9.2 CITY DEVELOPMENT

9.2.1 225 Warrigal Road, Burwood (Wattle Park Primary School) – Use of school facilities as an indoor recreation facility

FILE NUMBER: WH/2012/366
ATTACHMENT

SUMMARY

This application was advertised and twenty (20) objections from seventeen (17) objector properties were received. The objections raised concerns with car parking and amenity. A Consultation Forum was held on 27 February 2013, chaired by an independent facilitator with Councillors Ellis and Davenport in attendance, at which no consensus was reached. This report assesses the application against the relevant planning policies and Clause 52.06 of the Whitehorse Planning Scheme, as well as the objector concerns, and recommends that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

A Being the Responsible Authority, having caused Application WH/2012/366 for 225 Warrigal Road, Burwood to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use of school facilities as an indoor recreation facility is acceptable and should not cause unreasonable impact to the amenity of adjacent properties and the streetscape, subject to conditions.

B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 225 Warrigal Road, Burwood for the use of school facilities as an indoor recreation facility, subject to the following conditions:

1. Within three (3) months of the issue date of this permit, amended plans (three copies at A1 size and one copy at A3 size) and documents shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

   a) An amended activity timetable demonstrating the revised activity times in accordance with Condition 9 of this permit.

   b) Provision of low level lighting to the car park and along the pathway to the sports hall.

   c) A Lighting Engineer Report demonstrating that the intensity of lights to the car park and along the pathway will not result in detrimental impact to any persons or the streetscape.

   d) Reallocation of an existing car parking space as a turning bay.

   e) Provision of a minimum of 36 car parking spaces within the school carpark.

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

Once approved these plans become the endorsed plans of this permit.
9.2.1  
(cont)

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

3. The activity hours and the number of patrons must be reduced in accordance with Conditions 9 and 11 within one (1) month of the issue date of this permit.

4. Within one (1) month of the issue date of this permit, a prominent notice must be erected at all exit points of the hall requesting that patrons leave the premises quietly to the satisfaction of the Responsible Authority.

5. Within six (6) month of the issue date of this permit, a Site Management Plan for the operation of the use of the hall that is approved by this permit must be prepared and submitted to the satisfaction of the Responsible Authority. This Plan must be adhered to by all hall users operating under this permit. The Site Management Plan must require all users of the hall to:

Patron Management:

- Ensure hall doors are kept closed at all times, except for the purposes of access and egress.
- To enter and leave the site quietly and respect the amenity of adjoining residential properties. In particular, users must not bounce balls outside the hall.
- Dispose of all litter appropriately.
- Notification of the surrounding residential properties prior to activities which more than 30 people will attend the site, as well as car parking and patron management on those events.
- At all times, a person above the age of 18 years who is responsible for the good conduct of all of the people using the hall must be present and readily accessible to members of the public and officers of the City of Whitehorse.

Car Park Management:

- Ensure car parking is primarily within the School grounds.
- Discourage on-street car parking in the streets adjoining the school.
- Gates of school car park to remain open at all times of the activities.
- Proposed activities must have a staggered arrangement (by 15 minutes) to ensure that the overlap period is managed appropriately and there is minimal impact to the surrounding area.

This Site Management Plan must be agreed to by all hall users and a copy of the Site Management Plan and a plan of on-site car and bicycle parking locations provided to all users. This Site Management Plan must also be made available to other parties upon request.

6. Within twelve (12) months of the issue date of this permit, the low level lighting for the car park and pathway to the sports hall must be installed and in operation to the satisfaction of the Responsible Authority.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.
9.2.1
(cont)

7. The lights to car park must be installed with a cut-off switch or similar to ensure the lights are automatically switched off no later than 9:30pm.

8. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.

9. The use of the land by the community group may operate only between 5pm and 9pm three (3) selected weekdays each week and Saturdays between 8am and 9pm. Each activity within the above hours must have a staggered arrangement of a minimum of 15 minutes to ensure the overlap period is managed appropriately.

10. The use permitted shall provide a minimum of 36 car spaces on the site.

11. Without further written consent from the Responsible Authority, not more than 30 persons shall be present on the premises at any one time for training or practice games. The number of persons within the hall may be increased to 80 for finals.

12. Persons using or attending the sports hall as allowed by this permit must be advised by the operator that they are required to enter and leave quietly and respect the amenity of the adjoining residential properties.

13. All litter generated by persons associated with the permitted use must be disposed of appropriately.

14. The development and use of the site by the community use shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.

15. An amplified public address system must not be used on the subject site in association with the permitted use.

Permit Note:

As this is a retrospective permit, no time expiry condition is required.

C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Ellis

That Council:

A Being the Responsible Authority, having caused Application WH/2012/366 for 225 Warrigal Road, Burwood to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use of school facilities as an indoor recreation facility is acceptable and should not cause unreasonable impact to the amenity of adjacent properties and the streetscape, subject to conditions.
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   c) A Lighting Engineer Report demonstrating that the intensity of lights to the car park and along the pathway will not result in detrimental impact to any persons or the streetscape.
   d) Reallocation of an existing car parking space as a turning bay.
   e) Provision of a minimum of 36 car parking spaces within the school carpark.

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

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

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

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- Dispose of all litter appropriately.
- Notification of the surrounding residential properties prior to activities which more than 30 people will attend the site, as well as car parking and patron management on those events.
9.2.1 (cont)

- At all times, a person above the age of 18 years who is responsible for
  the good conduct of all of the people using the hall must be present and
  readily accessible to members of the public and officers of the City of
  Whitehorse.

Car Park Management:

- Ensure car parking is primarily within the School grounds.
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  to ensure that the overlap period is managed appropriately and there is
  minimal impact to the surrounding area.

This Site Management Plan must be agreed to by all hall users and a copy of
the Site Management Plan and a plan of on-site car and bicycle parking
locations provided to all users. This Site Management Plan must also be
made available to other parties upon request.

6. Within twelve (12) months of the issue date of this permit, the low level
lighting for the car park and pathway to the sports hall must be installed and
in operation to the satisfaction of the Responsible Authority.

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caused to adjoining or nearby residents and must be provided with approved
baffles, so that no direct light or glare is emitted outside the site.

9. The use of the land by the community group may operate only between 5pm
and 9pm three (3) selected weekdays each week and Saturdays between 8am
and 9pm. Each activity within the above hours must have a staggered
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managed appropriately.

10. The use permitted shall provide a minimum of 36 car spaces on the site.

11. Without further written consent from the Responsible Authority, not more
than 30 persons shall be present on the premises at any one time. The
number of persons within the hall may be increased to 80 for finals.

12. Persons using or attending the sports hall as allowed by this permit must be
advised by the operator that they are required to enter and leave quietly and
respect the amenity of the adjoining residential properties.

13. All litter generated by persons associated with the permitted use must be
disposed of appropriately.

14. The development and use of the site by the community use shall not cause
nuisance or be detrimental to the amenity of the neighbourhood by the
emission of noise. In this regard the emission of noise shall comply with the
provisions of the Environment Protection Act 1970 (as amended) and the
policies of the Environment Protection Authority.

15. An amplified public address system must not be used on the subject site in
association with the permitted use.
9.2.1 (cont)

Permit Note:

As this is a retrospective permit, no time expiry condition is required.

C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

CARRIED UNANIMOUSLY

MELWAYS REFERENCE 60 H4

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<td>Clause 36.01 Public Use Zone – Schedule 2</td>
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<td>Clause 52.06 Car Parking</td>
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<td>Clause 65 Decision Guidelines</td>
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<td>Riversdale</td>
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[Map of the area with the subject site and 15 objector properties highlighted.]

Subject site

15 Objector Properties (1 outside of map)

North
9.2.1 (cont)

BACKGROUND

History

The subject site has no previous planning applications.

The Site and Surrounds

The subject site is located on the northeast corner of Warrigal Road and Banksia Street, known as the Wattle Park Primary School. The school can be accessed by pedestrians via gates on Warrigal Road, adjacent to the bus stop or via Banksia Street adjacent to 9 Banksia Street. Vehicles can access the school car park which is located to the east of the campus accessed via Somers Street.

In 2010, the school constructed a 1,212 square metres sports hall as part of the Federal Government Building Education Revolution. The hall is constructed at the southwest corner of the school campus, setback 5 metres from Warrigal Road and 45 metres from Banksia Street.

The subject site is surrounded by residential uses, that includes a Residential Aged Care Facility to the north, residential uses facing Banksia Street to the south and residential properties facing Somers Street to the east. To the west of the subject site is Warrigal Road, and residential properties within the City of Boroondara are located on the opposite side of the road.

There are three commercial properties located on the south side of Banksia Street, which are occupied by a café, a dance studio and a medical centre.

Planning Controls

The State Planning Policies at Clauses 11 (Settlement) aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. While Clause 13.04-1 (Noise abatement) aims to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Pursuant to Clause 22.03, the Residential Development Policy includes the subject site within an Area of Natural Change, Garden Suburban.

Pursuant to Clause 36.01 (Public Use Zone) of the Whitehorse Planning Scheme, the use of the sports hall as indoor recreation facility requires a Planning Permit.

The site is not covered by any overlays and there are no overlays on adjoining properties.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.
9.2.1
(cont)

PROPOSAL

It is proposed seek retrospective approval to use school facilities for an indoor recreation facility. Activities proposed include basketball, futsal and dancing. The daily hours of operation are as follows:

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<thead>
<tr>
<th>Day</th>
<th>Proposed Activity Time</th>
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<tr>
<td>Monday</td>
<td>5pm to 9:30pm</td>
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<td>Tuesday</td>
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<td>Saturday</td>
<td>8am to 6pm</td>
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<td>Sunday</td>
<td>9am to 11am and;</td>
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<td></td>
<td>5pm to 9pm</td>
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</tbody>
</table>

CONSULTATION

Public Notice

Pursuant to Sections 52 of the Planning & Environment Act 1987 the application was advertised by sending notices to surrounding owners and occupiers and by requiring three notices to be erected on the land for a period of 14 days.

Notice of application has been satisfactorily carried out and the statutory declaration form submitted by the applicant confirms that the signs were displayed for 14 days. At the writing of this report twenty (20) objections, from seventeen (17) objector properties, to the application have been received. The issues and recommendations raised by the objectors are summarised as follows:

Amenity
- Activities result in inconvenience and frustration to local residents.
- Control the number of people, start and finishing times.
- Noise level (yelling, car horns) till late at night.
- People congregate outside school till 11pm.
- Increase in anti-social behaviour.
- Increased rubbish and empty bottles on nature strips.

Traffic and Parking
- Increased traffic flow through Banksia, Somers and Waratah Streets, which is currently being used as a shortcut between Elgar and Warrigal Roads.
- Street with vehicles parked on both sides is too narrow for emergency vehicles.
- There are already limited parking spaces on Banksia Street due to the dance studio and café on the street. This proposal will make the situation even worse.
- There is insufficient parking spaces on site.
- Current parking restrictions are being completely ignored, restrictions should be extended.
- Residents cannot reverse out of their driveways.
- The number of offsite parking spaces provided by the school is insufficient.
- The school makes no effort to encourage participants to use the on-site car park.
9.2.1 (cont)

- Parking restrictions are not enforced by Council Officers.
- Double parking during school pickup times.
- Cars doing U-turns by accessing residential properties' driveways.

**Other**

- Activities are currently being carried out without Planning Approval and causing unreasonable impact to nearby residents.

**Suggested Recommendations by Objectors:**

- Council to enforce parking restrictions.
- Set a limit on number of patrons.
- No activities on Sundays.
- Allow participants of the proposed activities to use the on-site car park.

**Consultation Forum**

A planning consultation forum was held on 27 February 2013, at the Box Hill Town Hall to which all stakeholders were invited to discuss the planning permit application. This meeting was chaired by an independent facilitator, and attended by the two Ward Councillors.

At the forum, the school Principal explained that the school is of the opinion that the number of patrons attending those afterhours activities are low and will not exceed 25 people normally. The patron number may increase during finals, as the hall has a capacity of 500 people. The hall manager ensures that activities finish on or before the booking time and that all patrons leave the school property as soon as possible. However, it is admitted that it is difficult for the school to police behaviours after patrons leave the school premises.

The objectors pointed out that the school is still benefiting from renting the sports hall out to the community groups, while this application is under consideration by Council. Residents also concerned about the amenity impact caused by the use of the hall by community groups, in terms of noise when people are leaving as they congregate on Banksia Street. Residents also pointed out that the school car park, off Somers Street, is underutilised and participants should be encouraged to utilise the school car park prior to taking up on-street parking.

A number of objectors also pointed out that the car parking spaces directly outside the school on Banksia Street are commonly used because it is closest to the sports hall and a lot of people will jump the fence or enter the school through the gate on Banksia Street. Those car spaces have no parking restrictions. The objectors recommended that higher fences be built along the Banksia Street boundary and have the pedestrian gate closed after normal school hours. The school agrees that this could be a solution, however, will be subject to funding from the Department of Education.

No other agreements were made at the forum.

**Referrals**

*Transport Engineer, Engineering and Environmental Services Department*

This application has been reviewed by Council's Transport Engineer, who raised no objection to the proposal, provided that the following conditions are included in any permit issued:
9.2.1
(cont)

- Limit the maximum number of patrons to 30 at any one time, with the exception of finals time.
- The proposed activities must provide a minimum of 36 car parking spaces within the subject site.
- A turning bay must be provided within the site to ensure vehicles can exit the site in a forward direction in a safe manner.
- Gates of the school car park must remain open at all times of the activities.
- The proposed activities must have a staggered arrangement (by 15 minutes) to ensure that the overlap period is managed appropriately and there is minimal impact to the surrounding area.
- Lighting within the site must be provided to encourage the use of the car park.
- A Car Park Management Plan is required to support the above.

PLANNING SCHEME

State Planning Policy Framework

Clause 15.05 Noise Abatement

Has the objective of controlling noise effects on sensitive land uses by ensuring development is not prejudiced but community amenity is not reduced by noise emissions by using urban design and land use separation techniques appropriate to the function and character of the area.

Local Planning Policy Framework

Clause 21.06 - Housing

It is an objective to ensure that non-residential uses in residential areas respect the character and amenity of the area and do not jeopardise the conduct of existing operations.

Clause 22.05 – Non-Residential Uses in Residential Areas Policy

Aims to ensure that non-residential uses in residential areas provide a net community benefit, integrate into the residential environment and have a minimal impact on residential amenity.

Zoning

Public Use Zone 2

Pursuant to Clause 36.01 of the Planning Scheme, the Public Use Zone 2 identifies land set aside for education purposes carried out by or on behalf of the public land manager (Department of Education and Training). However, as the proposed use and activities are not associated within the function of the school, and are operated by external parties, the use of the sports hall as an indoor recreation facility requires a Planning Permit.

Particular Provisions

Car Parking

In accordance with Clause 52.06-1, an adequate number of car spaces must be provided to the satisfaction of the responsible authority.
9.2.1 (cont)

Bicycle Facilities

Pursuant to Clause 52.34, a new use must not commence until the required bicycle facilities and associated signage have been provided on the land, however a planning permit may be granted to reduce or waive this requirement.

The proposed use of the existing Primary School sports hall by community groups is defined as indoor recreation facility, which is included within the definition of a minor sports and recreation facility under Clause 74 (Definition) of the Whitehorse Planning Scheme. This use is required to provide 1 bicycle space per 200m$^2$ of floor area, equating to 6 bicycle spaces for the sports hall area, with a total area of 1,212 square metres.

DISCUSSION

The application proposes the use of the sports hall by a community group for the hours ranging between 5pm and 8pm or 9:30pm on weekdays, 8am to 6pm on Saturdays and 9am to 11am, 5pm to 9pm on Sundays. Objectors have also expressed concern that the hall could be used past the proposed time without effective enforcement measures and unruly patron behaviour within and outside the school campus after activities.

It is noted that most residents accept that living within close proximity to a school will in some way be affected by school related activities during and after normal school hours and during weekends. However, Council need to consider whether the extent of use by community groups is excessive resulting in unreasonable impact to the amenity of residents.

It is noted that Clause 22.05 (Non-residential Uses in Residential Areas) of the Whitehorse Planning Scheme is only applicable to land in a residential zone, however as the school is partly zoned Residential 1 and is surrounded by land in a residential zone, it is considered appropriate to make reference to this provision.

The relevant objectives under the above provision includes:

- Make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area

- To avoid the concentration of non-residential uses where it would:
  - Have off-site effects which are detrimental to residential amenity.
  - Create a de facto commercial area.
  - Isolate residential properties between non-residential uses.

- To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on site car parking.

While relevant policies under the provision includes:

- Amenity
  - Non-residential uses are discouraged if they will cause nuisance to nearby residential properties by way of noise, traffic, lighting or loss of security.

- Car parking and access
  - Adequate provision is encouraged for on-site staff and visitor parking.
  - Parking areas are encouraged to maximise usage and to minimise on-street parking.
9.2.1 (cont)

Car Parking

Council Planning Officers have conducted further site inspections prior to preparing this report. Inspection dates and times include 6:30 to 8:15pm on Thursday 5 September 2013, and 12:45 to 1:45pm and 3:30 to 4:30pm on Saturday 7 September 2013. On those occasions, it was noted that most participants (including parents) attending activities within the school sports hall would generally park directly outside the school along the north side of Banksia Street, and once the north side is filled, they start parking on the south side of the road, and enter the school from the pedestrian gate on Banksia Street. In those inspections, Council officers also observed that the school’s car park accessed from Somers Street was largely unused. The car park is located slightly further away from the hall to the east, is not lit and the entrance gate to the car park was half closed and locked, which discourages the use of the car park, especially at night.

As indicated in the submitted plans, the car park is capable of accommodating a total of 37 cars, with 21 dedicated car spaces and an additional 16 cars that can be parked along one side of the accessway. It is considered that if the car park is utilised by the participants of the activities, the car parking condition on Banksia Street should improve significantly. In order to encourage the use of the car park by participants of those activities, it is recommended that the following be required as permit conditions should a permit be issued:

- A minimum of 36 car parking spaces be provided within the subject site and the vehicle access gate must remain open at the time of activities.
- Provision of a turning bay within the car park to ensure vehicles can exit the site in a forward direction.
- Submission and endorsement of a Car Park Management Plan.
- Installation of low level lighting within the car park and along the footpath between the car park and the sports hall to ensure the car park is illuminated at times of activities, and a Lighting Engineer Report demonstrating that the intensity of those lights will not result in unreasonable amenity impact to the adjoining properties.

Based on the number of car parking spaces available, Council’s Transport Engineer recommended that the number of patrons allowed on site at any one time must not exceed 30, with the exception of finals time, which may be increased to 80. It is also a requirement to ensure that all activities must have a staggered arrangement (at least 15 minutes) to ensure that the overlap period is managed appropriately and there is minimal impact to the surrounding area.

Noise

As mentioned above, the objections to the application raised noise as a significant issue. It is noted that the objectors are not concerned about noise coming from the hall during training, but when people are congregating at Banksia Street after the activities, which causes noise impacts to the residents along Banksia Street. It is therefore considered that it will be appropriate to include a permit condition requiring a prominent notice to be displayed at all exits of the sports hall requesting patrons to respect the local residents and keep noise to a minimum when leaving the premises at night. The submission of a Site Management Plan which discuss patron management policy is also considered necessary to ensure school staff or responsible persons of the activities make sure that the amenity of the area is not affected in an unreasonable way.

Hours of Use

Objectors and residents are concerned that patrons congregate Banksia Street after the activities.
9.2.1 (cont)

It is considered that the extent of the proposed hours is excessive and has limited regard to residential amenity. The proposed use includes 7 days of activities that run late into the evening on most nights.

Therefore, it is recommended that a permit condition require the hours of use to be limited to 3 weekdays and Saturdays only and that all activities must be concluded by 9pm.

As indicated, it will be a permit condition requiring the installation of low level lighting within the car park and along the path between the car park and the sports hall, to ensure that the impact of those lights are kept to minimum. This lighting must be switched off by 9:30pm.

The objectors have requested the frequency of activities to be reduced to have at least one day without activities during the weekend. Council is aware that the school hall is a popular venue for a lot of community groups, however based upon the comments made in the forum and further site inspections, it is agreed that the proposed frequency of the activity is excessive. Therefore, should a permit issue, it must limit the use of the sports hall to three (3) weekdays and Saturdays only, in order to provide a greater degree of certainty and reduce impacts to residents, without unreasonably limiting the use of the sports hall.

Litter

The potential for the community use to cause litter was a concern raised by objectors. Littering is an offence that is policed by the Environmental Protection Authority Victoria, however in light of the objectors’ concerns a condition of any approval must be that all litter generated by the community use is disposed of appropriately as part of the Site Management Plan.

Lights to car park

As mentioned above, it will be a permit condition requiring low level lighting be installed at the car park and along the pedestrian path to the sports hall, however it is important to make sure that those lights will not result in unreasonable light spill to residents.

It is considered that in the context of the school grounds, which are developed with institutional buildings and facilities, the low light poles will not be out of place. They would have minimal visual impact on the overall institutional appearance of the school facilities. The condition will also require the submission of a Lighting Engineer Report to ensure that new lighting complies with a code of practice and lights are appropriately directed and do not spill on to adjoining properties.

Bicycle Facilities

Wattle Park Primary School contains ample bicycle parking facilities on site for its students, and the community use of the sports hall after school hours can share these facilities.

CONCLUSION

The proposed after hours use of the Wattle Park Primacy School Sports Hall by community groups will, subject to conditions, comply with the purpose of the Public Use Zone to provide for community services and facilities and comply with the relevant planning controls and policy provisions of the Whitehorse Planning Scheme. The use will not unreasonably impact on the amenity of the adjoining lots, subject to the conditions outlined above.

All concerns raised by the objectors has been addressed in this report.

It is therefore recommended that a Notice of Decision to Grant a Permit be issued.
9.2.2 851-855 Canterbury Road, Box Hill – Use of land to sell packaged liquor, buildings and works and display of signage

FILE NUMBER: WH/2013/334
ATTACHMENT

SUMMARY

This application was advertised, and a total of 138 objections were received. The objections raised issues with amenity impacts, excessive signage, traffic generation, car parking, impacts on the existing commercial environment and the impact of the sale of liquor on the surrounding area. A Consultation Forum was held on 10 September 2013, chaired by Councillor Harris, at which a number of resolutions were reached between the parties. It is recommended that the application be supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Chong

That Council:

A Being the Responsible Authority, having caused application WH/2013/334 to the land at 851-855 Canterbury Road Box Hill, to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the use of the site to sell packaged liquor, buildings and works and display of signage is acceptable and should not cause unreasonable impact to adjacent properties.

B Issue a Notice of Decision to Grant Planning Permit WH/2013/334 under the Whitehorse Planning Scheme to the land described as 851-855 Canterbury Road Box Hill for the use of the site to sell packaged liquor, buildings and works and display of signage, subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

   a) The reduction in the height of the bulkhead above the west facing building facade so that it there is no structural protrusion above the roofline of the building.
   b) The internally illuminated above verandah sign on the west building elevation to be a maximum of 1 metre in height and 8 metres in length.
   c) Details of sign content, colours and layout.
   d) Erection of traffic directional signs encouraging vehicles to exit towards Canterbury Road.
   e) Construction of a new acoustic fence on the north side boundary at a height of at least 1.9 metres, with a taper at the western end to allow for vehicle sight lines.

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

   Once approved these plans become the endorsed plans.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
9.2.2  
(cont)

3. **Prior to the commencement of the use submission and approval of a Code of Practice for on-site management addressing the following:**
   - Security in the car park and procedures to address any public disturbance by customers of the approved use.
   - Procedures for customers to vacate the premises after 9 pm.
   - Details of installation and operation of CCTV equipment, if proposed.
   - Management of rubbish.
   - Erection and maintenance of directional signs.

4. **Once the use is commenced it shall only be used for the above purpose to the satisfaction of the Responsible Authority.**

5. **No liquor may be consumed within the subject site at any time.**

6. **Unless with the further written consent of the Responsible Authority, packaged liquor may only be sold between the hours of:**
   - Monday to Saturday: 9:00am to 9:00pm
   - Sunday: 10:00am to 9:00pm
   - ANZAC Day: 12:00pm to 9:00pm
   - Good Friday and Christmas Day: No trading

7. **Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view, shall not obstruct vehicles accessways, use of car parking spaces, maintenance of landscape areas or result in odour detriment to any abutting residential uses.**

8. **Delivery of goods shall be limited to business hours.**

9. **No form of public address system shall be installed so as to be audible from outside the building.**

10. **The location and details of the signs shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.**

11. **The advertising signs and panels must be constructed and maintained to the satisfaction of Responsible Authority. Any sign in a state of disrepair must, at the direction of the Responsible Authority, be removed from the site.**

12. **The intensity of the light in the advertising signs permitted must be limited so as not to cause distraction of motorists in adjoining streets or loss of amenity in the surrounding area.**

13. **Hours of signage illumination shall be limited to no later than 9:30pm.**

14. **The signs must not contain any flashing light.**

15. **The signs must not alter its message or move in part or whole.**

16. **No bunting, streamers and festooning is to be displayed.**

17. **The signs must only contain an advertisement which provides or supplies information relating to the business conducted on the abovementioned land.**
9.2.2
(cont)

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

- the development and use is not commenced within two (2) years from the date of issue of this permit;

- the development is not completed within four (4) years from the date of this permit.

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

Planning Note:

All petroleum product is encouraged to be removed from underground storage tanks. A Waste Transfer Certificate by a licensed contractor is encouraged to be provided as part of this process, in accordance with EPA Guidelines 888.2, that these works have been completed and that the land over the tanks is capped so there is no opportunity for direct contact to any potentially affected ground from unrestricted public access to the site.

C: Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

CARRIED UNANIMOUSLY
9.2.2
(cont)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>C Store Properties Pty Ltd</th>
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<tbody>
<tr>
<td>Zoning:</td>
<td>Commercial 1 Zone</td>
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<tr>
<td>Overlay:</td>
<td>Public Acquisition Overlay (PAO, VicRoads, road widening)</td>
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<td>Relevant Clauses:</td>
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<td>Clause 17 Economic Development</td>
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<td>Clause 21.07 Economic Development</td>
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<td>Clause 52.05 Advertising Signage</td>
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<td>Clause 52.06 Car Parking</td>
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<td>Clause 52.27 Licensed Premises</td>
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<td>Objections:</td>
<td>138</td>
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<td>Elgar</td>
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</tbody>
</table>

![Map of Subject Site and Objections](image-url)

- Subject site
- 138 objections received (131 not shown on map)
9.1.2  
(cont)

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 13 April, 2013 and were closed on Wednesday, 8 May 2013. Thirty Three tenders were received.

The tenders were evaluated against the following criteria:

- Tender Offer;
- The Tenderer's recent experience in provision of similar service;
- The number of buildings that the Tenderer is offering to clean (as per tender schedule 1) and the Tenderer's capacity to provide the Service;
- The qualifications and experience of key individuals; and

The Pickwick Group Cleaning and Security Services is an Australia wide company operating since 1983 and have extensive experience in providing cleaning services to many councils and other industries. The company has been cleaning Council’s minor halls since February 2009 and has demonstrated an ability to provide a high quality cleaning services to council. The tender process identified the industry reputation of the Pickwick Group for quality cleaning services and their capacity to deliver the full scope of services required under this Contract.

The consolidation of a number of cleaning contracts into one larger contract with a centralised management provides cost and time savings to Council. Centralising the tender process instead of individual tenders has already delivered this outcome. The management of the contract in this consolidated form will result in a consistent standard of cleaning services across all centres.

The Pickwick Group in their tender submission provided a detailed assessment of the hours cleaners will be in attendance at each centre. Their allocation demonstrates a clear understanding of the scope of works and their commitment to the successful delivery of this contract.

The tender received from The Pickwick Group Cleaning and Security Services is considered to provide the best value for this Contract.

CONSULTATION

The tender panel carried out extensive consultation with centre managers and centre staff. The discussions included cleaning schedules, quality of cleaning, management of the contract including reports, management of consumables and financial responsibility.

The preferred tenderer’s business viability has been considered.

FINANCIAL IMPLICATIONS

The cleaning services to be provided under this contract will cost $284,019.49 per annum. The annual lump sum tendered is subject to annual CPI increases. Consumables for each Centre (toilet paper, hand towels etc) will be supplied by the contractor at a rate of 10% above cost price.

The centres to be cleaned are managed by six Council Departments. An allowance will be made in the recurrent budgets for each of these Departments to reflect their respective savings and cover the anticipated CPI costs.
9.1.2 Tender Evaluation Report – Cleaning of Community Centres

FILE NUMBER: SF12/2319

SUMMARY

To consider tenders received for the Cleaning of Community Centres and to recommend the acceptance of the tender received from The Pickwick Cleaning Services Unit Trust, trading as The Pickwick Group – Cleaning and Security Services, for the amount of $284,019.49 per annum, including GST for a period of 3 years.

COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Massoud

That Council:

1. Accept the tender and sign the formal contract document for Contract 12031 for the Cleaning of Community Centres received from The Pickwick Cleaning Services Unit Trust (ABN 74 089 708 818), of 2 Westside Avenue, Port Melbourne, Victoria 3207, trading as The Pickwick Group – Cleaning and Security Services, for the tendered amount of $284,019.49 per annum, including GST for a period of 3 years.

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 3 year contract term.

CARRIED UNANIMOUSLY

BACKGROUND

Whitehorse City Council operates a large number of community venues. The cleaning of these venues is currently carried out under individual contracts.

In 2009 the Box Hill Town Hall Coordinator and Procurement Manager had discussions on creating one cleaning contract for a number of identified council venues. Since many venues had contracts in place at the time, the idea of a broader contract was placed on hold. Now in 2013 most of the contracts are expiring and a contract covering all centres was deemed to be the best method for approaching the market. The main objective was to maximise savings by leveraging economies of scale.

The new contract will cover the following areas:

- Community Halls
- Senior Citizens Centres
- Meals on Wheels dining areas
- Box Hill Community Arts Centre
- Box Hill Town Hall Hub
- Children’s Services Centres
- Forest Hill Customer Service Centre
- Mountain View Cottage.

This contract covers the cleaning of a total of 27 Council facilities for a period of 3 years. The contract can be extended by a further four years (2 years + 2 years) at council’s discretion.
9.1.1
(cont)

In addition, the Community Development Unit will:

- Explore all external funding opportunities to progress any projects that address priorities and issues.
- Identify priorities/issues that may fall into the responsibility of an external service or agency.
- Identify priorities/issues that may be the current or planned responsibilities of other Council Service Areas.

POLICY IMPLICATIONS

9.1.1
(cont)

Complementing the annual action plans will be the implementation of the many Strategic Plans that sit beneath the Plan- Diversity, Positive Ageing, Volunteers and Civic Participation, Disability, Reconciliation and so on.

CONSULTATION

The Plan has been developed following extensive consultation with Councillors, residents, service providers, State Government departments and Whitehorse City Council staff. In addition, two reference groups were established to steer the development of the Plan, with representatives from Council departments, State Government departments and local service providers.

A pictorial community survey was received by each of the approximately 65,000 households and other rateable properties in the City of Whitehorse, as an insert in the Whitehorse Leader, so as to gain an understanding of the priorities of the Whitehorse community in relation to their health and wellbeing. It was a deliberate strategy to gain maximum input from residents into the development of the Plan. More than 2000 surveys were returned to Council. This number is a statistically relevant sample and is considered an excellent rate of return.

In addition:

- Councillors participated in a number of workshops
- 439 people engaged via Your Say Whitehorse with 123 people completing online surveys, quick polls and discussions
- 66 children drew pictures representing "what living in Whitehorse means" at the Whitehorse Spring Festival 2012
- 70 Council Officers attended two workshops
- 73 community members and agencies attended two workshops
- 41 senior Council Officers attended an additional workshop
- 20 responses were received in regard to an additional survey to test identified health and wellbeing priorities
- Over 2000 picture surveys completed with 500 of those containing written comments

Additional information and ideas received from consultations in the development of other recently developed Strategic Plans such as the Diversity, Disability and Positive Ageing Plans has also been included in the overall consultation data for the Health and Wellbeing in Whitehorse Plan 2013-2017.

During the public exhibition period, seventeen submissions (two late submissions) were received from community members, local service providers and Council Officers. The response to the feedback is detailed in Attachment 1 Appendix C.

FINANCIAL IMPLICATIONS

The financial cost to Council, in regards to the development of the Plan is estimated at $20,000. Council also commits considerable financial resources to its implementation and evaluation across Council over a four year period. This is in addition to the financial resources allocated to the employment of the Social Health Officer, whose role it is to develop the Plan and to coordinate its implementation.
9.1 HUMAN SERVICES

9.1.1 Whitehorse Municipal Public Health & Wellbeing Plan 2013-2017

SUMMARY

This Report presents the Health and Wellbeing in Whitehorse Plan 2013-2017 (Municipal Public Health & Wellbeing Plan) for Council adoption.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Stennett


CARRIED UNANIMOUSLY

BACKGROUND

Council previously endorsed the draft Whitehorse Health and Wellbeing in Whitehorse Plan 2013-2017 (the Plan) for the purpose of undertaking further community consultation through a public exhibition process.

DISCUSSION

The Plan, which is a legislative requirement, is based on a social model of health that utilises the State Government’s Municipal Public Health Planning Framework Environments for Health – Promoting Health and Well Being through Built, Social, Economic and Natural Environments as the underpinning model for the development of the Plan. It provides a strategic planning focus and framework, promotes partnerships and networks, highlights local health issues, involves all divisions of Council, enables the integration of wellbeing priorities and articulates links to regional, state and national health priorities.

As previously articulated, the Plan has been developed utilising an integrated planning process that also encompassed the development of Council’s long term vision and the Whitehorse Council Plan.

Key themes for the Plan emerged from the consultation process, available data and the State, Federal and Local Government policy context, these are:

- Creating safe environments
- Reducing alcohol and other drug-related harm
- Increasing active living
- Supporting healthy eating
- Promoting mental wellbeing

The five key priority areas mentioned above will inform and guide the development of annual action plans. These yearly Plans, developed in partnership with key stakeholders, will guide Council’s and other organisations efforts in enhancing health and wellbeing in the municipality. The development of annual action plans will respond to the issues and priorities in each of the five areas identified using the environments for health framework, as well as being able to respond to new and emerging priorities.
8 URGENT BUSINESS

Moved by Cr Stennett, Seconded by Cr Daw

That Council accept an item of Urgent Business in relation to the Housing and Neighbourhood Character Study.

CARRIED

8.1 Housing and Neighbourhood Character Study

Moved by Cr Stennett, Seconded by Cr Daw

That Council as part of and prior to the planned phase 3 of consultation early in 2014 for the Housing and Neighbourhood Character Study, write to affected residents in areas that is proposed to be in a residential growth zone or general residential with access and alert them to the proposed changes and information about how they can make comment during the consultation period.

CARRIED

A Division was called

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

On the results of the Division the motion was declared CARRIED

9 COUNCIL REPORTS