory objectives and activities?
3. Demonstrate a high level of understanding of the audit committee's role, obligations, and responsibilities?
4. Conduct himself or herself in a professional statesmanlike manner (with a professional presence demonstrated in dealings with internal and external stakeholders)?
5. Contribute to the overall credibility of the committee through the manner in which he or she operated and interacted?

9.4.4
(cont)

6. Consistently demonstrate an independence of mind and objectivity?
7. Challenge the status quo by being prepared to take difficult but constructive positions at meetings, where required?
8. Demonstrate a well-rounded understanding of the organization's risk management and compliance arrangements and the associated internal control framework?
9. Demonstrate an ability to strike at the heart of a problem and offer practical solutions through a well-considered and well-informed analytical approach?
10. Consistently prepare for audit committee meetings with this demonstrated in the quality of his or her participation?

Both Councillors responded positively to each of the 10 questions and supported Mr Hollyman's re-appointment. The Chair also supported Mr Hollyman's re-appointment, believing that he satisfies each of the criteria to a very high degree. Mr Hollyman is considered to be a strong contributor to audit committee discussions; his professional audit instincts and style of communication and presentation of discussion points contributes to the success of the workings of the Audit Advisory Committee.

CONSULTATION

The review process was conducted by the Chair of the Audit Advisory Committee, in consultation with members of the Audit Advisory Committee.

FINANCIAL IMPLICATIONS

Remuneration for an independent member of the Audit Advisory Committee has previously been approved at \$1,400 per meeting (for 5 meetings) or \$7,000 per annum.

A benchmarking exercise of remuneration costs for independent Audit Advisory Committee members was conducted in June 2013 covering seven inner metropolitan Melbourne Councils. The results were as follows:

	Independent Member \$ per mtg
Average Council	\$1,270
Highest Council	\$1,440
Whitehorse	\$1,400

Accordingly, it is recommended that Whitehorse continue to remunerate the independent member at \$1,400 per meeting.

9.4.5 Proposed Discontinuance & Sale at the rear of 9 to 15 Goodwood Street and 31 to 37 Boisdale Street, Surrey Hills

FILE NUMBER 52/07/120
ATTACHMENTS

SUMMARY

To consider the proposed discontinuance and sale of the right of way (road) at the rear of 9 to 15 Goodwood Street and 31 to 37 Boisdale Street, Surrey Hills, including the consideration of submissions received under section 223 of the Local Government Act 1989.

The report recommends that the road be discontinued and sold to the abutting property owners by private treaty. The section of road proposed to be discontinued is shown hatched on plan A below.

RECOMMENDATION

That Council having:

- a) Considered all written submissions;***
- b) Heard the presentations of submissions at the Special Committee meeting on 13 October 2014;***
- c) Received the report of the Special Committee minutes (Refer to Attachment 8a) of its meeting held on 13 October 2014;***
- d) Considered the petition (Refer to Item 7.1- Petitions)***
- e) Considered officer comments (Refer to Attachment 8b), and***

Being of the opinion that the road shown hatched on the below Plan A and situated at the rear of 9 to 15 Goodwood Street and 31 to 37 Boisdale Street, Surrey Hills, is not reasonably required as a road for public use:

- 1. Discontinues the road in accordance with section 206 and schedule 10, clause 3 of the Local Government Act 1989;***
- 2. Directs that a notice be published in the Victoria Government Gazette;***
- 3. Directs that the land from the road be sold by private treaty to the abutting property owners in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy;***
- 4. Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water Corporation in the road in connection with any sewers, drains or pipes under the control of that Authority in or near the road;***
- 5. Authorises the Chief Executive Officer to sign all documents relating to the sale of any land from the discontinued road to the abutting land owners; and***
- 6. Thank each person who made a submission and the petitioners and advise them of Council's decision and the reasons for the decision.***

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Stennett

That this Item be deferred to the Ordinary Council Meeting 24 November 2014.

CARRIED

9.4.5

(cont)

BACKGROUND

On 18 August 2014, Council resolved that the statutory procedures be commenced for the proposed discontinuance and sale of the section of road shown hatched on the attached plan A.

As previously reported a recent inspection has confirmed that the single hatched section of unconstructed road as shown on Plan A is enclosed within four (4) adjoining properties.

Based on a physical inspection of the land and the presence of a number of significant trees upon the land, the occupation by the four adjoining owners appears to have prevailed for a considerable period of time.

The written responses to the preliminary questionnaires completed by each of the owners of the four properties occupying the road indicated occupation of the road ranging from more than 30 years to more than 70 years.

The previous owners of two of the properties that are in occupation of the land have provided statutory declarations supporting the above mentioned time spans of occupation.

Two land surveys undertaken by qualified land surveyors in the 1970s confirm that three of the occupying properties have been in occupation of the road since the 1970s.

Based on all the information available the occupation of the land by three of the abutting properties appears to be well in excess of 40 years and potentially up to 70 years.

One of the properties appears to have had occupation for at least 23 years and most likely in excess of 30 years.

Accordingly, the hatched section of road on Plan A appears to be no longer used for vehicular or pedestrian access.

The remainder of the road is however used for vehicular access by several properties and accordingly is not included within the proposal.

The road is contained in two separate titles dating back to 1887 and is registered in the names of the original subdividers of the surrounding area.

As with most roads within the municipality, Council is not the registered proprietor of the titles containing the road.

Accordingly, as the titles are not in Council's name, the land is not protected from adverse possession claims under the *Limitations of Actions Act 1958*.

CONSULTATION

In order to confirm the occupation, ascertain abutting property owners' support or otherwise for the proposed road discontinuance and occupiers' interest or otherwise in acquiring the land, preliminary consultation occurred with property owners directly abutting the occupied section of road.

During the preliminary consultation none of the abutting property owners objected to the proposed discontinuance. One of the abutting property owners initially indicated support of the proposal; however, has subsequently signed a petition opposing the proposed road discontinuance.

9.4.5 (cont)

Three of the four occupiers have expressed interest in purchasing the land and have signed conditional Letters of Offer to purchase the land from the road, if discontinued in accordance with the *Local Government Act 1989*.

Upon completion of the statutory procedures prescribed with the *Local Government Act 1989*, the land from the road is proposed to be sold in accordance with the purchase prices applicable under Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

Plan A below shows the section of road proposed for discontinuance, as shown hatched.

Plan B below shows the proposed allocation of the land if sold.

Plan C below shows the location of persons in road support and opposition to the proposed road discontinuance.

In accordance with Section 223 of the *Local Government Act 1989* a Public Notice of the proposed discontinuance and sale was given in The Age newspaper on Wednesday 27 August, 2014 and was also published on Council's website in accordance with Section 82A of the *Local Government Act 1989*.

In addition the owners and occupiers of all properties abutting the entire length of the road were notified in writing.

Submissions regarding the proposal were required to be received by Wednesday 24 September 2014 for consideration by Council's Special Committee at its meeting held on Monday 13 October 2014.

DISCUSSION

Public submissions

The following 2 written submissions were received:

	Name	Location	Issues Raised
1	Mr. David Knowles	Surrey Hills	Against proposal and wishes for land to remain under Council's control.
2	Mr. M Krebs & Ms. H Newitt	Surrey Hills	Support proposal and wish to purchase land.

Details of the submissions received are contained in Attachment 8a.

Mr. David Knowles spoke to his submission at the Special Committee meeting held on Monday 13 October 2014.

A summary of the submissions with Council Officer's comments of the submissions is contained within Attachment 8b.

9.4.5

(cont)

Petition

A petition was received by Council on 6 October 2014, and is listed on the Council's agenda (20 October 2014) refer to Item 7.1 - Petitions.

The petition has 19 signatures from 12 properties requesting Council:

- *Not to proceed with the proposed sale.*
- *Make the unmade right of way (road) between Boisdale and Elwood Streets a right of way, removing any obstacles or impediments*
- *To develop a policy on the access, the security and environmental use of Laneways, recognizing their historical character.*

Plan C below shows the location of persons supporting the proposed road discontinuance, as colored green, and those opposing the proposal as colored red. The location of the two properties whose owners made Section 223 submissions are marked with a red asterisk.

Council and the all relevant service authorities have been consulted in respect to the proposal and no objections have been received from such authorities.

Yarra Valley Water Corporation has a sewer within part of the road and requires an easement to be 'saved' over this asset upon discontinuance of the road.

Council currently does not have any assets located within the road but will require an easement for drainage purposes to be 'created' over this land to allow for the installation of a drain at a future date. .

The creation of a drainage easement will facilitate the properties at 9, 11, 13, and 15 Goodwood Street being able to have a legal point of discharge for storm water, which is a requirement when undertaking any future building works.

The single hatched section of road as shown on Plan A has been occupied by the abutting properties for substantially longer than the required fifteen (15) years before adverse possession rights accrue over the land.

Additionally, the occupation of the road also appears to have exceeded the required 30 years before the road status of the land extinguishes under the law of adverse possession.

Given the above mentioned circumstances Council can form the opinion that the road is no longer reasonably required for use by the public and as such resolve to discontinue the road and sell the land to adjoining property owners in accordance with its policy.

FINANCIAL IMPLICATIONS

Gross proceeds from the proposed sale of three of the allotments of land will be \$35,000 inclusive of GST.

After expenses, the net proceeds to Council will be approximately \$23,100 inclusive of GST. There is potential to sell the fourth allotment at a future date.

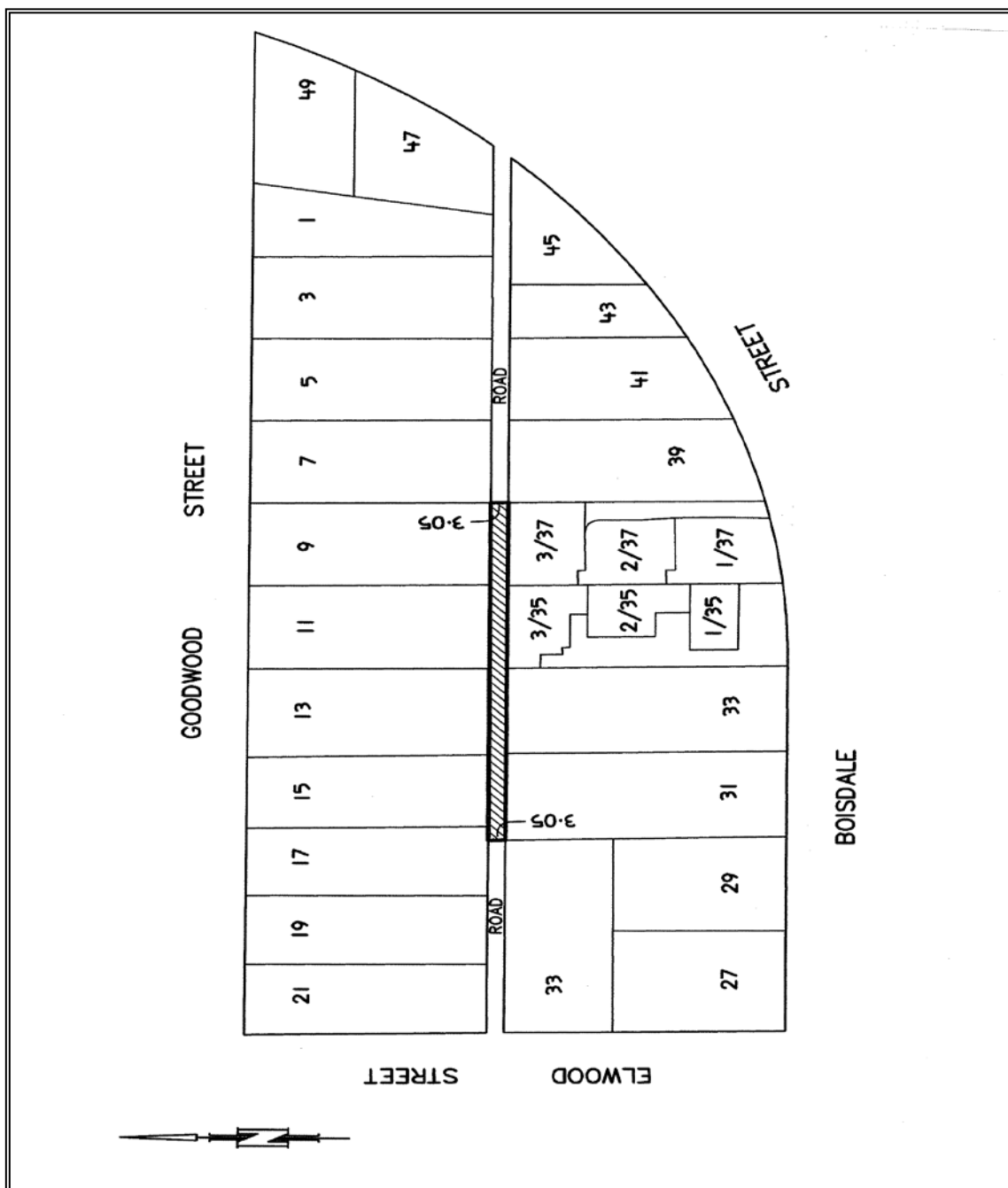
The gross proceeds excluding GST will be credited to the Open Space Fund in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

POLICY IMPLICATIONS

The recommendations are in accordance with Council's "Discontinuance and Sale of Unnecessary Roads and Reserves" policy.

9.4.5
(cont)

PLAN A



PLAN B



9.4.5
(cont)

PLAN C

Overview of support and opposition to the proposed road discontinuance



9.4.6 Supplementary Valuation Quarterly Return: July to September 2014

FILE NUMBER: SF14/549

SUMMARY

This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations in this return are effective from 01 July 2014. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Daw

That Council:

- 1. Note and accept the supplementary valuations undertaken during the period commencing 01 July to 30 September 2014.***
- 2. Authorise the rate records being adjusted to take account of the supplementary valuations returned.***

CARRIED UNANIMOUSLY

BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 19 August 2013 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 July 2014 to 30 September 2014.

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

Additionally, supplementary valuations are primarily due to construction, subdivision and/or planning activities. The majority of supplementary valuations are completed between July and August; this is so the amended valuation base resulting from the supplementary valuations are displayed on Council's annual valuation and rate notices.

Seven supplementary valuation batches were completed between 01 July 2014 and 30 September 2014. Refer Table #1

Table # 1: Supplementary Valuation Batches completed between 01 July and 30 September

Supplementary Valuation Reference (Batch #)	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
WH14.01	48	\$80,970,500	\$87,487,500	\$4,685,175
WH14.02	423	\$229,695,000	\$317,675,000	\$15,883,750
WH14.03	167	\$15,840,000	\$77,290,000	\$3,864,650
WH14.04	575	\$71,015,000	\$224,835,000	\$11,241,750
WH14.05	371	\$69,065,000	\$177,130,000	\$8,856,500
WH14.06	254	\$105,570,800	\$199,003,000	\$12,415,925
WH14.07	128	\$23,823,500	\$47,329,500	\$2,720,025
Supplementary Valuations Total	1,966	\$595,979,800	\$1,130,750,000	\$59,667,775

NB: supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports.

9.4.6 (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 change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of \$475,347,500. This change in CIV has generated an additional \$968,641 of supplementary rate income.

It is important to note that the supplementary rate income of \$968,641 is abnormally high and reflects the strong property market.

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 July 2014

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	68,279	\$32,356,402,701	\$47,150,652,501	\$2,473,802,626
Non Rateable	1,099	\$2,459,264,500	\$2,862,802,000	\$166,498,050
<i>Municipal Total</i>	<i>69,378</i>	<i>\$34,815,667,201</i>	<i>\$50,013,454,501</i>	<i>\$2,640,300,676</i>

Table#3 Change to valuation totals due to supplementary valuations from 01 July 2014 to 30 September 2014

<i>Supplementary Valuations</i>	<i>Assessments within Supplementary Valuation Batches</i>	<i>Change to Site Value</i>	<i>Change to CIV</i>	<i>Change to NAV</i>
	1,966	\$25,800,200	\$475,347,500	\$24,658,900

Table #4: Valuation Totals as at 30 September 2014

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	69,215	\$32,386,434,301	\$47,634,042,001	\$2,498,867,026
New Non Rateable	1,091	\$2,455,033,000	\$2,854,760,000	\$166,092,550
<i>New Municipal Total</i>	<i>70,306</i>	<i>\$34,841,467,401</i>	<i>\$50,488,802,001</i>	<i>\$2,664,959,576</i>

9.4.7 Delegated Decisions - August 2014

FILE NUMBER: SF 13/1527

SUMMARY

The following activity was undertaken by officers under delegated authority during August 2014.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Carr

That the report of decisions made by officers under Instruments of Delegation for the month of August 2014 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for August 2013	Number for August 2014
Planning and Environment Act 1987	- Delegated decisions	99	95
	- Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		21	22
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & applications to Building Control Commission	46	49
Liquor Control Reform Act 1998	Objections and prosecutions.	Nil	1
Food Act 1984	Food Act orders	1	1
Public Health & Wellbeing Act 2008	Improvement / prohibition notices	1	Nil
Local Government Act 1989	Temporary road closures	9	8
Other delegations	CEO signed contracts between \$100,000 - \$500,000	2	Nil
	Property Sales and leases	5	Nil
	Documents to which Council seal affixed	4	1
	Vendor Payments	1,302	1060
	Parking Amendments	11	8
	Parking Infringements written off (not able to be collected)	203	185

Details of each delegation are outlined on the following pages.

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS AUGUST 2014

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
271	29-08-14	Delegate Approval - S72 Amendment	171 Blackburn Rd, Blackburn South	Central	Amendment to Planning Permit WH/2011/271 (issued for the construction of two (2) double storey dwellings) for alteration of landscape plan	Permit Amendment
437	20-08-14	Delegate Approval - S72 Amendment	238 Burwood Hwy, Burwood	Riversdale	Amendment to Planning Permit WH/2013/437 (issued for the construction of three (3) double storey dwellings and alteration to access to a road in a Road Zone, Category 1) for minor alterations	Permit Amendment
23	19-08-14	Delegate NOD Issued	6 Donald St, Blackburn South	Central	Construction of three (3) double storey dwellings	Multiple Dwellings
74	18-08-14	Delegate NOD Issued	15 Warnes Rd, Mitcham	Springfield	Construction of three double-storey dwellings	Multiple Dwellings
93	21-08-14	Delegate NOD Issued	4 Andrews St, Burwood	Riversdale	Construction of two dwellings comprising of double storey dwelling to rear of existing	Multiple Dwellings
117	28-08-14	Delegate NOD Issued	22 Banksia St, Blackburn	Central	Construction two (2) double storey dwellings	Multiple Dwellings
160	25-08-14	Delegate NOD Issued	8 Haydn St, Blackburn	Central	Buildings and works for the construction of one (1) single storey dwelling and removal of three (3) trees	Special Building Overlay
187	21-08-14	Delegate NOD Issued	58 Lenna St, Burwood East	Riversdale	Construction two semi attached double storey dwellings.	Multiple Dwellings
225	28-08-14	Delegate NOD Issued	975 Station St, Box Hill North	Elgar	Construction two double storey dwellings and alteration of access to a Road Zone, category 1	Multiple Dwellings
233	25-08-14	Delegate NOD Issued	7 Elmhurst Rd, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings
235	15-08-14	Delegate NOD Issued	42 Eley Rd, Burwood	Riversdale	Construction of three double storey dwellings and building and works to construct a front fence within a Special Building Overlay	Multiple Dwellings
248	20-08-14	Delegate NOD Issued	4 Milne St, Mitcham	Springfield	Construction of three single storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
261	29-08-14	Delegate NOD Issued	44 Springfield Rd, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
264	15-08-14	Delegate NOD Issued	108 Morack Rd, Vermont South	Morack	Subdivision of land into three lots	Subdivision
265	29-08-14	Delegate NOD Issued	83 Pakenham St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
284	28-08-14	Delegate NOD Issued	1 Harrison St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
304	29-08-14	Delegate NOD Issued	30 Tiller St, Burwood East	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
371	29-08-14	Delegate NOD Issued	16 Paul Rd, Forest Hill	Morack	Construction of two double storey dwellings (side-by-side)	Multiple Dwellings
696	20-08-14	Delegate NOD Issued	9 Woodhouse Grv, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Multiple Dwellings
819	28-08-14	Delegate NOD Issued	1 Gee Crt, Nunawading	Springfield	Construction of four dwellings on a lot	Multiple Dwellings
835	21-08-14	Delegate NOD Issued	7 Leach Ave, Box Hill North	Elgar	Construct three double storey dwellings	Multiple Dwellings
965	15-08-14	Delegate NOD Issued	125 Brunswick Rd, Mitcham	Springfield	Construction of three dwellings comprising two double storey & one single storey dwellings	Multiple Dwellings
972	20-08-14	Delegate NOD Issued	8 Newman Rd, Nunawading	Springfield	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
9	14-08-14	Delegate Permit Issued	667 Whitehorse Rd, Mitcham	Springfield	Construction of four double storey dwellings	Multiple Dwellings
12	29-08-14	Delegate Permit Issued	28 Orchard Grv, Blackburn South	Central	Three (3) lot subdivision	Subdivision
45	28-08-14	Delegate Permit Issued	84 Thames St, Box Hill North	Elgar	Construction of eight double storey dwellings	Multiple Dwellings
52	14-08-14	Delegate Permit Issued	62 Laurel Grv, SouthBlackburn	Central	Buildings and works for the construction of an extension to the existing dwelling and remove five (5) trees	Special Landscape Area
55	28-08-14	Delegate Permit Issued	35 Nymph St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
84	13-08-14	Delegate Permit Issued	382 Elgar Rd, Box Hill	Elgar	Construction of a double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
111	29-08-14	Delegate Permit Issued	8 Fulton Rd, Blackburn South	Riversdale	Construction two double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
154	29-08-14	Delegate Permit Issued	471 Middleborough Rd, Box Hill North	Elgar	Construction of three double storey dwellings and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
173	29-08-14	Delegate Permit Issued	2 Walter St, Mitcham	Springfield	Amendment to Planning Permit WH/2012/173 (issued for development of two dwellings, comprising a new double storey dwelling to the rear of the existing dwelling) to alter and extend the approved rear dwelling	Permit Amendment
287	29-08-14	Delegate Permit Issued	40 Eram Rd, Box Hill North	Elgar	Construction of a single storey dwelling at the rear of an existing dwelling.	Multiple Dwellings
296	12-08-14	Delegate Permit Issued	5 Valency Crt, Mitcham	Springfield	Construction of two dwellings, comprising of a double storey dwelling at the rear of the existing dwelling	Multiple Dwellings
306	28-08-14	Delegate Permit Issued	79 Warrigal Rd, Surrey Hills	Riversdale	Partial demolition, alterations and additions to the existing dwelling and outbuildings (Preamble for Notice: Partial demolition and additions to the existing dwelling)	Heritage
316	28-08-14	Delegate Permit Issued	403 Highbury Rd, Burwood	Riversdale	Construction of two double storey dwellings	Permit Amendment
342	29-08-14	Delegate Permit Issued	18 Hiddleston Ave, Box Hill South	Riversdale	Construction of five double storey dwellings, each containing no more than two bedrooms	Multiple Dwellings
404	29-08-14	Delegate Permit Issued	1D McGlone St, Mitcham	Springfield	Use existing premises for warehouse with car parking reduction	Industrial
406	29-08-14	Delegate Permit Issued	37 Bass St, Box Hill	Elgar	Building and works (for additions and alterations to an existing dwelling)	Neighbourhood Character Overlay
429	14-08-14	Delegate Permit Issued	2A Clifford Crt, Forest Hill	Springfield	Development of a double storey dwelling at the rear of the existing single storey dwelling	Permit Amendment
431	29-08-14	Delegate Permit Issued	19 Masons Rd, Blackburn	Central	Remove two (2) trees	Special Landscape Area
450	15-08-14	Delegate Permit Issued	8 Kipling Crt, Burwood East	Morack	Construction of two (2) double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
454	26-08-14	Delegate Permit Issued	20 Johnston St, Burwood	Riversdale	Four (4) lot subdivision	Subdivision
465	29-08-14	Delegate Permit Issued	68C South Pde, Blackburn	Central	Reduction in car parking requirement for a medical centre (massage and acupuncture)	Business
543	29-08-14	Delegate Permit Issued	2A Wellington Ave, Blackburn	Central	Removal of one (1) tree	Special Landscape Area
605	15-08-14	Delegate Permit Issued	24 Churchill St, Mont Albert	Elgar	Alterations and additions to the existing dwelling, demolition of out buildings, construction of a vehicle crossover, double storey outbuilding, pool and associated pergola	Permit Amendment
610	29-08-14	Delegate Permit Issued	11 Gumleaf Ln, Mitcham	Springfield	Lopping of two (2) trees	Vegetation Protection Overlay
614	08-08-14	Delegate Permit Issued	2 Fortune St, Box Hill North	Elgar	Construction of four double storey dwellings	Multiple Dwellings
621	25-08-14	Delegate Permit Issued	2 Warwick St, Box Hill North	Elgar	2 lots subdivision	Subdivision
627	14-08-14	Delegate Permit Issued	1A Elva Crt, Mitcham	Springfield	Construction of one double storey dwelling	Single Dwelling < 300m2
664	19-08-14	Delegate Permit Issued	14 Drummond St, Blackburn South	Central	Removal of two (2) trees	Special Landscape Area
669	29-08-14	Delegate Permit Issued	15 Leopold Cres, Mont Albert	Elgar	Construction of a double storey dwelling to the rear of an existing dwelling	Multiple Dwellings
681	19-08-14	Delegate Permit Issued	69 Junction Rd, Nunawading	Springfield	Two (2) lot subdivision	Subdivision
682	19-08-14	Delegate Permit Issued	46 Maple St, Blackburn	Central	Two (2) lot subdivision	Subdivision
684	19-08-14	Delegate Permit Issued	49 Wellman St, Box Hill South	Riversdale	Three (3) lot subdivision	Subdivision
700	27-08-14	Delegate Permit Issued	761 Station St, Box Hill North	Elgar	Amendment to Planning Permit WH/2012/700 (issued for construction of six attached three storey dwellings) to raise dwelling heights and floor levels	Permit Amendment
709	19-08-14	Delegate Permit Issued	166 Springfield Rd, Blackburn	Central	Two (2) lot subdivision	Subdivision
730	25-08-14	Delegate Permit Issued	7 Ray Rd, Burwood East	Morack	2 lots subdivision	Subdivision
731	28-08-14	Delegate Permit Issued	1 Olympic Crt, Forest Hill	Central	Two (2) lot subdivision	Subdivision

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
732	18-08-14	Delegate Permit Issued	12 Wilton St, Blackburn North	Central	Two (2) lot subdivision	Subdivision
735	18-08-14	Delegate Permit Issued	21 Closter Ave, Nunawading	Springfield	Two (2) lot subdivision	Subdivision
739	28-08-14	Delegate Permit Issued	131 Dorking Rd, Box Hill North	Elgar	Two (2) lot subdivision	Subdivision
751	20-08-14	Delegate Permit Issued	30 Citriodora Wlk, Vermont South	Morack	Buildings and works to replace the existing carport and pergola, and to construct a garden shed	Residential (Other)
766	26-08-14	Delegate Permit Issued	1 Norway Ave, Blackburn	Central	Development of three double storey dwellings	Multiple Dwellings
789	28-08-14	Delegate Permit Issued	11 Mitchell St, Blackburn North	Central	2 lot subdivision	Subdivision
795	18-08-14	Delegate Permit Issued	11-23 McIntyre St, Burwood	Riversdale	Display one (1) internally illuminated business identification sign	Industrial
798	05-08-14	Delegate Permit Issued	213-243 Burwood Hwy, Burwood	Riversdale	Use of land to sell and consume liquor	Liquor Licence
808	19-08-14	Delegate Permit Issued	1C Faulkner St, Blackburn South	Central	Construction of a verandah	Residential (Other)
818	08-08-14	Delegate Permit Issued	25 Blackburn Rd, Blackburn	Central	Construction of a double storey apartment building comprising six dwellings	Multiple Dwellings
824	14-08-14	Delegate Permit Issued	545-563 Station St, Box Hill	Elgar	Real estate advertising on construction hoarding fencing	Advertising Sign
830	19-08-14	Delegate Permit Issued	111-125 Whitehorse Rd, Blackburn	Central	Display of two (2) internally illuminated signs	Advertising Sign
843	29-08-14	Delegate Permit Issued	55 Mitta St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
857	22-08-14	Delegate Permit Issued	77 Doncaster East Rd, Mitcham	Springfield	Construction of six (6) double storey dwellings	Multiple Dwellings
861	15-08-14	Delegate Permit Issued	137 Burwood Hwy, Burwood	Riversdale	Construction of a three storey apartment building, plus basement, comprising 11 dwellings, car parking reduction and alteration of access to a road in a Road Zone, Category 1.	Multiple Dwellings
901	15-08-14	Delegate Permit Issued	7 Horfield Ave, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
911	15-08-14	Delegate Permit Issued	4 Milford Ave, Burwood	Riversdale	To construct a three storey apartment building comprising 10 dwellings and incorporating basement car pack	Multiple Dwellings
926	20-08-14	Delegate Permit Issued	1 McKean St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
936	15-08-14	Delegate Permit Issued	156 Elgar Rd, Box Hill South	Riversdale	Construction of a five storey building with basement for 21 dwellings and a convenience shop, reduction in car parking, waiver of loading bay and alteration of access to a road in a Road Zone Category 1	Business
973	28-08-14	Delegate Permit Issued	362 Burwood Hwy, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
981	26-08-14	Delegate Permit Issued	14 Simpsons Rd, Box Hill	Elgar	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
34	13-08-14	Delegate Refusal Issued	71 Alwyn St, Mitcham	Springfield	Construct three (3) double storey dwellings	Multiple Dwellings
46	12-08-14	Delegate Refusal Issued	31 Bridgeford Ave, Blackburn North	Central	Construction of two (2) new double storey dwellings (side by side)	Multiple Dwellings
177	19-08-14	Delegate Refusal Issued	36 Canterbury Rd, Blackburn South	Central	Development of land for two dwellings	Multiple Dwellings
213	18-08-14	Delegate Refusal Issued	8 Albion Rd, Box Hill	Elgar	Construction of 6 dwellings and reduce the visitor car parking requirement	Residential (Other)
456	28-08-14	Delegate Refusal Issued	6 James Ave, Mitcham	Springfield	Construction three double storey dwellings	Multiple Dwellings
785	19-08-14	Delegate Refusal Issued	21 Jeffery St, Blackburn	Central	Alterations and additions to extend the existing dwelling (including construction of a deck and carport)	Special Building Overlay
460	08-08-14	No Permit Required	17 Blackburn Rd, Blackburn	Central	Display of one (1) internally illuminated sign	Business
609	20-08-14	No Permit Required	307 Station St, Box Hill South	Riversdale	Construct a front fence	Residential (Other)
668	21-08-14	No Permit Required	10 Boongarry Ave, Blackburn	Central	Remove one (1) tree	Special Landscape Area
758	25-08-14	No Permit Required	16/231-239 Canterbury Rd, Blackburn	Central	Lopping of one tree	Native Vegetation Removal

Appl. No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
866	15-08-14	No Permit Required	420 Elgar Rd, Box Hill	Elgar	Amendment to permit to extend operating hours for existing medical centre	Permit Amendment
318	01-08-14	Withdrawn	20 Sydenham Ln, Surrey Hills	Elgar	Development of four new double storey detached townhouses	Multiple Dwellings
712	29-08-14	Withdrawn	519 Mitcham Rd, Vermont	Springfield	Construction of two dwellings on a lot (comprising of one double storey dwelling and one single storey dwelling)	Permit Amendment
765	14-08-14	Withdrawn	Shop G 11/172-210 Burwood Hwy, Burwood East	Riversdale	Display of one business identification sign	Business
1035	29-08-14	Withdrawn	38 Second Ave, Box Hill North	Elgar	Construction of two double storey dwellings	Permit Amendment

BUILDING DISPENSATIONS/APPLICATIONS AUGUST 2014

Address	Date	Ward	Result
10 Primrose Street, Blackburn North	22-08-14	Central	Granted R414
16 Malabar Road, Blackburn	11-08-14	Central	Granted R409
2 Laburnum Street, Blackburn	04-08-14	Central	Granted R604
2A Laburnum Street, Blackburn	04-08-14	Central	Granted R604
38 Indra Road, Blackburn South	13-08-14	Central	Granted R409 R415
8 Deane Street, Blackburn North	18-08-14	Central	Granted R409
216 Blackburn Road, Blackburn North	14-08-14	Central	Refused R409
87 Main Street, Blackburn	21-08-14	Central	Refused R424
9 Orana Street, Blackburn	06-08-14	Central	Refused R409
11 Perth Street, Blackburn South	08-08-14	Central	Expired R415
12 Carson Avenue, Mont Albert	04-08-14	Elgar	Granted R427
366 Mont Albert Road, Mont Albert	04-08-14	Elgar	Granted R424
47 Valda Avenue, Mont Albert North	18-08-14	Elgar	Granted R415
5 Zetland Road, Mont Albert	05-08-14	Elgar	Granted R414
532-542 Station Street, Mont Albert North	12-08-14	Elgar	Granted R604
6 Barbara Street, Mont Albert North	29-08-14	Elgar	Granted R414
71 McKean Street, Box Hill North	29-08-14	Elgar	Granted R419
2 St Johns Avenue, Mont Albert	12-08-14	Elgar	Refused R409
71 McKean Street, Box Hill North	21-08-14	Elgar	Refused R415
1 Main Street, Box Hill	08-08-14	Elgar	Expired R515
116-118 Thames Street, Box Hill North	08-08-14	Elgar	Expired R604
16 Charles Street Surrey Hills	08-08-14	Elgar	Withdrawn R415
17 Morack Road, Vermont	01-08-14	Morack	Granted R409
2 Anthony Court, Burwood East	05-08-14	Morack	Granted R409
252 Morack Road, Vermont South	04-08-14	Morack	Granted R427
4 Minchinbury Drive, Vermont South	13-08-14	Morack	Granted R409
708 Canterbury Road, Vermont	01-08-14	Morack	Granted R409
11 Puerta Street, Burwood	07-08-14	Riversdale	Granted R414
14 Harding Street, Surrey Hills	27-08-14	Riversdale	Granted R414, R415, R426
2 Sylvia Street, Blackburn South	13-08-14	Riversdale	Granted R427
2/18 Edinburgh Street, Box Hill South	01-08-14	Riversdale	Granted R427
27 Moona Street, Burwood East	05-08-14	Riversdale	Granted R 424
29 Carver Street, Burwood East	19-08-14	Riversdale	Granted R417
4 Carver Street, Burwood East	05-08-14	Riversdale	Granted R409
49 Cornfield Grove, Box Hill South	04-08-14, 12-08-14	Riversdale	Granted R409, R415
60 Wellman Street, Box Hill South	18-08-14	Riversdale	Granted R427
14 Joyhill Avenue, Box Hill South	11-08-14	Riversdale	Refused R409
2 Sylvia Street, Blackburn South	07-08-14	Riversdale	Refused R424
303 Springvale Road, Forest Hill	21-08-14	Springfield	Granted R 427
591 Canterbury Road, Vermont	13-08-14	Springfield	Granted r 409
65 Cochrane Street, Mitcham	13-08-14	Springfield	Granted R414
26 O'Shannessy Street, Nunawading	21-08-14	Springfield	Refused R409
27 Bruce Street, Mitcham	07-08-14	Springfield	Refused R409
3 Menin Road, Nunawading	22-08-14	Springfield	Refused R409
3 Alern Court, Nunawading	08-08-14	Springfield	Expired R415

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS - AUGUST 2014

Under the Planning and Environment Act 1987

No delegated Decisions to report for August 2014

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION AUGUST 2014

No contracts between \$150,000 and \$500,000 were signed by the CEO under Council Delegation during the month of August

REGISTER OF PROPERTY DOCUMENTS EXECUTED AUGUST 2014

No report this month, the last Monthly Delegation Report to Council contained reporting data for July and August 2014 for property documents.

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – AUGUST 2014

Instrument of Sub-Delegation CEO to Staff (Council Resolution 12-08-14)

PARKING RESTRICTIONS APPROVED BY DELEGATION AUGUST 2014

- Address:** Station Street, Box Hill North: From Severn Street to Clyde Street
Previously: Unrestricted
Now: Temporary 2P, 8am to 6pm Mon to Fri
Spaces: 30
- Address:** Surrey Road, Blackburn: From 177 Surrey Road to 179-181 Surrey Road
Previously: Unrestricted
Now: No Stopping, 3 - 4pm School Days
Spaces: 5
- Address:** Ashlar Crescent, Blackburn: From 1 Ashlar Crescent to 1 Ashlar Crescent
Previously: Unrestricted
Now: No Stopping
Spaces: 3
- Address:** Livingstone Road, Vermont South: From Barradine Crescent to Diane Grove
Previously: Unrestricted
Now: 1-hour, 8am to 6pm, Mon to Fri
Spaces: 8
- Address:** Simmons Street, Box Hill North: From Shannon Street to Mitta Street
Previously: Unrestricted
Now: 2-Hour 8am – 6pm, Mon to Fri
Spaces: 10
- Address:** Canterbury Road, Vermont: From 580-584 Canterbury Road Shop 4 to 580 -584 Canterbury Road Shop 5
Previously: 1P, 8am - 6pm Mon – Fri & 2P 8am - 6pm Sat
Now: 1/4P 8am – 6pm, Mon - Sun
Spaces: 2
- Address:** Laburnum Street, Blackburn: From Western Boundary of no 27 Laburnum to Eastern Boundary of no 27 Laburnum
Previously: 4P 8am – 6pm Mon to Fri
Now: No Stopping 6-10am Mon
Spaces: 4
- Address:** Peacock Street, Burwood: From North Boundary 34 Beddoes to South Boundary of 39
Previously: 1/2P 8am – 6pm, Mon to Fri
Now: No Stopping
Spaces: 4
- Address:** Carween Avenue, Mitcham: From 53 Carween to 57 Carween
Previously: Unrestricted
Now: No Stopping
Spaces: 4
- Address:** Carween Avenue, Mitcham: From 56 Carween to 60 Carween
Previously: Unrestricted
Now: No Stopping
Spaces: 4

VENDOR PAYMENT SUMMARY – SUMS PAID DURING AUGUST 2014

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
01.08.14	28,277.45	7	EFT
05.08.14	71,363.93	35	EFT
07.08.14	3,093.05	14	EFC
07.08.14	55,259.91	49	CHQ
07.08.14	21,674.85	1	EFT
07.08.14	345,065.40	53	EFT
12.08.14	2,750.00	1	EFT
14.08.14	6,740.85	5	EFC
14.08.14	55,045.37	50	CHQ
14.08.14	1,464,991.58	277	EFT
19.08.14	71,829.67	37	EFT
21.08.14	3,893.00	7	EFC
21.08.14	132,457.00	34	CHQ
21.08.14	270,454.02	54	EFT
28.08.14	6,566.58	12	EFC
28.08.14	76,039.17	59	CHQ
28.08.14	2,938,101.27	392	EFT
29.08.14	3,869.25	1	EFT
Monthly Leases	30,000.00		DD
GROSS	5,587,472.35	1088	
CANCELLED PAYMENTS	70,116.50	28	
NETT	5,517,355.85	1060	

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)

10.1.1 Whitehorse Business Group Board (WBG) Meeting

Cr Daw reported on his attendance at the WBG Board meeting held on 9 September 2014

10.1.2 Municipal Association of Victoria (MAV) Professional Development Reference Group Meeting

Cr Carr reported on her attendance at the MAV Professional Development Reference Group meeting held last week

10.1.3 Whitehorse Business Group (WBG) Network Meeting

Cr Massoud reported on her attendance at the WBG Network meeting held on 30 September 2014.

10.1.4 Disability Advisory Committee Meeting

Cr Massoud reported on her attendance at the Disability Advisory Committee meeting held on 8 October 2014.

10.1.5 Metropolitan Transport Forum

Cr Munroe reported on his attendance at a meeting of the Metropolitan Transport forum held on 1 October 2014. Speakers discussed Rowville Rail Advocacy Update and Doncaster Rail Campaign Update - their feasibility, support and campaign status.

10.1.6 Box Hill First Committee Meeting

Cr Ellis reported on her attendance at the inaugural Box Hill First Committee meeting held on 25 September 2014.

10.1.7 Redressing the Burden - 'Enough Pokies' Campaign

Cr Ellis reported on her attendance at the a meeting of the Redressing the Burden 'Enough Pokies' Campaign held on 16 October 2014.

10.1.8 Municipal Association of Victoria (MAV) Metro East Mayor's and Chief Executive Officer's Meeting

Cr Ellis reported on her attendance at a meeting of the MAV Metro East Mayor's and Chief Executive Officer's group held on 15 October 2014 at Knox Council.

Whitehorse Spring Festival

The Mayor congratulated all staff and Council Departments involved in the very successful 2014 Whitehorse Spring Festival held on Sunday 19 October 2014 at the Whitehorse Civic Centre.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Harris

That the reports from delegates be received and noted

CARRIED UNANIMOUSLY

10.2 Recommendations from the Special Committee of Council Meeting of 13 October 2014

10.2.1 Protection of Canopy Trees in Whitehorse

Moved by Cr Daw, Seconded by Cr Massoud

That Council:

- 1 Commit to the protection of canopy trees in Whitehorse, by supporting the consideration of a planning scheme amendment for submission to the Minister for Planning for approval.***
- 2 Scheme would provide for the:***
 - 2.1 Protection of existing canopy trees in Whitehorse from removal, especially (but not limited to) indigenous trees.***
 - 2.2 Establishment of minimum tree sizes for protection which will be related to species.***
 - 2.3 Requirement of a permit for removal and lopping of all such trees.***
 - 2.4 Requirement of tree replacement of similar acceptable species where a tree is removed.***
- 3 The preparation and implementation of such a scheme be subject to Council consideration for appropriate funding at the 2015/2016 Council budget.***

Further that Council:

- 1 Seek legislative change to bring penalties for illegal tree removal and moonscaping into line with New South Wales.***
- 2 Write to the Minister for Consumer Affairs requesting that all tree loppers be required to obtain a trade licence.***

CARRIED

MOTION

Moved by Cr Daw, Seconded by Cr Massoud

That the recommendation from the Special Committee of Council Meeting of 13 October 2014 item 10.2.1 be received and adopted

A division was called

For	Against
Cr Carr	Cr Bennett
Cr Daw	Cr Chong
Cr Massoud	Cr Davenport
Cr Stennett	Cr Ellis
	Cr Harris
	Cr Munroe

On the Results of the Division the motion was declared LOST

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Munroe

That Council :

- 1. Receive a report appraising it of the options available to further protect canopy trees in Whitehorse. Such options to include a planning scheme amendment or use of a local law or any other option and the use of an interim measure, such as a local law, while pursuing a planning amendment. The report to also include an estimate of the costs involved, both to establish the protection, and to implement annually.***
- 2. Consideration of the report, and the financial implications, to be subject to Council's 2015/2016 budget discussions.***
- 3. Write to the government, ALP and Greens political parties, expressing concern at the low financial penalties currently in place for illegal vegetation removal, and requesting them to include increased penalties, as apply in NSW, in their election commitments.***
- 4. Write to the Minister for Consumer Affairs requesting that all tree loppers be required to obtain a trade licence.***

CARRIED

10.2.2 Victorian Apartment Design Standards

Moved by Cr Daw, Seconded by Cr Stennett

That Council write to the Minister for Planning seeking his support for the early introduction to the planning scheme of the Victorian Apartment Design Standards being prepared by the Office of the Victorian Government Architect.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That the recommendation from the Special Committee of Council Meeting of 13 October 2014 Item 10.2.2 be received and adopted

CARRIED UNANIMOUSLY

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
15-09-14	Councillor Informal Briefing Session	Cr Ellis (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Massoud Cr Munroe Cr Stennett	(ACEO) T Wilkinson (AGMI) D Logan (AGMCD) J Green P Smith (AGMHS) T Johnson A De Fazio S Freud J Russell		
06-10-14	Box Hill CAA Reference Group • Box Hill Advocacy	Cr Ellis (Chair) Cr Chong AM Cr Daw	N Duff J Green P Smith D Vincent-Smith		
06-10-14	Strategic Planning session	Cr Ellis (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Davenport Cr Daw Cr Massoud Cr Munroe Cr Stennett	N Duff P Warner J Green P Smith T Wilkinson A De Fazio D Logan M Giglio I Goodes I Barnes M Portelli B Morrison		
13-10-14	Councillor Briefing Session	Cr Ellis (Chair) Cr Bennett Cr Carr Cr Chong AM Cr Daw Cr Massoud Cr Munroe Cr Stennett	N Duff P Warner J Green P Smith T Wilkinson A De Fazio S Freud J Russell T Peak P McAleer C Sherwin A Egan W Gerhard I Goodes		

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Chong

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

CARRIED

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

11.1 Municipal Association of Victoria (MAV) Demystifying Local Government Finance Seminar

Cr Bennett reported on his attendance on 25 September 2014 at a seminar run by the MAV on Demystifying Local Government Finance and the new Reporting Framework.

11.2 Eastern Climate Action Group

Cr Bennett reported on his attendance at an Eastern Climate Action Group forum held on 30 September 2014.

11.3 WasteExpo 2014

Cr Bennett attended the WasteExpo 2014 held on 15 & 16 October 2014.

11.4 Municipal Association of Victoria (MAV) Meeting Procedures Workshop

Cr Massoud attended the MAV Meeting Procedures workshop held on 16 October 2014.

11.5 Municipal Association of Victoria (MAV) Local Government 'Doing More with Less' Seminar

Cr Daw attended the MAV Local Government 'Doing More With Less' Seminar held on 2 October 2014.

11.6 Municipal Association of Victoria (MAV) Global Economic Climate Seminar

Cr Daw attended the MAV Global Economic Climate Seminar held recently.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Daw

That the reports on conferences/seminar attendance be received and noted

CARRIED

12 CONFIDENTIAL REPORTS

Nil

Cr Munroe sought the Mayor's indulgence to make a comment

Cr Munroe commented that given this is the last item of the agenda for the current Mayoral term, he would like on behalf of his Council colleagues to congratulate Cr Ellis on Chairing the meetings over the last year and thanked the Mayor for the warmth, diligence and leadership she has shown over the past 12 months in this Chamber.

The Mayor thanked officers, Councillors and members of the Gallery for their participation over the past 12 months. The Mayor advised it was an absolute pleasure and real privilege to be Chairing the meetings and wished everyone all the best.

13 CLOSE MEETING

Meeting closed at 9.19pm

Confirmed this 24th day of November 2014

CHAIRPERSON