



Whitehorse City Council

MINUTES

Council Meeting

held on

Monday 17 April 2023 at 7.00pm

at

Nunawading Civic Centre

Council Chamber

379-399 Whitehorse Road, Nunawading

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Meeting opened at 7:00pm

Present:	Cr Mark Lane	Mayor
	Cr Prue Cutts	Deputy Mayor
	Cr Raylene Carr	
	Cr Blair Barker	
	Cr Andrew Davenport	
	Cr Tina Liu	
	Cr Denise Massoud	
	Cr Amanda McNeill	
	Cr Trudy Skilbeck	
	Cr Ben Stennett	

Officers:	Simon McMillan	Chief Executive Officer
	Ilias Kostopoulos	Acting Director City Development
	Lisa Letic	Director Community Services
	Siobhan Sullivan	Executive Manager Transformation
	Steven White	Director Infrastructure
	Carolyn Altan Service	Manager Strategic Communications and Customer
	Vivien Ferlaino	Manager Governance and Integrity
	Tony Johnson	Manager Health and Family Services
	Kerryn Woods	Coordinator Governance
	Sharon Lozsan	Senior Governance Officer
	Mark Hofsteter	Coordinator IT Service Operations
	Frank Perrone	Team Leader Youth Services
	Jacqueline Piper	Youth Participation Officer

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1 WELCOME

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.

Aboriginal Reconciliation Statement

"Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today."

2 APOLOGIES

Cr Munroe was granted a leave of absence at the 27 March 2023 Council Meeting.

3 DISCLOSURE OF CONFLICTS OF INTEREST

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Council Meeting 27 March 2023

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Massoud

That the minutes of the Council Meeting 27 March 2023 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 URGENT BUSINESS

Nil

6 PUBLIC PRESENTATIONS

Nil

7 PUBLIC QUESTION TIME

7.1 S Brookes, Box Hill South

Question 1

What is Whitehorse Council doing to enable the recycling of soft plastics, and polystyrene, as access to other council depots and transfer stations are no longer available to Whitehorse residents?

Response

The soft plastic matter will be addressed first. The scheme to recycle soft plastics was known as RedCycle. Council was not a party to this scheme. It has since collapsed as there is a lack of markets for the recovered soft plastics. The problem was not a lack of collection capacity or supply. Until there is a sustainable market for the recovered soft plastics then there is no benefit in collecting the material. As there is no sustainable option for soft plastics, the priority needs to be to refuse or reduce the use of soft plastics.

The recycling of soft plastics is an issue that needs a solution from the industries that generate and distribute the plastic or needs to fit within an existing recycling program. The issue is not localised to Whitehorse and Council continues to advocate for comprehensive mandatory product stewardship schemes.

One positive of the RedCycle program was that it clearly showed that people are willing to take their accumulated soft plastics to central collection points for recycling. The scheme failed not because of its collection system but because of the lack of processing capacity and the limited demand for the end products.

Some Councils have implemented limited drop off facilities for soft plastics after securing some of the limited processing capability for this material in Victoria.

For now in Whitehorse, residents are encouraged to do what they can to refuse or reduce the amount of soft plastics they accumulate. Soft plastics need to go into the red-lidded garbage bin, and not the yellow-lidded recycling bin.

Now polystyrene will be addressed. Some positive action that has been taken by the State Government recently is the ban on expanded polystyrene food and drink containers, along with other plastics, from supply in Victoria from 1 February 2023. Council has advocated for this to also extend to a broader range of polystyrene packaging.

The best approach is for industry to stop the use of polystyrene, and secondary is managing the best way to dispose of the waste.

If people purchase goods and appliances, they should seek to have the point of sale or delivery person remove the polystyrene packaging (and other packaging).

The Monash Recycling and Waste Centre accepts polystyrene and information is available on the Monash Council website.

The Whitehorse Recycling and Waste Centre is a busier Centre than those in neighbouring councils. We have trialled providing polystyrene collection in the past but currently do not have capacity or room on site to provide this service. The service was previously provided at a time when there was a State Government subsidy available and it did cause issues with space at the site as polystyrene is voluminous, light weight and not readily compactable. When this subsidy was removed it was no longer feasible to provide the service considering cost and space requirements.

Question 2

What plans does the Council have in place to deal with the proposed recyclable waste generated by the expected massive increasing population of Whitehorse as a result of huge development projects in the business centre at Box Hill and multi storey housing planned? Other than dump it all, unsorted, into landfill?

Response

Council provides kerbside bin based recycling and waste collection services to all eligible properties. Multi-unit developments and apartments are generally required under a Planning Permit to engage private recycling and waste services. These are properties where the type and size of waste is not suitable for the Council services or the site is inaccessible for Council's waste collection vehicles. These properties need to have an approved recycling and waste management plan.

The Council yellow-lid recycling bin and lime green-lid food and garden organics bins are provided to allow people to separate recyclable material from garbage that is sent to landfill. The recyclable material is processed by various suppliers for sustainable end markets. Council provides a range of educational resources to help people maximise recycling and minimise waste that is sent to landfill.

Council actively participates with regional groups of councils and with the State Government on more sustainable solutions to increase recycling and reduce waste. The State Government's Circular Economy (Waste Reduction and Recycling) Act 2021 (the Circular Economy Act) is the guiding piece of legislation.

7.2 D Conroy, Forest Hill

Question 1

In 2022 the federal government extended recommendations on aged care to June 2024, so as to understand stakeholders perspectives and concerns re in home aged care programs. Why did my council continue with its transition of these services for June 2022?

Response

Due to the complexity of this question, it was taken on notice. A response will be provided at a later date.

Question 2

As other councils are maintaining their commitment to the provision of aged care in home services, will my council explain why they cannot.

Response

Due to the complexity of this question, it was taken on notice. A response will be provided at a later date.

7.3 C Williams, Forest Hill

Question 1

In relation to the transition of in-home aged care clients to private providers, on what basis were the six "new providers" selected, how many providers were asked to participate and how many providers declined?

Response

The Commonwealth Government is the responsible authority providing the funding and appointing providers for In Home aged care. Whitehorse City Council was not consulted by the Commonwealth Department of Health and Aged Care on the selection of the providers and is not privy to the details of the selection process and offers. We note that the seven selected providers (including the meals provider) are not-for-profit community providers with extensive experience in delivering these services.

Question 2

The Council media release of 5 April states that the "new service providers" were appointed by the Commonwealth. In relation to the selection process did Council seek (a) information or (b) advice or (c) practical assistance from the Commonwealth government and did the Commonwealth provide any (a) information, or (b) advice or (c) practical assistance?

Response

Council was not provided with any information about the provider selection process.

Council staff are working collaboratively with the Commonwealth Government representatives and provider representatives and have sought information, advice and practical assistance from the Commonwealth Government about the requirements of Council to facilitate a smooth and timely transition of clients to new providers. The Commonwealth Government representatives provide general information and advice on these requirements

8 PETITIONS AND JOINT LETTERS

Nil

9 NOTICES OF MOTION

Nil

Attendance

Cr Skilbeck left the Chamber at 07:11 pm

Attendance

Cr Skilbeck returned to the Chamber at 07:12 pm

10 COUNCIL REPORTS

Members of the Whitehorse Youth Representative Committee made a presentation to the Council meeting prior to consideration of the following Council Report

10.1 Whitehorse Youth Representative Committee (WYRC) 2022 Annual Report

Health and Family Services
Community Services
ATTACHMENT

SUMMARY

The Whitehorse Youth Representative Committee plays an important role in representing the interests of young people in the municipality. This report provides a summary of the outcomes and achievements of the 2022 Whitehorse Youth Representative Committee and their initial plans for 2023.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Barker

That Council:

1. Acknowledge the work of the 2022 Whitehorse Youth Representative Committee
2. Endorse the Committee's action plan for 2023.

CARRIED UNANIMOUSLY

KEY MATTERS

The Whitehorse Youth Representative Committee (WYRC) comprises a group of young volunteers aged 12-25 years that act as a voice for young people, advocating on their behalf to Council and to the wider community on important youth related issues.

STRATEGIC ALIGNMENT

Each Whitehorse Youth Representative Committee is commissioned to undertake a 12 month program to develop leadership skills and training in the areas of consultation, public speaking, marketing / promotion, event management, advocacy and community participation. Members gain valuable experience and use their skills throughout the year to connect with young people, schools and youth organisations and implement events, projects and initiatives that benefit young people and address important youth issues.

10.1

(cont)

The WYRC aligns to the strategic priorities of the Council Plan:

- Strategic Direction 3 - Diverse and Inclusive Community
Objective 3.1: Increase social inclusion, community participation and access to community services.
- Strategic Direction 6: An Empowered Collaborative Community
Objective 6.1: Engage with the community collaboratively and in partnership to hear their views on what needs to be done.
Objective 6.2: Create opportunities for every person in the community to be listened to and included in community decision-making processes.
- Strategic Direction 7: Health and Wellbeing
Objective 7.3: Enhance social connection within the community by facilitating social support groups for those in need, and provide opportunities for participation and community involvement.
Objective 7.4: Seek to protect, improve and promote public health and wellbeing within the municipal district

BACKGROUND

The Whitehorse Youth Representative Committee (WYRC) was established in 2002 to provide a formal link between young people and Whitehorse City Council. The key objectives of the Committee are to develop a positive profile of young people in the community, consult with the broader youth population, report to Council on the aspirations of young people and to assist in the creation of new opportunities for young people to be involved in their community.

There are a number of important benefits for young people to be involved in the WYRC. These include a greater understanding of local government, the development of leadership and project management skills and a greater connection with their local community.

WYRC representatives are selected through a nomination process that is promoted to schools, youth service providers, clubs and through local and social media. Due consideration is given to the selection process to ensure a diversity of gender, age, background and life experiences of young people. If deemed appropriate young people can remain on the Committee for a maximum 2 year period. The committee representatives are not paid and volunteer their time to benefit the community.

2022 COMMITTEE REPORT

The 2022 WYRC consisted of 12 young people who delivered a diverse range of activities, events and projects. The Committee was coordinated by Council's Youth Participation Officer and supported by Council's School Focused Youth Services Officer.

10.1

(cont)

The WYRC events and activities in 2022 included the following:

- YMCA members were inducted into the committee and made aware of Whitehorse City Council and relevant policies and processes. WYRC members also had the opportunity to meet the Mayor and tour the Council Chambers.
- Completion of relevant training in regard to cultural awareness, youth advocacy, first aid, event management and radio broadcasting.
- Young Person of the Month Award nominations: The WYRC reviewed and endorsed the young people nominated for the award which recognises and celebrates the efforts and achievements of young people in Whitehorse.
- Youth Consultations: The committee initiated consultation with young people that will form the basis of the development of the Municipal Youth Plan.
- Whitehorse News Youth articles: WYRC members developed articles for Council's publication 'Whitehorse News' which included stories on self-esteem and the impact of social media.
- Youth Forum: The Municipal Youth Forum was held at the Box Hill Town Hall on 31st October for secondary school students covering the issues of identity, independence, future skills, relationships and consent. These issues were addressed by key note presenter, Nevo Zisin and interactive workshops facilitated by the Butterfly Foundation, Elephant Education, Helen Zee and Mario D'Souza. Information and resources were available to young people from community organisations: EACH, Butterfly Foundation, Migrant Information Centre and Headspace.
- Online Workshop: The 2022 WYRC planned an online workshop to be delivered by the 2023 WYRC: 'Jobs and Support' Workshop.
- Spring Festival: Planned and facilitated the 'youth area' at Whitehorse City Council's annual Spring Festival featuring a range of 'youth friendly' activities and incorporated the 'youth stage' that was facilitated by the FReeZA Youth Committee.
- Environmental sustainability: WYRC member attended online Council Meeting in regard to environmental sustainability with a key initiative for the implementation of renewable energy sources.

For further information on the events, initiatives and activities undertaken by the WYRC please refer to the WYRC 2022 Annual Report (attached to this report).

10.1
(cont)

COMMITTEE PLANS FOR 2023

Recruitment for the 2023 WYRC has been successful with 11 members appointed which includes a number of young people continuing from 2022. The newly recruited committee members have participated in an induction program looking at the role of the committee within Council. At this stage, the activities the committee will consider implementing in 2023 include:

- Advocate for the best interests of young people.
- Be involved in and facilitate consultation processes to assist in the development of the next iteration the Municipal Early Years and Youth Plan.
- Organise and implement the Whitehorse Municipal Youth Forum and/or community workshops on issues pertinent to young people.
- Report directly to Council on a relevant youth issue that Council may assist to address.

Discussion and Options

This WYRC report highlights the work undertaken by the Committee in 2022 and outlines their initial plans for 2023. It provides the opportunity for the WYRC to present directly to Council to have their volunteer work acknowledged in representing the interests of young people.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

The Whitehorse Youth Representative Committee with the assistance the Youth Services team adopt consultative processes in the planning and facilitation of activities for young people and in the investigation of issues pertinent of the lives to young people in the community.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report. The cost of the activities undertaken by the WYRC is incorporated within Council's Youth Services annual budget. The committee representatives are not paid for their time on the committee.

10.1

(cont)

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

The Whitehorse Youth Representative Committee work in collaboration with Youth Services and community organisations in the planning and delivery of activities for young people.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The 2022 WYRC have completed initiatives that support young people in the Whitehorse community and are to be commended for their efforts.

Council's Youth Services Team is encouraged that the 2023 WYRC members, like their predecessors, will make an active and positive contribution to the community in Whitehorse. The WYRC members are appreciative that Council sponsors opportunities that advance their development as young leaders.

Council's Youth Services Team, particularly the Youth Participation Officer will continue to support the 2023 WYRC and will work towards developing and implementing the Committee's plans and aspirations.

ATTACHMENT

- 1 WYRC 2022 Annual Report FINAL

Members of the Whitehorse YMCA Youth Parliament made a presentation to the Council meeting prior to consideration of the following Council Report

10.2 Whitehorse YMCA Youth Parliament 2023

Health and Family Services
Community Services

SUMMARY

The Whitehorse YMCA Youth Parliament is a new initiative introduced by Council Youth Services this year. This report provides a summary on the initiative up to this point with further work to be undertaken by the group later this year.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Liu

That Council:

Acknowledge the work of the Whitehorse YMCA Youth Parliament team and their initial plans in regard to their Bill to be debated in Victorian Parliament later this year.

CARRIED UNANIMOUSLY

KEY MATTERS

Victorian Youth Parliament has been offered for the last 35 years with 20 teams participating each year deriving from local government, community organisations, or schools. Each year applications are submitted to have a team participate in the program. During this time, 30 pieces of state legislation have originated in the Youth Parliament, including: roadside drug testing for drivers, over the counter availability of the morning after pill, mandatory wearing of a bicycle helmets and gun reformation laws.

The Whitehorse YMCA Youth Parliament is introduced by Council Youth Services this year and compliments the suite of programs and services currently offered to young people across Whitehorse.

The Whitehorse Youth Parliament program is facilitated by YMCA with support provided by Council Youth Services to give young people the opportunity to be heard by the Victorian Government. Through the program, young people between the ages of 16 and 25 share their views on a wide range of issues relevant to their lives. The Victorian Youth Parliament supports young people to speak up and be heard about issues they are passionate about.

10.2

(cont)

STRATEGIC ALIGNMENT

The Whitehorse YMCA Youth Parliament program develops a broad range of skills: leadership, public speaking, team work, advocacy and community participation. Members gain valuable experience and use their skills throughout the program to work collaboratively and connect with peers in the hope their Bill will be passed as legislation and be of benefit to other young people.

The WYRC aligns to the strategic priorities of the Council Plan specifically in regard to the following:

- Strategic Direction 6: An Empowered Collaborative Community
 - Objective 6.1: Engage with the community collaboratively and in partnership to hear their views on what needs to be done
 - Objective 6.2: Create opportunities for every person in the community to be listened to and included in community decision-making processes.

BACKGROUND

Whitehorse Council Youth Services applied for and were successful to have a team of 6 young people participate in the 2023 YMCA Youth Parliament program. Promotion and recruitment occurred during December 2022 and early 2023 with 9 Expression of Interest received from young people. After an interview process six young people have been accepted onto the Whitehorse YMCA Youth Parliament team with 2 young people placed onto a 'wait list'. The 6 young people involved in the program are representative of Whitehorse's diverse community (over half identify as being from a culturally and linguistically diverse background).

The program mentor (YMCA staff member) and Council Youth Worker are currently working collaboratively in supporting the young people in the program. The Whitehorse YMCA Youth Parliament team are meeting fortnightly / monthly with their mentor and Council Youth Worker as they work on the details of their Parliament Bill topic, the 'Modernisation of the Education System'. Details of the Bill are to be finalised by 28th April. The Whitehorse YMCA Youth Parliament team will attend the Victorian Parliament sitting days from 25th to 30th June to debate the Bill

DISCUSSION AND OPTIONS

This report outlines the introduction of the Whitehorse YMCA Youth Parliament as part of the suite of services and programs offered by Council Youth Services and provides members of the Youth Parliament an opportunity to present directly to Council in regard to their volunteer work in representing the best interests of young people.

10.2

(cont)

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

The Whitehorse YMCA Youth Parliament team with the assistance the Youth Services and their YMCA mentor team adopted research and consultative processes in the planning of their Bill which will be debated in the Victorian Parliament with the hope to enrich the lives to young people in the community

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report. The cost to participate in the YMCA Youth Parliament (\$5,125), Council Youth Worker time and program consumables is funded from within Council's 2022/23 Youth Services budget.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Youth Services and are representative of our diverse community.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The Whitehorse YMCA Youth Parliament 2023 is currently developing the details of their Bill on the 'Modernisation of the Education System' which will be presented to the Victorian Parliament. Once the program is completed, members of the Whitehorse YMCA Youth Parliament team will return to Council to provide a final report on program outcomes and achievements. It is envisaged that the Whitehorse YMCA Youth Parliament initiative will become an integral part of the programs and services delivered by Council Youth Services.

10.3 723-725 Whitehorse Road, Mont Albert – Use of the land for a restricted recreation facility (gymnasium) and alteration of access to a transport zone category 2

City Planning and Development: Statutory Planning
City Development
ATTACHMENT

SUMMARY

The proposal seeks the use of the land for the purposes of a restricted recreation facility (gymnasium).

This application was advertised, and a total of 15 objections were received. The objections raise issues with parking and traffic, amenity and noise impacts from hours of operation and proposed patronage, loss of pedestrian and vehicle safety from increased traffic, parking restrictions not adequately enforced, lack of bicycle parking, odour and waste.

A Consultation Forum was held online via Zoom on 13 December 2022 chaired by Councillor McNeill, and attended by Planning Officers, the applicant and 8 objector parties at which the issues were explored, however no resolution was reached between the parties.

Subsequently to the Consultation Forum, a revised planning report prepared by the applicant was submitted to officers on 14 March 2023. The report was prepared in response to some of the issues raised by objectors at the consultation form. The key changes include further amenity protection measures and reduced patron numbers. This information was provided to officers, however has not been provided to objectors.

The report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the provisions of the Mixed Use Zone and Clause 52.06 (Car Parking), as well as the objector concerns.

Subject to conditions, the proposed restricted recreation (gymnasium) use is appropriate as it is supported by planning policy and is considered compatible with the objectives of the Mixed Use Zone.

The proposed use will not adversely impact car parking in the surrounding road network considering the site will provide four (4) on-site car parking spaces, proposes limited patron numbers and has convenient access to public transport.

The management of the premises, including potential amenity issues, will be addressed through conditions, including the requirements for an acoustic report, and a comprehensive car park and waste management plan.

It is recommended that the application be supported, subject to conditions.

10.3
(cont)

COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Barker

That Council:

- A. Being the Responsible Authority, having caused Application WH/2022/729 for 723-725 Whitehorse Road, MONT ALBERT (LOT 7 LP 2664 ECSS) 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 land for a restricted recreation facility (gymnasium) and alteration of access to a transport zone category 2 is acceptable and should not unreasonably impact the amenity of adjacent properties.
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 723-725 Whitehorse Road, MONT ALBERT (LOT 7 LP 2664 ECSS) for the Use of the land for a restricted recreation facility (gymnasium) and alteration of access to a transport zone category 2, subject to the following conditions:
 - 1) Before the use commences, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) The addition of three (3) bicycle spaces. All bicycle spaces are to comply with the Australian Standards AS2890.3-2015 and design standards of Clause 52.34-6.
 - b) Car Parking Management Plan in accordance with Condition 15.
 - c) The requirements/recommendations of Acoustic Report approved by Condition 16 must be illustrated (as appropriate) on all plans and elevations.
 - d) Waste Management Plan in accordance with the requirements of condition 19.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
 - 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) Once the use is commenced it shall only be used for the above purpose, to the satisfaction of the Responsible Authority.
 - 4) Unless with the prior written consent of the Responsible Authority, the maximum number of patrons on the premises at any one time must not exceed:

10.3
(cont)

- a) Mondays to Fridays: 5:55am to 8:00am and 5:00pm to 9:30pm – 25 patrons.
- b) Mondays to Fridays: 8:00am to 5:00pm – 20 patrons.
- c) Mondays to Fridays: 9:30pm to 5:55am – 5 patrons.
- d) Saturday and Sunday: 6:00am to 9:00am – 20 patrons.
- e) Saturday and Sunday: 9:00am to 2:30pm – 15 patrons.
- f) Saturday and Sunday: 9:30pm to 6:00am – 5 patrons.
- 5) Unless with the prior written consent of the Responsible Authority, classes must be separated by a time interval of at least 15 minutes, to the satisfaction of the Responsible Authority.
- 6) The land owner must keep a record of classes held on the site and hours of operation. This record must be made available for inspection by the Responsible Authority on request.
- 7) The three (3) on-site car parking spaces adjoining the rear laneway must only be used by staff.
- 8) Patrons must only enter and exit the premises via Whitehorse Road.
- 9) The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
- 10) The amenity of the area shall not be detrimentally affected by the use or development, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; and
 - e) In any other way.
- 11) Alarms must be directly connected to a security service and must not produce noise beyond the premises.
- 12) No form of public address or speaker system must be installed so as to be audible from outside the building to the satisfaction of the Responsible Authority.
- 13) No music other than background music is to be played without the written consent of the Responsible Authority.
- 14) All background level music must cease between 9.30pm to 6am Monday to Sunday.
- 15) Before the use commences, a car parking management plan must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plan must include:

10.3
(cont)

- a) The location and use of the car parking spaces and bicycle spaces on site and their use (i.e. for staff parking).
- b) The location of any publically available parking and public transport in the immediate area.
- c) Instructions that must be made available to staff and patrons about car parking arrangements.
- d) Employee welcome packs to include public transport information.
- e) Measures (including information on the website, social media, information within the building) that can be adopted to discourage staff and patrons from parking within residential areas where possible.
- f) Staffing and other measures to ensure the orderly departure and arrival of patrons, including during class intervals.
- g) Details of internal systems to manage occupancy during un-staffed hours (internal scan in numbers are to be in accordance with requirements of condition 4).
- h) A complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant.
- i) The ways in which staff are to be made aware of the conditions attached to this permit.

The provisions, requirements and recommendations of the endorsed car parking management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 16) Before the use commence, an acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority, must be submitted to and be approved by the Responsible Authority. When approved, the plan will then form part of the permit. The acoustic report must detail the attenuation measures that must be installed into the building to meet the EPA Noise Protocols and the site management techniques and assumptions upon which the recommended attenuation measures have been based.
- 17) Within 6 months of the completion of the buildings and works, a letter of confirmation from a suitably qualified acoustic consultant must be submitted for approval to the Responsible Authority to certify that the development has been constructed in accordance with the requirements of the Acoustic Report.
- 18) The requirements of the Acoustic Report and any subsequent amended acoustic reports must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

10.3
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- 19) Before the use or development commences, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must include:
- a) Bin sizes and calculation of waste generation rates for each use in accordance with Council requirements;
 - b) The location of placement of bins for collection;
 - c) Details of type of external waste collection service proposed for each use.
 - d) Any MGB (Mobile Garbage Bin) placements proposed on Whitehorse Road for on-street bin collection service must not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres for collection.
- 20) The approved WMP will be the model for adoption in this development and the design and as-built aspects needs to account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.
- 21) This permit will expire if one of the following circumstances applies:
- a) The use does not start within two (2) years from the date of issue of this permit. Or
 - b) The use is discontinued for a period of two (2) years.
- The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

Permit Notes:

- A. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.
- B. Except where no permit is required under the provision of the Whitehorse Planning Scheme, no advertising signs may be constructed or displayed without a permit.
- C. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
- D. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor

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

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MELWAYS REFERENCE 46 K8

Applicant:	Barbell Samurai Pty Ltd
Zoning:	Mixed Use Zone
Overlays:	Design and Development Overlay Schedule 4 (DDO4) Environmental Audit Overlay (EAO)
Relevant Clauses:	Clause 13.05-1S Noise Management Clause 13.07-1S Land Use Compatibility Clause 17.01-1S Diversified Economy Clause 17.02-1S Business Clause 18.01-1S Land Use and Transport Integration Clause 18.02-3R Principal Public Transport Network Clause 21.03 A Vision for the City of Whitehorse Clause 21.07 Economic Development Clause 22.05 Non-Residential Uses in Residential Areas Clause 22.06 Activity Centres Clause 32.04 Mixed Use Zone Clause 52.06 Car Parking Clause 52.29 Land adjacent to the Principal Road Network Clause 52.34 Bicycle Facilities Clause 65 Decision Guidelines
Ward:	Kingsley



Aerial image of subject site

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BACKGROUND

Site History

Planning Permit WH/2004/14646 was issued on 14 July 2004 allowing for alterations and additions to the existing factory/showroom.

Planning Permit WH/2005/635 was issued on 20 November 2006 allowing use of land as a restaurant and associated use of land for the sale and consumption of liquor, and car parking dispensation.

Application History

Following the advertising of the application and forum, as a means of responding to the objections received, the permit applicant submitted an updated written submission responding to concerns raised, which includes a reduction in the total patron numbers for the use at different times of the day. This information was provided to officers to demonstrate how the applicant has sought to address matters raised in the consult forum. This information has not been recirculated to objectors. The applicant's proposed changes are discussed further in the proposal section of this report.

The Site and Surrounds

The subject site is located on the northern side of Whitehorse Road in Mont Albert. The site has a frontage width of 13.4 metres to Whitehorse Road, a depth of 40 metres and a total site area of 548m². The site contains an existing single storey commercial building previously used as an aquarium retail premises with one (1) car parking space fronting Whitehorse Road and three (3) car parking spaces adjoining the rear laneway. This laneway is located to the rear of the subject site and is accessible via Victoria Crescent and Laing Street.

The subject site forms part of the Victoria Crescent Shops located within a small-medium neighbourhood centre as identified within Clause 22.06-6 (Neighbourhood Activity Centre Urban Design Guidelines) It consists of single to double storey commercial buildings and multi storey mixed use buildings. The land to the north and the south around the edges of the Activity Centre are primarily residential comprising of dwellings.

On-street metered car parking is provided directly in front of the subject site and extends along the northern side of Whitehorse Road. The land is well serviced by public transport with a tram stop (Route 109) located approximately 280 metres east and west of the subject site and runs into the retail core of Box Hill (approximately 1km east from the subject site), with the new Union Train Station approximately 1.1km to the south.

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Planning Controls

Mixed Use Zone

The purpose of the zone is in part to “*provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality...*”

Pursuant to Clause 32.04-2, a permit is required to use the land for the purposes of a restricted recreation facility (gymnasium).

Design and Development Overlay (Schedule 4)

The purpose of the overlay (DDO4) is to provide for a range of uses that complement the mixed-use function of the locality and to facilitate development of the land.

Permit triggers within the DDO relate primarily to buildings and works only. As no buildings or works are proposed, the DDO4 is not applicable to this assessment.

Car Parking

Clause 52.06-5 does not specify a car-parking rate for a Restricted Recreation Facility (gymnasium), and as such, pursuant to Clause 52.06-6 car parking must be provided to the satisfaction of the Responsible Authority.

Land Adjacent to the Principal Road Network

The land is adjacent to Whitehorse Road which is zoned Transport 2 Zone. Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone, Category 2. Alterations include any intensification of the use and as such a planning permit is required for alteration of access to a transport zone 2 due to the change in use.

Bicycle Facilities

Pursuant to Clause 52.34 Bicycle parking is to be provided at the following rates:

Use	Employee / Resident	Visitor / Shopper / Student
Minor sports and recreation facility (under which a Restricted Recreation Facility is nested)	1 per 4 employees	1 to each 200sqm of net floor area

As shown on the Floor Plan, the total area of the proposed use is approximately 433 square metres, which requires two (2) bicycle spaces.

A maximum of four (4) staff is proposed which requires one (1) bicycle space. A total of 3 bicycle spaces are therefore required.

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PROPOSAL

It is proposed to use the existing commercial building for the purpose of a restricted recreation facility (gymnasium) with organised group fitness classes. The proposed gym area will be a total of 433 square metres. Car parking spaces allocated to the subject site are located at the site frontage (1 on-site space) and the rear of the subject site (3 on-site car parking spaces).

As noted above, in response to objector concerns, the applicant has revised the proposed patronage on the site, which is now as follows:

- Mondays to Fridays: 5:55am to 8:00am and 5:00pm to 9:30pm – 25 patrons (start time allows 5mins for patrons to enter the gym and commence at 6am).
- Mondays to Fridays: 8:00am to 5:00pm – 20 patrons
- Mondays to Fridays: 9:30pm to 5:55am – 5 patrons
- Saturday and Sunday: 6:00am to 9:00am – 20 patrons
- Saturday and Sunday: 9:00am to 2:30pm – 15 patrons
- Saturday and Sunday: 9:30pm to 6:00am – 5 patrons

Gym classes are proposed for a duration of 45 minutes between 6am to 9.45am and 5.30pm to 7.30pm Monday to Sunday only, with the remaining hours being used for independent training without supervision at varying capacities. A maximum of 8 patrons are included in each class with a total of six (6) classes on Monday, Wednesday and Friday and three (3) classes on Tuesday, Thursday and Saturday. This would allow for the remaining 'patron' spaces to be used by people training on an individual basis.

Internal reconfigurations are proposed to the existing building, noting that a planning permit is not required for internal reconfigurations pursuant to Clause 62.02-2 as there are no increases to the gross floor area.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Whitehorse Road frontage and rear laneway. Following the advertising period 15 objections were received.

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The issues raised are summarised as follows:

- The proposed non-provision of car parking will further limit residential car parking and impact traffic safety
- Amenity and noise impacts from hours of operation and proposed patronage
- Loss of pedestrian and vehicle safety from an increase in traffic
- Parking restrictions not adequately enforced
- Odour and waste
- Lack of bicycle parking

Consultation Forum

A Consultation Forum, chaired by Cr McNeill, was held online via Zoom on 13 December 2022. Council officers, the permit applicant and eight (8) objectors attended the meeting.

Key points discussed during the forum meeting related to amenity impacts and car parking/traffic.

No resolution was reached between the parties during the meeting.

Referrals

External

The Head, Transport for Victoria (formerly VicRoads), part of Department of Transport

Pursuant to Section 55 of the Planning and Environment Act 1987, the Head, Transport for Victoria as part of Department of Transport (formerly VicRoads), is a determining referral authority, and does not object to the proposal.

Internal

Transport Team

The proposal has been reviewed by Council's Transport team who do not support the proposal given the parking demands of the surrounding area, existing parking restrictions, and shortage of on-site car parking spaces. Council's Transport team also indicated that no previous car parking credits are applicable given the previous use ceased over 12 months ago. Council's Transport team also advised that the provision of bicycle spaces must be in accordance with Clause 52.34 (Bicycle Spaces).

Council's Transport team undertook an assessment of the traffic impacts from the proposal by reviewing the traffic survey data results provided by O'Brien Traffic, and has acknowledged the traffic generated by the proposal can be accommodated with the surrounding road network.

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Waste Engineer

The proposal has been reviewed by Council's Waste Engineer, who supports the proposal subject to the submission of a waste management plan and standard waste conditions to be included in any permit issued.

DISCUSSION

Consistency with Planning and Local Planning Policies

The proposed use of the land as a restricted recreation facility (gymnasium) is supported by the Planning and Local Planning Policy Framework.

Clause 13.05-1 (Noise management) seeks to assist the control of noise effects on sensitive land uses. Given the locational attributes of the site and surrounding area, it being located within a Mixed Use Zone, and the hours of operation and patronage proposed, the proposal is unlikely to result in any significant or unreasonable noise emissions.

Clause 13.07-1S (Land Use Compatibility) seeks to protect community amenity while also facilitating appropriate commercial, industrial or other uses with potential off-site effects. The proposal is acceptable within the Mixed Use Zone and will contribute to the vibrancy and diversity of the Activity Centre and benefit the community without resulting in any offsite impact through noise.

Under clauses 17.01-1S (Diversified Economy) and 17.02-1S (Business) it is both policy and an objective to seek a diverse range of land uses within the municipality. The site is located on Whitehorse Road within a designed small-medium neighbourhood activity centre identified within Clause 22.06. The proposed land use will contribute to the vibrancy and diversity of the Activity Centre, and support recreational and entertainment uses for the community.

Clauses 18.01-1S (Land Use and Transport Integration) and Clause 18.02-3R (Principal Public Transport Network) encourage the diversity of development near public transport.

Clause 21.07 (Economic Development) outlines Council's aims for a thriving and sustainable local economy. This policy reinforces Council's desire to ensure that there is a range of opportunities for various types of commercial development in the municipality to meet market demand. The proposed land use supports this policy by proposing a new use that supports the local community and economy through additional employment and the addition of a new local business that can create social benefit to the community.

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Use of land as a Restricted Recreation Facility

The site is located within the Mixed Use Zone, which envisages a mixture of non-residential land uses in both Section 1 and 2. A key purpose of the Zone seeks to *provide for a range of residential, commercial, industrial and other uses*. The proposal responds to the purpose of the Zone by providing a gymnasium use which will complement the mixed-use function of the locality, add to the vibrancy and diversity of the Activity Centre and create benefit to the wider community through the facilitation of health and leisure facilities.

The proposal as initially advertised sought higher patron numbers. This was identified as a concern by objectors because of the amenity impacts this could potentially result in through noise and overflow car parking. The applicant has responded to these concerns by reducing patron numbers during peak and non-peak times. This will serve to reduce the potential for conflict with surrounding commercial and residential uses as noise will be reduced with less people, and the demand for car parking will also be reduced.

Hence the proposed change of use is acceptable and responds appropriately to the purpose of the Zone, as it will not unreasonably impact on surrounding uses. Amenity, car parking and traffic impacts associated with the change of use will be discussed below.

Amenity

Hours of operation and patrons

The proposal seeks permission to operate 7 days a week at varying patron numbers. Whilst the use is proposed to run at a 24 hour capacity, the core function of the use is for group training classes (as noted in the proposal section above) with the remaining hours intended for independent training without supervision (and typically at reduced capacity, particularly during the late night / early morning hours).

The surrounding food and drink premises, office and retail uses within the Victoria Crescent Shopping strip mostly conform to typical business hours. Excluding both of the nearby cafes, most of the surrounding uses do not operate on the weekend or open on reduced hours on Saturday only. Furthermore, by providing classes both in the morning and afternoon members will be able to access the facility at convenient times to them, lessening the peak usage times during the typical rush hours.

The property owners since 2017 have been operating a Barbell Samurai gymnasium in Deepdene and are seeking to relocate due to new development works at this site. The boutique gym at Deepdene is predominately a small group based training facility with the same class schedule as proposed for this application. It is located within a similar strip shopping centre served well by main roads and public transport amenities. The property owners have managed the existing Barbell Samurai

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gymnasium for 6 years demonstrating a capability of implementing the proper management systems and mitigation measures to ensure any amenity and car parking in the local area are not impacted.

The proposed small group training classes will continue to be the main feature of the boutique gym. It is considered patrons utilising the gym will predominately attend the site to participate in small group classes with specialised trainers rather than utilise the site in their own unsupervised sessions.

The permit applicant has advised all gym members will be required to undertake a training induction process and internal cameras will monitor operations. Following the consultation forum, the permit applicant confirmed an internal occupancy computer system will be implemented on site to limit the number of people who can scan-in per hour to prevent more than the allotted number of people from gaining access. The measures put forward by the applicant following the consultation meeting will be required to be included in the Parking Management Plan which will be endorsed by Council. This is a reasonable way of managing the patronage after hours and during times where the gym is unsupervised.

It is acknowledged that a 24hr facility within a Mixed Use Zone will insert a use into this strip centre that operates well beyond the hours of the current uses in this centre. This is not an unusual set-up for a boutique gym, with a trend for smaller gym franchises developing over the past few years. The boutique gym offering is one that attracts people to small classes and a more intimate training environment, which is different to a large scale membership based gym often run through the leisure arm of local councils.

The emergence of smaller gyms has seen local strip centres targeted as ideal locations because they fit within smaller leasable tenancies, and also trade off other surrounding businesses that service local communities. This proposal is another example of this type of use.

Noise

The land to the northern abuttal is residentially zoned (beyond the laneway), and is identified as the primary sensitive interface and the key consideration for offsite noise impacts. The remaining interfaces are commercial or separated by Whitehorse Road.

In order to limit noise impacts, the proposed land use is wholly contained within the existing building with only background music played, which would assist in attenuating noise. Furthermore, patrons will only be able to enter and exit the site via Whitehorse Road.

Whilst the use is proposed to operate 24 hours a day, 7 days a week, although capacity limitations will service to ensure that minimal, of any impact is evident from outside of the site. The number of patrons proposed during the late night / early morning hours (9:30pm to 5:55am) is limited to

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only five (5) people and no gym classes will occur, thus reducing the potential for noise impacts. The permit applicant has advised background level music will only be operable during staff supervised hours. A condition will also be applied to ensure that no music is played between 9:30pm and 6:00am.

The three (3) rear car parking spaces will only be allocated to staff ensuring during unstaffed hours vehicles will not be entering and exiting the rear laneway to mitigate noise to adjoining residential lots overnight.

In addition to the above and to further ensure that noise will not impact the northern residential interface, a recommendation will be made for the permit holder to submit an Acoustic Report prior to the commencement of use which will assess the potential offsite impacts and provide recommendations to mitigate.

A further recommendation will require a report six (6) months post occupation to confirm that the recommendations of the Acoustic Report are being upheld and that any further changes required to reduce noise (if necessary) are considered and adopted. This is a practical and reasonable requirement to give certainty to objectors and surrounding residents that noise mitigation is an important component of any approval granted, and that these mitigation measures are on-going obligations on the permit holder.

Beyond the Acoustic Report, standard noise conditions will be recommended for any permit issued. These measures will ensure that noise emissions from the site are limited to maintain the amenity of the area.

Car Parking and Traffic

Council's Transport team has nominated a peak parking demand at a rate of 0.8 spaces per patron. This is considered to be a conservative rate considering other land uses where people 'gather' (Place of Assembly uses) are allocated a rate of only 0.3 spaces per patron under Clause 52.06. Applying a rate of 0.8 spaces per patron, the proposed land use will have a maximum car parking demand of:

- Mondays to Fridays: 5:55am to 8:00am and 5:00pm to 9:30pm – 20 car parking spaces
- Mondays to Fridays: 8:00am to 5:00pm Saturday and Sunday: 6:00am to 9:00am – 16 car parking spaces
- Mondays to Fridays: 9:30pm to 5:55am & Saturday and Sunday: 9:30pm to 6:00am – 4 car parking spaces
- Saturday and Sunday: 9:00am to 2:30pm – 12 car parking spaces.

As noted above, the subject site provides a total of four (4) on-site car parking spaces and provision of parking is to the satisfaction of the Responsible Authority.

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The traffic report provided by O'Brien Traffic advises there are 111 maximum on-street car parking spaces (1P or longer restriction), in the surrounding area including Whitehorse Road, Victoria Crescent, Carson Avenue, Curlewis Street, Laing Street and High Street.

A number of these parking restrictions are turned off during late evenings and weekends on the northern side of Whitehorse Road (after 6.30pm) and surrounding residential streets including the northern side of Curlewis Street, High Street, eastern side of Laing Street and the eastern side of Victoria Crescent, where the 2P restriction operates 7.30am-7.30pm Monday to Friday.

Based on the parking occupancy survey results undertaken by O'Brien Traffic the following was observed:

- 33 available car parking spaces between 8am to 11.0am on Tuesday 2 August 2022
- 40 spaces available between 4.00pm to 7.30pm on Tuesday 2 August 2022
- 23 available car parking spaces between 11am to 5pm on Wednesday 14 September 2022
- 18 available car parking spaces between 8am to 12pm on Saturday 30 July 2022
- 16 available car parking spaces between 12pm to 5pm on Saturday 17 September 2022

The traffic survey data demonstrates there are vacant car parking spaces that would be available during the operation of the use, exceeding the potential demand during the above listed times. The proposed use, including its hours of operation and patronage is therefore considered to be acceptable against Clause 52.06 with sufficient parking available to cater for the expected demand.

The issue of car parking reduction is the most significant issue with this proposal. This is magnified by the fact that Council's Transport team do not support the extent of parking reduction sought. Whilst this is acknowledged, it is important to also recognise that in a strip shopping centre like this one, which is zoned Mixed Use, the natural evolution of the tenancies will mean that different uses will seek to establish themselves, whilst others may move out over time. This in itself is a normal function of a commercial centre, however it also has impacts on car parking, especially because there is no ability for any tenant to provide more car parking, and as such every use is reliant on the same parking spaces.

The concerns raised by the Transport team are valid and officers have sought to address the major issue of peak car park conflict times by limiting the high patron activities to early morning and later in the day, thereby recognising the pressure on car parking imposed by existing uses such as Mister and Miss and Via Porta. The management of classes and peak patron numbers will serve to spread the car parking demand across a broader time

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period. This is considered a better outcome for the strip centre as it ensures a vibrant and active shopping centre, with a mix of uses that complement car parking need rather than compete.

The car parking demand will also be a 'sticking' point for any new use in this centre, the difference with this use is that a permit is required for a gym. Should a café or restaurant establish here, it would likely not need a permit, and could directly compete with existing uses that are similar for parking spaces.

In a practical sense, the proposal has been assessed against the following existing uses within the Victoria Crescent Shops:

- Via Porta (677 Whitehorse Road, Mont Albert)
- Mr and Miss (711-713 Whitehorse Road, Mont Albert)

Mr and Miss Café operates from 7am to 4pm. Via Porta, since the COVID pandemic, has operated on reduced hours (typically 7am to 3pm). Whilst these establishments are open at 7am, the patronage is more a mix of takeaway and eat in, with eat in times building around 8am. By comparison, the first gym class proposed at 6am to 6.45am (Monday to Friday).

The small class sizes of 8 people for a maximum duration of only 45 minutes including a 15 minute interval between classes will ensure the parking conditions can sufficiently dissipate for the next class in the morning at 7am.

It is acknowledged between 7am to 4pm (Monday to Saturday) there is a higher demand for car parking. Excluding the 7am class commencing at the exact same time as the cafes there is only one (1) class proposed between 7am to 4pm (Monday to Friday) at 9.45am. The remaining uses are predominately shops and offices which conform to normal business hours and are either not open on the weekends or operate on reduced hours on Saturday.

In addition to the above, the site is located on Whitehorse Road where numerous public transport options are made available including bus and tram stops located within proximity to the site and safe walking networks along Whitehorse and nearby residential streets. Furthermore, the site will be located within proximity to the new Union Train Station once completed. As such, the proposal is considered responsive to the relevant planning and local planning policy framework, which promotes sustainable transport and aims to reduce reliance on parking provision for new uses within the municipality.

The proposal is considered moderate in scale as it accommodates a maximum of 25 patrons at any one time. Given the scale, the targeted patrons will be those who either live in the vicinity or regularly attend in this area for other businesses. It is also worth noting that the site provides four (4) on-site car parking spaces which can be used by all staff members. As such, to avoid any reliance on on-street long-term parking. Taking this all into consideration, the proposed use will not unreasonably increase the existing traffic condition in this area.

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A Parking Management Plan will be recommended as a permit condition to ensure that the operation of the use and associated parking on the site is appropriately managed to limit offsite amenity impacts to the road network and residents.

Objectors Concerns not Previously Addressed

Parking restrictions not adequately enforced by Council

Officers from Council's Community Safety Department will continue to undertake regular inspections of the surrounding road network to ensure compliance with the parking restrictions.

Waste Management

A condition will be included within the Planning Permit requiring the submission of a waste management plan to the satisfaction of Council's Waste Engineer.

Lack of bicycle spaces

A condition will be included within the Planning Permit for the plans to show the location of bicycle spaces in accordance with the requirements of Clause 52.34.

Odour

Odour is not a valid planning consideration. The applicant is aware of their obligations to ensure the site complies with the relevant building and health regulations.

CONCLUSION

The proposed change of use to a Restricted Recreation Facility is consistent with the purpose of the Zone as well as the relevant policy framework applicable, and seeks to add to the diversity and vibrancy of the Activity Centre.

The proposed use can be appropriately managed through permit conditions to limit offsite amenity impacts, to nearby residential properties, and demonstrates consistency with the purpose of the Mixed Use Zone. Conditions limiting the number of staff and patrons attending the site will ensure car parking demand is acceptable.

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

It is considered that the application should be approved.

ATTACHMENT

- 1 Site Plan
- 2 Letter provided by applicant responding to forum

10.4 City Planning and Development - Strategic Planning Update

City Planning and Development: Statutory Planning
City Development

SUMMARY

The purpose of this report is to provide an update to Council on key strategic planning projects, planning scheme amendments and relevant State projects. The last update to Council was in September 2022.

The report outlines the status of planning scheme amendments and other projects undertaken by the Strategic Planning Unit. It details amendments that have been initiated by Council to improve or update the planning ordinance and those amendments that are proponent-led.

Key State government projects that have required considerable involvement by the Strategic Planning Unit are also discussed.

This report recommends that Council acknowledges the update on the activities of the Strategic Planning Unit over the last six months.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Stennett

That Council:

1. Note the updates and acknowledge the key projects and amendments to the Whitehorse Planning Scheme undertaken by the Strategic Planning Unit.
2. Note that the work is consistent with the Council Plan and undertaken as required by and in accordance with Section 12 of the Planning and Environment Act, 1987.

CARRIED UNANIMOUSLY

KEY MATTERS

This report outlines the progress made since the last Strategic Planning Update to Council on 26 September 2022.

The following projects are covered in this update:

- Amendment C220: Residential Corridors Built Form Study
- Amendment C230: 490-500 Burwood Highway, Vermont South
- Amendment C241: Municipal wide Development Contributions Plan
- Draft Amendment C245 - Ministerial Amendment - Box Hill Central North – Vicinity Centres
- Amendment C242: Sustainable Built Environment – Elevating ESD Targets
- Suburban Rail Loop
- Mont Albert Level Crossing Removal

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- Heritage Investigations - Churchill Street, Mont Albert Avenue of Honour and Pin Oak Court, Vermont South
- Heritage Assistance Fund
- Tally Ho Activity Centre Structure Plan
- Nunawading/ Megamile and Mitcham Activity Centres Structure Plan Review
- Gardens for Wildlife Program
- Built Environment Education Event

BACKGROUND

Council's Strategic Planning Unit undertakes a range of projects that respond to the strategic planning needs of Whitehorse, including updates to the Whitehorse Planning Scheme, undertaking strategic planning projects to inform planning policies and strategic directions in the planning scheme, proactively plan for future improvements, land use and development opportunities and protection of places of heritage, cultural and environmental significance within the municipality.

The Council is updated on key projects approximately every six months.

DISCUSSION

The following is a summary of the status of key projects and amendments undertaken by the Strategic Planning Unit.

Planning Scheme Amendments

Amendment	Brief Description	Current Status
C220whse Residential Corridors Built Form Study	The <i>Residential Corridors Built Form Study, 2019</i> recommends new development guidelines for the key road corridors in the municipality being Burwood Highway and Whitehorse Road, where the Residential Growth Zone (RGZ) interfaces with land in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ).	The amendment was placed on public exhibition for a period of one month from 29 September 2022 to 31 October 2022, and attracted 16 submissions during public exhibition Council at its meeting on 27 February, 2023 considered the submissions received and officers' response to submissions and resolved to request the Minister for Planning to appoint a Planning Panel to hear the submitters. The Directions Hearing was held on 3 April and the Panel Hearing (dates to be confirmed) will be in early May.

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Amendment	Brief Description	Current Status
C230whse 490-500 Burwood Highway, Vermont South. Former Australian Road and Research Board (ARRB)	<p>This amendment proposes to rezone the 2.6 hectare former ARRB site from Transport Zone 4 to Residential Growth Zone and apply a site specific Design and Development Overlay, the Significant Landscape Overlay, the Vegetation Protection Overlay and the Environmental Audit Overlay.</p> <p>The site has an existing Heritage Overlay recognising the ARRB building and its surrounds.</p>	<p>The proposed amendment was exhibited from 2 June to 5 July 2022. The 41 submissions received during public exhibition were considered by Council at its meeting on 26 September 2022 together with the officers' response to the submissions. Council resolved to request the Minister for Planning to appoint a Planning Panel to hear the submitters.</p> <p>The Panel hearing was held from 7 – 10 February 2023. The Panel report received by Council on 16 March 2023 will be the subject of a separate report to Council.</p>
C241whse Municipal wide Development Contributions Plan (DCP)	<p>The Whitehorse DCP is proposed to apply to all land within the municipality. A total of 133 projects have been identified in the DCP, of which, 95 are community infrastructure projects and 38 are development infrastructure projects. The DCP proposes to collect \$32,363,845 over a 20 year lifespan of the DCP.</p>	<p>The amendment was placed on public exhibition for a period of one month from 31 October 2022 to 12 December 2022, and attracted 14 submissions during public exhibition</p> <p>Council at its meeting on 27 February, 2023 considered the submissions received and officers' response to submissions and resolved to request the Minister for Planning to appoint a Planning Panel to hear the submitters and to notify the submitters of Council's decision.</p> <p>The Directions Hearing was held on 29 March and the Panel Hearing is due to commence on 26 April.</p>

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Amendment	Brief Description	Current Status
C242whse Elevating ESD Targets	Whitehorse City Council is part of the Council Alliance for a Sustainable Built Environment (CASBE) and joined 30 other Victorian councils on a collaborative research project that aimed to elevate environmentally sustainable development (ESD) targets for new development.	At its meeting on 23 May 2022, Council decided to seek authorisation from the Minister to prepare and exhibit Amendment C242. The amendment documents have been submitted to the Minister seeking authorisation, which is pending. Including Whitehorse, 24 councils have concurrently requested authorisation for amendments to elevate ESD targets in the planning scheme. CASBE has been continuing to undertake advocacy on behalf of the partner councils and work is in progress with consultants on the financial analysis identified as Stage 2 work to support the elevating ESD targets amendment.
C245whse – Draft Ministerial Amendment to the Whitehorse Planning Scheme. Box Hill Central North – Vicinity Centres	Box Hill Central owner, Vicinity Centres, applied to the Minister for Planning to undertake Amendment C245whse to the Whitehorse Planning Scheme. Based on the information provided by the Department of Transport and Planning (DTP), the amendment primarily proposes to apply a Specific Controls Overlay (SCO) with an Incorporated Document into the Planning Scheme.	The Minister considered the draft amendment, and placed it on a limited public exhibition from 20 February 2023 to 20 March 2023. Council received a formal notification of the draft amendment on 20 February 2023 and carried out additional notification to inform the wider Box Hill community. Council officers and consultants reviewed the draft amendment and documents, including the Masterplan submitted by DTP, and raised a number of concerns. These concerns are captured in Council's submission to the Minister.

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(cont)

Amendment	Brief Description	Current Status
	As part of the amendment, a Masterplan is proposed to guide the redevelopment of the Box Hill Central North precinct. The Masterplan, proposes high-density, mixed-use developments (seven multi-level buildings ranging between 19 and 49 levels), new and enhanced public spaces, a pedestrian and bicycle network, and changes to Council and VicTrack owned land in the precinct.	At its Meeting on 27 February, 2023, Council resolved to endorse the submission to send to the Minister and authorised the Mayor to write to the Minister separately emphasising the need to appoint a Standing Advisory Committee to consider submissions and offering Council's support to work with DTP to address the concerns raised. Council's submission was lodged on 6 March 2023. The Mayor's letter to the Minister was sent on 9 March, 2023.

Other Major Council Projects

Suburban Rail Loop (SRL) – East

Following satisfactory completion of the Environment Effects process in August 2022, the Suburban Rail Loop Authority (SRLA) revised a number of key documents including the Urban Design Strategy and the Environmental Management Framework. The revised documents were approved by the Minister for Environment and Climate Action.

On 30 September 2022, the Minister for Environment and Climate Action approved Amendment GC197 to facilitate the Suburban Rail Loop Project East by applying the Specific Controls Overlay (SCO) to land required for the project to allow the use and development of that land in accordance with the specific controls of:

- Suburban Rail Loop East Incorporated Document, August 2022 (SCO14). This provides planning approvals and exemptions for the SRL project.
- Suburban Rail Loop East Infrastructure Protection Incorporated Document, August 2022 (SCO15). This protects the tunnel infrastructure.

As reported in the last Strategic Planning update report, the SRLA is proposing to prepare Precinct Structure Plans (PSP) around each of the new SRL stations. In Whitehorse, PSPs will relate to the Box Hill and Burwood stations. Each PSP is anticipated to need significant officer and Councillor involvement, and will have far-reaching outcomes for these places and the community. It is anticipated that discussions with Council about the PSP process will commence in late 2023.

10.4

(cont)

Mont Albert Level Crossing Removal

The Level Crossing Removal Authority (LXRP) has commenced the “*Big Dig*” to remove the level crossings at Mont Albert Road, Mont Albert and Union Road, Surrey Hills. This involves lowering the rail line beneath Mont Albert and Union Roads and combining the two stations into one new premium station. The surrounding road network will be disrupted until May 2023.

Council’s Heritage Advisor and Strategic Planning officers have provided input to the heritage and public realm outcomes, particularly in relation to the Mont Albert Station heritage building which the LXRP has now been dismantled and carefully stored for future reuse within a new public space above the lowered rail line. The former station building will accommodate a new use while preserving the heritage fabric of the structure.

Heritage Investigation – Churchill Street, Mont Albert

In response to Council’s 22 November 2021 motion, a heritage assessment of trees in Churchill Street, Mont Albert has been undertaken. The trees are claimed to be a World War 1 commemorative avenue (Avenue of Honour) and were regarded as being under threat by the LXRP project. While some trees have been removed, the heritage assessment found that the Avenue of Honour met criteria for local historical and social significance, and recommended that the Heritage Overlay be applied to the site.

The assessment was reported to Council on 30 January 2023 where Council resolved to seek authorisation to commence a planning scheme amendment process to apply the Heritage Overlay to protect the Avenue of Honour.

Heritage Investigation - Pin Oak Court, Vermont South

At its meeting on 28 February 2022, Council considered a motion in relation to Pin Oak Court, Vermont South used in the long running television program *Neighbours* and known as “Ramsay Street”. As a result, Council appointed consultants to assess the heritage significance of Pin Oak Court.

The heritage assessment found that Pin Oak Court is of historic, aesthetic and social significance, and as such, warranted inclusion in the Heritage overlay. Further, that subject to more investigation that Pin Oak Court in combination with the nearby former ATV-O Television Studios in Hawthorn Road, Forest Hill may be of State-level significance for its association with the filming and production of *Neighbours*.

Council considered the findings at its meeting on 26 September 2022 and decided “*not to proceed with seeking a Heritage Overlay on the properties at 1 – 6 Pin Oak Court, Vermont South.*”

10.4

(cont)

Heritage Assistance Fund

The Heritage Assistance Fund (HAF) provides grants up to \$2,000 from the funding pool of \$40,000 to eligible owners and occupiers of properties in the Heritage Overlay to assist with the ongoing maintenance of their heritage properties. The HAF assists with various heritage preservation works including external painting, repairs and restorative works.

The 2022/23 round of the HAF opened on 8 August and closed on 18 September 2022. Applications were reviewed by the Heritage Steering Committee on 4 October 2022. Of the 39 applications received, 21 have been approved for funding.

Tally Ho Activity Centre Structure Plan

Amendment C232 proposed to apply the Commercial 3 Zone to land currently in the Commercial 1 Zone in the Tally Ho Major Activity Centre. The Minister refused to authorise the amendment, indicating that the age of the strategic planning documents for the Activity Centre as a key reason for this decision.

Council considered the Minister's decision at its meeting on 23 May 2022 and has allocated budget to prepare a structure plan for Tally Ho to guide growth and change in the activity centre for the next 10 to 15. This will involve review of the Tally Ho Major Activity Centre Urban Design Framework 2007 and the Tally Ho Urban Design and Landscape Guidelines 2015, taking into account the recommendations of the Tally Ho Commercial 1 Zone Review, July 2019.

A brief for the project is being finalised.

Nunawading/ Megamile and Mitcham Activity Centres Structure Plan Review

Council is reviewing and updating the 2008 Structure Plan for the Nunawading, Megamile (East) and Mitcham activity centres. Consultants were appointed in 2020 to assist with updating the Structure Plan. The project is being undertaken in two Phases.

Phase 1 has been significantly delayed, but is still in progress. Community members who expressed interest in being on a stakeholder reference group during the project launch in November/December 2021 have been contacted to confirm their interest in participating. The next output from Phase 1 will be an Issues and Opportunities Paper for community consultation.

Gardens for Wildlife

The *Gardens for Wildlife* Program has recently passed a milestone of 300 gardens visited. Whitehorse commenced its *Gardens for Wildlife* Program in 2017 relying on volunteers to complete the bulk of the workload that keeps this service operational. *Gardens for Wildlife* is one of the few mechanisms Council has to proactively bring about positive change to the urban forest on private land in the municipality.

10.4

(cont)

The Program is coordinated by Council's Tree Education Officer (in the City Planning and Development Department) who received the "Planning Champion" Award from the Planning Institute of Australia (Victoria) in November 2022 at the Awards for Planning Excellence.

Built Environment Education Event

The Built Environment Awards and Educational Program promotes and encourages the value of good design, creating thinking, innovation and sustainability in the built environment within the municipality.

As part of the Program, this year's Built Environment Education Event, being held on 2 May 2023 as part of the Sustainability Week, focusses on passive house design. Simone Schenkel, founder of Gruen Eco Design, will present and discuss designs for passive housing ("Passivhaus"), the current regulations and ideas for affordable house modifications.

STRATEGIC ALIGNMENT

Strategic planning projects, project outcomes and stakeholder consultations are consistent with the *Council Plan 2021-2025* (2021).

Specifically, the strategic planning projects support Strategic Direction 4: Our built environment, movement and public places, of the Council Plan through the preparation of strategies and guidelines that set parameters for future use development in a manner that responds to the needs of the community.

Policy

The policy context for strategic planning activities arises primarily from the Whitehorse Planning Scheme and the Victoria Planning Provisions which contain the Planning Policy Framework (PPF). The PPF contains State, Regional (where relevant) and local policies. In addition, Objectives of the Council Plan, Strategic Directions from State strategies like *Plan Melbourne*, recommendations from Planning Panel reports and regular review of the Whitehorse Planning Scheme are used to inform strategic planning projects, amendments to planning scheme and policy changes.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The strategic planning activities align with the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987* (the Act).

There are no legal or other risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

10.4
(cont)

Community Engagement

No community engagement was required for this report, however highlights from the Strategic Planning projects are profiled approximately every six months in the Whitehorse News.

Community engagement is an integral part of all strategic planning projects and is undertaken as part of preparing projects discussed in this report. Public Exhibition of amendments to the planning scheme are undertaken as per the requirements of the Act.

Financial and Resource Implications

There are no budget implications arising from this update. Projects discussed in this report are either funded in the recurrent budget or via new budget initiatives.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Collaboration with internal teams across the organisation and external stakeholders is a key component of strategic planning projects. The extent of collaboration for each strategic planning project listed above varies depending on the nature of the project.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

This report has provided a summary of the Strategic Planning Unit's work over the last 6 months. It provides the status of current planning scheme amendments as well as updates on other key strategic planning projects.

The report identifies that the projects are aligned with the Council Plan and consistent with the Act and the Whitehorse Planning Scheme.

10.5 Independent Review of Australian Carbon Credit Units

City Services: Sustainability and Waste
Infrastructure
ATTACHMENT

SUMMARY

On 19 March 2018 Council resolved to become carbon neutral in its operations by 2022 as described in the Sustainability Strategy 2016-2022. The carbon neutral target was further endorsed at the Council meeting on 25 July 2022 and Council resolved to seek carbon neutral certification.

This report responds to the Council resolution on 25 July 2022, "That Council delays the procurement of carbon offsets until officers prepare a report for Council following the finalisation of the Professor Ian Chubb into the Australian Carbon Credit Scheme Report commissioned by Minister Bowen, expected later this year."

In response to concerns about the integrity of carbon credits, the Australian Government appointed a Panel led by the former Australian chief scientist and senior academic, Professor Ian Chubb to conduct a review of the Australian Carbon Credit Units (ACCU) scheme.

The Panel report was published on 9 January 2023. The Panel concluded that the ACCU scheme arrangements are essentially sound. All 16 recommendations have been agreed to in principle by the Government.

Based on the positive findings of the Panel report, it is recommended that Council now purchase carbon offsets for its 2022/23 emissions and seek certification under Climate Active, the only government accredited carbon neutral certification scheme in Australia in accordance with the resolution on 25 July 2022.

MOTION

Moved by Cr Skilbeck, Seconded by Cr Liu

That Council:

1. Notes the findings of the Independent Review of Australian Carbon Credit Units led by the former Australian chief scientist and senior academic, Professor Ian Chubb as summarised in this report.
 2. Notes Council officers will proceed to procure carbon offsets for Council's 2021/22 corporate emissions and seek certification under Climate Active.
-

10.5
(cont)

AMENDED MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. Notes the findings of the Independent Review of Australian Carbon Credit Units led by the former Australian chief scientist and senior academic, Professor Ian Chubb as summarised in this report.
2. Approves Council officers to proceed to procure the lowest cost carbon offsets for Council's 2021/22 corporate emissions.

LOST

A Division was called.

Division

For	Against
Cr Barker	Cr Carr
Cr Davenport	Cr Cutts
	Cr Lane
	Cr Liu
	Cr Massoud
	Cr McNeill
	Cr Skilbeck
	Cr Stennett

On the results of the Division the motion was declared LOST

The Mayor put the Motion as moved by Cr Skilbeck and seconded by Cr Liu to the vote:

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Liu

That Council:

1. Notes the findings of the Independent Review of Australian Carbon Credit Units led by the former Australian chief scientist and senior academic, Professor Ian Chubb as summarised in this report.
2. Notes Council officers will proceed to procure carbon offsets for Council's 2021/22 corporate emissions and seek certification under Climate Active.

CARRIED

10.5

(cont)

KEY MATTERS

On 19 March 2018 Council resolved to become carbon neutral in its operations by 2022 as described in the Sustainability Strategy 2016-2022. On 25 July 2022 Council resolved to seek carbon neutral certification:

That Council:

- 1. Endorses the carbon neutral target as set in the Sustainability Strategy 2016-2022 at cost of approximately \$262,000 (based on 2020/21 emissions) depending on the market and cost of selected offsets at the time of purchase;*
- 2. Seeks carbon neutral certification at an additional cost of approximately \$20,000;*
- 3. Notes the Energy Management Fund ceased on 30 June 2022 and its balance in 2022/23 will be approximately \$450,000; and*
- 4. Allocates the funding available from the Energy Management Fund to carbon offsets in 2022/23 and an Embedded Utilities Officer resource for a further 12 months.*
- 5. Delays the procurement of carbon offsets until officers prepare a report for Council following the finalisation of the Professor Ian Chubb into the Australian Carbon Credit Scheme Report commissioned by Minister Bowen, expected later this year.*

In response to concerns about the integrity of carbon credits, the Australian Government appointed a panel led by the former Australian chief scientist and senior academic, Professor Ian Chubb to conduct a review of the Australian Carbon Credit Units (ACCUs) scheme.

The Panel report was published on 9 January 2023. The Panel concluded that the ACCU scheme arrangements are essentially sound. The Panel made 16 recommendations for reforms that largely address the bulk of concerns that have previously been raised by critics about the scheme, and improve its governance, transparency and integrity.

All 16 recommendations have been agreed to in principle by the Government.

Based on the positive findings of the Panel report, Council will now forward purchase offsets using the allocated 2022/23 budget (as resolved at Council Meeting 25 July 2022) and seek Climate Active certification for its 2022/23 emissions. Climate Active is the only government accredited carbon neutral certification scheme in Australia.

As part of Climate Active certification, Council must set a 'base year' which covers a full 12 months of emissions data and should be based on the most recent and representative year for which greenhouse gas emissions data is available. Therefore, Council's Climate Active base year will be 2021/22, as it is more representative of Council's current carbon emissions compared to 2020/21, given that Council's operations were reduced during the COVID pandemic.

10.5

(cont)

To claim carbon neutral certification for any particular year, offsets equivalent to that year's emissions will need to be purchased and retired. The 'Climate Active Carbon Neutral Standard for Organisations' states that certification of an organisation's base year is optional. Therefore, Council is not required by Climate Active to certify or purchase offsets for its base year of 2021/22. However, it is required to do so for 2022/23 onwards. This will allow Council to meet its target to be carbon neutral by 2022.

STRATEGIC ALIGNMENT

Council becoming certified as carbon neutral aligns with:

- Target to become carbon neutral by 2022 Sustainability Strategy 2016-2022.
- Council Plan 'Strategic Direction 5: Sustainable Climate Change and Environmental Care', in particular 'Objective 5.1: Take a leadership role in tackling climate change.'
- The Federal Government's legislated commitment in October 2022 to reduce emissions by 43 per cent below 2005 levels by 2030 and achieve net zero emissions by 2050; and
- The State Government's commitment to reduce Victoria's emissions to net zero by 2045.

Policy

The purchase of carbon offsets will be in accordance with Council's Procurement Policy 2021-2025.

BACKGROUND

Background to carbon neutrality and offsets is provided in the Foundation Paper in **Attachment 1**.

DISCUSSION AND OPTIONS

The panel led by the former Australian chief scientist and senior academic, Professor Ian Chubb to conduct a review of the Australian Carbon Credit Units (ACCUs) scheme made 16 recommendations. All 16 recommendations have been agreed to in-principle by the Government. These include:

- Improving transparency through removing unnecessary restrictions on data sharing.
- Removing the Clean Energy Regulator's conflict of interest by separating its responsibilities to monitor and verify projects as well as purchase ACCUs on behalf of the Government.

10.5

(cont)

- Establishing a Carbon Abatement Integrity Committee (CAIC) with greater independence and ensure the integrity of ERF methods.
- Addressing specific methodology concerns by:
 - Phasing out offsets based on the “avoided deforestation” method
 - Improving transparency around the “human induced regeneration” (HIR) method, and
 - Requiring “landfill gas” methodology to incorporate upwards sloping baselines to reflect how this mitigation method is expected to become standard practice in industry.

The implementation of several recommendations that particularly affect Council are:

- Removing the former government’s requirement for Climate Active participants to purchase a minimum 20% ACCUs.
 - This enables Council to have freedom of choice regarding the types of offsets that it purchases.
- Phasing out offsets based on the “avoided deforestation” method.
 - Council should ensure that it does not inadvertently purchase “avoided deforestation” offsets as they no longer represent credible carbon abatement.

Another important implication for Council is that ACCU prices are likely to rise. This is due to:

- Greater demand and lower supply of ACCUs due to the tightening up of human induced regeneration and landfill gas methodologies, as well as the phasing out of offsets based on the “avoided deforestation method”
- Greater expectations will soon be placed on organisations with the implementation of the Safeguard Mechanism reform in July 2023, which will also increase demand for ACCUs.

The Government has stated that it will consult more broadly on Climate Active’s requirements and processes to ensure the program remains best practice and supports consumer confidence.

The final Chubb report and executive summary is available on the Department of Climate Change, Energy, the Environment and Water (DCCEEW)’s [website](#)

Next steps to become Climate Active certified

Council will seek certification under Climate Active as it is the only government accredited carbon neutral certification scheme in Australia. The process to become Climate Active certified is summarised below:

10.5

(cont)

Council will seek certification under Climate Active as it is the only government accredited carbon neutral certification scheme in Australia. The process to become Climate Active certified is summarised below:

1. Calculate corporate emissions for 2021/22 (base year) and 2022/23.
2. Purchase carbon offsets to abate Council's corporate emissions for 2022/23.
3. Engage a Climate Active certified consultant to conduct a technical assessment and verify emissions.
4. Submit an application for carbon neutral certification to Climate Active for approval.
5. Retire offsets for 2022/23 emissions and promote carbon neutral status when certification is approved.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The Local Government Act (LGA) 2020 and the Climate Change Act 2017 require Councils to consider climate change. Part 2, Section 9 of the LGA 2020 requires that the following are the overarching governance principles:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;*
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.*

It is a requirement under the Victorian Climate Change Act 2017 for Council to strategically tackle climate change and assist the local community to become more climate resilient.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There is funding allocated in the 2022/23 budget for the purchase of the carbon offsets.

10.5

(cont)

Quotations will be sought to purchase carbon offsets. Indicative costs for initial Climate Active certification are:

Certification	\$13,569
Third-party technical assessment and verification (estimate)	\$20,000
Carbon Offsets (estimate) (based on purchasing 20% ACCUs and 80% international offsets using 2021/22 emissions data)	\$171,887
TOTAL	\$205,456

The following table shows the estimate price difference for different scenarios of ACCUs and international offsets.

Scenario	ACCUs	International	Total
1	100%	0%	\$457,892
2	50%	50%	\$279,126
3	30%	70%	\$207,619
4	20%	80%	\$171,867
5	0%	100%	\$100,360

Innovation and Continuous Improvement

Achieving carbon neutral status is a step change in Council's climate response.

Collaboration

No collaboration was required for this report.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

Based on the positive findings of the panel led by the former Australian chief scientist and senior academic, Professor Ian Chubb in reviewing the Australian Carbon Credit Units (ACCUs) scheme, it is recommended that Council now proceed to procure carbon offsets for its 2022/23 corporate emissions and seek certification under Climate Active in accordance with the Council resolution on 25 July 2022.

ATTACHMENT

- 1 Foundation Paper - Carbon Neutrality and Offsets

10.6 Biannual Audit and Risk Committee Report

Governance and Integrity
Corporate Services
ATTACHMENT

SUMMARY

Whitehorse City Council has established an Audit and Risk Committee (Committee) pursuant to Section 53 of the *Local Government Act 2020 (Act)*.

The *Audit and Risk Committee Charter (Charter)* and Section 54(5) of the *Act*, requires the Committee to:

- prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- provide a copy of the biannual audit and risk report to the Chief Executive Officer (CEO) for tabling at the next Council meeting.

The biannual report is for the period October 2022 to March 2023.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Barker

That Council note the Biannual Audit and Risk Committee Report for the period October 2022 to March 2023.

CARRIED UNANIMOUSLY

KEY MATTERS

This report is structured by area of responsibility within the Charter and meets the requirements of the Act for Committee reporting to Council. The next report is due after the September 2023 meeting which considers the financial statements for the year ending 30 June 2023.

- The Committee continues to comply with its Charter – requirements are met across the year albeit this report only covers 6 months as required by the Act.
- In relation to internal audit projects, there were 25 findings raised across 3 reports. Across all projects, the Committee is comfortable with the reporting received and actions being taken by management to address findings. Implementation status is monitored at every meeting.
- The internal audit services contract with Council's internal auditor, Crowe, will end on 30 June 2023.
- The Committee is aware of Council being updated on the Oracle ERP implementation. The Committee's role has been focussed on the oversight of program governance and risk management.

10.6

(cont)

- As a whole, the Local Government sector continues to face financial pressures due to: the legacy of the COVID-19 pandemic; global and domestic economic and societal conditions; workforce / resource shortages; supply chain issues and the shifting of cost / regulatory burden to Local Government. The Committee continues to monitor this situation, with reference to MAV and other commentary.

STRATEGIC ALIGNMENT

This report aligns to Objective 8.3: Good Governance and Integrity of the Council Plan.

Policy

This report was undertaken in accordance with the following:

- Audit and Risk Committee Charter
- Audit and Risk Committee Work Plan
- Local Government Act 2020

BACKGROUND

Audit and Risk Committee

The primary role of the Committee is to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud and corruption prevention systems and controls, maintenance of a sound internal control environment, assurance activities including internal and external audit, and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

The Committee is an advisory committee with no delegated authority or decision-making abilities.

In accordance with the Section 54(1) of the *Act*, Council must prepare and approve a *Charter*. The *Charter* must specify the functions and responsibilities of the Committee including the following:

- a) Monitor the compliance of Council policies and procedures with—
 - (i) The overarching governance principles; and
 - (ii) This Act and the regulations and any Ministerial directions;
- b) Monitor Council financial and performance reporting;
- c) Monitor and provide advice on risk management and fraud prevention systems and controls; and
- d) Oversee internal and external audit functions.

The *Charter* was last reviewed and endorsed by the Committee at the November 2022 meeting, and approved by Council on 30 January 2023.

10.6

(cont)

The Committee comprises of five members: three independent members and two Councillors, appointed by Council.

As per the *Charter*, the Committee meets five times a year.

The agenda for all meetings was in accordance with the *Audit and Risk Committee Work Plan 2022/23 (Work Plan)*, which was developed, discussed and approved by the Committee. The *Work Plan* is the primary tool used to track completion of responsibilities in the *Charter*.

Minutes of Committee meetings summarise activities of the Committee and are available to Council following each meeting. Agenda and papers are also available to Council.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

Under Section 54(5) of the *Act*, the Committee must:

- prepare a biannual audit and risk report that describes the activities of the ARC and includes its findings and recommendations; and
- provide a copy of the biannual audit and risk report to the CEO for tabling at the next Council meeting.

Equity, Inclusion, and Human Rights Considerations

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report.

Innovation and Continuous Improvement

The Committee identified key opportunities for improvement following the annual self-assessment of its performance against its *Charter* in November 2022. The annual self-assessment was provided to Council, through the CEO, in December 2022.

Internal and external audit raise matters, including areas for improvements, for management to address and action. The Committee monitors the implementation of management actions to address findings at subsequent Committee meetings until they are resolved.

10.6

(cont)

Collaboration

All members of the Committee were consulted in the preparation of this report.

Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

That Council note the Biannual Audit and Risk Committee Report as required under Section 54(5) of the *Act*.

The next biannual report provided to Council will be for the period April 2023 to September 2023.

ATTACHMENT

- 1 Biannual Audit and Risk Committee Report

10.7 Records of Informal Meetings of Councillors

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Skilbeck

That the records of Informal Meetings of Councillors be received and noted.

CARRIED UNANIMOUSLY

Pre-Council Meeting Briefing 27 March 2023 – 6.31pm -6.47pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Public Presentations Public Questions Petition Council Agenda Items 27 March 2023 	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Carr Cr Davenport Cr Massoud Cr McNeill Cr Munroe Cr Skilbeck Cr Stennett	S McMillan S Cann J Green L Letic S White C Altan V Ferlaino K Woods S Lozsan Z Quinn
Disclosures of Conflict of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

10.7

(cont)

Councillor Briefing 3 April 2023 – 6.30pm – 9.48pm		
Matter/s Discussed and Noted:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Item 3.1 Strategic Properties /Aquatics Service Review – Aqualink Nunawading Asset Item 3.2 Draft Signage in Council Sporting Reserves Policy Item 3.3 Whitehorse Municipal Early Years & Youth Plan Consultation Item 3.4 Update on Energy Contracts Item 3.5 Library Infrastructure Planning Item 5.1 RHL Sparks Reserve Synthetic Surface Feasibility Study and Football (Soccer) in Whitehorse Item 5.2 Mirrabooka Reserve Update Council Agenda Items 17 April 2023 	Cr Lane (Mayor & Chair) Cr Cutts (Deputy Mayor) Cr Barker Cr Carr Cr Davenport Cr Liu (virtual) Cr Massoud (virtual) Cr McNeill Cr Skilbeck	S McMillan S Cann J Green L Letic S Sullivan S White S Adamson C Altan K Chandler V Ferlaine T Jenvey T Johnson T Peak K Woods
Others in Attendance	F Stewart & D Arcaro, KPMG (Item 3.1)	
Disclosures of Conflict of Interest	None Disclosed	
Councillor /Officer attendance following disclosure	None Disclosed	

11 COUNCILLOR DELEGATE AND CONFERENCE / SEMINAR REPORTS

11.1 Reports by Delegates

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

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Massoud

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

- Cr McNeill attended the Metropolitan Transport Forum via Zoom on 5 April 2023.
- Cr Liu attended the Eastern Transport Coalition on 16 March 2023

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Massoud

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

11.2 Reports on Conferences/Seminars Attendance

- Cr Skilbeck attended the Combined Residents of Whitehorse Action Group (CROWAG) *Save our Canopy Trees* Forum on 1 April 2023.
- Cr McNeill attended the CROWAG forum on 1 April 2023.
- Cr Cutts attended the CROWAG Forum on 1 April 2023 and the VLGA Fast Track Program 2023 - *Leading In Times of Chaos* on 31 March 2023.
- Cr Massoud attended the VLGA Fast Track Program 2023 - *Leading In Times of Chaos* on 31 March 2023 and the United Muslim Iftar Dinner on 13 April 2023.
- Mayor Cr Lane attended the launch of the Gardiners Creek (KooyungKoot) Regional Collaboration on 4 April 2023.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

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

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

Nil

13 CLOSE OF MEETING

The Council Meeting was closed at 8.57pm.

*These minutes are circulated subject to confirmation by Council
at the next Council Meeting to be held on 8 May 2023.*