



WHITEHORSE  
CITY COUNCIL

# Whitehorse City Council

## MINUTES

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### **Council Meeting**

on

**Monday 22 July 2024 at 7.00pm**

**Held in the  
Council Chamber  
Nunawading Civic Centre**

Meeting opened at 7.00pm

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

**Officers:** Simon McMillan Chief Executive Officer  
Jeff Green Director City Development  
Lisa Letic Director Community Services  
Siobhan Sullivan Executive Manager Transformation  
Steven White Director Infrastructure  
Vivien Ferlaino Manager Governance and Integrity  
Fran Nolan Manager Strategic Marketing and Communications  
Kerryn Woods Coordinator Governance  
Sharon Lozsan Senior Governance 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.**

### Acknowledgement of Country

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

Nil

## 3 Disclosure of Conflicts of Interest

- Item 10.5 - Whitehorse Community Grants Program 2024-2025.  
Cr Denise Massoud declared a material direct conflict of interest. Cr Massoud is a Board member for The Avenue Neighbourhood House @ Eley (grant applicant).
- Item 12.1 - Advanced Waste Processing Project Progress  
Cr Mark Lane declared an material indirect conflict of interest. Cr Lane has a family relationship with the lead lawyer representing the contractor.

## 4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 08 July 2024

### **COUNCIL RESOLUTION**

Moved by Cr Skilbeck, Seconded by Cr Liu

That the minutes of the Council Meeting 08 July 2024 be confirmed.

**CARRIED UNANIMOUSLY**

**5 Urgent Business**

Nil

**6 Requests to Speak**

- 6.1 C Jones, Mitcham  
Item 9.1 - Pedestrian Safety around Antonio Park PS
- 6.2 K Gyambavantha, Mitcham  
Item 9.1 - Pedestrian Safety around Antonio Park PS
- 6.3 T Ryder, proUrban Advisory  
Item 10.1 - 26-28 Wellington Road, Box Hill
- 6.4 T Sobel-Berri, Golden Age c/- Urbis Ltd  
Item 10.2 - 202/545 Station Street, Box Hill
- 6.5 H Chi, Box Hill  
Item 10.2 - 202/545 Station Street, Box Hill
- 6.6 B Tomkins, Blackburn Lions  
Item 10.5 - Whitehorse Community Grants Program 2024-2025
- 6.7 J Pullen, Eastern Emergency Relief Network  
Item 10.5 - Whitehorse Community Grants Program 2024-2025
- 6.8 I Teese, Eastern Emergency Relief Network  
Item 10.5 - Whitehorse Community Grants Program 2024-2025
- 6.9 S Barclay, Belmore T-Intersection Action Group  
Traffic Safety – Intersection Belmore Road and Rostrevor Parade, Mont Albert North
- 6.10 C Tzaikou, Belmore T-Intersection Action Group  
Traffic Safety – Intersection Belmore Road and Rostrevor Parade, Mont Albert North

*As the limit of 10 speakers was reached, the Mayor allowed an additional speaker who had registered and was present to speak to the meeting.*

- 6.11 A Caldarelli  
Item 9.1 – Pedestrian Safety around Antonio Park PS

## 7 Public Question Time

### 7.1 G Stone, Whitehorse Active Transport Action Group

#### Question 1

The explanatory letter stated that “The Whitehorse Open Space Strategy (WOSS) identified areas where paths would add value to access open space. A link through the Spotlight site was identified as being an option to provide a connection to the Gardiners Creek Trail. However other opportunities were identified that were considered to better to achieve objectives of the WOSS in providing suitable links through to the Gardiners Creek Trail.”

From our local knowledge and a search of both versions of the WOSS we find it impossible to find any other opportunities that provide the function of the Spotlight connection?

Can you please alert us to the detail in the WOSS (2007 or 2024 draft) about the other opportunities which were identified that provide better more suitable links through to the Gardiners Creek Trail?

#### Response

This question will be taken on notice, an answer will be provided directly to the submitter.

#### Question 2

Also, Council expressed concern that “the site owner/manager could, at their discretion, close the gate to the Trail outside shop operating hours or permanently”. Now I reflect that - in August 2022 Spotlight’s Asset Manager, Anthony Tramonte himself offered a design suggestion as to how Council might build a ramp for DDA access from Gardiners Creek Trail into the Spotlight complex. Given this expressed support from Spotlight could Council please reach an agreement that the access be kept open permanently or for retail hours and therefore expedite this project?

#### Response

This question will be taken on notice, an answer will be provided directly to the submitter.



## 7.2 K Cummings, Whitehorse Ratepayers and Residents Association

### Question 1

How is Council going to comply with Premier Jacinta Allen's proposal to build 79000 new homes in Whitehorse given there are currently only 74000 homes? Added problems are traffic, parking, ability of current water pipes and sewerage disposal to cope etc.

### Response

The Department of Transport and Planning advised councils of draft housing targets in mid-June. The state government then met with councils after the release of the targets and are seeking input from councils and the community (up until 30 August 2024) as to whether there is support for the draft targets.

Council will consider a submission responding to both the new Plan for Victoria and draft housing targets in August 2024, noting that both are in their early phase of development by the state government. Council agrees that adequate infrastructure delivery is required to accompany housing growth and will continue to advocate for this. Council's role is to provide adequate capacity for housing growth, which has previously been identified through our Housing Strategy.

### Question 2

How many vacant properties are there in Whitehorse and how many of these are owned by people living overseas?

### Response

Unfortunately, Council is unable to provide the number of vacant properties in Whitehorse or whether they are owned by people living overseas due to a number of reasons including:

1. Council does not hold information on whether a property is vacant or owned by a person living overseas as there is no requirement for this information to be provided for rates purposes,
2. it would also be impossible to get information from real estate agents managing rental properties and,
3. for those that are not through estate agents Council would not be able to identify or determine whether a property is vacant/or by people living overseas
4. an absentee owner doesn't indicate to Council whether the property is rented or not rented – or even occupied by someone not paying rent.
5. Investment properties frequently become vacant and then rented again – this information is not provided to Council

### 7.3 Resident, Burwood East

#### Question 1

Does the Whitehorse City Council consider that their engagement with residents is meaningful and fair, when a recent parking proposal at Old Burwood Road which consisted of 2 options that both appeared to give extra parking opportunities to a local business (at the expense of local residents), resulted in a parking proposal that was supported by 2 residents from a street of 12 residents? 8 of the 12 residents did not participate in the survey because the parking proposals appeared biased.

#### Response

The parking strategy for Old Burwood Road is considered to be satisfactory based on the community engagement and feedback from residents in the street.

#### Question 2

Can we expect similar parking proposals in the future, where local residents are restricted from parking in front of their own properties due to more local business being introduced in the city of Whitehorse.

#### Response

Parking proposals within the municipality are considered on a “case by case” basis depending on the local street, the specific location, nearby land uses and the parking needs of residents and the wider community.

### 7.4 K Earl, Box Hill

#### Question 1

What is happening with SRLA with Court St and Watt St open space. Council left this in the officers hands to discuss. Has the SRLA come back with a better offer, are they acquiring the properties?

#### Response

As per Item 10.9 on tonight’s agenda, it is proposed that the SRLA fund the design and conversion of Court Street and Watt into permanent public open space. The land will remain in Council ownership.

#### Question 2

With council unable to provide services to its residents last Friday what has the council available if this outage goes longer than a couple of days as that has happened in the past?

### Response

Like many other organisations world-wide, Council experienced some impacts to its technology and systems due to the global cyber outage which occurred last Friday afternoon. This had some minor disruption to Council services which have now been resolved. There may still be some continued impact with our third-party vendors and providers but at this stage this seems unlikely.

After being made aware of the issue, Council immediately took the necessary precautions to minimise the impact to the Whitehorse community. Council has an established practice of robust monitoring of enterprise architecture and cyber security measures.

Council regularly reviews its business continuity plans which are enacted in the event of a service disruption or if an outage persists. These business continuity plans enable Council Officers to adopt alternative procedures to continue to provide a service to the community and every effort is made to have as little impact on the community as possible.

## **8 Petitions**

Nil

## 9 Notices of Motion

### 9.1 Cr Stennett - Pedestrian Safety Around Antonio Park Primary School

#### COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council:

Receives a report in relation to potential mechanisms to improve pedestrian safety around Antonio Park Primary School (APPS) including, but not limited to:

1. Advocating to the State Government on a range of improvements such as construction of a pedestrian overpass across Whitehorse Road, reduction of speed limits along Whitehorse Road and Deep Creek Road, traffic light sequencing on Whitehorse Road outside the school, improved visibility of the Keep Clear line marking west of the intersection of Whitehorse Road and Deep Creek Road, and the installation of traffic safety cameras along Whitehorse Road near to the school.
2. Undertaking a detailed parking assessment around the local streets at pick up and drop off time and considering parking restriction changes to increase parking opportunities, particularly outside 621 Whitehorse Road.
3. Ideas and priorities for safety improvements from the leadership team at Antonio Park Primary School.

**CARRIED**

<b>Voted FOR item:</b>	Cr Barker, Cr Carr, Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr Massoud, Cr McNeill, Cr Munroe, Cr Stennett (10)
<b>Voted AGAINST item:</b>	Cr Skilbeck (1)
<b>Spoke to the item:</b>	Cr Stennett, Cr Cutts, Cr Skilbeck, Cr Carr (4)

## 10 Council Reports

## 10.1 26-28 Wellington Road, Box Hill (Lot 1 & 2 LP 1974 4) – The Use and Development of The Land as a Medical Centre, Food and Drink Premise and Commercial Car Park and Reduction in Car Parking

**Department** City Planning and Development  
Director City Development

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WH/2021/819  
Attachment

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### SUMMARY

This report provides Council with an assessment of planning permit application WH/2021/819 at 26-28 Wellington Road, Box Hill, which seeks approval for the construction of a 19-storey building above five (5) levels of basement car park, comprising of medical centre use, food and drink premises and commercial car park.

The key considerations include the acceptability of the medical centre use; if the commercial car park use is appropriate in being used in conjunction with the medical centre; whether the built form and appearance of the development is appropriate, having regard to the zoning, policy and character of the area and the wider Box Hill Metropolitan Activity Centre (MAC); the impacts of traffic, parking and road safety; and whether the proposal would result in unacceptable off site amenity impacts on surrounding uses.

As part of the process, the application was advertised, and a total of 3 objections were received. The objections raised issues with impacts during construction, impacts on real estate values of surrounding properties (tenanting, selling etc.), pollution, increase in traffic and reduction of car parking. Objector concerns have been addressed in further detail throughout this report.

The application was referred to Head, Transport for Victoria, in their capacity as a determining referral authority. Their scope of consideration has regard to land use and transport integration. The Head, Transport for Victoria did not object to the application and required no conditions to be included on the application.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the purpose and decision guidelines of the Residential Growth Zone, Vegetation Protection Overlay Schedule 3, Significant Landscape Overlay Schedule 9, Development Contributions Plan Overlay Schedule 1, and Clauses 52.06 (Car Parking), 52.34 (Bicycle Parking) and Clause 65 (Decision Guidelines).

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

## 10.1 (cont)

<b>MOTION</b>	
Moved by Cr Barker, Seconded by Cr Davenport Cr Barker moved a motion as printed in council's agenda (Item 10.1) without clause 7B Sustainability Management Plan.	
<b>Cr Munroe proposed an amendment to add clause 7B Sustainability Management Plan as printed in the Agenda papers.</b>	
<b>The amended motion was put</b>	
<b>Voted FOR item:</b>	Cr Liu, Cr Skilbeck, Cr Lane, Cr Carr, Cr Cutts, Cr McNeill, Cr Stennett, Cr Munroe, Cr Massoud (9)
<b>Voted AGAINST item:</b>	Cr Barker, Cr Davenport (2)
<b>Cr Lane proposed to put the motion</b> Moved by Cr Lane, Seconded by Cr Liu <b>The Mayor called a vote to put the motion.</b>	
<b>CARRIED</b>	
<b>Voted FOR item:</b>	Cr Liu, Cr Skilbeck, Cr Lane, Cr Carr, Cr Cutts, Cr Stennett, Cr Munroe, Cr Massoud, Cr Davenport, Cr Barker (10)
<b>Voted AGAINST item:</b>	Cr McNeill (1)
<b>The Mayor put the motion which became the council resolution as follows:</b>	

## 10.1 (cont)

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Lane

A. Being the Responsible Authority, having caused Application WH/2021/819 for 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the 'The use and development of the land as a medical centre, food and drink premise and commercial car park and reduction in car parking' is acceptable and should not unreasonably impact the amenity of adjacent properties.

B. Issues a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) for the 'The use and development of the land as a medical centre, food and drink premise and commercial car park and reduction in car parking', subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:
  - a) The changes included within the 'discussion plans' submitted to Council on 7 February 2024, prepared by Fender Katsalidis.

And further modified to show:

- i. Site visibility triangles for the proposed egress to be depicted on the plans.
- ii. Lockers within the End of Trip facilities to be clearly depicted on the plans.
- iii. Annotation that the surface of the laneway to the south is to be consistent with Council's Box Hill Urban Realm Treatment Guidelines.
- iv. Annotation that the proposed public art is to remain on private property and responsibility of future owners of the site.
- v. Three (3) bicycle parking spaces indicated as Electric bicycle charging spaces.
- vi. Any changes required by the Landscaping and Public Realm Management Plan outlined within Condition 3.
- vii. Any changes required by the Façade Strategy as outlined within Condition 6.
- viii. Any changes required by the Sustainability Management Plan outlined in Condition within Condition 7.
- viii. An amended Waste Management Plan (WMP) in accordance with Condition 9.

## 10.1 (cont)

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

Landscaping and Public Realm Plan

3. Before the development starts, a Landscape and Public Realm Plan must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the Landscape and Public Realm Plan will be endorsed and will then form part of the permit. The Landscape and Public Realm Plan must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:

## Landscaping

- a) Any changes required to meet requirements under Condition 1 of this permit.
- b) Details of all proposed landscaping within the ground floor open spaces, communal area, upper levels, road reserves and pedestrian link / laneway.
- c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
- d) Deep soil planting zones along the proposed laneway and Wellington Road provided to the satisfaction of Council.
- e) For all planting, inclusive of green walls and above ground containerised planting, include the following details:
  - i. Plans and cross-sections of planting containers, and calculated soil volume per container.
  - ii. Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.
  - iii. Irrigation frequency and delivery method.
  - iv. Drainage of planting containers.
  - v. Substrate: suitability for species selection in relation to nutrients and irrigation requirements.
  - vi. Mulch type, depth and weight.
  - vii. Anchoring of all containers and containerised plants above ground level to resist high winds.
  - viii. Assessment / specification of the microclimate and effect on plant health.
  - ix. Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access to landscaping above ground level.
  - x. Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.

## Public Realm

- f) The location of the publicly accessible zone demonstrating public access for a period of 24 hours, seven (7) days a week.



## 10.1 (cont)

- g) Details of any street frontage features and footpath areas from the building facade to the kerb of Wellington Road and the southern laneway. The design and materials of all public realm treatments must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.
- h) Any proposed public realm features such as paths, street furniture, seating, wind amelioration mechanisms, paving, lawn, mulch, garden beds and lighting including specifications, materiality and design detailing.
- i) Details and location of the proposed lighting of Wellington Road and the northern abutting laneway must be prepared in accordance with the Urban Design Guidelines Victoria, Department of Environment, Land Water and Planning 2017, to the satisfaction of the Responsible Authority. All lighting must include with specifications with details of luminance, baffling, height, design and materiality.
- j) Location of any wayfinding signage, information or other wayfinding measures to ensure safe and efficient access from Wellington Road to the northern abutting laneway. View lines through the site and publicly accessible zone must not be impeded by windscreens, containerized planting or any other public realm treatment.

The provisions, recommendations and requirements of the endorsed Landscape and Public Realm Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The lighting must be installed in accordance with the Landscaping and Public Realm Plan and maintained and operated for the life of the building. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.

4. The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.
5. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along Wellington Road and the northern adjacent laneway frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.

Façade strategy

6. Before the development starts, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and

## 10.1 (cont)

colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Facade Strategy for the development must be generally in accordance with plans prepared and endorsed by Fender Katsalidis Architects and detail:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) Schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
- c) External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority.
- d) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, glazing, window detail and any special features which are important to the building's presentation.
- e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- f) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
- g) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high-quality built outcome in accordance with the design concept.
- h) Details of the east-facing, on-boundary wall, which is to be treated with finishes, textures or other design elements to provide a high-quality finish which does not diminish the ability of the eastern adjoining lot to be simultaneously constructed to this wall.

The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority

#### Sustainability Management Plan

7. Prior to the commencement of any building or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with this application unless otherwise provided to the satisfaction of the Responsible Authority. The SMP and Development Plans must contain and demonstrate:
  - i. A complete, 'Published' BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the

## 10.1 (cont)

- categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.
- ii. An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to a person's general environmental duty under section 25 of the Environment Protection Act 2017 (Vic) and with regard to the Environment Reference Standard issued under section 93 of the Environment Protection Act 2017 (Vic), are satisfied.
  - iii. Appropriate access indicated to maintain and service integrated water management systems demonstrated on Development Plans.
  - iv. An annotation on Development Plans indicating the capacity of the rainwater tanks and that the capacities stated are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.
  - v. The amount of toilet services and irrigation areas that the rainwater tanks will facilitate annotated on Development Plans.
  - vi. Water efficient fixtures and fittings include minimum 5-star WELS taps, 4 star WELS toilets, 3 star WELS showerheads ( $\leq 7.5$  L/min) and 5 star WELS urinals.
  - vii. A daylight modelling assessment to the satisfaction of the Responsible Authority.
  - viii. Natural ventilation with all operable windows, doors, terrace openings and vents provided in elevation drawings.
  - ix. A Preliminary BCA Section J or JV3 Energy Efficiency Assessment indicating a 10% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (i.e. U- and SHGC- values) undertaken in accordance with, as a minimum, the National Construction Code 2019 Building Code of Australia standards. The inclusion of renewable energy systems to demonstrate performance must be demarcated from the assessment.
  - x. LED light fittings used to provide artificial lighting and designed to exceed National Construction Code 2019 Building Code of Australia requirements.
  - xi. Energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.
  - xii. Exterior building services equipment including any heating, cooling, ventilation, and hot water systems on Development Plans.
  - xiii. A minimum 10 kilowatt or sufficiently sized solar photovoltaic system that addresses the development's peak energy demand requirements, demonstrated on Development Plans.
  - xiv. Double glazing for all external windows.
  - xv. Car park ventilation fitted with CO sensors.
  - xvi. External, service and lift area lighting fitted with sensors or timers.

## 10.1 (cont)

- xvii. Service and lift area ventilation fitted with sensors or timers.
- xviii. Shadows on elevation drawings demonstrating exterior shading through the use of shading devices and features to east, north and west facing windows greater than 1.5 square metres. Glazing must be sufficiently shaded between 11am to 3pm on 1 February to assist with mitigating peak energy demand. Otherwise, incorporate a sufficiently sized solar photovoltaic system to address peak energy demand.
- xix. The location of alternative transport facilities including employee and visitor secure bicycle and motorcycle spaces, showers, and changing facilities demonstrated on Development Plans.
- xx. A minimum of 3% of car parking spaces fitted with electric vehicle charging infrastructure.
- xxi. A commitment to divert at least 80% of construction and demolition waste from landfill.
- xxii. A green roof, terraces and façades with relevant green infrastructure design elements reducing the development's impact on the urban heat island effect.
- xxiii. Use of low Volatile Organic Compound (VOC) and formaldehyde products.
- xxiv. Timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.
- xxv. Where measures cannot be visually shown, include a notes table or 'ESD Schedule' on Development Plans providing details of the requirements (i.e. % energy efficiency improvement, energy and water efficiency ratings for heating/cooling, hot water and plumbing fittings and fixtures etc.).

Once submitted and approved to the satisfaction of the Responsible Authority, the SMP will form part of the endorsed plans under this permit.

The requirements of the SMP must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

#### Car Park Management Plan

8. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

## 10.1 (cont)

- a) The allocation of 104 car parking spaces associated with the medical centre land use and 43 car parking spaces associated with the car park land use.
- b) Details of a system to demonstrate priority parking for patrons of the medical centre land use within the commercial car park land use (pay model, validation system or similar).
- c) Details of any leasing arrangements ensuring that the 43 car parking spaces associated with the car parking land use are not to be leased on a long-term basis to any party, except for a tenant of the medical centre, outside of a period of time longer than 24 hours.
- d) Details to ensure the separation of the car parking spaces and to limit any parking conflict and incorrect use of allocated parking. All allocations associated with the medical centre must be clearly accessible from the Wellington Road by employees and visitors to the site.
- e) The management of the car park use including the operational details, design and location of any entry / exit barriers, location of parking, pay models, ownership structure, security and mechanisms to limit conflict with the approved medical centre land use.
- f) Details of wayfinding, cleaning and security of the end of trip bicycle facilities.
- g) Any signage associated with short-stay parking, allocated parking and directional wayfinding signage.
- h) Loading/unloading of vehicles associated with the use being undertaken wholly on site with no vehicles being parked in Wellington Road or other streets.

The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application, Prepared by SALT, Revision F03 and dated 9 May 2023, but modified to show:
  - a) Details of scenarios of a more streamlined and shared waste management plan for the clinical waste as per the traffic report, to the satisfaction of the Responsible Authority.
  - b) Frequency to ensure that no collection is to occur during Council kerb side pickup times.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The approved WMP will be the model for adoption in this development and the design & as-built aspects need to account for what is approved



## 10.1 (cont)

in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.

Construction Management

12. Prior to the commencement of buildings or works on the land, a Construction Management Plan, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to, and approved by Council.
- a. The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.
  - b. When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan
  - c. The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Agreement Conditions

13. Before the development starts (excluding removal of any temporary structures on site) the owner of the land must enter into an agreement pursuant to Section 173 Agreement of the Planning and Environment Act 1987 with the Council:

The agreement must provide the following:

- a) A total of 104 car parking spaces allocated specifically for the medical centre use and only for practitioners, staff, or visitors to the site. These must be available at all times during the operation of the medical centre land use.
- b) The 43 car parking spaces associated with the car parking land use are not to be leased on a long-term basis to any party outside of a period of time longer than 24 hours.
- c) The management of all car parking on the site including those allocated to the medical centre and car park land uses must be in accordance with the endorsed Car Park Management Plan at all times.

The owner of the land must pay all of Council's reasonable legal expenses related to this agreement, including the preparation, execution and registration on title.

Use conditions

14. Except in the case of an emergency or within the prior written consent of the Responsible Authority, the approved Medical Centre may only hold appointments between the hours of:
- a) Monday to Saturday: 7:00am to 7:00pm.

## 10.1 (cont)

- Non-appointment based medical uses are permitted outside of these specified hours.
15. The approved Medical Centre can only operate while the car park land use is open to the public.
  16. The communal areas, including all upper-level terraces within the building, must be available for use by all staff and visitors of the development.
  17. The publicly accessible zone identified on the endorsed plans must remain accessible to the public 24 hours per day, Monday to Sunday.
  18. There must be no restriction to movement within the publicly accessible zone identified on the endorsed plans in any way shape or form.
  19. Except with the prior written consent of the Responsible Authority, the approved Car Park may operate 24 hours, 7 days a week.
  20. Except with the prior written consent of the Responsible Authority, the approved Food and Drink Premises may only operate between the hours of:
    - a) Monday to Saturday: 7:00am to 7:00pm.
  21. Outdoor dining for the food and drink premises must not occur external to the building (within the urban plaza) before 8:00am and beyond 8:00pm.
  22. The amenity of the area must not be detrimentally affected by the use or development, including through:
    - a) The transport of materials, goods or commodities to or from land.
    - b) The appearance of any buildings, works or materials.
    - c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
    - d) The presence of vermin.All to the satisfaction of the Responsible Authority.
  23. The use must comply at all times with the State Environment Protection 2021.

General conditions

24. Buildings or works must not be constructed over any easement without the written consent of the relevant Authorities.
25. All building plant and equipment on the roofs, terraces areas, common areas and public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and

## 10.1 (cont)

- communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.
26. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
  27. All pipes, fixtures, fittings and building services servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  28. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable) to the satisfaction of the Responsible Authority.
  29. The car parking areas and driveways must be maintained to the satisfaction of the Responsible Authority.
  30. The nature strip must be reinstated where any existing vehicle crossover is redundant, at no cost and to the satisfaction of the Responsible Authority.
  31. Except with the prior written consent of the Responsible Authority, council assets must not be altered in any way.
  32. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
  33. Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.
  34. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plan's approval.
  35. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.
  36. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.
  37. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority. All streetscape work to be designed as per Box Hill Urban Realm Treatment (BHURT) Guidelines. There is to



## 10.1 (cont)

- be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.
38. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.
  39. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on-site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.
  40. All proposed laneway and footpath civil plans must be designed according to BHURT guidelines and approved by Whitehorse City Council - Design & Construct department prior to reinstatement works commencing.
  41. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
  42. Design plans and specifications of the civil works within the site associated with the development are to be prepared by a suitably qualified engineer, and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.
  43. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
  44. A Development Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Whitehorse City Council as the Collecting agency not more than 21 days prior to, the grant of a building permit under the *Building Act, 1993*, or the commencement of development of any buildings and works associated with the permitted development, whichever occurs first; or the Owner must enter into an agreement with Whitehorse City

10.1 (cont)

<p>Council as the Collecting Agency to pay the Community Infrastructure Levy within a time specified in the agreement.</p> <p><u>Expiry</u></p> <p>45. This permit will expire if one of the following circumstances applies:</p> <ul style="list-style-type: none"> <li>a) The development is not commenced within three (3) years from the date of issue of this permit;</li> <li>b) The development is not completed within six (6) years from the date of this permit;</li> <li>c) If the approved use is not commenced within two (2) years from the completion of the development.</li> </ul> <p>The Responsible Authority may extend the periods referred to in Condition 36 if a request is made in writing before the permit expires or within six (6) months afterwards for commencement or within twelve months afterwards for completion.</p> <p>C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the <i>Planning and Environment Act 1987</i>.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>	
<b>Spoke to the item:</b>	<p>Cr Barker, Cr Davenport, Cr Munroe, Cr Lane, Cr Liu, Cr McNeill, Cr Davenport, Cr Cutts, Cr Skilbeck (9)</p>

## 10.1 (cont)

MELWAYS REFERENCE 47 C8

Applicant:	Wellington Rd 26 Pty Ltd
Zoning:	Clause 32.07 - Residential Growth Zone Schedule 3
Overlays:	Clause 42.02 – Vegetation Protection Overlay Schedule 3 (26 Wellington Road Only) Clause 42.03 – Significant Landscape Overlay Schedule 9 Clause 45.06 – Development Contributions Plan Overlay Schedule 1 Clause 45.09 – Parking Overlay Schedule 1
Relevant Clauses:	Clause 12.05-1S Environmentally Sensitive Areas Clause 15.01-1S Urban Design Clause 15.01-2S Building Design Clause 15.01-4S Healthy Neighbourhoods Clause 15.02-1S Energy and Resource Efficiency Clause 17.01-1S Diversified Economy Clause 17.02-1S Business Clause 18.01-1S Land Use and Transport Planning Clause 18.02-1S Sustainable Personal Transport Clause 18.02-2R Principal Public Transport Network Clause 18.02-4S Car Parking Clause 19.02-1S Health Facilities Clause 19.02-1R Health Precincts Clause 21.03 A Vision for the City of Whitehorse Clause 21.07 Economic Development Clause 22.04 Tree Conservation Clause 22.05 Non-Residential Uses in Residential Areas Clause 22.07 Box Hill Metropolitan Activity Centre Clause 22.10 Environmentally Sustainable Development Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities Clause 53.18 Stormwater Management in Urban Development Clause 64.02 Land Used in Conjunction with Another Use Clause 65 Decision Guidelines Clause 66 Referral and Notice Provisions
Ward:	Elgar

10.1 (cont)

## **BACKGROUND**

### **History**

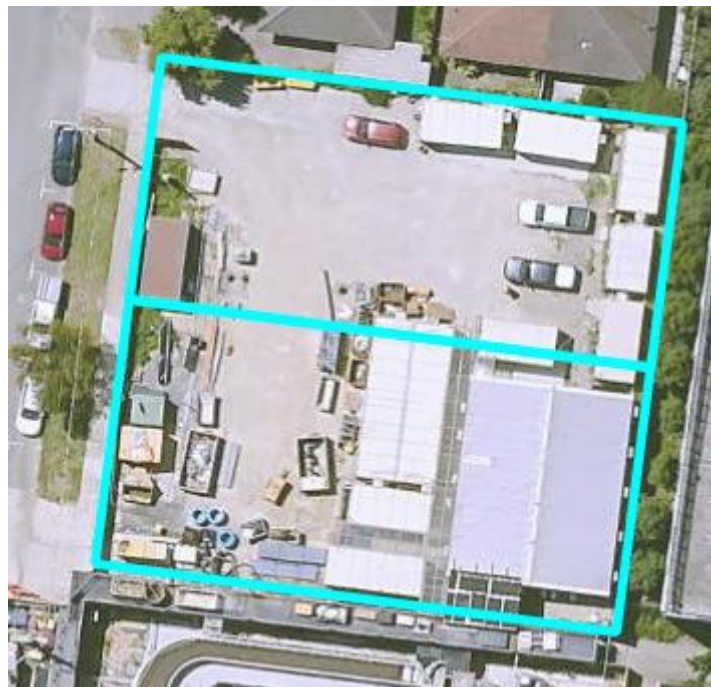
Planning permit WH/2018/743 was issued on the 19 June 2020 for the Development of the land for a 17-storey building containing dwellings and ground floor Food and Drink Premises (Café) and associated buildings and works. This permit expired on the 19 June 2023 as works had not commenced, and no extension of time had been applied for.

### **The Site and Surrounds**

#### **Site**

The subject site is located at 26-28 Wellington Road and is made up of two (2) separate land parcels. The site is square in shape, with a frontage to Wellington Road of 38m and a depth of 38.7m with an approximate site area of 1,480m<sup>2</sup>. Topographically, the site is generally flat.

The lots are currently occupied for storage and a site office associated with the construction site to the south (12-22 Wellington Road) however traditionally contained a single storey dwelling each. The site is cleared of any vegetation with one street tree located on the Wellington Road nature strip. Number 26 Wellington Road is under a Vegetation Protection Overlay, which ensure to protect one tree existing on site, which has since been removed. No easements or covenants encumber the property.



*Aerial view of the subject site*

## 10.1 (cont)

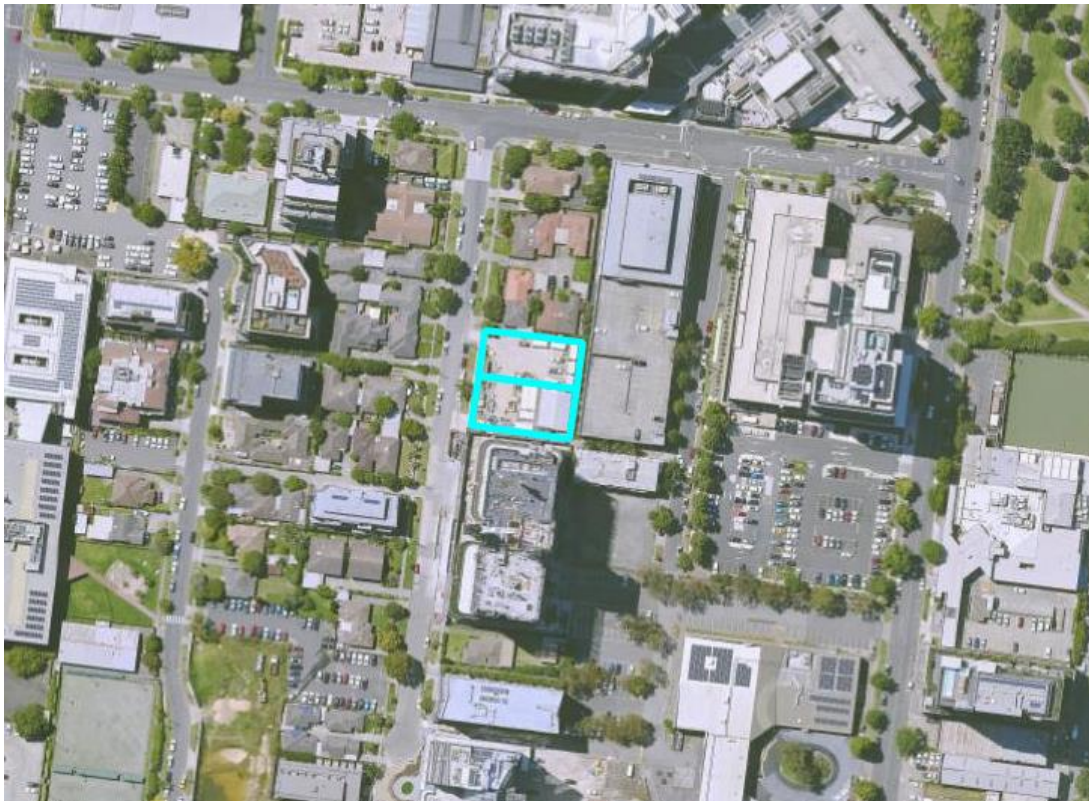
**Surrounds**

The subject site forms part of the Box Hill Metropolitan Activity Centre (MAC). The MAC provides residential, retail, dining, entertainment, civic, community and recreational opportunities for the regional population as well as a hub for local community activities.

The site maintains excellent access to public transportation routes, including the Box Hill Railway Station 550 metres to the south-east, the Tram interchange 500 metres to the south-east and the bus interchange 600 metres to the south-east. The site is located within 100 metres of the Box Hill Hospital.

The site is included within the Box Hill Activity Centre Structure Plan (2007) area, specifically Built Form Precinct F of Figure 5: Built Form Precincts ("Major Development Precinct") which permits taller buildings enabling increased density. The site is further located within Land Use Precinct D in Figure 4: Activity Precincts of the MAC, the 'Hospital & Eastern TAFE Precinct, which is aimed at growth and enhancement of educational and medical institutions and support for related businesses and services, plus high density residential (including student housing).

Broadly, the surrounding land can be described as a mixture of built-form, including a number of existing post-war dwellings, mid-rise apartments and taller mixed-use towers, however there is a visible shift towards higher density development.



*Aerial view of the immediate surrounding area.*



## 10.1 (cont)

**Adjoining Properties**

Directly adjoining properties (including details of any planning permit approved for the site) are described as follows:

Property	Site Description	Approvals
12-22 Wellington Road, Southern Abuttal	Currently under construction.	Planning Permit WH/2020/647 was issued on 2 August 2021 for use and development of the land for a medical centre across a 20 storey form. Various amendments have been issued, however the latest version is consistent with what the permit was for above.
30 Wellington Road Northern Abuttal	An area of approximately 2,000sqm, seven (7) single storey units	Planning Permit WH/1976/901380 was issued on 23 March 1977. No details as to what the application was for is on Council's records, however it is assumed that the permit was for the seven (7) units as aerial imagery indicate that these were constructed shortly after the permit issuing.
8 Spring Street, Rear Abuttal	Four (4) storey car park associated with Eastern Health Medical Centre	Planning permit WH/1986/903773 was issued on the 15 of October 1986 to construct a health centre (Modern Day Eastern Health).
Sites opposite on Wellington Road (21, 25 & 27 Wellington Road)	The sites opposite include a number of established single and double storey residential units.	Various permits issued between 1975-1999 for the development of the units on these sites.

**PROPOSAL**

The application proposes the use and development of the land for a 19 storey building, comprising of medical centre, food and drink premises and a commercial car park. The facets of the application are described in further detail below.

**Land Uses**

The application proposes the following land uses on the site:

- Medical Centre.
- Food and drink premises
- Commercial car park

## 10.1 (cont)

### Medical Centre

The medical centre is proposed to generally be on levels 1-18 (inclusive) with a total area of 11,357m<sup>2</sup>. Each level will range in area, with some consisting of outdoor terrace areas, with all of the tenancies to be accessed via the lift core on the east side. A 98m<sup>2</sup> ground floor tenancy is located at the ground floor at the Wellington Street frontage.

Whilst specific medical type uses are not listed within the Planning Scheme definitions, the Application material has indicated that the proposed land use would serve a greater number of specialist services, including:

- Consulting suites for medical and allied health practitioners
- General practitioners
- Medical office and records storage
- Radiology & medical imaging
- Medical research.

It is proposed for the centre to be accessible/available to the tenants/practitioners at all times (24 hours a day, 7 days a week) however, the services provided to patients/visitors will only occur between 7am-7pm Monday-Saturday.

### Commercial Car Park

The car park is intended to be open to the public and operate as a commercial car park. 104 of the parking spaces will be allocated to building tenants, while the remaining 43 spaces will be open to the public. The public spaces will be accessible to the public 24 hours a day, and operate outside the medical centre hours.

### Food and Drink Premises

The food and drink premise use is proposed on the ground level, in two (2) separate tenancies, located on the south east and south west corners of the building. The premises will have a combined floor area of 162m<sup>2</sup> (84m<sup>2</sup> and 78m<sup>2</sup>). Both the premises will maintain direct connection with the lobby, and frontage of the entrance from Wellington Road, as well as the bicycle access corridor along the southern boundary of the site.

Outdoor dining for these uses will occur along the urban plaza. This will be limited to 8am-8pm through permit conditions to ensure limited impact on the surrounding area will occur.

### **Development**

The application proposes the construction of a 19-storey building over a five (5) level basement. The building is arranged with a 5-storey podium and upper level tower. The building has been designed in a way to activate the street frontage of Wellington Road with commercial uses at ground level, with integration of the south laneway and the under construction development at 12-22 Wellington Road to the south.

## 10.1 (cont)

### Podium and Ground Plane

The podium is proposed as five (5) storeys along the east, south and west sides of the building, with a maximum height of 18.7m , a width of 18m along the Wellington Road frontage, and extending for the entirety of the built form along the south and east.

The podiums ground level is setback between 3 metres and 9.5m from the west boundary with Wellington Road, 3.85m from the south boundary, 5.05m to the north boundary and flush on the east boundary. The setbacks are consistent from the south and west boundary up to the tower, with a reduced setback of 4.5m from the west setback, providing a cantileved form over the Ground Floor.

The podium has been designed to incorporate glass curtain walls, with the west and south form providing a textured façade 'frame' of levels 1-5, to provide a built form separating the podium from the remainder of the tower. The podium is topped with a planter box along the level 5 terrace, which will ensure that the podium is grounded within the public realm, to improve the pedestrian experience of the space within the streetscape and laneway. This is further enhanced with the ground and first floors of the podium providing a void which, combined with the concrete framing at levels 2-5, will assist in providing a solid element of the podium.

The Urban Plaza areas are located around the periphery of the building, in particular to Wellington Road and the laneway to the south with specific areas dedicated to outdoor seating and dining for the food and drink premises, and landscaping design. The urban plaza will have a total area of approximately 358m<sup>2</sup>, excluding the laneway to the south. The design of the plaza provides for a layout that integrates with the plaza and northern pedestrian entrance of the under construction development at 12-22 Wellington Road, and will not limit movement through the site, into the buildings main pedestrian entries.

At the ground level, the buildings main entrance is proposed from Wellington Road, with a secondary entrance to the south providing access from the laneway and 12-22 Wellington Road. The atrium and food and drink premises are designed in a way which will integrate with the external plaza, providing seating and passive recreation/surveillance.

Each point of entry will lead into the building's main lobby and lift core, providing access to the upper levels of the building. The ground floor level includes the food and drink premises to the south east and west corner and a medical tenancy to the north west corner, each interfacing with the streetscape or laneway and internal atrium.

### Tower

The tower is located above the podium and has a total height of 75m, with a total of 19 storeys (18 floors of ground/medical tenancies and level 19 of services), with a total width of 29m along the Wellington Road frontage. The tower incorporates a form above the podium, which separates it into 3 distinct forms when viewed from Wellington Road, with the different forms



### 10.1 (cont)

providing different setbacks and ending at different heights, capped with planting at level 15, rooftop terrace at level 17 and the services and lift overrun for the rear tower form. The three (3) separate forms have also been separated with different architectural design, incorporating render in different locations furthering separation.

The tower will provide setbacks from Wellington Road of 4.5m-6m from levels 2-4, 6m-8m at levels 5-14, 6m-12m at levels 15 and 16 and 12m from level 17 above. The rear setback from the east boundary will provide a wall on the boundary up to level 4 and setbacks of 4.5m-6m from level 5 to 16 and 4.5m to 6.5m at levels 17 & 18. Side setbacks will range from 3.85m to the south at levels 1-4, 5.85m from level 5-14 and 8.35m from levels 15 above, while to the west the setback will be 5.5m at level 1, 5.05 from level 2-16 and 7.55m at 17-18.

Each level is provided access via an internal central lift core, which also includes services, tenant amenities and stair access to all levels. The lifts provide direct access to the tenancies on the eastern side, while the layout of the tenancies is yet to be confirmed, the lifts will be able to be integrated in any layout. Levels 5, 15 and 17 will include terraces for the outdoor use of these tenancies with services located at Level 19.

### **Landscaping**

Landscaping is proposed throughout the development, with canopy trees at Ground Level, along the interface with Wellington Road and the North and South boundaries, with planter boxes along the edge of the terraces at levels 05 and 15.

### **Car Park and Access**

A 6.9m wide vehicle crossover is located on the northern corner of the frontage, providing access to the basement car park and loading area. The basement is proposed over five (5) levels, providing a total of 147 car parking spaces, of which 104 are allocated to the Medical Centre use (location of allocations to be determined through permit condition for a Car Parking Management Plan), with the remaining 43 (basement levels 1 and 2) to be used by the public on a commercial basis as part of the car park land use. It is also proposed to provide a total of nine (9) motorbike parks across basement levels 2-5 (inclusive) which are not allocated to a specific use.

At the south-east corner of the site, the application proposes a separate bicycle access, which provides access to the bicycle parking and end of trip facilities in basement level 1. End of trip facilities include change rooms, showers, staff amenities and a direct access to the lift core, providing access to the other floors of the building. Dedicated pedestrian access will be in the centre of the building at ground floor, separated from the vehicle and bicycle access.

The development will remove the one existing crossover outside of number 26 (southern half of the site) in favour of the one crossover to the north of number 28, improving access to on street parking.

10.1 (cont)

## **PLANNING CONTROLS**

### **Zone**

#### Residential Growth Zone – Schedule 3 (RGZ3)

The subject site is located within Clause 32.07 Residential Growth Zone – Schedule 3, which provides the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.07-2, a planning permit is required to use the land for a medical centre, car park and food and drink premises.

The condition of use for a car park under the table of uses within Clause 32.07-2 states that it *must be used in conjunction with another use in Section 1 or 2* and as such the provisions of Clause 64.02 - Land used in conjunction with another use apply. In this instance, the commercial car park is to be used in conjunction with the medical centre use on the site. For land to be used 'in conjunction with' another use, the following must be proven:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

This essential association and continuing relationship is explained in further detail below.

Pursuant to Clause 32.07-8, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 in Clause 32.07-2.

## 10.1 (cont)

**Overlays**Vegetation Protection Overlay – Schedule 3 (VPO3)

Number 26 Wellington Street (southern half of the overall site) is impacted by Clause 42.02 Vegetation Protection Overlay – Schedule 3 which provides the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation.

Pursuant to Clause 42.04-2 of the Scheme, a permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

Under the Incorporated Document No.11 – *City of Whitehorse – Statement of Tree Significance (2006)*, the previous Red Iron Bark located on site within the front setback was the only tree across the site included on the Significant Tree Overlay. This tree has already been removed under permit WH/2018/743 and removed around December 2022. As such, this overlay does not trigger a planning permit for this application.

Significant Landscape Overlay – Schedule 9 (SLO9)

The subject site is located within Clause 43.02 Significant Landscape Overlay – Schedule 9 which provides the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Pursuant to Clause 43.02, a planning permit is required to remove, lop or destroy trees. Exemptions apply, including the removal of trees outside of the minimum street setback within a Residential Growth Zone.

In addition, a planning permit is also required to construct a building or construct or carry out works within 4 metres of trees that are protected under the overlay.

Previously, the site contained protected vegetation, however this was approved for removal under permit WH/2018/743 and were removed around

### 10.1 (cont)

December 2022, with no vegetation on site (except for the street tree out the front). As such, no permit is triggered under the SLO 9 for the removal of the tree.

The application has not proposed the removal of the existing street tree outside of number 26 Wellington Road. Works are within 4m of this street tree, however this is limited to the basement levels and concreting of the plaza at ground level. Given the size of this tree, and that it is located on the nature strip adjacent to the site this will remain viable. A condition will be added onto the permit to ensure that this tree remains.

#### Parking Overlay – Schedule 1 (PO1)

The subject site is located within Clause 45.09 Parking Overlay – Schedule 1 which provides the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

Pursuant to Clause 45.09, a planning permit is required to reduce the minimum number of car parking spaces required for a use, specified in the schedule. Where a use is not specified, the rates of Clause 52.06-5 apply, under Column B.

In this instance, there are no rates defined for a medical centre, car park and food and drink premises land use and as such Clause 52.06 – Car Parking applies.

#### Development Contributions Overlay – Schedule 1 (DCPO1)

The site is located within Clause 45.06 – Development Contributions Plan Overlay – Schedule 1 which provides the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

While the DCPO1 does not trigger a planning permit as such, it requires levy's payable as per the summary of costs set out within the Schedule to the DCPO. The summary of costs is listed in the table below, and a condition will be added onto the permit ensuring the requirement of the DCPO is met. It is to be noted that amendment C241whse, which implemented the Development Contributions Plan Overlay, was gazetted on the 21<sup>st</sup> of

## 10.1 (cont)

December 2023, however as no transitional provisions apply, the DCPO will apply to the proposal.

The site is located within the Box Hill Activity Centre Charge Area (Charge Area 7), which is the area between Severn/Thames Street to the north, Watts, Lindsey and William Streets to the east, Albion Road to the south and Elgar Road to the west.

The proposal will provide an increase of 13,234m<sup>2</sup> for the medical centre, 3,917m<sup>2</sup> for the commercial car park and 162m<sup>2</sup> for the food and drink premises and the Development Infrastructure Levy will apply for these uses.

### Particular Provisions

#### Car Parking

Pursuant to Clause 52.06, a planning permit is required to reduce the minimum number of car parking spaces required for a use. As specified within the Parking Overlay, the Column B rates under Clause 52.06 are applicable.

The table below outlines the uses proposed, the number of car parking spaces required under Column B and the number of car parking spaces proposed.

Land Use	Rate	Measure	No./Sqm	Rate required	Parking Provided	Reduction sought
Medical Centre	3.5 spaces	Per 100sqm of leasable floor area	11,357m <sup>2</sup>	397	104	293
Food and Drink Premises	3.5 spaces	Per 100sqm of leasable floor area	162m <sup>2</sup>	5	0	5
Car Park	N/A	To the satisfaction of the Responsible Authority		N/A	43	N/A
<b>Total</b>				402	147	298

With respect to the above, a reduction of car parking is being sought for the medical centre and food and drink premises land uses. While the car park spaces within the basement would not be specifically allocated to the medical centre, they would still be available for use in a public capacity.

The table above outlines a shortfall of 298 car parking spaces, and as such, a permit is required under Clause 52.06 to reduce the required car parking.

## 10.1 (cont)

### Bicycle Facilities

Clause 52.34 sets the requirements for the provision of bicycle parking and end of trip facilities. The following statutory bicycle parking rates are required for a medical centre:

- 1 to each 8 practitioners for staff; and
- 1 to each 4 practitioners for visitors.

As the total extent of practitioners is yet to be determined, it is unclear whether a reduction is required for bicycle parking spaces. A total of 66 spaces have been provided in basement level 1, with 4 regular showers and one DDA shower available.

### **General Provisions**

#### Land used in Conjunction with another Use.

Pursuant to clause 64.02 of the Scheme, if a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

It therefore must be demonstrated that the car park land use be used in conjunction with the medical centre, as per the conditional requirement of the Residential Growth Zone.

### **CONSULTATION**

#### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Wellington Street frontage.

Following the advertising period three (3) objections were received. The issues raised are summarised as follows:

- Traffic Increase.
- Impact of reduction of car parking.
- Amenity impact during construction (noise, dust, privacy).
- Increase in pollution.

As only three (3) objections were received, a consultation forum was not required to be held with no further formal discussions with objectors. All objector concerns have been discussed through the assessment section of this report.

## 10.1 (cont)

**REFERRALS****External**

External Department	Type	Response
Department of Transport	Determining	No objection and no conditions

**Internal**

The application was referred to a variety of internal departments and a peer review was sought for wind and urban design. ESD, Waste, Asset engineering and Wind Assessment were supportive, subject to conditions.

Transport, City works and Urban Design provided more detailed responses, which are discussed in further detail below.

Internal Department	Response
ESD	Supportive development subject to permit conditions
Waste	Supportive development subject to permit conditions
Asset	Supportive development subject to permit conditions
Wind	<p>The recommendations and conclusions outlined within the submitted Wind Report were agreed with.</p> <p>The drawings have incorporated the recommendations in the design for Level 5, 15 and 17. As such, the development was supported from a wind perspective.</p>

**City Works**

The following comments were provided from City Works:

- Laneway between 12-22 and 26-28 Wellington Road:
  - The proposed festoon lighting of the laneway is not supported. There is to be no public lighting of this laneway. If lighting needs to be provided for the benefit of the adjoining properties, then the lighting should be within private property and privately managed.
  - If the laneway is to remain Council property, the surface needs to be consistent with Council's Box Hill Urban Realm Treatment Guidelines. In the Guidelines there is a specification on design of pavements for Council laneways. The surface needs to be delineated from the surrounding land. For example, the proposed bluestone paving that

### 10.1 (cont)

goes through the laneway extending into private property on each side is not supported.

- The design needs to prevent vehicles from driving along the laneway.
- The footpath materials and design needs to be consistent with Council's Box Hill Urban Realm Treatment Guidelines.
- Further details will need to be provided on the proposed WSUD garden beds in the road reserve of Wellington Road before these will be accepted as Council assets.
- It is assumed that the proposed 'public art' within the private property remains private and not something Council will need to maintain.

The above points are addressed within the assessment of the application in this report below.

Other points on the WSUD garden beds and the public art being maintained at the costs of the site owner can be addressed by way of permit conditions.

### **Transport**

The transport response was divided into headings as listed below.

#### Statutory Parking Assessment

It is to be noted that the traffic referral was based on an old version of the plans, which provided a slightly lower floor area and car parking requirement, however the comments generally remain the same. The amount required on the assessment plans are listed above in the section outlining Clause 52.06.

#### Adequacy of provisions

While the referral was based on an old version of the plans, the original parking reduction required was 271 parking spaces, with the assessment plans requiring a reduction of 298. It is to be noted that there was also a reduction in floor area and subsequently a reduction in the rate required.

The transport teams comments in relation to the adequacy of the parking provision replicate those provided for that at 12-22 Wellington Road. The approval for 12-22 Wellington Road, with the reduction, essentially 'approved' a car park rate of 1.52 spaces per 100m<sup>2</sup>. If this rate was to be adopted for the assessed plans it would create a new requirement of 174 spaces (172 for Medical Centre and 2 for Food and Drink premises). Which would create a reduction of 27 spaces. The transport team advised that they would approve the previous amended reduction of the previous version which equated to 28 spaces. As the reduction on the decision plans is one less than the previous version assessed by the transport department, it is considered that the reduction sought for the decision plans is still acceptable.



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## 10.1 (cont)

### Traffic generation

It was estimated that 50% of the available car parking will be turned over each peak hour. On the considered plans with 147 spaces, this will result in 74 vehicle movements per hour (previous version being 80) for arrival between AM and PM peak periods.

On the basis of the site being two existing dwellings, this is a net increase of 72 vehicle movements per hour. This is estimated to be 70 inbound and 2 outbound in the AM period and 2 inbound and 70 outbound in the PM period on the assessment plans.

### Traffic distribution

While this development will also contribute to the traffic impacts in the wider precinct, given the high level of development in the area, and that this will also compliment the 'Wellington 01' (currently under construction), providing any comment on this was considered irrelevant.

### Bicycle Facilities

The first version of the plans that were assessed by Transport Engineering provided for 66 bicycle spaces, who advised that bicycle parking and end of trip facilities must be provided in accordance with Clause 52.34. Further discussion on Clause 52.34 is undertaken in more detail in the assessment section of this report below.

### Vehicle access arrangements and car park layout

The following is a summarised list of the comments provided for the proposed vehicle access arrangements and car park layout:

- It was recommended to look at providing separate entry and exit driveways to enter the car park to improve traffic operation.
- A Porte Cochere was recommended to provide a high functioning drop off and pick up area.
- Site visibility triangles should be provided on the exit side of the driveway.
- Ramp grades must be in accordance with Clause 52.06. Ramp width is satisfactory for two way traffic movements.
- All accessible parking spaces must provide widths, lengths and headroom in accordance with AS2890.6
- Other design elements, including column sizes and accessway dimensions, comply with AS2890.
- Car Parking Management Plan is recommended to be included as a condition on permit.

## 10.1 (cont)

### Loading and waste facilities

The swept path diagrams demonstrate that access to and from the waste loading bay is considered satisfactory. It was recommended that waste collection activities be undertaken outside of the peak operating times of the proposed facility so as not to impact the operation of the commercial car park. It is noted however, that this will be outside of the EPA recommended hours for waste collection which aims to limit impact of waste collection noise on surrounding residences (site to the north and across the road). As such, this will not be conditioned.

In terms of waste collection frequency, the Waste Management Plan outlines that waste collection will occur 7am-8pm on Mondays to Saturdays and 9am-8pm on Sundays and public holidays (in accordance with EPA Victoria *Noise Control Guidelines 2008*). To avoid conflict with Council waste collection a condition will be added that the WMP be amended to ensure waste to occur on days outside the Council Kerbside Collection, to avoid traffic conflict with Council waste vehicles.

### Planners Comments

A response to the parking assessment, design & layout, traffic generation and distribution and bicycle facilities is undertaken in this report below.

### **Urban Design**

External Urban Design advice was sought for the application. A summary of Urban Design advice is below, with their recommendations and comments provided in the table below:

### Summary of findings

The following summary was provided:

- There is clear reasoning for the proposed use as a primarily medical use given that it's in a geography bounded by an interlinking laneway to the south, public hospital to the north and public hospital carpark to the east.
- The location of the car-parking access to the northern end of the site and the activation of the balance of the Wellington Road and laneway interface at ground level is also in principle a logical response.
- The embedding of the loading facility is also logical and its distance from the frontage supported with sleeving by retail services.
- The setting back from the laneway at ground floor and activation with aligned retail services is also supported in principle.
- The proposed interconnection of the facilities across the laneway alignment provides clear wayfinding between related facilities and is supported.

## 10.1 (cont)

- The proposed setback of the building from the northern boundary at ground level a combined with a zone of 1200m in width for planting between this and the adjoining property to the north is seen as an absolute minimum. The efficacy of this zone however and the site landscaping to the west and south interfaces is compromised by the absence of any deep soil planting zones. The absence of this given the scale of development, need for a high-quality amenity in the public realm and clear wayfinding would be enhanced with high quality canopy tree elements.

Number	Recommendation	Comments on Recommendation
1	Provide an updated plan with deep soil planting zones to the proposed laneway and Wellington Road interfaces to the satisfaction of Council	No additional comments
2	Provide a setback of 3m from the eastern boundary for levels Level 1 to 3 (inclusive) bathroom areas to the satisfaction of the responsible authority.	Whilst the typical absence of setback to the adjoining low rise multi-deck carpark to the east is supportable, the absence of any setback in the middle of the blocks eastern abutment results in no potential for access to natural light or ventilation for this deep footprint.

## 10.1 (cont)

Number	Recommendation	Comments on Recommendation
3	<p>At Levels 4 to 14, provide a minimum 7.5m setback from the laneway centreline approximating that of its southern neighbour and moderating the impact of the midrise levels of the tower.</p> <p>At levels 15 and 17 provide a minimum 10m setback from the laneway, a minimum 7.5m setback from the eastern boundary and 6m setback from the northern boundary to the centreline to mitigate perceived bulk and offsite impacts to the satisfaction of Council.</p> <p>Delete level 16 and level 18.</p>	<p>The provision of only a 4m setback from the south boundary at mid and higher rise levels amplified the off-site impacts on the north facades of the adjoining southern buildings, amplified the perceived bulk and scale above the podium (with only a 2m setback) and failed in its prosecution of a sound basis to have a lesser setback than its southern neighbour. At podium levels the lesser laneway setback was reasonably offset by greater setbacks to Wellington Road. 9.</p> <p>Whilst some additional scale in my view was warranted for development well aligned to the key purposes of the precinct and its synergies with surrounding medical activities, additional height must be matched with enhanced modelling of form, provision of amenity and mitigation of offsite impacts. I am satisfied this was only achieved in part. The inclusion of the proposed upper-level terrace pavilion is noted and supported but in my view the scale and footprint of upper levels needs to be eroded along with mid-level scale.</p>

## 10.1 (cont)

Number	Recommendation	Comments on Recommendation
4	Provide a Wind report providing demonstrated fitness for purpose street interfaces, outdoor amenity and workplace breakout areas and public realm improvement zones to the satisfaction of Council.	<p>The submission is silent on wind and amenity matters.</p> <p>Generally, the guidance from the Urban Design Guidelines for Victoria are helpful in guiding decision making and amenity in this regard.</p> <p>At ground level the retail and hospitality areas should facilitate collaborative high quality abutting amenity for long-term sitting. The entry at worst should facilitate standing for long periods given the nature of the facility as a health building. External upper-level terrace areas should facilitate outdoor collaboration breakout and hence suitability of sitting all year round through areas suitable for protection from wind and rain.</p> <p>The wind report should demonstrate that abutting residential areas and private open space are unaffected by the development negatively and if not the extent to which they are, and the abutting street and laneway network should similarly given the high dependence on these areas for the integrated travel goals of the centre, be delivering a high level pedestrian amenity.</p>

## 10.1 (cont)

Number	Recommendation	Comments on Recommendation
5	<p>Provide an enclosing, attractively designed entry drive canopy and northern wall setback from the northern boundary in line with the current planter alignment shown on the ground floor plan and planted at its roof level, to develop a softened and acoustically effective resolution at the interface of the property with adjoining sensitive residential uses to the satisfaction of Council. An acoustic report demonstrating effective resolution of noise within the property should be prepared by an Acoustic Consultant. Plans and landscape plans are to be upgraded to demonstrate attractive landscape north boundary and roof terrace interfaces at Level 1 are achieved to the satisfaction of Council.</p>	<p>The current arrangements configure the development with loading and car access at the northern end of the Wellington Street frontage. With the reliance on the southern laneway interface this location for vehicles is in principle logical subject to its effective management and landscape and acoustic treatments. It is on this latter issue that a number of concerns are raised. The facility envisages 155 car spaces and loading, and waste management will all be managed from this interface.</p> <p>The level 1 and 2 plans indicate that the entire entry lane to the site will be open to the sky and the exit lanes also to northern boundary interface and the reversing into the loading zone similarly open to the sky and to the northern interface with neighbours. Logically the loading operations and vehicle movements should be encased to the level possible to minimise the visual and acoustic impacts of operations on the adjoining premises. Reversing vehicles will be particularly problematic and inconsistent with equitable development principles and the need to manage amenity carefully in an intensifying development context.</p>

10.1 (cont)

<p>6</p>	<p><i>Provide a setback of a minimum of:</i></p> <ul style="list-style-type: none"> <li>• 8m for levels 12 to 15 from Wellington Street to the face of glazing for the projecting northwest form, save for necessary articulating shading elements and bay windows, feature elements that reference the proportioning of openings of fenestration below and provide the necessary visual interest and light and shade to mitigate scale impacts.</li> <li>• 7.5m for levels 12 to 15 from the northern boundary to the face of glazing, save for articulating shading elements and bay windows, feature elements that reference the proportioning of openings of fenestration below and provide the necessary visual interest and light and shade to mitigate scale impacts.</li> <li>• Provide updated landscape plans for upper-level terraces demonstrating the resilience of proposed treatments, fitness for purpose for outside passive recreational use and visual contribution to softening the visual impact of taller form to the satisfaction of Council.</li> </ul>	<p>The applicant describes the façade treatment as a “Travertine look” to the expansive façade treatment, expressed in the bulk of the form as a regularly organised pattern of fenestration over 15 levels or 55.5m of height and elevated some 9.6m above and projecting north of the ground and mezzanine levels and the setback for a landscaped terrace at level 17.</p> <p>Whilst I can see why the applicant has created a stepped terrace form, the proposed projection and scale of this northern wall without relief is in my view problematic. In contrast the earlier scheme stepped back from both the northern interface and the street at upper levels</p> <p>In my view a more recessive approach needs to be adopted to the levels above level 12 that will mitigate the visual bulk arising from the development’s proposed additional height and width, with setbacks to both the north and west elevations at these upper levels . The extent of the footprint to be impacted is coloured in yellow above with the blue indicating the suggested scope for articulation of elements to both provide better passive solar mitigation opportunities 20.</p> <p>An example of an approach that does this successfully is that shown below at 520 Swanston Street Carlton, but I will rely on the architects who I know have a high level of capability to resolve this satisfactorily.</p>
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10.1 (cont)

<p>7</p>	<p>Upgrade the EOT facilities to substantially increase the provision of shower change and bicycle EOT facilities to the satisfaction of Council and inclusive of charging stations for E-bikes and scooters.</p> <p>Provide E-Vehicle charging stations on Basement level 1 to the satisfaction of Council.</p>	<p>In recent years, the promotion of activity through the inclusion of high-quality end of travel facilities and real time information regarding tram PT services and their location with real time signage and attractive well located fixed signage in the public realm has been strongly promoted in the health sector. Recent public and private hospitals have seen a large increase in bicycle, ebike and scooter use. With this and again given the nature of their work, end of travel facilities and in particular generous provision of showers is essential along with seamless access.</p> <p>The applicant in this instance is to be congratulated on the inclusion of a separated ramp to the end of travel bike store facilities located in Basement 1. Of greater concern is that only 66 spaces are provided for the whole of the building, no e-bike charging is suggested and only 2 showers for each gender and one disability change room are provided. With no separate change areas, the utility and efficiency with which the showers can be used is further diminished with the consequent effect of discouraging activity. Realistically, with many arriving at a similar time the adequacy of shower and change areas is grossly inadequate. With over 11,700sqm of dedicated medical and F&amp;B areas a more ambitious outcome is needed. It would not be unreasonable to expect the number of showers provided should be at least double that proposed and that it be accompanied by a far more ambitious active transport plan that encourages the workforce to exercise either in coming to work or during the day.</p> <p>Additionally, the inclusion of charging stations for electric vehicles needs to be mandated given the announced fleet policy transformation of the Federal Government and the rapid take up of vehicles that has commenced.</p>
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## 10.1 (cont)

Number	Recommendation	Comments on Recommendation
8	Provide details of the scenarios on which the proposed waste management plan is predicated and verification that this is the model of operation for the development or alternatively a revised waste management plan and arrangements to deliver a more streamlined and shared waste management system, aligned with the traffic report and to the satisfaction of Council.	<p>The waste Management report notes that qualified contractors would collect clinical waste directly from medical tenancies back of house areas with collection arranged as required as is common practice and collected via a 6.35m low profile waste collection vehicle (4.2.7).</p> <p>Clearly in a building of this size, a scale unusual in the health sector in Melbourne, a more coordinated system akin to that operating in hospital affiliated medical centres would be necessary given that more than 100 separate consultancies could reasonably be expected to operate here in some arrangements. It would not be realistic to have separate waste collections for each enterprise as envisaged in the Waste Report. This is not the expectation of the Traffic engineer.</p>

The above comments were referred back to the applicant who made changes which have been incorporated within the Discussion/current decision plans. Other recommendations have been incorporated as conditions.

Specifically to recommendation 8, the urban design advice received outlined that in the WMP, qualified contractors are to collect waste directly from the tenancies back of house areas. It was stated that in a building of this size, being a scale unusual to the health sector in Melbourne, a more coordinated system would be necessary, given that more than 100 separate consultancies could realistically be expected to operate out of the premises and it would not be realistic to have separate waste collections. A condition to address this issue has been included in the recommendation above.

Further discussion and assessment on the Urban Design response of the development has been undertaken in further detail in this report below.

## DISCUSSION

### Consistency with Policy Framework

#### Zone

The subject site is located within Clause 32.07 Residential Growth Zone (RGZ). The purpose of the RGZ encourages an increase in housing diversity within more robust forms of up to four (4) storeys but also seeks to allow a range of non-residential uses to service local community needs in appropriate locations. The purpose of the RGZ also seeks to implement the Local Planning Policy Framework and Municipal Strategic Statement.

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### 10.1 (cont)

The subject site is located within Precinct F of the Box Hill Transit City Structure Plan (2007), with the location designated as the Major Development Precinct under Figure 5, where taller buildings are specifically encouraged.

Further, the site is located within the Hospital and Western TAFE Precinct under Figure 4, with the proposed use of a medical centre being co-located within proximity to the Box Hill and Epworth Hospitals and further cultivating the health precinct identified within the policy framework and Plan Melbourne (discussed further below).

The proposed use and development is considered to be generally consistent with the purpose of the Zone as it relates to the implementation of the associated policy framework within the MPS and PPF. The use will provide a range of allied and associated medical services within that part of Box Hill that has, over time, evolved into a centralised medical and hospital precinct. This medical centre, in conjunction with the others, will serve not only a local community need, but serve a need for the wider community of the East Melbourne catchment, as a medical and health hub as identified in the Structure Plan.

Whilst the RGZ seeks in the first instance, higher density housing, the overlaying of the Structure Plan supports the further increase in medical related uses within this densely developed and populated part of the activity centre.

In terms of the car parking use, this will generally be consistent with the Decision Guidelines under the zone. Given that the use is exclusively underground, the buildings and works associated and the scale and intensity of the use of the car park and its impact on the surrounding area is likely to be minimal.

It is to be noted that the use of 'Car Park' becomes a section 3 use in the zone (prohibited) if not used in 'conjunction with another use', which in this case will be used in conjunction with the medical centre. As part of the 'in conjunction test' the following must be met:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

In this instance, the users of the commercial car park are expected to be patients of the medical centre (however can service the wider medical precinct), with a physical relationship between the two uses being co located within the building providing a close physical relationship and essential associated. These tests are examined in further detail in the assessment section of this report below. Further, through conditions requiring a S173 agreement, and Car Park Management Plan allocating parking spaces to each use, will ensure a continuing functional relationship between the operation of these uses in the future.

### 10.1 (cont)

It is noted that the provisions of Clause 32.07-11 do not apply as the site does not abut any General Residential or Neighbourhood Residential Zone. Thus the relevant standards specific under this Clause are not applicable.

#### **Planning Policy Framework**

The site is located within Box Hill, identified as a Metropolitan Activity Centre within Plan Melbourne. Under Plan Melbourne, Metropolitan Activity Centres seek to provide a diverse range of jobs, activities and housing for regional catchments that are well serviced by public transport. These centres are intended to play a major service delivery role including that of health and education services.

Plan Melbourne also identifies Box Hill as a Place of State Significance due to the health and education facilities located within the Centre, including the Box Hill Hospital and TAFE which serve the Eastern Region. Health and education precincts within Plan Melbourne are intended to support health and education services in areas well served by public transport to ensure their specialised economic function is reinforced, and to allow opportunities for ancillary health and education services.

The proposed medical centre uses will improve community access to essential health services and will go some way to contributing to the future demand requirements for the MAC. The medical centre uses are co-located within proximity to two hospitals and other medical centres. These form part of the 'Hospital and Western TAFE precinct' within the Box Hill Structure Plan which seeks to grow and enhance medical infrastructure and support related business.

The proposed development would directly contribute to the prosperity of the precinct and is consistent with the objectives of Clause 19.02-1S (Health Facilities) and Clause 19.02-1R (Health Precincts). The proposal also supports the broader objectives for the health and education precinct as identified under Plan Melbourne through the clustering of synergistic health services, improvement of access and specialised services and the creation of employment and innovation opportunities.

Furthermore, the site is directly connected to a range of public transport options, as well as the surrounding road network supporting efficient uptake of both tram, train, bus, walking and cycling routes to and from the subject site. Clause 11.03-1S (Activity Centres), Clause 15.01-4S (Healthy Neighbourhoods) and Clause 18.02-1S (Sustainable Personal Transport) each encourage the intensification of employment generating uses in areas with these locational characteristics close to where people live.

The proposed building is designed to respond to its context, minimizing offsite impacts to the public realm through overshadowing, wind, visual bulk and massing. The proposal contributes to the community and the wider MAC through the provision of fit-for-purpose medical centre tenancies, with the provision of an urban plaza, which has been designed to interact with the urban plaza of the medical centre on the site directly to the south. The building's form, scale and appearance are consistent with recent development within the MAC and overall the proposal is consistent with the relevant built form objectives under Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design).

## 10.1 (cont)

The commercial land uses and in particular the medical centre use, facilitate growth within the health sector, and provide improved access to jobs within the MAC, closer to where people live, ensuring consistency with the objective of the Clause 17.01-1S (Diversified Economy).

### **Local Planning Policy Framework**

The Local Planning Policy Framework identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contribute to their adaption, redevelopment and economic growth.

Clause 21.07 (Economic Development) also seeks to increase the number and diversity of employment opportunities, specifically identifying retail and office (medical centre being included in office) activities as an area where opportunities have been created, particularly in redevelopment sites. The proposal complies with this policy and achieves these goals through the provision of additional medical centre (nested under office) space within the Activity Centre.

Clause 22.05 (Non-Residential Uses in Residential Areas) seeks to make provision of services and facilitates in demand by local communities in a way that does not detract from the amenity of the area. Given the MAC context of the site, the policy objectives sought need to be balanced against the proposed intensification of the land within the Centre. The proposed land use is co-located within proximity to the Epworth and Box Hill Hospitals, as well as a site next door (12-22 Wellington) with a similarly sized medical centre, to build upon the strategically important eastern health precinct identified within Plan Melbourne and the Structure Plan. Whilst there may be some impact to the amenity of existing residential dwellings, the site is nominated within Precinct F of the Structure Plan, anticipating substantial growth in the area.

The policy under Clause 22.07 (Box Hill Metropolitan Activity Centre) promotes design excellence in new developments through encouraging built form which provides for increased height that is sensitive to adjoining residential areas and which provides activated and functional interfaces with the public realm to enhance walkability. The proposal responds to the context of the site, limiting offsite impacts of overshadowing, wind, visual bulk and massing both to private residences and existing buildings as well as the public realm.

The reduction of car parking and the provision of a commercial car park is supported by the policy objectives at Clause 22.07 (Box Hill Metropolitan Activity Centre) which seeks to carefully manage vehicle traffic in Box Hill to support choice of travel mode and create transit supportive roads. The reduction of parking proposed limits the total demand, and encourages the uptake of sustainable transportation, noting that the site maintains excellent access to tram, train and bus. The partial use of the basement as a commercial car park (further supported by a similar arrangement at 12-22 Wellington Road) also encourages short-stay parking, ensuring that there is a constant supply of parking available on the basis that it is a paid parking arrangement, within a precinct of substantial health services where short-stay parking is in demand.

## 10.1 (cont)

**Land use**

As discussed earlier, the site is located within a Metropolitan Activity Centre (MAC) designated within Plan Melbourne, which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and multiple public transport options.

With the proposed development contributing 11,519 square metres of commercial floor area (both medical and food and drink premises), this is seen to be a significant contribution towards furthering the development of the Activity Centre in line with the associated Structure Plan and local policy at Clause 22.07 – Box Hill Metropolitan Activity Centre of the Scheme.

Medical Centre

The proposed medical centre is predominantly located through the height of the building, with a small portion at Ground Floor, proposing approximately 11,357 square metres of Net Leasable Floor Area. The medical centre requires a permit for its use under the RGZ.

The medical centre use supports economic growth within the Health Precinct and provides substantial employment opportunities beyond the site's current offering. The Structure Plan, and Plan Melbourne, indicate that there is an increasing demand for related medical services, employment, and health innovation within the Box Hill MAC and within the Health Precinct, and this application further supports this strategy with a generous increase in the overall net leasable floor area for medical centre suites.

The land use has been carefully considered within its local context, to limit any offsite impact through noise, odour, and other emissions, noting that all car parking is proposed within the basement levels, with waste collection located toward the rear of the site in an enclosed section away from other uses. Standard permit conditions will apply to ensure that the proposed use functions in a manner that would limit offsite impact to nearby residents.

In terms of clinical waste generated by the medical centre use, this has been outlined within the submitted Waste Management Plan and provides an outline on the collection of waste from these tenancies from a highest level expected to be generated based on floor area. Each tenancy is proposed to be equipped with a minimum one 240L bin for the disposal of clinical waste and where required, a sharps bin of 60L or less. The clinical waste storage will be located within each tenancy and managed by medical practitioners (or trained staff) only with disposal and storage to be complied with clinical waste disposal and Australian Standards. Clinical waste will be collected by a qualified contractor directly from the medical tenancies and will be arranged to be collected as required (as is common practice). This is to be collected by a 6.35m low profile waste collection vehicle or B99 design vehicle equivalent and collected in the same manner as general waste collection occurs. This will be endorsed and implemented within the Waste Management Plan.

### 10.1 (cont)

The site will be accessible to tenants/practitioners on a 24/7 basis due to the nature of the use, with the total number of staff and practitioners yet to be determined. The applicant has indicated however, that generally, the consulting services will only be provided to patients between 7am-7pm Monday-Saturday Hours as appropriate. Given the residential nature of Wellington Road and the direct interface with residential dwellings, it is considered that these hours for patient intake are appropriate. The site being accessed 24/7 by practitioners/tenants is also acceptable, as the use for the hours outside 7am-7pm Monday-Saturday will likely be for other uses such as record storage, medical research, administration, and cleaning activities, which will reduce parking, traffic and impact on the surrounding residential sites. This is considered to be a reasonable balance between the proposed intensification of the site within the MAC context and maintaining residential amenity within the immediate area, particularly where the site is within proximity to the Epworth and Box Hill hospitals which operate between 6am to 10pm and 24/7 respectively.

Further to the above, the proposed medical centre use has also been considered against the relevant decision guidelines, particularly those around the use of the land and the potential off site impacts and planning officers are satisfied that the proposed use is an acceptable response to the site within the context of the policy frameworks and would not result in significant offsite impact to the wider community beyond that expected within a Metropolitan Activity Centre.

### Car Park

The proposed car park is located within the basement and requires a planning permit for its use under the RGZ. The car park is intended to operate partially as a commercial car park available for public use. A total of 43 car parking spaces would be made available for such purposes, with the remaining 104 spaces allocated specifically for the medical centre. It is to be noted that the site at 12-22 Wellington Road also provides for a commercial car park in association with another Medical Centre similar to the proposed use. Further to this, a current amendment is in with Council for 12-22 Wellington Road, which will provide for a ratio of public to medical centre parking aligned with this proposal, which will lead to the level of car parking allocation within the vicinity to be aligned.

The proposed car park use (specifically the public availabilities) provides a consolidated bank of short-term parking within the precinct, supporting medical uses with the area, most of which maintain a demand for short-term parking. This furthers the objectives of the Structure Plan which seeks to consolidate car parking within precincts and provide a greater number of short-term parking options to minimize traffic on the local road network from searching for parking options.

It is to be noted that the medical centre provides for 104 spaces (requiring a reduction of 293 spaces). Given that the use is to be a medical centre, and not a hospital, with the absence of other staff typical of a hospital such as nurses and other staff, the number of car parking provided will meet the expected demand generated. This will lead to the remaining 43 car parks

### 10.1 (cont)

likely to be surplus and as such, are appropriate to be allocated for a commercial car park, which is still accessible to be used by people in the medical centre. The nature of which will add to a group of public parking within the vicinity for the broader health precinct, consistent with the transport strategy that seeks to provide parking on the peripheries of the MAC.

Given the commercial nature of the car park and the approach to precinct-based parking, 24/7 operation is considered to be acceptable, providing additional parking options to other surrounding medical centre and hospital uses.

The proposal to provide a commercial car parking function within the basement of the medical centre is not a typical use contemplated within a residential zone, and for this reason, the zone requires particular tests to be met to demonstrate its suitability. These tests are established in Clause 64.02. Pursuant to Clause 64.02 (Land Used in Conjunction with Another Use), where a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land (in this instance the car park use within RGZ) it must be demonstrated that:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing relationship in its operation with the other use.

Council has previously sought independent advice on the similar development at 12-22 Wellington Road to the south (Medical Centre with a public car park) with regard to the matters above and how to interpret them. While independent advice was not sought for this application, the same principals have been applied in response to the tests of Clause 64.02.

#### **Essential Association**

In considering the essential association between the two uses, a level of economic benefit to each use exists. Providing a conveniently accessible car park to the patients of the medical centre will provide a more attractive option for the tenant's businesses. Further, providing a medical centre within the building of a car park with an estimated hourly patient turnover will generate a steady revenue for the car park. Lastly, there is a benefit in having a commercial car park whereby users of the medical centre (who may also be using other services in the area on a dual purpose trip, while a paid car park will remove the likelihood of drivers utilizing the car park to solely access other services and not those provided in this medical centre.

Furthermore, there is a strong physical relationship between the two uses, with them occurring in the same building. This is enhanced by users of both the medical centre and car park will share pedestrian entrance via the same building lobby, regardless of whether the intent is to visit the medical centre or not, with the lifts directly connecting the two uses. These physical connections create a degree of integration between the uses.

## 10.1 (cont)

Where spaces are unavailable within the allocated medical centre parking, it is likely that patrons will utilize the commercial car park, providing a benefit to ensure ease of access. Where overflow parking is required, tenants of the medical centre may rely on the spaces of the commercial car park. A condition within the CPMP allows for long term leasing of these spaces to tenants, where required, to ensure appropriate overflow allocation.

Having regard to the physical context of the proposal, economic benefit between the uses and the benefit from the car park use to the medical centre for overflow demand, planning officers are satisfied that there is an essential association between the uses. A permit condition will require that the medical centre can only operate when the car park is open to the public.

*Genuine, close and continuing functional relationship*

It is considered that there is a genuine and close relationship between the proposed uses. The relationship between the uses is not contrived or one where the primary uses are proposed only as a means of allowing a secondary use. The proposal established that there is a genuine and close relationship, with both uses offering substantial benefit to the wider Health precinct, through co-location of health services, plus provision of additional public parking for the wider precinct area.

With regards to the continuing functional relationship between the uses, the applicant has indicated an allocation of 104 car parking spaces specifically to the medical centre land use on an ongoing basis. This will ensure that there will be a continuing interaction between the two land uses, ensuring that there is a high likelihood that these spaces are used by employees and visitors to the site.

In summary, the applicant has demonstrated that the car park is used in conjunction with the medical centre use through the following means:

- The economic benefit to the car park of having a major medical centre with direct access, will generate continued revenue accordingly.
- The physical location of the car park, within the basement of the medical centre building, with both uses being accessed via a shared lobby.
- The allocation of 104 car parking spaces for the specific use of the medical centre.

As such, it is determined that the proposed car park use complies with the provisions of Clause 64 and can be considered as in conjunction with the medical centre use. Permit conditions will apply.

Further to the above, the proposed car park use has also been considered against the relevant decision guidelines particularly those around the use of the land and the potential offsite impacts. Planning officers are satisfied that the proposed use is an acceptable response to the site within the context of the policy framework and would not result in significant offsite impact to the wider community beyond that expected within a Metropolitan Activity Centre.



## 10.1 (cont)

Food and Drink Premises

The two food and drink premises are located on the south side of the building at ground floor and require a planning permit for the uses under the RGZ. The use provides a necessary function to the overall commercial space and from an urban design perspective, will provide activation to the streetscape of Wellington Road, and the pedestrian laneway that runs between the south of the site and 12-22 Wellington Road. This will provide the visual and physical connection between the building, and these public spaces.

Both of the food and drink premises, similar to other uses in the building, are unlikely to result in any offsite impacts pertaining to noise, odour, litter or the like, with both of the uses being contained wholly within the building. Waste can be managed appropriately, subject to best practice waste treatment as outlined within the approved Waste Management Plan. Whilst hours of operation and staff numbers have not been specified, these should be set to align with the medical centre land use hours, which have been identified as 7am-7pm Monday-Saturday. This would also be consistent with other approvals nearby. Other conditions will apply to control and amenity impacts beyond certain times. (i.e. no outdoor seating after a certain timeframe).

**Design and Built Form**

In assessing the appropriateness of the proposed built form, officers refer to the decision guidelines of the Residential Growth Zone for non-residential use, the built form objectives of the Structure Plan as well as the objectives and strategies outlined under Clause 15.01-1S (Urban Design and Clause 15.01-2S (Building Design).

It is acknowledged that there is a strong level of policy support for intensive development of the subject site within a Metropolitan Activity Centre context as outlined within the PPF (Clauses 11.03-1S Activity Centres), the Box Hill Structure Plan (Precinct F Built Form Guidelines) and Plan Melbourne. However, this is contingent on an appropriate design response to the context and an appropriate level of architectural merit to warrant the proposed building's scale. In addition, the proposal generally is further validated through the independent Urban Design advice received which supports the intent of the use and extent of built form.

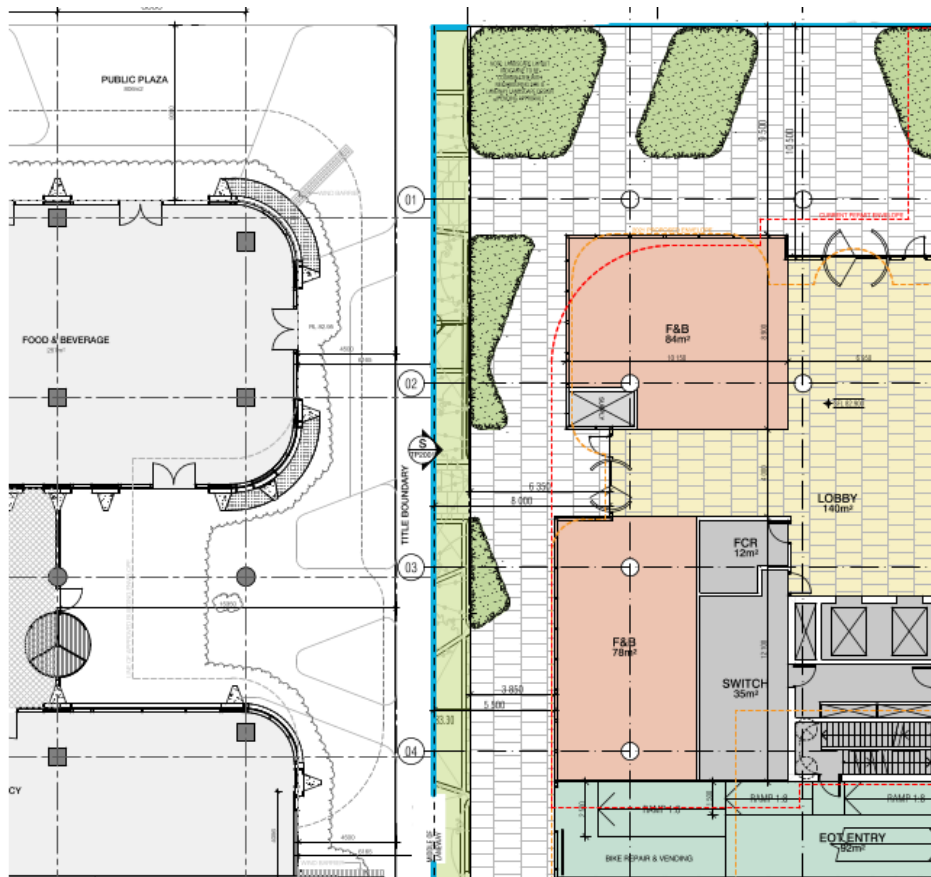
Urban Plaza

A substantial area around the ground floor has been dedicated for public use, to emphasise the sites abuttal to the laneway leading to Spring street, as well as the urban plaza of the site to the south at 12-22 Wellington Road.

The proposed plaza offers an approximate area of 360m<sup>2</sup>, which includes areas dedicated to sitting, movement and landscaping. The plans demonstrate that the layout of the plaza does not restrict pedestrian movement into the building entries, through the site, or into the wider network with expansive pedestrian entries, and a number of connecting paths to the street network. A 24/7 publicly accessible zone is to be established via a planning permit condition to ensure ongoing public access.

## 10.1 (cont)

The south side has been designed to provide access and interaction to the laneway, which connects Wellington Road and Spring Street to the east. Further, the urban plaza has been designed in a way to allow for convenient access to the site to the south at 12-22 Wellington Road, with pedestrian thoroughfares aligned to connect with each other, providing convenient access and an attractive/useable space. The plans below demonstrate the urban plaza of the proposed development and its interface with the urban plaza of the development at 12-22 Wellington, showing a high level of interaction and pedestrian manoeuvrability options between the two developments.



The plaza space maintains a number of planter boxes for landscaping purposes which could accommodate up to six (6) canopy trees within the boundaries of the site as well as other understorey greenery to soften the buildings ground plane and improve the human scale. The plaza space maintains a direct visual connection to the building entries as well as the ground floor land uses to maintain activation to the streetscape.

With regards to the above assessment, the proposed urban plaza is deemed consistent with the objectives under Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) through the provision of a high-quality space that provides opportunities for landscaping, recreation and supports the amenity and attractiveness of the public realm. Urban design advice received generally supported the outcome of the Urban Plaza, subject to conditions relating to a public realm and landscape plan and maintenance of landscaping, which have been included within the recommendation.

## 10.1 (cont)

It is noted that the substantial area of public open space provided is a key element of the site, which in turn provides further justification for the increased building intensity.

### Entries and Street Interface

The buildings primary pedestrian entry is located from the Wellington Road frontage, into an atrium that provides access to the ground floor medical tenancy, the buildings lift core and additional ground floor land uses.

The point of entry is recessed from the front lot boundary by 10.5 metres, and integrated within the urban plaza. The pedestrian entrance from Wellington Road, is separated from the vehicle access providing a clear and legible sense of address that is identifiable from the street. This applies to the side entrance from the laneway to the south which, being opposite the entrance of the under construction at 12-22 Wellington Road to the south, will provide connection to this use while maintaining its own separate sense of address.

This outcome is generally consistent with the objectives outlined within Clause 15.01-1S and Clause 15.01-2S as well as Objective 5.2.3 under the Urban Design Guidelines (DELWP, 2017), with the building's lobby at ground floor being appropriate in terms of the overall scale and the provision of functional spaces to cater to the associated land uses.

The ground level has been designed to maintain a street presence to both Wellington Road and the abutting southern laneway, with active land uses maintaining a direct interface with the pedestrian network and interacting with the medical centre currently under construction to the south. The erosion of the south-western building edge at the ground and first level beneath the upper levels further enhances the sense of address, while providing a covered external shelter for the pedestrian entry, as well as an external covered dining space for the proposed food and drink premises.

Overall, the proposed building entries and street interfaces respond to the context of the street and improve the public realm experience, with these outcomes further supported by the urban design advice received for the application.

### Podium and Building Design

#### *Podium Design*

The street wall height and setbacks to Wellington Road and the abutting laneway to the south vary from ground and level 1, however, remain consistent from levels 2, 3 & 4, with reduced setbacks providing a cantilevered form over the south-west corner of the building. This provides a clear separation from the ground and podium as it progresses to the upper tower, without overwhelming the streetscape and ensuring that the podium maintains a human and pedestrian scale within the public realm setting. This is further enhanced with the podium providing similar materials and height of the podium to that of the development at 12-22 Wellington Road, ensuring that the framing of the south west/south section of the podium will be held as the streetscape transitions north from 12-22 Wellington to the subject site.

## 10.1 (cont)

The use of the differing materials and architectural styles at the podium level assists in providing an appropriately scaled building mass to respond to the pedestrian environment along Wellington Road. The horizontal and vertical edging to the west and south of the podium provides a type of 'framing' to separate this from the tower design. This will ensure that the podium is defined and that this section is not overbearing when viewed from the street in comparison to the remainder of the upper tower. Whilst the eastern ground floor is built to the boundary this is interfaced with a car park associated with Eastern Health and is considered acceptable.

The northwest section of the podium has a reduced ground and first floor, which then provides an integration directly into the tower form. This is particularly evident when viewed from the western interface. This design is considered acceptable, considering this section is over the ground floor medical tenancy which protrudes out and helps provide an 'end' to the urban plaza section and provide separation between the pedestrian and vehicle areas at Ground Level. It will also help provide further separation between the two tower forms, which offer different designs and heights, and will ensure separation throughout the entire height and not just above level 5 (as would be the case if the podium continued to the north west corner).

The utilisation of the podium levels at ground floor for the proposed food and drink premises and a medical centre use, ensures that the building engages with the public realm and streetscape, creating a level of activation between the street and the tenancies which is generally supportive.

Urban Design advice received was generally supportive of the podium design, however, had some concerns on the interface to the residential component to the north in terms of effective management and acoustic treatment of the vehicle access. As the level 1 and 2 plans indicate, the entire entry lane to the site is to be open to the sky, and egress lanes to the north boundary interface and reversing into the loading zone open to the northern residential interface. Recommendation 5, as outlined in the referral response above:

- Provide an enclosing, attractively designed entry drive canopy and northern wall setback from the northern boundary in line with the current planter alignment shown on the ground floor plan and planted at its roof level, to develop a softened and acoustically effective resolution at the interface of the property with adjoining sensitive residential uses to the satisfaction of Council. An acoustic report demonstrating effective resolution of noise within the property should be prepared by an Acoustic Consultant. Plans and landscape plans are to be upgraded to demonstrate attractive landscape north boundary and roof terrace interfaces at Level 1 are achieved to the satisfaction of Council.

It is considered that an effective acoustic treatment can be implemented to the northern boundary/section of the development, while maintaining effective landscaping, to lessen the impact of noise from vehicles and waste trucks & loading/unloading. This can be addressed by way of permit conditions.

## 10.1 (cont)

Tower Design

The design of the tower maintains a consistent design language similar to that of the lower levels, with glass curtains, however with a lesser extent of textured façade, which provides a 'frame' for the podium levels. The tower is split into 3 'forms' of varying heights, which are each capped with black louvers, to achieve a balanced and elegant form atop the podium.

The tower incorporates a design of three separate forms, with a 55m and 63m form for the two parts located toward Wellington Road on the west and 70m high tower recessed at the rear. This, combined with the difference in external features (design and materials) creates a physical separation, which reduces the extent of massing across the frontage to Wellington Road as well as when viewed from the public realm.

The proposed building presents a robust level of built form as envisaged under the policy direction outlined earlier in this report and is balanced with a refined architectural massing and design detail which creates a high quality outcome for the activity centre, while being consistent with recent approvals/currently under construction and developments within the wider precinct.

Urban Design advice requested greater setbacks as the tower moves up, which would ultimately provide a more recessive approach. Recommended setbacks were as follows:

- 8m for levels 12 to 15 from Wellington Street to the face of glazing for the projecting northwest form, save for necessary articulating shading elements and bay windows, feature elements that reference the proportioning of openings of fenestration below and provide the necessary visual interest and light and shade to mitigate scale impacts.
- 7.5m for levels 12 to 15 from the northern boundary to the face of glazing, save for articulating shading elements and bay windows, feature elements that reference the proportioning of openings of fenestration below and provide the necessary visual interest and light and shade to mitigate scale impacts.
- Provide updated landscape plans for upper-level terraces demonstrating the resilience of proposed treatments, fitness for purpose for outside passive recreational use and visual contribution to softening the visual impact of taller form to the satisfaction of Council.

For the most part, levels 12-15 provide an 8m setback from Wellington Road with the northwest corner being 6m, this provides for a level of separation between the two front portion forms of the tower.

The setback from the north boundary is 5.05m from levels 12-16, 7.55m from levels 17 & 18 and 8.95m from level 19. Whilst not in accordance with the setbacks suggested within the Urban Design advice, it is to be noted that these comments were on a previous version of the plans, with the current design outlined in the elevations labelled 'Discussion Plans' now providing greater architectural form, in particular the northern elevation, which previously was a blank concrete wall which now provides for more glazing as

### 10.1 (cont)

part of the design with a landscaped column, providing for a softer form.. . Overall, it is considered that the design combined with the setbacks proposed, will provide a high-quality outcome for the wider activity centre and aligning with the expectations of the MAC for taller buildings within the precinct..

Overall, the proposed development has delivered an outcome which is both appropriate in the context of the Zone and the broader Health Precinct, while seeking to minimise the impact to the currently adjoining residential interfaces. The building finishes are of a high quality as shown within the 'Façade Strategy' provided with the application. A further façade strategy will be required to be provided via conditions noting the changes requested via conditions as outlined within this report, which will be able to be endorsed under the permit.

The strategy will ensure that the overarching design intent implemented throughout the planning permit application process is not eroded either through the introduction of additional measures to address the points above or through subsequent amendments to the permit over time.

### **Landscaping**

The landscaping provided around the site at ground level will provide for an increased pedestrian amenity along Wellington Road and reduce the extent of concrete, to assist in blending in with the residential context of the site and the proposed landscaping of the medical centre under construction at 12-22 Wellington Road to the south. This will be in accordance with Local Policy of Clause's 15.01 and 22.07, which seeks to ensure development provides for landscaping that responds to its site context and creates attractive spaces while maintaining character and amenity of abutting residential properties.

Level 1, 15 and 17 provide for terraces, with Level 5 and 15 providing landscaping along planter boxes along the sides to enhance the greenery of the development and reduce the extent of built form. Urban Design advice states that amended landscape plans are to be provided to ensure that the terrace interface of level 5 demonstrates an attractive landscape north boundary.

The urban design response was generally supportive of the proposed design in terms of landscaping, however, required updated landscape plans for upper-level terraces demonstrating resilience of proposed treatments and showing the deep soil planting zones to the proposed laneway. This can be addressed by way of permit conditions.

### **Amenity**

#### Wind

A wind tunnel study has been conducted by MEL consultants on a 1/300 scale model of the proposed development at 24-26 Wellington Road. The study has been reviewed against existing configuration, proposed configuration and proposed with wind mitigation measures and was peer reviewed (at Council's request) by Vipac who have concluded that the report has been prepared to the correct model and methodology.

## 10.1 (cont)

In summary, the following results have been identified when tested with the highest wind conditions for all wind directions for the proposed configuration:

- Wellington Road testing locations have been shown to satisfy the walking comfort criterion.
- Satisfy or exceed the standing comfort criterion for the East Alleyway
- Satisfy the walking comfort criterion for Spring Street.
- Pass the standing comfort criterion at the Wellington Road building frontage and building entrance.
- Satisfy the sitting comfort for the south walkway adjacent with 12-22 Wellington Road site.
- Satisfy the sitting comfort criterion along the eastern and western and the walking comfort along the southern side of the level 5 terrace.
- Satisfy the sitting comfort criterion for along the northern and sitting criterion along the eastern side of the level 15 terrace.
- Satisfy the sitting and standing criterion and walking criterion along the western and northern side of level 17 terrace respectively.

These are acceptable wind comfort outcomes for the site and surrounds for proposed configuration.

Within the urban plaza, the side laneway area has been proposed to achieve a standing comfort level. . Walking and standing comfort has been achieved within this area which isn't ideal for an outdoor seating area, where the optimal outcome is seated comfort. It is noted however that landscaping is to be provided along the western side of this area which will provide for some level of sheltering along this area for the outdoor dining associated with the food and drink premises.

Around the remainder of the building and beyond the site into the public realm, standing and walking comfort has been achieved ensuring that pedestrians can move through the site and streetscape with ease.

At the upper level terraces, walking and standing comfort has generally been achieved (with the exception some areas having sitting comfort). As outlined within the wind report, if amelioration measures are to be desired, increasing the balustrade heights to 2.1m will improve wind conditions. This is not considered necessary however, as this is where long-term stationary recreation is unlikely to be undertaken as compared to a terrace on a residential development.

It is to be noted that the development at the site to the south (12-22 Wellington Road) included wind amelioration measures to the pedestrian areas. The wind report for this site was prepared by the same analyst as that for this application, with the wind amelioration measures for 12-22 Wellington having been taken into account in this assessment. Comparison of the two wind reports shows that the development will not cause a decrease in the wind levels to the urban plaza area of this site.

## 10.1 (cont)

Overshadowing

Overshadowing diagrams have been prepared by the applicant at hourly intervals between 9am-3pm at the September Equinox. The diagrams include the impact from existing buildings as well as the proposed development to allow planning officers to make a complete assessment of the potential impact.

Consideration has been given to shadow impacts to areas identified as public open space within the Structure Plan (Figure 5), streets identified as priority pedestrian corridors within the Structure Plan (Figure 3) and residential interfaces.

*Structure Plan and Key Open Spaces*

Within the Box Hill Structure Plan (2007), the built form guidelines under Precinct F dictate that buildings should not have a shadow impact to areas defined as 'Key Open Spaces'.

The only key open space within proximity to the site is between Box Hill TAFE and Poplar Street, which runs in an east to west direction along the south Boundary of number 12 Wellington to the south,

Upon review of the shadowing diagrams, the building will not create any additional overshadowing of this open space area. This is due in part to the building currently under construction at number 12-22 Wellington Road to the south, which has a higher built form, and abuts this laneway, which will cast shadows in the same direction as the proposed throughout the day. As such, there will be no additional overshadowing to the Public Open Space from the proposed building.

*Priority Pedestrian Corridor and Public Realm Amenity*

Additional areas identified for protection include Wellington Road pedestrian network and the court bowl parklet at its southern end. Wellington Road and the parklet both serve as primary pedestrian corridors within the MAC, serving as major pedestrian thoroughfares.

An established urban design test within the Box Hill MAC is to avoid shadows being cast onto any of these identified spaces between 11am and 2pm at the September Equinox. These are substantiated by the urban design advice received which uses the same measurable standard for overshadowing.

Upon review of the overshadowing diagrams, there is an increase in the shadowing to the eastern portion of the Wellington Road footpath at 9am & 10am and to the western portion between 9am-11am. No overshadowing to Wellington Road will occur post 11am or at any time to any public open space (i.e. Wellington Road Parklet).

A review of the latest set of approved plans for number 12-22 Wellington Road indicates a similar extent of shadow impact to the eastern side of the road. Other overshadowing that does not fall within this area provides an extent to about halfway along the boundary of the subject site along the



### 10.1 (cont)

footpath. No overshadowing occurs from existing buildings to the north on the footpath as pedestrians move toward Arnold Street. No overshadowing occurs along the pedestrian interface on the eastern side from number 10 Wellington to Arnold Street from 12pm to 2pm.

Overall, on this basis, and that the western side of Wellington Road remains clear from shadow impact at 11am to 2pm, this outcome is therefore acceptable ensuring that Wellington Road is maintained as a primary pedestrian corridor with excellent solar amenity encouraging pedestrian movement through the MAC.

#### *Residential shadowing*

Upon review of the shadow diagrams, it is noted that a number of residential dwellings will receive increased overshadowing from the proposed building. The following areas impacted are described below:

- Units at 21 & 25 Wellington Road at 9am
- East facing apartments at 19 Wellington Road at 9am & 10am.
- North and West facing apartments of 14 Spring Street at 1pm-3pm.

Whilst this is an increase in shadowing, and in the case of 14 Spring Street is not able to demonstrate compliance with the relevant tests of ResCode, there is no increase from the previously approved built form on the site. Further, as described above, the proposed building is located within a MAC setting and identified within the major development precinct within the Structure Plan, encouraging an intensity of building form.

As such, the expectation of amenity must be balanced with the increased density being achieved and anticipated in line with the strategic direction for this area. In this instance, the areas of SPOS identified will still receive solar access during the day, and on balance this is considered an acceptable outcome when considered with the strategic intent for the site. This is also further supported by the urban design advice received.

#### Visual bulk

The proposed development maintains direct interfaces with residential land to the north, south, east and west. These have been clearly detailed within the application materials. The design response has been carefully considered to ensure that the proposal would not result in unacceptable visual bulk and massing through the provision of acceptable side and rear setbacks, physical rebates and a mixture of materiality and architectural detailing. This is further detailed within the built form assessment above and generally supported by the urban design advice received for the application.

### **Parking and Traffic**

#### Parking Analysis

As described above, a total combined reduction of 298 car parking spaces is required for the medical centre and food and drink premises land uses. Council's Transport Engineering team has noted that the proposed medical

## 10.1 (cont)

centre is being developed to 'compliment' the currently under construction medical centre at 12-22 Wellington Road to the south. As this development was approved with a reduction of 570 spaces, it essentially 'approved a parking rate of 1.52 spaces per 100m<sup>2</sup>. By adopting this rate for the proposed development, this would be a requirement of 172 spaces which would equate to 25 car parking spaces more than what is proposed for this site. Council's transport team advised a reduction of this amount is more acceptable and can be approved.

Planning officers have reviewed the traffic analysis as well as the broader policy framework for the site and wider MAC, and consider the reduction to be acceptable for the land use. This is based primarily on the following factors:

- The use of the land and the type of demand generated;
- The opportunity to provide precinct based car parking within an activity centre; and
- The policy framework for parking within the Box Hill Metropolitan Activity Centre.

Firstly, it is important to recognise that in a scenario where the public parking is not available to patrons of the medical centre, it is considered that the proposed allocation of 104 spaces will still be acceptable for the land use, despite the large reduction being proposed. This is on the basis that the use will have a high turnover rate of vehicles due to the appointment based nature of a medical centre, which can cater for any associated demand.

Further, the use is co-located within the health precinct in proximity to the Epworth and Box Hill hospitals and another similarly sized medical centre which is currently under development at the site to the south. This maintains opportunities for multi-purpose trips within the precinct and encourages walking between the various medical uses. As specified, there are a number of other public parking areas within this precinct, should there be any need for overflow, with the proposal maintaining excellent pedestrian links for movement between various sites.

With regards to the land use, and as specified above, the proposed medical centre would generate short-stay parking demand for patrons due to the appointment-based nature of the use. As such, parking will be available throughout the day as a result of constant turnover. Whilst practitioners on the site may call for long-term parking, there is a sufficient number of parking spaces available on the site either within the allocated parking bays for the medical centre use, or within the commercial car park that would enable patron parking demand by limiting supply, which is a long-held strategy for lowering parking demand within activity centres. As the site maintains excellent access to public transportation from the centre, as well as excellent pedestrian links and bicycle facilities, any additional demand could be catered for by alternative transport options as well as multi-purpose trips.

Further to the above, Council's adopted Integrated Transport Strategy (ITS) includes principles for consolidated precinct parking, which is further

### 10.1 (cont)

supported within the draft Box Hill MAC analysis report. Specifically, the ITS seeks to relocate and consolidate off-street parking to outer areas within the MAC while still providing gateways into the centre; this would alleviate traffic impacts within the central road network, and improve pedestrian movement through the MAC. The proposal responds to these objectives by providing additional public car parking spaces within the building, in what is considered the 'health precinct' and co-located within proximity to other public car parking spaces nearby including:

- The Box Hill Hospital car park;
- The Epworth Eastern car park;
- 450 Elgar Road car park; and
- A publicly accessible car park in the medical centre at 12-22 Wellington Road, currently under development.

The proposal therefore works in synergy with the existing uses, complementing the availability of services and parking spaces in proximity to each other. This has the potential to allow a significant proportion of trips to be shared across the uses in the precinct, rather than generating additional parking demand on the site.

Lastly, the PPF and LPPF both support reduced parking rates within Activity Centres and specifically the Box Hill Metropolitan Activity Centre. Clause 18.02-1S (Sustainable Personal Transport) and Clause 18.02-2S both support the facilitation of alternative modes of transport and the promotion of increased development close to high-quality public transport routes. Clause 18.02-4S (Car Parking) seeks to ensure that there is an adequate supply of parking partly by encouraging the efficient provision of car parking by consolidating car parking facilities.

Within the LPPF, Clause 22.07 (Box Hill Metropolitan Activity Centre) includes objectives which seek to encourage walking, cycling and the uptake of public transport in favour of reduced private vehicle usage as well as managing parking supply to support choice of travel mode, and a balance between access, sustainable transport and land use needs within the Centre. The proposed land use and car parking arrangement is supported by the above policy objectives through the location of the site, its proximity to transportation, the limited parking supply and the quality of bicycle facilities.

With regards to the above, if there are parking deficiencies associated with the primary medical centre land use, there are opportunities for reallocation of spaces to occur between the two land uses via amendments to the planning permit to ensure that the demand for the use is met in perpetuity.

A S173 agreement has been added as a condition to the permit to ensure that the allocated amount of car parking to each use will continue to be met/provided for.

### Vehicle Access Arrangements and Car Park Layout

Council's Transport Engineering Department were generally accepting of the basement layout car park, with most changes (such as dimensions being

### 10.1 (cont)

shown or site visibility triangles being annotated on plans) able to be met via way of permit conditions. Further, the swept path diagrams provided show that the layout is satisfactory.

Concern was raised through the Urban Design advice on the access arrangements on two matters. The recommendation for a Porte Cochere design should be considered to provide a high functioning pickup and drop off area. When considering the need for a specified on-site pickup/drop off area, against the provision of a dedicated pedestrian area, it is considered that the medical centre use of this site can be serviced by the pick up/drop off area of 12-22 Wellington which will provide connection/interaction through the combined urban plaza. As such, a dedicated pick up/drop off area at ground level for this site is not considered necessary.. The proposed landscaped urban plaza, with the Food and Drink premises, is a more acceptable outcome than a vehicular dominant pedestrian entrance in terms of pedestrian amenity and urban design.

Further, as the use provides for medical tenancies which are typically by appointment only, and not emergency care where quick access is required, a vehicular access out the front is not considered necessary. Lastly, the development will continue to provide for on-street parking, which will allow for informal pick up and drop off.

With regards to the second concern on the separate entrance, this is now provided via a dedicated bicycle entrance from the south east side of the building from the laneway providing a safe entrance for bike users.

The following will be addressed by way of permit conditions to ensure that standards are met:

- Pedestrian site triangle to be provided adjacent to the egress and annotated that landscaping in this area to be maintained to no greater than 900mm in height.
- Minimum height clearance of 2.2m to be provided at the entry to the car park and ramps.
- Aisle widths and car parking spaces annotated to show compliance with Clause 52.06.
- Columns within the basement car park to be annotated to be in accordance with Clause 52.06-9.
- A Car Parking Management Plan to be submitted for the proposed development.

### Traffic

The base case traffic conditions for the assessment of the intersections were taken from a report prepared by *Traffix Group*, prepared in response to the application at 12-22 Wellington Road. This included assessment of Arnold Street and its intersection with Elgar Road, Wellington Road and Nelson Road.

### 10.1 (cont)

The traffic analysis prepared by *Salt* demonstrates a peak of 74 vehicle movements in each hour in the AM and PM commuter periods. This will be comprised of 70 inbound and 4 outbound vehicle movements in the morning peak period and 4 inbound and 70 outbound in the afternoon/evening peak along Wellington Rd. Given that the previous use of the sites was for 2 dwellings, a net increase of 72 vehicle movements in the AM and PM peak periods are expected.

SIDRA analysis has been undertaken by the applicant to demonstrate the traffic impact of the proposed development, and taken at the nearest intersection of Wellington Road and Arnold Street. The SIDRA analysis demonstrates that the operations of the intersection in both the AM and PM peaks will continue to operate adequately under post development conditions.

Further assessment was also carried out at the intersections of Arnold Street/Elgar Road and Arnold Street/Nelson Road intersections. Both of these demonstrated that the intersections will continue to operate adequately under post development conditions.

Given the layout of the road network, and consistent with the survey rates, it is assumed that the traffic generated by the proposed development will be primarily distributed at the intersection of Wellington Road and Arnold Street.

Overall, it is considered that the proposal would not result in any unreasonable traffic impact to the site or wider street network based on the SALT Traffic and Transport Assessment

### Bicycle Parking

The application proposes a total of 66 bicycle parking spaces, located within dedicated end-of-trip facilities which are positioned in the first level basement. Given that the total number of practitioners is yet to be determined, it is unclear whether a reduction of the bicycle parking is required..

It is to be noted that the bicycle parking assessment undertaken for 12-22 Wellington, was based on the provision of 150 medical practitioners, which results in an assumed 'approved' parking rate of 0.36 spaces per 100m<sup>2</sup>. If the same rate is to be applied for this site, this would equate to a provision of 50 bicycle parking (based on a total floor area of 13,654m<sup>2</sup>). The provision of 66 spaces is therefore considered to be a generous offering of the site.

Parking options include a mixture of horizontal and vertical spaces for flexibility of use. The bicycle parking spaces are designed in accordance with Clause 52.34, with no concerns raised from Council's Transport Engineering Team. The Urban Design advice recommendation number 1 outlined the requirement for E-Vehicle Charging stations on Basement Level 1 to the satisfaction of Council. While there is no requirement under Clause 52.34 to provide e-bike stations, it is considered good practice to provide them given the recent uptake of e-bikes. A condition will be included for 3 of the 66 spaces to include e-vehicle charging.

### 10.1 (cont)

The end of trip facilities are designed to include all the necessary amenities for staff or visitors, including toilets and showers, which are co-located with direct access from the parking areas to improve ease of access. The bicycle parking and end of trip facilities maintain their own separate access from other building services to limit any inappropriate thoroughfare. It is noted that there are no lockers proposed within the end of trip facilities. These would be necessary for long term stay for any staff on the site, and a permit condition will require the provision of lockers located within the end of trip facilities be notated on the plans.

The end of trip facilities are accessed via an independent thoroughfare from the laneway to the south of the building from Wellington Road, to avoid conflict with any private or commercial vehicles whilst maintaining direct access into the building without any complicated manoeuvring or wayfinding required. As discussed above, the parking management plan required via permit conditions will include signage and wayfinding treatments for the end of trip facilities from the street, and internally to the building.

#### Motorcycle Parking

The Box Hill Central Activities Car Parking Strategy recommends motorcycle parking be provided at a rate of 1 space per 50 car parking spaces or part thereof. Based on this rate, a 147 space car park would require 3 spaces. 9 Parking spaces are provided across the bottom 4 basement levels, exceeding this requirement.

#### **Other matters**

##### Objectors Concerns not Previously Addressed

###### *Decrease in property values*

It is a long-standing principle that the perceived loss of property value by objectors is not a matter which can be sustained when assessing an application for a planning permit. This also applies to objections relating to finding tenants and difficulty in selling existing properties.

###### *Advertising process and objection consideration*

Advertising was carried out as per the *Planning and Environment Act 1987* by sending notices to owners and occupiers of surrounding properties and by placing signs on site. All objections received have been considered and addressed throughout this report.

###### *Impact during construction*

A condition has been included to be added onto the permit for a Construction Management Plan which will address impacts of the site during construction, including hours of construction, dust and noise control amongst other matters. Hours of operation and noise limits are bound by EPA regulations which will form those within the Construction Management Plan.

## 10.1 (cont)

*New boundary fence*

Boundary fencing is a civil matter between property owners and can-not form part of the planning decision.




**CONCLUSION**

The proposal for construction of use and development of the land for the purpose of a medical centre, car park and food and drink premises and reduction in car parking is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the Planning and Local Planning Policy Framework, the Zone, Overlays and relevant Particular Provisions.

A total of 3 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 with a Notice of Decision to be issued, subject to necessary Planning Permit Conditions.

**ATTACHMENT**

- 1 26-28 Wellington Road BOX HILL VIC 3128 - WH/2021/819 - Decision Plans 
- 2 WH/2021/819 - Advertised - Landscaping plans 
- 3 WH/2021/819 - Advertised - Facade Strategy 

## 10.2 202/545 Station Street, Box Hill (Lot S2 PS 746096) – Sale and Consumption of Liquor in Association with a Karaoke Bar

**Department** City Planning and Development  
Director City Development

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WH/2023/641  
Attachment

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### SUMMARY

This report provides an assessment of planning permit application WH/2023/641 at 202/545 Station Street Box Hill, which seeks approval for a liquor licence that will be part of a karaoke bar. Permission is required for the sale and consumption of liquor only, not the karaoke bar use. The liquor licence proposes to operate from level 2 of the 'Sky One' Building, with hours of operation proposed from 12 noon to 3:00 am the following day, 7 days a week.

The key considerations include the acceptability of a late night liquor licence in a mixed use building, patron noise, patron dispersal (which includes queuing and exiting the premises), amenity impacts inside and outside the building and if the late night operations of the proposed liquor licence are appropriate, having regard to the zoning, policy and character of the area and the wider Box Hill Metropolitan Activity Centre (MAC) and whether the proposal would result in unacceptable on and off site amenity impacts on surrounding uses.

The application was advertised, with a total of 77 objections received. The objections raised issues with noise, increased people movements/ crowd control, safety/ security in and around the building and antisocial behaviour due to alcohol consumption. A Consultation Forum was held on 6 March 2024 chaired by Councillor Liu, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns.

The application was referred to the Victorian Liquor Commission, in their capacity as a determining referral authority. Their scope of consideration has regard to the 'on premise late night' operations for the sale and consumption of liquor. The Victoria Liquor Commission did not object to the application and required no conditions to be included on the application.

Notice of the application was provided to the Chief Commissioner of Victorian Police of the proposed late night liquor licence, who have regard to liquor licences proposed to operate after 1:00 a.m. To date, a response from the Chief Commissioner of Victorian Police has not been received. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the purpose and decision guidelines of the Box Hill Transit City Activity Centre Structure Plan, Clause 52.27 - *Licence Premises* and Clause 65 - *Decision Guidelines*.



10.2 (cont)

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

<p><b>MOTION</b></p> <p><b>Cr Liu moved a motion for item 10.2 as printed in the Council Agenda.</b></p> <p>Moved by Cr Liu, Seconded by Cr Munroe</p>	
<p><b>Cr McNeill proposed the following amendment to clause 7 of the motion</b></p>	
<p><b>AMENDMENT</b></p> <p>Moved by Cr McNeill, Seconded by Cr Barker</p> <p>7. Unless with the prior written consent of the Responsible Authority, that any time liquor is available for sale or consumption on the premises, the maximum number of patrons permitted on the premises at any one time must not exceed:</p> <p>a) Between Midday to midnight – 351 patrons;</p> <p>b) <del>Between 1:00 am to 2:00 am</del> <del>Midnight to 1:00am</del> – 250 patrons;</p> <p><del>c) Between 2:00am to 3:00 am – 150 patrons.</del></p> <p>8. Unless with the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor must only occur between the following hours:</p> <p>a) <del>Sunday to Thursday</del> <del>Monday to Sunday</del> (inclusive) between 12:00pm to 1:00am the following day.</p> <p>b) <del>Friday and Saturday (inclusive) between 12:00pm to 03:00am the following day.</del></p> <p style="text-align: right;"><b>.LOST</b></p>	
<p><b>Voted FOR item:</b></p>	<p>Cr Barker, Cr Cutts, Cr McNeill (3)</p>
<p><b>Voted AGAINST item:</b></p>	<p>Cr Carr, Cr Davenport, Cr Lane, Cr Liu, Cr Massoud, Cr Munroe, Cr Skilbeck, Cr Stennett (8)</p>
<p>The Motion as moved by Cr Liu and Cr Munroe was put to the vote.</p>	
<p><b>COUNCIL RESOLUTION</b></p> <p>Moved by Cr Liu, Seconded by Cr Munroe</p> <p>That Council:</p> <p>A. Being the Responsible Authority, having caused Application WH/203/641 for 202/545 Station Street, Box Hill (LOT S2 PS 746096) to be advertised and having received and noted the objections is of</p>	

## 10.2 (cont)

the opinion that the granting of a Planning Permit for the Sale and consumption of liquor in association with a karaoke bar is acceptable and should not unreasonably impact the amenity of adjacent properties.

- B. Issues a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 202/545 Station Street, BOX HILL (Lot S2 PS 746096) for the Sale and consumption of liquor in association with a karaoke bar, subject to the following conditions:
1. Prior to the commencement of the use, 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 recommendations at section 6 of the Acoustic Report prepared by *Acoustic Logic (Revision 2)* and dated *03/08/2023* must be annotated in full on the site plan.
    - b) Any changes required to comply with condition 3(d) of this permit.
    - c) A revised Venue Management Plan in accordance with Condition 6.
    - d) An Acoustic Report in accordance with Condition 3.
  2. The use as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
  3. Prior to the commencement of the use, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with section 5 and 6 of the Report prepared *Acoustic Logic (Revision 2)* and dated *03/08/2023*, but modified to include:
    - a) Results of further acoustic testing following installation of the completed recommendations under section 6.
    - b) Confirmation that noise levels from all activities, including amplified music and/or singing would fall within acceptable thresholds with regards to residences within the building and adjoining commercial tenancies.
    - c) inclusion of noise-limiting technology with the make/model of the system and its setting to limit noise rising above specified, acceptable levels;
    - d) If the noise levels from testing required under condition 3(a) result in unacceptable impacts as identified in the additional

## 10.2 (cont)

acoustic testing, the report must make recommendations to achieve the required level of noise attenuation.

4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Prior to commencement of the use authorised by this permit, a Noise Limiter(s) must be installed on the land. The Noise Limiter(s) must:
  - a) be set at a level specified by a qualified acoustic engineer generally consistent with condition 3 of this permit;
  - b) only be accessible by venue management and not patrons;
  - c) be maintained and operated at all times to the satisfaction of the Responsible Authority.
6. Before the sale and consumption of liquor commences, an amended Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Venue Management Plan will be endorsed and will form part of this permit. The amended Venue Management Plan must be generally in accordance with the Venue Management Plan prepared by Ocean 13 Nominee, Samuel Suratman and dated *June 2023*, but modified to include:
  - a) Provision for three (3) crowd controllers for the first 100 patrons.
  - b) Reference the same terminology as the Environmental Protection Agency requirements as per the Acoustic Logic assessment report that references compliance with EPA Publication 1826.4 noise levels and the Australian Standard AS/NZS2107:2016 "Recommended Design Sound Levels and Reverberation Times for Building Interiors".
  - c) Include checks on the noise limiter for each room whilst occupied to ensure they have not been bypassed by occupants.
  - d) Reference that the noise limiter must be installed in a locked box so they cannot be interfered with by occupants.
  - e) Reference that only the supervisor has a key to the limiter.
  - f) Reference that a record of the settings for each noise limiter must be kept and available for Council to inspect upon request.
  - g) Reference that there will be no queuing external from the venue after 12:00 a.m. on any day.
  - h) Reference that the venue will not accept bookings after 12:00 a.m.
  - i) Reference that patrons must not take/ remove liquor from the venue at any time.

## 10.2 (cont)

- j) Reference that during the venues' hours of operation and 30 minutes after the venue has closed, crowd controllers will conduct sweeps of the ground floor, adjoining laneway, level 1 and level 2 lobby areas and externally around the building at 30 minute intervals to ensure all patrons who have exited the venue/building are safe and have made travel arrangements to vacate the vicinity.
  - k) A cleaning roster that includes staff undertaking checks of the lifts, stair wells and exits and the external surrounds of the building along Station Street and Carrington Road as necessary.
7. Unless with the prior written consent of the Responsible Authority, that any time liquor is available for sale or consumption on the premises, the maximum number of patrons permitted on the premises at any one time must not exceed:
- a) Between Midday to midnight – 351 patrons;
  - b) Between 1:00 am to 2:00 am – 250 patrons;
  - c) Between 2:00am to 3:00 am – 150 patrons.
8. Unless with the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor must only occur between the following hours:
- a) Sunday to Thursday (inclusive) between 12:00pm to 1:00am the following day.
  - b) Friday and Saturday (inclusive) between 12:00pm to 03:00am the following day.
9. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
10. The amenity of the area which includes (yet is not limited to) the second and ground floor lobby, escalators, lifts and external entry/ exit points and the building surrounds along Station Street and Carrington Road must 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, wastewater, waste products, grit or oil;
  - d) Presence of vermin;
  - e) Disorderly conduct;
  - f) Anti-social behaviour; and
  - g) In any other way.

10.2 (cont)

11. Goods or refuse must not be stored or left exposed outside the premises so as to be visible from any public road or thoroughfare. All bins and receptacles used for the collection and storage of garbage, bottles and other wastes must be kept in a storage area to the satisfaction of the Responsible Authority.
12. The subject land must always be maintained in an orderly and neat manner, and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality. This includes (yet is not limited to) the second and ground floor lobby, escalators, lifts and external entry/ exit points to Station Street and Carrington Road.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterward:

Permit Notes:

- A. The granting of this permit does not obviate the necessity for 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. All aspects of the Waste Management system including the transfer of bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or body corporate – not the collection contractor.
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.

**CARRIED**

<b>Voted FOR item:</b>	Cr Carr, Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr Massoud, Cr McNeill, Cr Munroe, Cr Skilbeck, Cr Stennett (10)
<b>Voted AGAINST item:</b>	Cr Barker (1)
<b>Spoke to item:</b>	Cr Liu, Cr Munroe, Cr McNeill, Cr Barker, (4)

10.2 (cont)

Applicant:	Golden Age
Zoning:	Commercial 1
Overlays:	Parking Overlay – Schedule 1
Relevant Clauses:	
Clause 11	Settlement
•	Clause 11.01 – Activity Centre
•	Clause 11.04 – Metropolitan Melbourne
Clause 15	Built Environment and Heritage
•	Clause 15.01 – Urban Environment
•	Clause 15.02 – Sustainable Development
Clause 17	Economic Development
•	Clause 17.01 – Commercial
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 22.07	Box Hill Metropolitan Activity Centre
Clause 34.01	Commercial 1 Zone
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 52.27	Licensed Premises
Clause 65	Decision Guidelines
Ward:	Sparks



Table 1 - Location Map	
	Subject site

10.2 (cont)

## **BACKGROUND**

### **History**

Planning Permit WH/2011/986 was issued 17 July 2014 for a '34 storey building with five levels of basement car parking for the purpose of 419 apartments, food and drink, restaurants and office space'.

The permit was amended (WH/2011/986/B) 9 September 2016 to allow for '*Buildings and works for the construction of a 36 storey building, including roof top and 7 levels of basement car parking, comprising club facilities (gymnasium, library and pool), use for multiple dwellings, a reduction in the standard requirements for car parking and bicycle facilities and alteration of access to a road in a Road Zone Category 1*'.

The approved building has been constructed and reflects the existing conditions on the subject site.

### **The Site and Surrounds**

The subject site is located within the Box Hill Metropolitan Activity Centre (MAC), approximately 12 kilometres east of the Melbourne CBD and is within the Major Development Precinct designated under the *Box Hill Transit City Activity Centre Structure Plan (2007)*. More specifically, the site is in the 'Transport and Retail Precinct' which aims to provide retail, education, office, civic, medical, community facilities, entertainment, dining and recreational opportunities for the regional population, as well as a neighbourhood centre for local community activities as part of its objectives under the Structure Plan.

This immediately surrounding area can be described as the economic centre of the Box Hill MAC, as evident by the predominance of commercial and retail tenancies fronting both Station Street and Carrington Road. The site is particularly well serviced by multiple public transport options, including the Box Hill Train Station, bus transfer station, and tram stop (Route 109) on Whitehorse Road.

While the subject site itself contains a mixed-use building with over 400 dwellings above the podium levels, the immediately surrounding area is largely commercial in nature, with residential activity generally located further towards the periphery of the MAC.

The immediately adjoining properties can be described as follows:

#### North and West

To the north and west of the subject site is the Box Hill Central Shopping Centre, which includes underground car parking facilities accessible via Station Street and the Box Hill train and Bus transfer station(s).

Immediately to the north of the subject site is vehicle access to the shopping centres basement car parking areas, and slightly further north, a vehicle access ramp servicing the bus interchange atop the centre.

To the west of the subject site is a lane which is accessible from Carrington Road, terminating roughly at the same point as the northern boundary for the



## 10.2 (cont)

subject site. This adjoining laneway provides loading bays, waste storage etc. for both the subject site being 'Sky One' and Box Hill Central.

### East

To the east of the subject site is Station Street which includes a pedestrian crossing via traffic lights at the intersection with Carrington Road. Station Street contains 2 lanes of traffic moving in either direction (north-to-south) but with on-street car parking in the outer lanes, subject to clearway controls.

### South

Carrington Road includes traffic lights at the intersection with Station Street providing for 'one way' (eastbound) traffic only. The intersection between Station Street and Carrington Road includes traffic lights and pedestrian crossing from its north to south in addition to the pedestrian crossing across Station Street detailed above.

A signed taxi rank is located approximately 200 metres west of the subject site on the northern side of Carrington Road. Carrington Road has a well-established theme of restaurants and some offices which have historically played a role in creating Box Hill as a destination for dining and food and drinks venues.

### Subject site

The site itself is located on the north-west corner of Carrington Road and Station Street. The subject site is located on Level 2 of the 'Sky One' building, with a total floor area of 789.6 square metres for the proposed karaoke bar. There is a 34 square metre lobby separating the proposed use with the only other tenancy on the second floor currently occupied by Haidilao Hot Pot restaurant.

Internally the 'Sky One' building includes:

- Basement car parking for the building is from Carrington Road, which can only be accessed by residents and retail leases via swipe key/pass. The residential lobby is in the southwestern corner of the ground floor and is separate from the main entries and retail areas. Access is only available from the Carrington Road frontage with a swipe key/pass. The 4 lifts in the residential foyer only provide access to residential areas, which start on level 3. Residential facilities on level 3 consist of (but are not limited to) a wet area with swimming pool, spa and sauna. A gymnasium, day spa, media room, communal and private eating areas, library/ informal lounge and the landscaped residential terrace. The 'Sky Lounge' on Level 34 is also a communal space that can only be access by residents. Level 4 is the first level of residential apartments that continues to Level 35.
- The commercial uses are located within the buildings podium beginning at the ground floor, which includes a main foyer with 4 retail spaces, the majority of which are food and drink outlets that predominantly face onto Station Street and Carrington Road frontages. There is an escalator and 2 lifts that only go up to level 2. Level 1 includes a lobby providing access to the escalator, 2 lifts and toilets for the 5 retail



## 10.2 (cont)

spaces that include retail and restaurants. Level 2 includes a lobby providing access to the escalator, 2 lifts and toilets for 2 retail spaces being one restaurant, the other is the proposed liquor licence for the karaoke bar.

**PROPOSAL**

An application has been lodged for the sale and consumption of liquor (for a karaoke bar).

While the permit triggers will be detailed in full later in this report, it is important at this point to state that the 'use' consideration of this application is limited to the sale and consumption of liquor only as the 'karaoke' function is 'as-of-right' when located within the Commercial 1 Zone.

The sale/consumption of liquor is, however, directly intertwined with the as-of-right karaoke use and therefore a description of both elements is offered below:

Karaoke bar (no permit required)

The proposed karaoke bar would require patrons to reserve a room via its on-line booking service prior to attending the site, the application material specifies that walk-in guests would not be permitted.

The facilities/internal areas (refer to Attachment 2) proposed include:

- A bar and lounge area with a stage that has a combined capacity for up to 104 patrons.
- A total of 17 individual karaoke rooms that include:
  - 4 small rooms with up to 8 patrons each (32 patrons).
  - 7 medium rooms with up to 12 patrons each (84 patrons).
  - 3 large rooms with up to 17 patrons each (51 patrons).
  - 3 VIP rooms with:
    - 2 rooms with up to 25 patrons each (50 patrons).
    - 1 room with up to 30 patrons.
- Food and beverage services to be provided include:
  - Ala carte, bar and table service.
  - Self-serve vending machines in the 'food mart'.
  - No self-service of liquor.

Sale and consumption of Liquor

- Maximum capacity of 380 patrons and 16 staff.
- The proposed hours of operation are Monday to Sunday 12:00 p.m. to 3:00 a.m. the following day.
- The venue is proposed to be non-smoking, requiring all patrons who smoke to do so outside of the building.

## 10.2 (cont)

The red line area plan (refer to Attachment 2) demonstrates the area proposed within the premises for the sale and consumption of liquor. This includes the internal dimensions of the building, including the entry, toilets, reception and internal storage areas.

No external alterations or works are proposed. The applicant has indicated the proposed works to the building will be limited to the internal fit-out of the proposed space as outlined above.

## Planning Controls

### Commercial 1 Zone

The proposed Karaoke bar is defined under the planning scheme as a 'bar' which pursuant to clause 73.4-11 – *Retail premises group*, falls under the nesting/definition of a 'Retail Premises' - Pursuant to clause 34.01 - *Commercial 1 Zone*, no planning permit is required to use land as a 'retail premises' within the Commercial 1 Zone.

In light of the above exemption, the 'use' of the land for a karaoke bar (bar) does not trigger the need for a planning permit and does not form part of assessment for this application.

### Licensed Premises

Pursuant to Clause 52.27 – *Licensed premises* a Planning Permit is required to 'use land to sell liquor if a licence is required under the *Liquor Control Reform Act 1988*'. The application is for a late night (on premises) licence, which requires a licence from Liquor Control Victoria.

### Clause 52.06 – Car parking

The proposed 'bar' use attracts the same rate of parking as the retail/shop (3.5 car parking spaces to each 100 square metres of net floor area) approved under planning permit WH/2011/968.

Clause 52.06 – *Car parking* states: '*permit is not required to reduce the number of car parking spaces required for a new use of land if - the number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences*'. Given the car parking rates are the same as those approved under the original planning permit, no further reduction is sought under this proposal.

### Specific Controls Overlay – Schedule 15

The proposed land use is a Section 1 Use under the Commercial 1 Zone and does not propose any external works to the existing building. The application has been referred to Suburban Rail Loop with no comments provided to date. Given the proposal is for use and not buildings and works, there is not anticipated to be any concerns raised.

### Development Plan Contributions Overlay

This application is consolidating the floor area of two tenancies, it does not seek to further increase the leasable floor area and therefore is exempt from attracting any levy.

10.2 (cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Station Street and Carrington Road frontages. Following the advertising period 77 objections from 70 objector properties, were received.

The issues raised are summarised as:

- Loss of amenity due to:
  - Late night operating hours
  - noise
  - disorderly conduct of patrons
- Decreased safety and security inside and outside the building due to:
  - increased crowds.
  - anti-social behaviour of patrons due to late night drinking.
- Increased car parking demands and traffic on Carrington Road.

### **Consultation Forum**

A Consultation Forum was held on 6 March 2024 and chaired by Councillor Liu. 10 objectors, the applicant (including their client and venue manager) and council's Planning Officers attended the meeting, during which the above issues were explored.

The applicant highlighted upfront that there was an error in the revised Venue Management Plan regarding the hours of operation, that should be 12:00 p.m. to 3:00 a.m 7 days a week rather than 7:00 p.m. to 3:00 a.m. Sunday to Thursday and 7:00 p.m. to 5:00 a.m. Friday and Saturday as shown in the revised Venue Management Plan.

Key points during the forum centred around the safety and security of residents in and around the building with the increased number of people visiting the building and the effects of anti-social behaviour in and around the building due to the proposed late night trading hours.

After the forum meeting, the applicant requested that a permit condition to '*provide three (3) crowd controllers per the first 100 patrons*' be included on any permit issued. This will be considered further as part of the assessment of the proposed liquor licence.

### **Referrals**

#### External

##### *Victorian Liquor Commission*

In accordance with Clause 66.03 (Referral of Permit Applications Under Other State Standard Provisions), the application was referred to the Victorian Liquor Commission (VLC) who are a determining authority and had

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## 10.2 (cont)

no objection to the proposal and did not seek to include any conditions through their referral response.

### *Chief Commissioner of Victoria Police*

As part of the external referral to the Chief Commissioner of Victorian Police, Council Officers made telephone contact with the Box Hill Police Station to advise of the proposed late-night operations of the liquor licence. No interest in reviewing or providing comment on the proposed liquor licence was indicated.

In accordance with Clause 66.05 - Notice of Permit Applications Under State Standard Provisions, the Chief Commissioner of Victorian Police has been notified of the proposed late night liquor licence by email on 21 February 2024. To date, a response/ comments have not been received.

### Internal

#### *Engineering and Environmental Services Department*

The application was referred to the Waste Engineering team who were generally supportive of the proposed use subject to standard conditions.

#### *Building*

The application was referred to the Building Department who raised the following concerns:

- 'The incorrect Building Code has been referenced in the population capacity report and the fire engineering report referred to has not been provided.
- The net floor area and number of persons accommodated utilised a calculation of 1sqm per person appears to be consistent for a bar or theatre area, provided the plan is accurate.

Further information was provided by the applicant's building surveyor PLP Building Surveyors & Consultants Pty Ltd and Omnii: Fire Protection and Engineering Solutions to reference the correct Building Code. The applicant also clarified the maximum number of occupants on site at any one time as 380 plus 16 staff.

#### *Community Laws*

The application was referred to Community Laws who were generally supportive of the application.

#### *Planning Enforcement*

The application was referred to Planning Compliance who provided the following recommendations:

- Testing of acoustic levels on the following occasions:
  - Before and after the venue opens.

## 10.2 (cont)

- Register of the electronic music device (make / model / serial no.) for each karaoke room, with a record of re-testing when any of the electronic music devices are replaced.
- Venue Management Plan to include the following:
  - Same terminology for the EPA requirements as per the Acoustic Logic assessment report.
  - Noise limiters must be installed in tamper proof boxes that only the supervisor can access.
  - Each room must be checked whilst occupied to ensure the noise limiters have not been bypassed by occupants.
  - Record of the settings for each noise limiter to be kept and available for Council to inspect should Council receive complaints.

A revised Venue Management Plan (refer to Attachment 3) was submitted to address the above concerns as part of the planning forum, which included the above recommendations.

## DISCUSSION

### Consistency with Planning and Local Planning Policies

A licenced premises is generally supported by a number of planning scheme policies including Clause 11.01-1R - *Metropolitan Melbourne*, which seeks to focus investment and growth in Metropolitan Activity Centres (MAC). Clause 11.03-1R - *Activity Centres – Metropolitan Melbourne*, encourages the development and growth of Metropolitan Activity Centres by ensuring they are able to accommodate a broad range of uses. Clause 17 - *Economic Development*, seeks to foster economic growth by strengthening and diversifying the economy, and Clause 21.07 - *Economic Development* seeks to develop the Box Hill MAC as the major focus for entertainment facilities in Melbourne's east.

It is a widely accepted economic principal as identified under Practice Note PPN61 that licensed premises can contribute to the vibrancy and economic strength of centres through improved activity levels and economic activity and that well managed licensed premises can contribute positively to an increased nighttime economy for the surrounding area.

The application for the sale and consumption of liquor associated with a karaoke bar achieves general compliance with Clause 21.07 - *Economic Development*, Clause 22.06 – *Activity Centres* and Clause 22.07 – *Box Hill Metropolitan Activity Centre*. The subject site is within Activity Precinct A – Box Hill Transport and Retail Precinct where *'retail is complimented by entertainment, hospitality, commercial and other uses with extended hours of activity creating a central focus for Box Hill'*.

The proposed sale/consumption of liquor achieves a general consistency with policy at Clause 22.06 - *Activity Centres* that aims to provide 'services and facilities consistent with the role and scale of a centre and to encourage

## 10.2 (cont)

centres to become a focus for social interaction. In the Whitehorse municipality, Box Hill sits atop the 'hierarchy' of activity centres as reflected within the *Box Hill Transit City Activity Centre Structure Plan (2007)*.

The Structure Plan (2007) at Section 4.7.F encourages complimentary mixed uses and links between activities, as '*Mixed uses can add to the richness of urban experience, adding to the liveliness, attractiveness and safety of areas that, with single uses, may be busy at some times but empty at others. While 'Vertical land use mixes with different activities at different levels of higher buildings can help to activate ground level spaces.'*

Clause 22.07 - *Box Hill Metropolitan Activity Centre* includes objectives for '*lively and comfortable public spaces that offer diverse opportunities for recreation and social engagement*'. This is again reflected in the Structure Plan 2007 as the Box Hill MAC is able to accommodate a more intensive and diverse range of activities that increases choice and opportunities and supports synergies between different uses and activities that include commercial, retail and leisure.

In relation to the proposal, the sale and consumption of liquor in association with the bar use does not conflict with the structure plan or this policy.

The proposed late night (on-premises) liquor licence is therefore afforded a high level of strategic support under the relevant policy framework.

While this may be the case, the sale and consumption of liquor must be appropriately managed to ensure the proposed premises would avoid unreasonable amenity impacts on the surrounding area and will add to the vitality and vibrancy of Box Hill as a major activity centre.

### **Sale and Consumption of Liquor**

The following sections of this report will assess the proposed sale/consumption of liquor and associated impacts against the policy framework and relevant sections of clause 52.27 – *Licensed premises* with regards to noise impacts, patron dispersal and behaviour and cumulative impacts within the wider Activity Centre setting.

#### Amenity Impacts

##### *Patron Noise*

While there are limited residential interfaces found in the surrounding area, the building itself contains a significant residential population within the upper levels, which must be carefully considered with regards to possible noise impacts generated through the sale and consumption of liquor within the premises.

Amenity impacts from patrons who have partaken in the consumption of liquor has also been recognised and acknowledged by the applicant who as part of their application lodged an acoustic report from Acoustic Logic (3<sup>rd</sup> August 2023) that provides an updated assessment for the proposed karaoke bar within level 2 of the existing building. It is acknowledged that the submitted acoustic report is a preliminary assessment, but it provides useful

## 10.2 (cont)

benchmarking for conditions of any planning permit to require further testing prior to the commencement of the land use.

As discussed earlier in this report, residential recreational facilities and shared/ communal services are located on level 3 therefore providing a buffer between the retail and residential components, which start on level 4. The recommendations and management controls from the preliminary acoustic report include:

- *'Any music associated with the development will be limited to comply with EPA Publication 1826.4 Part II using a 1/1 octave band noise limiter. The sound system shall be a house system operated by the venue with no third party operated sound system permitted.*
- *Music shall be typically limited to 85-90dB(A) within the Karaoke rooms and to a maximum of 80dB(A) within the reception/bar area. Final levels would be confirmed with on-site testing to ensure compliance with project acoustic criteria.*
- *Speakers for the Karaoke rooms, bar and areas where elevated music noise levels are played are to be vibration isolated from the building structure.*
- *It is recommended that the external façade incorporate the following treatment:*
  - *Install a secondary frame or jockey sash with minimum 10mm laminate glass spaced nom 100-150mm from the primary façade or;*
  - *Any alternative solutions proposed during the detailed design stage shall be reviewed and approved by a suitably qualified acoustic consultant.*
- *Rooms incorporating amplified music shall have a suspended acoustic ceiling with nom 75mm thick 11 kg/m<sup>3</sup> insulation over to address music noise to occupancies above the karaoke rooms.*
- *It is recommended that the karaoke rooms incorporate a raised floor constructed from 18mm FC sheet over 90mm joists with the cavity lined with 75mm thick insulation and installed on Acoustic Supplies Vibrapad's or equal to address noise transfer to the retail tenancies. Alternative options can be considered provided they are reviewed and approved by a suitably qualified acoustic consultant.*
- *All doors to karaoke rooms shall incorporate an automatic door closer to ensure doors are closed during operation apart from when people enter and exit the room. Doors are to be of solid core construction 10mm laminated fully framed glazed doors with full perimeter acoustic seals.*
- *Doors entering the Bar/reception to the lobby area are to be either fully framed 10mm laminated glazed doors or solid core doors with full perimeter acoustic seals.*

## 10.2 (cont)

- *Glazed elements within the tenancy shall be min 10.38mm laminated glass.*
- *Rooms within the tenancy with amplified music are recommended to incorporate full height walls.*
- *The walls separating the proposed tenancy to the lobby area shall be of full height construction and achieve a minimum acoustic rating of Rw 45.*
- *Structural elements such as columns, stair cores, etc. shall incorporate a decoupled stud wall between the structural element within the karaoke rooms.*
- *Before the site commences operation, it is recommended that a suitably qualified acoustic consultant conduct calibration checks to ensure noise levels are adjusted by the 1/1 Octave band limiter for karaoke rooms to ensure compliance with criteria specified in Section 5.2 to residential dwellings above and to the retail tenancies below.*
- *Plant and equipment selections have not yet been finalised for the proposed tenancy. Therefore, to ensure amenity for future residents and nearby noise sensitive receivers is preserved, mechanical plant equipment installed as part of the fit out shall be selected and/or treated to ensure noise levels comply with EPA Publication 1826.4 Part I.*

To ensure that all of the above measures are implemented, they will be required to be included in the acoustic report that will be conditioned as part of the proposal.

Upon completion of the recommended fit-out works further acoustic testing would be required through conditions to demonstrate that the Acoustic Logic recommendations have achieved appropriate attenuation levels prior to the actual commencement of the use.

As previously discussed, Council Officers and the applicant recognise that venues where liquor is consumed become inherently louder in nature therefore amplified noise from music and singing must be limited in such a way as to sit within the capabilities of the acoustic fit-out works to protect residents from noise escaping the premises. This issue would be addressed through a series of conditions, which would require all music to be run through noise limiting equipment that is only accessible by venue management. The equipment must be calibrated so as to limit all amplification within levels which have been tested to and recorded as falling within acceptable Australian Standards.

A nightly record must be kept of all levels of the amplified equipment being used, along with a register of all complaints received and must be made available for review on request. These measures will be conditioned for inclusion in the Venue Management Plan.

The submitted acoustic report indicates that noise from the proposed venue can be dealt with, as per the recommendations. Assessing officers are



## 10.2 (cont)

satisfied that with the recommendations and conditions outlined above, noise from the proposed venue can be managed.

*Patron Dispersal*

The proposed bar seeks to operate from the second floor of the 'Sky One' building, 7 days a week from 12:00 noon to 3:00 am with a maximum patron capacity of 380 guests. As the maximum number of patrons indicated on the red-line (liquor licensing) plan is 351, this will be the maximum number of patrons considered for the venue.

The proposal represents a substantial level of patronage, which while acceptable in pure numbers given the context of the Box Hill MAC, warrants careful consideration on particular issues around patron management and dispersal in relation to the proposed sale and consumption of liquor on site. This issue is reflected within Practice Note 61 – *Assessing cumulative impact*, which identifies that licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related incidents and negative cumulative impacts to an area.

The Venue Management Plan submitted with the application at Section 5.3 (v) indicates that the venue will operate by prior bookings/ reservations however it has not provided detail on when bookings will cease being accepted. It is therefore recommended that no bookings are taken after 12 a.m. and that there is no queuing outside of the venue in the lobby after 12 a.m. This will be conditioned to be part of the revised Venue Management Plan to mitigate congestion and contain noise within the venue. This will also ensure the venue manages bookings between midnight and 3am in an efficient and timely manner and to signal to patrons that the venue is winding down.

The Venue Management Plan states at Section 3.4 that a maximum of 4 security staff (2 security guards for the first 100 patrons, then 1 security guard per 100 patrons thereafter as per the *Private Security Act 2000* (Victoria) would be present when at full capacity in addition to the applicant volunteering to provide 3 security staff for the first 100 patrons on site. This equates to 1 extra security person for the remaining 251 patrons.

It is recognised that that the exact number of security staff will be specified in the conditions of the liquor licence issued by the Liquor Commission Victoria. Planning Officers are not satisfied that 4 security staff as proposed could effectively disperse 351 patrons in a safe and efficient way given the need to operate over several levels of the building and between Station Street and Carrington Road frontages. Considering this, Planning Officers recommend 'decanting' the patronage, decreasing numbers from 1:00 a.m. to a maximum of 250 patrons and to a maximum of 150 patrons by 2 a.m. promoting an even distribution of patrons to and from the venue. This is an improved outcome rather than potentially having large groups congesting the lobbies and entry/ exit to Station Street while waiting for transport away from the site. This will further aid crowd control towards the end of trading, particularly on the busiest nights of the week being Friday to Sunday. These measures will be conditioned for inclusion in the revised Venue Management Plan.

## 10.2 (cont)

There is also an agreement between the venue and building management that late night access to and from the building will be through the Station Street entry/access only. This will provide physical separation between the residential lobby on Carrington Road and patrons entering/ exiting the site. Although it slightly increases the walking distance to the taxi rank on Carrington Road, patrons will not be passing any residences along this route.

*Entry and Queuing*

The Patron Management Plan at point 5.3 (ii-iii) indicates there is an 11-metre-long area allocated along the outside (front) of the venue for queuing (in pairs) within the common lift/ escalator lobby, with a further 25 square metres in the reception/ lobby area inside of the venue itself (refer to Figure 1). These two areas can accommodate up to 31 guests before they are checked into the venue.

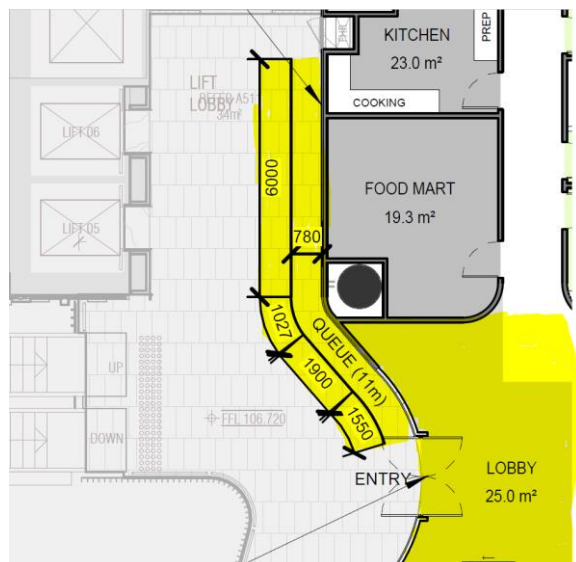


Figure 1 – Queuing locations on Level 2

In addition to the two queuing areas on level 2, a third queuing area is proposed on level 1 near the escalator. This queue is proposed to be setup and managed by the venue's security staff. External queuing for an entertainment venue is considered acceptable and as indicated in the venue management plan, will provide security staff time to evaluate patrons prior to entering the venue and should reduce congestion within the lobby areas. and will be.

*Patron Dispersal*

The Venue Management Plan (at point 5.3-xvii and 6.10) includes protocols for security staff escorting female guests and guests that are intoxicated from the venue to the taxi rank on Carrington Road. This is acknowledged as an appropriate service, which would have a positive impact on the building and its surrounds. At point 6.11 it is indicated that security staff will ensure a safe egress of patrons departing from the venue to neighbouring public transport stops/ stations and or taxi ranks. This partially addresses patrons who are intoxicated yet fully functioning leaving the building and its

## 10.2 (cont)

surrounds however falls short of ensuring these patrons have moved on and do not remain in and/or around the building.

It is recommended that security staff ensure patrons do not leave the premises with liquor, conduct sweeps following departure of guest during the venue's hours of operation and 30 minutes after the venue has closed.

These sweeps must include areas within and around the building, including the abutting laneway, to ensure patrons who have exited the venue have been able to safely leave the area in a way which does not result in amenity impacts to residents within the building.

As discussed above, it is recognised that there will be an increase in patrons visiting 'Sky One' late at night that brings increased potential for impacts to residents within the building. The Venue Management Plan submitted with the application includes:

- Daily operations and running procedures for the venue that includes daily staff briefings, incident reporting and logging by security and staff.
- Use of 2 CCTV cameras at the entry of the venue with Biometric Facial Recognition capabilities. This will require patrons to briefly queue at the front of the venue prior to entering, allowing staff time to recognise any banned/ barred patrons and stopping them from entering the premises.
- Security and surveillance before during and after trading of the back entrances, passageways, fire corridors and exits.
- Patron behaviour inside and outside of the venue, which includes escorting all female and intoxicated patrons from the site and ensuring they have a safe mode of transport home.

It is recognised that 'Sky One' has been approved with retail tenancies that allow the inclusion of liquor licenced uses however a balance must be found for the residents and other retail operators of 'Sky One'. Especially when considering late night trading between Monday to Thursday.

The applicant has not provided any discussion regarding the compatibility of the proposed late-night hours during the working week and the availability of public transport, which has been used to justify the proposed location. This is relevant considering the last bus, train and tram services between Monday and Thursday from Box Hill are at 12:00 am, with the first service on the following day starting at 5:00 a.m. Planning Officers are concerned that this is a limitation on patrons' ability to effectively disperse from the area.

Reducing the hours of operation between Monday and Thursday to 12 p.m. to 1 a.m. the following day provides a better reflection of the availability of public transport and will encourage the majority of patrons to utilise this mode of transport, rather than all patrons having to rely on taxi's, Uber or ride share which are not guaranteed services available to all patrons. This in turn will reduce noise and lower incidents of disorderly conduct, anti-social behaviour and loitering in and around the building. The reduction in hours between Monday and Thursday will be included as a condition on the permit.

## 10.2 (cont)

*Cleanliness*

The Venue Management Plan includes cleaning however it focuses on the internal running of the venue and only references *'the venue and the immediate external area'* being *'cleaned on a regular basis'*. Considering the venue is on level 2 of the building, relying on lifts and escalators to move patrons through the ground and first floor lobbies, while requiring patrons who smoke to do so outside the building, this creates multiple patron movements through these levels of the building and increases the potential for unclean public spaces to result. As such, all these areas must be included as part of regular monitoring and cleaning for the venue, especially because they are spaces common to all users of the building, not just karaoke patrons. A revised Venue Management Plan will be required to include a cleaning roster that outlines staff undertaking external inspections of (but not limited to) the lifts, ground and first floor lobbies and footpath areas external to the building along both Station Street and Carrington Road to identify if cleaning (including but not limited to cigarette butts, bottles, cans, urine, excrement, and vomit) is required. Cleaning must then be undertaken immediately.

**Cumulative Impacts**

The application includes a Cumulative Impact Assessment in accordance with the decision guidelines of Clause 52.27 and Planning Practice Note PPN91 – *Licensed premises- assessing cumulative impact* where a cluster is identified. A cluster is defined as 3 or more licenced premises (including the proposed premises) within 100 metres from the subject site that are open past 11pm.

The assessment indicates there are 18 licenced venues within 100 metres of the subject site, 14 are licenced restaurants and operate past 11 p.m. The closest licenced restaurant to the subject site is the Haidilao hot pot restaurant on Level 2 of 'Sky One', which is open until 1 a.m. with a restaurant café licence. The other late-night venues include 1 Carrington Road (Sha Xian Snacks – on-premises licence) and 550 Station Street (Duncan's Box Hill Cellars – packaged liquor licence).

While there is a concentration of venues located along Station Street and Carrington Road, they are largely associated with restaurants, which are unlikely to result in negative impacts in conjunction with the proposed karaoke bar. A late-night licence would have a positive cumulative effect by providing more options for patrons, particularly on a weekday.

The proposal represents a unique opportunity to further contribute to the mix of uses and entertainment options in the area and positively contribute to the recreational needs of the community and its visitors. Whilst the proposed premises will trade beyond the trading hours of other premises in the immediate area, for the reasons discussed above, including the recommended conditions, the proposal would not result in any unreasonable cumulative impacts or adversely affect the amenity of the surrounding area.

**Objectors Concerns not Previously Addressed***Hours of Operation*

Concerns have been raised regarding the hours of operation for the proposed use due to the residential component of this building.

## 10.2 (cont)

As previously discussed, Sky One is a mixed-use building, in a Commercial 1 zone, that includes retail tenancies on the ground floor and on Levels 1 and 2. Residential land uses in the commercial zone enjoy increased accessibility being close to public transport, retail and community services however the trade-off is reduced amenity due to the same convenient commercial uses being as of right within the commercial zone. The sale and consumption of liquor are considered generally acceptable in light of the discussions and conditions above. These support the use of the premise in the Box Hill Metropolitan Activity Centre in conjunction with the endorsement of the Venue Management Plan and permit conditions that reduce the hours of operation Monday to Thursday and require patron numbers to decrease from midnight to closing Friday to Sunday.

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## 10.2 (cont)

### *Noise*

Concerns have been raised regarding the level of noise the proposed karaoke bar will produce and its effects on residents in the building.

As previously discussed in this report, acoustic testing and an updated report have been required as a condition and must be submitted for approval prior to the use commencing. The use must be able to demonstrate its continuing adherence to the acoustic report, by way of logging noise levels that can be provided to Council on request. As well as a register of noise complaints that again must be provided to Council on request.

### *Disorderly Conduct and Anti-Social Behaviour of Patrons*

Concerns have been raised regarding disorderly conduct and anti-social behaviour of patrons within and outside of the building.

The Venue Management Plan clearly outlines the contingency to deal with the disorderly conduct and/or anti-social behaviour of patrons. As discussed, amenity conditions are to be included in a revised Venue Management Plan to mitigate impacts of the sale/consumption of liquor on residents of the building, other retail tenancies and the buildings street level interfaces.

The licensee will be required to manage aspects of the liquor licence through a number of measures including the Responsible Serving of Alcohol, which are managed outside the planning permit process. Further, new separate requirements by Liquor Control Victoria (LCV) in the issuance of their licence will be imposed and compliance with such conditions achieved.

### *Decreased Safety and Security of Residents*

Concerns have been raised regarding the safety and security of residents in the building.

The main residential access point for 'Sky One' is via the residential lobby located along the Carrington Road frontage. As previously discussed, the main access to the venue on level 2 will be via Station Street using the escalator and the 2 lifts available, which do not provide access to levels containing apartments. During the operating hours of the proposed karaoke bar security will be present and patrolling the lobby and entry/ exit points also.

### *Car Parking*

Concerns have been raised regarding increased car parking demand with the inclusion of the karaoke bar in the building.

As previously discussed, a car parking reduction is not required, nor is customer car parking offered as part of the proposed venue. As discussed, the proposed venue is well placed being within reasonable walking distance (300-500 metres) of multiple public transport options that include bus, tram and train as well as a dedicated taxi rank on Carrington Road.

Public car parking is readily available within the adjoining basement parking underneath Box Hill Central Shopping Centre and the public parking facility on Harrow Street, approximately 180m walking distance from the subject site.

10.2 (cont)

### **CONCLUSION**

The proposal for the sale and consumption of liquor in association with a karaoke bar is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the Planning Policy and Local Planning Policies and Clause 52.27.




The proposal seeks to take advantage of its location within the Box Hill Metropolitan Active Centre where retail, commercial and entertainment land use and developments are encouraged. By contributing to the vibrant, mixed-use nature of the area and its entertainment offering that encourages a wider range of uses, a suitable response to evolving consumer trends is provided.

The amenity impacts associated with the sale and consumption of liquor in association with the proposed karaoke bar including noise from amplified music and singing have been addressed through an acoustic report, which requires testing before and after the venue begins operating as well as ongoing conditions for compliance. Patron dispersal from entry, queuing and exiting the venue and the Sky One building have been addressed along with patron behaviour and cleanliness both within the venue and outside of the building, with permit conditions requiring a revised Venue Management Plan. The cumulative impacts of the proposed late-night venue have also been discussed and the proposal will not result in any unreasonable cumulative impacts nor adversely affect the amenity of the surrounding area or approved developments.

A total of 77 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 WH/2023/641 - Site Plan (decision doc) 
- 2 WH/2023/641 - Red Line Plan (decision doc) 
- 3 WH/2023/641 - Post Notice/Pre Forum - Ocean 13 Venue Management Plan V8 (decision doc) 

### 10.3 Burwood Heights Shopping Centre: Declaration of Special Charge for Marketing and Promotion Purposes

**Department** Engineering and Investment  
Director City Development

Attachment

#### SUMMARY

On 29 February 2024, Council received a request from the Burwood Heights Business Association Incorporated (Association) to renew the current Special Charge Scheme (Scheme and Special Charge) for the Burwood Heights Shopping Centre (Shopping Centre) for a further five years.

Following initial consultation, a threshold of 75% 'in principle' support was reached, indicating a sufficient level of support to commence the statutory process to renew the Scheme, and at its ordinary meeting held on 29 April 2024 Council resolved of its intention to declare, by way of renewal, a Special Charge Scheme.

The statutory process for formal consultation and engagement has now been completed. Council received no submissions and/or objections which require consideration by Council.

Accordingly, Council may now, if it chooses to do so (pursuant to the power available to Council under section 163(1) of the *Local Government Act 1989* proceed to declare the Special Charge.

#### COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Lane

That Council:

1. Having complied with the requirements of the *Local Government Act 1989* (Act), including sections 163A, 163B and 223 of the Act (and having received no statutory submissions and/or objections and having made no alteration (whether pursuant to requirements in the Act or otherwise) to the Proposed Declaration of Special Charge for which public notice was previously given, hereby declares the following Special Charge (respectively, Declaration and Special Charge).
2. Under section 163(1) of the Act, the Special Charge is declared for the purposes of defraying expenses to be incurred by Council in, administratively only and subject always to the approval and direction of Council, providing funds to the body operating and known as the Burwood Heights Business Association Incorporated (Business Association) with such funds to be used for the purposes of the promotion, marketing, business development and the appointment of a part time Shopping Centre Coordinator (Coordinator) as agreed to between Council and the Business Association (Scheme) all of which



## 10.3 (cont)

are associated with the encouragement of retail and commercial activity and economic development in the Burwood Heights Shopping Centre (Centre).

3. Base the Special Charge on geographic criteria having regard to the location of those rateable properties in the area of the Scheme that are presently (or are reasonably capable of) being used for commercial, retail or professional purposes, with the addresses of such rateable properties being more particularly described and listed in columns 1 and 2 of the table forming the Special Charge Amounts by Property September 2024- June 2025 attached to this Declaration, which rateable properties are otherwise shown as being situated within the highlighted areas enclosed by continuous thick aqua line on the plan forming the Burwood Heights Shopping Centre Boundary Map to this Declaration.
4. In performing functions and exercising powers in relation to activities associated with the encouragement of retail and commercial activity and economic development in the area for which the Special Charge is declared, it is determined that the total amount of the Special Charges to be raised will be (and that it is intended to levy) an amount of \$52,285.55 per annum, raising in total an amount of \$261,427.75 over the five year period of the Scheme, with such amount being the total cost of the performance of the function and the exercise of the power by Council and being the total amount to be levied (and being in relation to the encouragement of retail and commercial activity and economic development) and with such annual amounts (after the first year) to be adjusted annually in accordance with movements in the Consumer Price Index (CPI)).
5. Declare the Special Charge for:
  - a) The period commencing on 1 September 2024 and ending on 31 August 2029, being a period of five years.
  - b) The area containing all the rateable land known as the Burwood Heights Shopping Centre, as otherwise shown as being situated within the highlighted areas enclosed by continuous thick aqua line on the plan forming the Burwood Heights Shopping Centre Boundary Map attached to this Declaration.
  - c) All the rateable land described and listed in columns 1 and 2 of the table forming Special Charge Amounts by Property September 2024- June 2025 attached to this Declaration.
6. Levy the Special Charge as follows:
  - a) The first year comprise the respective amounts that are set out in column 3 of the table forming Special Charge Amounts by Property September 2024- June 2025 attached to this Declaration; and
  - b) Each subsequent year will comprise the amounts that were payable in the immediate previous year, adjusted in accordance

## 10.3 (cont)

with movements in the CPI (but shall not be less than the amount payable in the immediately preceding year).

7. In making this Declaration, it is considered that there will be a special benefit to the persons required to pay the Special Charge (being the owners and the occupiers of the properties listed in columns 1 and 2 of the table forming the Special Charge Amounts by Property September 2024- June 2025 attached to this Declaration) in that there will be a special benefit over and above that available to persons who are not subject to the Special Charge, and directly and indirectly the viability of the Centre as a commercial, retail and professional area will be enhanced through increased economic activity due to the following:
  - a) Improved marketing and promotion for the Centre as a whole, increasing the public awareness, profile, image and perception of the Centre and attracting increased patronage to the Centre;
  - b) All businesses will have better access to advice, information and assistance on latest trends in marketing, retailing, small business and promotion;
  - c) All businesses will benefit from having an experienced person coordinating their activities for their mutual advantage and acting as a single liaison point, lobbyist and spokesperson to represent local business within the Centre and deal with various arms of government (Federal, State and Local); and
  - d) The value and the use, occupation and enjoyment of the properties and the individual businesses in the Scheme area will be maintained or enhanced through increased economic activity.
8. In making this Declaration, it is considered that only those properties included in the Scheme area will derive a relevant special benefit from the imposition of the Special Charge and that there are no wider special benefits or community benefits to be taken into account in relation to the Scheme. It is formally determined for the purposes of sections 163(2)(a), 163(2A) and 163(2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and/or the exercise of power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a benefit ratio of one to one (or 100%).
9. Having regard to the preceding parts of this Declaration, the Special Charge will be levied by sending notices to the owners or the occupiers of the properties included in the Scheme which will require that the initial Special Charge set out in column 3 of the table forming Special Charge Amounts by Property September 2024- June 2025 attached to this Declaration and the subsequent Special Charges under this Scheme must be paid in full by the date specified in the notices, which will be a date not less than thirty days after the issue of the notice, or if an owner or occupier so elects to pay the Special Charge by four equal instalments (or near equal in respect to the final instalment) by the dates fixed by the Minister by notice published in the Government

## 10.3 (cont)

Gazette being the dates on which payment by four instalments of rates and charges are fixed pursuant to section 167(2) of the Act, and further declares that interest shall be charged on all late payments of the Special Charge as set from time to time by Council pursuant to section 172 of the Act.

10. Authorise the Business Association to administer the proceeds of the Special Charge on behalf of Council on the express condition that the Business Association maintains and renews its funding agreement with Council for the period of the Special Charge and not otherwise.
11. Incentives will not be given for the payment of Special Charges before the due date for payment.
12. Notes this Declaration will expire if the Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration to which the Special Charge relates is made.
13. Give notice to all owners and occupiers of the properties included in the Scheme of the decision to declare and levy the Special Charge and the Economic Development Officer be authorised to carry out all other procedures necessary for the Special Charge to be levied.

**CARRIED UNANIMOUSLY**

<b>Spoke to item:</b>	Cr Skilbeck, Cr Lane (2)
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## KEY MATTERS

It is noted that, following the giving of public notice and consultation with property owners and occupiers and business owners in the Scheme area, no submissions and/or objections were received during the statutory consultation period, which concluded at 5pm on Wednesday, 5 June 2024.

As previously noted, rigorous consultation was carried out with affected property owners and occupiers and business owners in the lead up to the statutory consultation period. As part of the initial consultation, information and consultation sessions were offered, and all affected property and business owners were surveyed by Council.

The survey determined a threshold of 75% 'in principle' support was reached indicating (in view of the Council's Investment and Economic Development Unit) a sufficient level of support for Council to commence the statutory process to renew the existing Scheme.

### Strategic Alignment

The renewal of the Special Charge Scheme for the Burwood Heights Shopping Centre aligns with the following strategic directions of Council to deliver effective services, while ensuring long-term economic growth, social cohesion, and environmental resilience.

10.3 (cont)

### Council Plan 2021-2025

Strategic Direction 2: Facilitate the renewal of retail special Charge schemes as per the Special Charge Scheme in Commercial Precinct or Centres Policy 2014.

### **Policy**

#### Whitehorse Investment and Economic Development Strategy 2024-2028

#### Theme 2: Supporting Activity Centres and Employment Precincts 2.3 Special Rate and Charge Schemes

Facilitate the feasibility, review and renewal of retail Special Rate and Charge schemes (for activity centres) as per the Special Rate and Charge Scheme in Commercial Precincts and Centres Policy 2014.

### **BACKGROUND**

The Burwood Heights Business Association has been established since 1993 with a Special Rates and Charges Scheme for the Burwood Heights Shopping Centre having been in place since 2002. The current Scheme will expire on 31 August 2024.

Following the resolution at Council's ordinary meeting held on 29 April 2024, the statutory process for renewal of the Special Charge Scheme at the Burwood Heights Shopping Centre was commenced. A Public Notice (published in 'The Age' newspaper on 2 May 2024 and on Council's Internet website) and letters to property owners and occupiers (with a copy of the Public Notice) were sent out with Australia Post on 3 May 2024.

The Scheme has been crucial in supporting the Shopping Precinct, which faces competition from nearby retail developments such as 'Burwood One' and 'Burwood Brickworks'.

The location of the Centre, near Deakin University, adds to its significance during the planned construction of the Suburban Rail Loop.

Impacted property owners and occupiers had until 5 June 2024 to submit support and/or objections/other comments for the Scheme renewal or make any other submission.

### **Discussion and Options**

#### Key Timelines

The key process and timelines for the Burwood Heights Shopping Centre Special Charge Scheme are, and remain, as follows:

- Notice of Intention to Declare Council Report – 29 April 2024
- Public Notice of Proposed Declaration of Special Charge in newspaper – 2 May 2024
- Notice of Intention to Declare letter mailed to all property owners and business operators with a copy of the as-published Proposed Declaration of Special Charge and Public Notice – 2 May 2024
- Submissions and/or Objections due – 5 June 2024

### 10.3 (cont)

- Formal Council consideration of Submissions and/or Objections (not required as the report was withdrawn from meeting – 24 June 2024 ordinary meeting of Council as no submissions or objections were received)
- Council to make a final decision on the proposed Scheme at its ordinary meeting of Council – 22 July 2024.

## **SUPPORTING REPORT DETAILS**

### **Legislative and Risk Implications**

#### Legal consideration

- Council is required to consider any submissions and take into account any objections in accordance with sections 163A, 163B and 223 of The *Local Government Act 1989* prior to making a final decision with respect to the declaration of a Special Charge Scheme for any Shopping Centre.
- The statutory process provided the affected ratepayers and property owners and occupiers and the community generally with the opportunity to make a submission and/or an objection to the Council on the proposed Scheme.
- It is noted that no submissions or objections were received during the statutory consultation period, which concluded at 5pm on Wednesday, 5 June 2024.

### **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*.

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

### **Community Engagement**

To declare a Special Charge Scheme, Council is required to comply with the statutory process under the *Local Government Act 1989* and *Local Government Act 2020*. The statutory process provides the community with the opportunity to make a submission and/or an objection to Council on the proposed Scheme. Council is required to consider any submissions and take into account any objections in accordance with the *Local Government Act 1989* prior to making a final decision.

- A best practice approach has been adopted in consulting with stakeholders to ensure there is a broad level of understanding and support with what is being proposed and the process that is being undertaken. This includes reviewing the current Scheme and facilitating genuine engagement with traders and property owners when developing the five-year business plan.
- For the proposed Scheme a survey was initially prepared, and owners and occupiers were invited to a meeting of the Burwood Heights Business Association to review the current scheme and inform the

### 10.3 (cont)

Business Association five-year business plan and the activities that the Scheme will fund. Correspondence was also sent to property owners and occupiers to inform them of the Business Association's request to renew the Special Charge Scheme and invite them to comment on the proposed scheme in the official notice of intention letter.

### **Financial and Resource Implications**

The preparation, raising and ongoing administration of a Special Charge is covered within Council's annual operational budget.

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

### **Innovation and Continuous Improvement**

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

### **Collaboration**

No collaboration was required for this report.

### **Conflict of Interest**

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.



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

### **Conclusion**

The report (otherwise supported by Council's Investment and Economic Development Unit and the request from the Burwood Heights Business Association) invites Council to formally declare the renewal of the Special Charge Scheme at the Burwood Heights Shopping Centre for a further 5 years from 1 September 2024 - 31 August 2029.

The endorsement of these recommendations will uphold Council's commitment and proactive support for local businesses in accordance with its Investment and Economic Development Strategy 2024 – 2028.

### **ATTACHMENT**

- 1 Burwood Heights Shopping Centre - Special Charge Amounts by Property September 2024-June 2025 
- 2 Burwood Heights Shopping Centre Boundary Map 

## 10.4 Draft Whitehorse Open Space Strategy Endorsement for Community Engagement #2

**Department** Leisure and Recreation Services  
Director Community Services

Attachment

### SUMMARY

The purpose of the report is to seek Council's approval of the draft Whitehorse Open Space Strategy 2024 (Strategy) to proceed with the second round of community engagement planned for the period between 24 July 2024 and 30 August 2024.

During the first round of community engagement between 17 September and 30 November 2022, more than 2000 community members shared their views on open space with Council including the need to protect nature and open spaces, the need for additional open spaces now, and as the population grows, and provide facilities and amenities to cater for people of all ages, abilities and cultural background.

The draft Strategy has been prepared based on community feedback and the latest research and studies on open space planning.

In addition to the community feedback, forecasted changes highlight challenges the Whitehorse open space network will face in future years. They include population growth and densification, changing demographic profile and lifestyle, climate change and financial constraint.

The draft Strategy will help Council navigate through the challenges in the next 15 years, protecting and enhancing the well distributed and high-quality open space network. This is important for creating a liveable city, fostering a cohesive and healthy community and leaving a great open space legacy for future generations to enjoy.

The draft Strategy comprises two documents:

- **Technical Report**  
Provides the research, detailed analysis, conclusions and recommendations including the Action Plan for the 16 precincts and a funding and monitoring framework.
- **Summary Report**  
Provides a summary of the key issues and recommendations from the Strategy and is the main document that the community and Council outside of the open space planning area will refer to.

The draft Strategy provides recommendations on future direction of individual parks and reserves in Whitehorse's open space network including land purchase for additional open spaces and expansion of existing spaces.



## 10.4 (cont)

The second round of community engagement on the draft Strategy will be a valuable opportunity to validate if the proposed recommendations for Whitehorse open space network appropriately respond to the changing needs of the community and will be used to inform updates to the draft Strategy in preparing for final endorsement by Council.

**MOTION**

Moved by Cr Cutts, Seconded by Cr Munroe

That Council endorses the draft Whitehorse Open Space Strategy 2024 including Summary Report and Technical Report for community consultation for the period from 24 July 2024 until 30 August 2024.

**AMENDMENT**

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. Endorses the draft Whitehorse Open Space Strategy 2024 including the Summary Report and Technical Report for community consultation for the period from Wednesday 24 July until Friday 30 August 2024.
2. Notes its concern that there is inequity in the current methodology used to calculate Public Open Space contributions. This particularly relates to the calculation method, whereby the contribution is calculated on the value of land at time of subdivision. For example, the impact of developments such as the 'build to rent' are not captured. Furthermore, the contribution cost is often passed onto purchasers, which is inequitable for smaller developments who pay more proportionally.
3. Writes to the Minister for Planning (cc Municipal Association Victoria/Victorian Local Governance Association/Eastern Region Group of Councils and local MP's), highlighting concerns regarding the methodology used for calculating Public Open Space Contributions. The letter should address the inequities between the contributions required for lower-density subdivisions and those for large apartment developments and build to rent developments.
4. Seeks the preparation and publication of an annex to the Draft Open Space Strategy titled "Open Space Innovation in precincts undergoing transformational change" to include a discussion of 'non-traditional' 'open space' supply concepts and potential costs and utility.

**The Mayor called for the AMENDMENT to be put in parts.**

**Item 1 was put to the vote.**



## 10.4 (cont)

That Council:	
1. Endorses the draft Whitehorse Open Space Strategy 2024 including the Summary Report and Technical Report for community consultation for the period from Wednesday 24 July until Friday 30 August 2024.	
<b>CARRIED UNANIMOUSLY</b>	
<b>Item 2 was put to the vote</b>	
That Council:	
2. Notes its concern that there is inequity in the current methodology used to calculate Public Open Space contributions. This particularly relates to the calculation method, whereby the contribution is calculated on the value of land at time of subdivision. For example, the impact of developments such as the 'build to rent' are not captured. Furthermore, the contribution cost is often passed onto purchasers, which is inequitable for smaller developments who pay more proportionally.	
<b>CARRIED UNANIMOUSLY</b>	
<b>Item 3 was put to the vote</b>	
That Council:	
3. Writes to the Minister for Planning (cc Municipal Association Victoria/Victorian Local Governance Association/Eastern Region Group of Councils and local MP's), highlighting concerns regarding the methodology used for calculating Public Open Space Contributions. The letter should address the inequities between the contributions required for lower-density subdivisions and those for large apartment developments and build to rent developments.	
<b>CARRIED UNANIMOUSLY</b>	
<b>Item 4 was put to the vote.</b>	
<b>COUNCIL RESOLUTION</b>	
Moved by Cr Barker, Seconded by Cr Davenport	
That Council:	
4. Seeks the preparation and publication of an annex to the Draft Open Space Strategy titled "Open Space Innovation in precincts undergoing transformational change" to include a discussion of 'non-traditional' 'open space' supply concepts and potential costs and utility.	
<b>LOST</b>	
<b>Voted FOR item:</b>	Cr Barker, Cr Cutts, Cr Davenport (3)
<b>Voted AGAINST item:</b>	Cr Carr, Cr Lane, Cr Liu, Cr Massoud, Cr McNeill, Cr Munroe, Cr Skilbeck, Cr Stennett (8)
<b>The Mayor put the substantive motion which became the council resolution as follows:</b>	

## 10.4 (cont)

**COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. Endorses the draft Whitehorse Open Space Strategy 2024 including the Summary Report and Technical Report for community consultation for the period from Wednesday 24 July until Friday 30 August 2024.
2. Notes its concern that there is inequity in the current methodology used to calculate Public Open Space contributions. This particularly relates to the calculation method, whereby the contribution is calculated on the value of land at time of subdivision. For example, the impact of developments such as the 'build to rent' are not captured. Furthermore, the contribution cost is often passed onto purchasers, which is inequitable for smaller developments who pay more proportionally.
3. Writes to the Minister for Planning (cc Municipal Association Victoria/Victorian Local Governance Association/Eastern Region Group of Councils and local MP's), highlighting concerns regarding the methodology used for calculating Public Open Space Contributions. The letter should address the inequities between the contributions required for lower-density subdivisions and those for large apartment developments and build to rent developments.

**CARRIED UNANIMOUSLY**

**Spoke to the Motion:** Cr Cutts, Cr Munroe, Cr Barker, Cr Davenport, Cr Skilbeck, Cr Lane, Cr Liu, Cr Cutts, McNeill (9)

**KEY MATTERS**

Whitehorse City Council has prepared a draft Open Space Strategy 2024 for its municipality. This will replace the 2007 Open Space Strategy. The draft Strategy seeks to be a comprehensive and forward thinking, while pragmatic, policy document that provides guidance on how to protect, optimise and grow the municipality's open space network to support a healthy and prosperous community in the face of social, environmental and economic challenges in the next 15 years.

Recommendations in the draft Strategy include procuring land for additional open space, improving and protecting existing open spaces and managing uses in open space through municipal wide and precinct recommendations and open space guidelines. It will help to facilitate innovative local solutions to maximise community use of open spaces such as on-demand lighting and improved path networks that connect people to places and promote connectivity to nature and community.

It is worth noting that the draft Strategy considers the Open Space provision over a 15-year timeframe recognising the current population and future growth planned to occur with that timeframe and with a view to the longer term needs of the Municipality. However, it does not include the Suburban

#### 10.4 (cont)

Rail Loop (SRL) population forecasts (77,500 for Box Hill SRL precinct and 44,500 for Burwood SRL precinct by 2056) or the Victorian Government's draft housing targets proposed for Whitehorse area of an additional 79,000 dwellings. A review of the Open Space Strategy will be required to consider the SRL population forecasts contained within the Business and Investment Case and when the Victorian Government housing targets are confirmed.

### **STRATEGIC ALIGNMENT**

#### **Community Vision**

Community Vision 2040 was created in the midst of the COVID-19 pandemic, which has highlighted the importance of our local environment and community.

Key objectives and strategies related to this report include:

Theme 1 - Diverse and Inclusive Community

Theme 2 – Movement and Public Spaces

Theme 5 – Sustainable Climate and Environmental Care

Theme 6 – Whitehorse is an Empowered Collaborative Community

Theme 7 – Health and Wellbeing

#### **Whitehorse Urban Forest Strategy 2021-2031**

Whitehorse City Council values the important contribution of trees and vegetation in making the municipality a vibrant place to live, work and visit. The open space strategy will assist in delivering the urban forest vision and actions.

#### **Whitehorse Integrated Water Management Strategy 2022-2042**

This Strategy aims to drive action and deliver on outcomes that are important to Whitehorse community including healthy parks and waterways, flood mitigation, urban cooling and increased biodiversity. The open space network plays a key role in achieving these outcomes.

#### **Whitehorse Recreation Strategy 2015-2024**

This strategy has been prepared to provide Council with a decision-making framework for recreation and sport for a period of 10 years. The recreation assets are mainly accommodated by parks and reserves such as sports fields, sports pavilions, trails and play spaces. These assets play an important role in providing different environments for physical activity.

#### **Whitehorse Play Strategy 2011 / Play and Social Recreation Action Plan (in development)**

This strategy is to provide Council with a framework for sustainable provision of its network of play spaces and social recreation facilities. Council is in the process of preparing the draft Play and Social Recreation Action Plan to replace the 2011 Play Strategy. The draft Open Space Strategy provides strategic guidance on appropriate opportunities within the open space network for play and social recreation facilities.

## 10.4 (cont)

**Domestic Animal Management Plan 2021-2025**

The Whitehorse City Council Domestic Animal Management Plan 2021-2025 (DAMP) is to balance differing community expectations and guide the management of dogs in all public areas including in open space. The current DAMP provides clear direction including an action to review the existing dog off-lead areas and options for timed off-lead trials in existing on-lead parks.

**Whitehorse Cycling Strategy 2016**

The Whitehorse Cycling Strategy 2016 sets a vision of increasing cycling through creating a connected network of attractive, safe and inviting low stress streets and paths which are accessible to all and respects the needs of all users. Shared use paths are supported in open space where feasible particularly in encouraging people to exercise outdoors including walking, running, cycling and pram pushing.

**Whitehorse Climate Response Strategy 2023-2030**

This Strategy objectives and targets for Council's corporate operations, as well as how Council will support the community to reduce its emissions and adapt to climate change. Open space is influenced by the changing climate and has an important role to play in mitigating and adapting to its effects.

**BACKGROUND**

The Whitehorse Open Space Strategy 2007 has provided guidance to the development and use of open space over the past 15 years. Key achievements include:

- Purchase of land to create five new small local open spaces, being: Graham Bend in Box Hill, Oak Street Park in Surrey Hills, Chaucer Street Park in Box Hill South, Rowland Street Park in Mont Albert and Scott Grove Park in Burwood.
- Creation of a new Neighbourhood open space, Elmington Avenue Reserve, in Forest Hill as part of land development process.
- Creation of a new Local open space and a new Urban civic open space as part of Burwood Brickworks development.
- Creation of a new Small local open space, St Johns Avenue Park, in Mont Albert as part of land development process.
- Purchase of land to improve access to existing open space at 21 Wattle Valley Road, Mitcham and rear of 33 Nara Road, Mitcham.
- Develop and implement masterplans for Box Hill Gardens and Elgar Park.
- Renewal and upgrade of 82 play spaces.

**Discussion and Options**

The primary focus of this draft Strategy is to optimise access to open space through the planning, development, design and management of publicly

#### 10.4 (cont)

owned land that currently or in the future has potential to be set aside primarily for recreation and/or nature conservation purposes.

As urban densities increase across metropolitan Melbourne there has been a greater focus on the value of the ancillary open space and how they complement and provide critical access and connectivity to the public open space network. The Ancillary open space in the draft Strategy includes:

- Streetscapes.
- Open space on schools and educational land.
- Transport corridors.
- Open space within community facilities.

#### **Importance of Open Space**

Since the preparation of the 2007 Strategy, there has been extensive additional local and international research into the positive influence of open space on community health, wellbeing, and liveability. Research has identified there are measurable improvements to both people's physical and mental health if they live near green open space. Green open space also assists with urban cooling, making our urban communities more sustainable and liveable, and protects the natural biodiversity values. This is particularly important in the City of Whitehorse where many open spaces include native bushland that provides habitat for native plants and animals.

We know that the community highly value the open space network for its natural qualities and recreational values and will benefit from the outcomes of this strategy. The Strategy is a comprehensive assessment of the current opportunities as described in the technical report. Council is also aware of the community interest the Brickwork site in Box Hill, as is the State Government. This land is in private ownership. Council will explore all opportunities to provide and maintain open space in Whitehorse and in particular in Box Hill where the population is expected to significantly increase in light of State Government Projects and Policy.

#### **Summary Report**

The Summary Report provides a summary of the key issues and graphical representation of recommendations from the Technical Report. It contains the following key components:

- Definition of open space
- Why is open space important
- Existing open space network
- The open space framework
- What will change (Population and change forecast)
- Overall directions

#### 10.4 (cont)

- Precinct recommendations including summary of precinct information and precinct plans capturing key recommendations / actions.
- Implementation

### **Technical Report**

The Technical Report provides the research, detailed analysis, conclusions and recommendations including the Action Plan for the 16 precincts and the funding and monitoring framework. The key components of the Technical Report are summarised as below:

#### **1. The Existing Open Space Network**

The City of Whitehorse has approximately 349 open space reserves covering a total area of approximately 609.95 hectares of land area, which equates to 9.5 percent of the total land area of the municipality. If restricted open space is included, there are approximately 721.91 hectares of open space, which equates to 11.2 percent of the total land area of the municipality. Restricted refers to open space area available on a club membership or fee-paying basis only and is not available for general public use at any time. This includes public golf course, athletic tracks, tennis courts, bowling clubs and community gardens.

#### **2. Victorian Government Changes to the Open Space Network**

The Victorian Government has rezoned the undeveloped ngarrak nakorang wilam park (previously known as Healesville Freeway Reserve) to a combination of the Public Conservation and Resource Zone and the Public Park and Recreation Zone and are working with the community to enhance this open space. This is an approximately 35-hectare reserve that extends for 3.5 kilometres from Springvale Road to Burwood Road in Vermont South.

Major transport projects by the State Government are impacting either temporarily or permanently open spaces including Box Hill Gardens, Sinnott Street Reserve, Lorne Parade Reserve, Elgar Park, Eram Park and part of the Junction Road Reserve site. Council will continue to work with the State Government in relation to these matters.

#### **3. Forecasted Changes and Open Space Gap Analysis**

Trends in population growth and population characteristics will inform how much open space will be needed in the future. Increasing development densities and climate change will influence the location, design and management of the open space.

Victoria's Housing Statement sets a goal of 800,000 new homes over a decade, with a high proportion of dwellings, including high and medium density projects, to be constructed in established suburbs. In June 2024, Victoria Government released the draft housing targets that identified 79,000 new homes to be built in Whitehorse area between now and 2051.

Population growth varies across different precincts (suburbs), so is the population characteristics. Open space gap analysis takes into consideration

#### 10.4 (cont)

the existing open space network and forecasted growth and changes in the next decade.

Instead of the traditional radial catchment distance, a ped(pedestrian) shed catchment method is adopted for the draft Strategy gap analysis. This method measures the walking distance along the street network, more accurately reflects the actual walking distances to open space, particularly where the access point into open space reserve is quite limited as is the case for many open spaces in the City of Whitehorse.

#### **4. Provision of New and Expanded Open Space**

On the basis of the open space needs assessment, the draft Strategy has identified where additional open space is required over a 15-year period for both the existing and forecast community.

It is anticipated that the additional open space in the City of Whitehorse will be acquired using a range of methods including:

- As a land contribution as part of future subdivision for large development sites.
- Conversion of land owned by Whitehorse City Council or another government agency from its existing use to open space.
- Purchase of undeveloped land.
- Purchase of developed sites where no other opportunities are available.

Council will apply criteria included in the Technical Report section 5 to any future land that they convert or acquire for open space.

#### **5. Open Space Design and Management Guidelines**

Development of the new open space and upgrade / change to the existing open space will be guided by the open space design and management guidelines in Technical Report section 6. The guidelines also reflect vision and principles set out in the draft Strategy.

#### **6. Precinct Analysis and Recommendations**

The City of Whitehorse has 16 different precincts and the analysis and planning for open space has been undertaken at the precinct level. The precinct boundaries are generally consistent with the suburb boundaries with the exception where Mont Albert North is combined with Balwyn North as one precinct.

Each of the precincts includes:

- Existing open space plan and description of the existing open space.
- Open Space Hierarchy plan.
- Gap analysis plan including a description of how all the gap areas will be addressed.
- Summary of the existing community including a summary of the demographics and community survey outcomes.

#### 10.4 (cont)

- Analysis of the future change and open space needs for the precinct.
- Precinct recommendations including the Action Plan, which lists all the proposed new open spaces and actions for all the existing open space.

### **7. Funding and Open Space Contributions**

The draft Strategy also reviews the Public Open Space Contribution Rate(s). The current 4 percent public open space contribution rate is based on the 2007 strategy projects and the forecast population change at that time. Significant change has taken place since 2007 that are recognised in the draft Strategy and influence the open space planning for the next 15-year period. An averaged public open space contribution rate, based on the analysis, conclusions and recommendations in this Strategy, will be in the order of 7 percent with the exception of Box Hill precinct and three major strategic development sites.

### **8. Implementation Monitoring and Reporting**

Successful implementation of the draft Strategy will require commitment from a wide range of Council functional areas across multiple years. A range of actions have been proposed to embed the draft Strategy into Council operations once endorsed.

## **SUPPORTING REPORT DETAILS**

### **Legislative and Risk Implications**

Open Space is an issue of high interest to the community. The level of community engagement undertaken to date and planned for the exhibition phase of the Strategy is considered to have met Council's aspirations as outlined in the Community Engagement Policy, which is a requirement under the *Local Government Act 2020*.

The comprehensive engagement process undertaken to date is detailed in Community Engagement section, along with the proposed engagement on the draft strategy. The community consultation report and technical report outlines in detail how Council engaged with our community, feedback heard, and how Council has incorporated this feedback into the draft Strategy and action plan.

### **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* and *Gender Equality Act 2020*.

Under the *Gender Equality Act 2020* Council has a duty to promote gender equality in new or revised policies/strategies/ programs and services with a direct and significant impact on the community.

A gender impact assessment (Appendix to Technical Report) has been completed as part of the development of the draft strategy. Actions arising from the final strategy may also require individual assessments as part of further project work.



## 10.4 (cont)

**Community Engagement**

Council developed a comprehensive community engagement plan for the creation of the new Strategy and to involve the community at the level of 'Involve' on the International Association of Public Participation (IAP2) Spectrum. The consultation is to be delivered through a two-phase engagement process as outlined below.

Phase 1 – Initial Community Engagement

Council has conducted a comprehensive phase one community engagement during 17 September to 30 November 2022 to inform the development of the draft Strategy. The main purpose of the engagement process was to gain an understanding of what people value about open space, existing patterns of use and key issues they would like addressed in open space as part of the Whitehorse Open Space Strategy 2024 project. This is one of the key pieces of research that is used as the basis for determining the open space needs of the existing community.

A total of 2,250 surveys were completed during the consultation period with 2,029 from Whitehorse residents and workers, 153 from visitors and 68 did not specify their suburb.

Community consultation report, Attachment 3 provides insights on community experience and needs of the open space on the municipal level and more localised feedback on each planning precinct.

Phase 2 – Community Feedback on Draft Strategy

Phase two will comprise community feedback on the draft strategy itself and will formally commence on 24 July 2024 and 30 August 2024. The draft strategy and accompanying information will be made available publicly during the engagement periods online via Your Say page and printed copies at key Council facilities.

Pop up events and workshops with community groups will also be held to promote awareness of the draft open space strategy and facilitate discussions.

**Financial and Resource Implications**

The draft Open Space Strategy includes significant new actions for Council officers to undertake over the next fifteen years. Many of these actions can be undertaken within existing resources including permanent and temporary staff; others will require additional funding which will be considered as part of the Strategic Implementation Plan 1-5 years.

Unfunded projects will form part of yearly budget discussions and be considered as part of Council's normal budget process, to ensure they are assessed against the wider needs and priorities of the organisation and the community.

The draft Strategy also proposes a review of the Public Open Space Contributions to the Whitehorse Planning Scheme. The Public Open Space Contributions are a key funding source for Council's to deliver open space projects and acquire new land for open space. The new Open Space

## 10.4 (cont)

Strategy once endorsed will support the subsequent planning scheme amendment process.

### Innovation and Continuous Improvement

The draft Strategy is informed by established open space planning methodology particularly how Public Open Space Contributions are calculated in Victoria context.

The development of the draft Strategy also considers local and international best practice examples and the latest research studies of open space frameworks including:

- Importance of winter sunlight access in open space study by City of Melbourne.
- Melbourne Water and Parks Victoria's submissions to the Parliamentary Inquiry into Environmental Infrastructure for Growing Populations.
- Research on physical and mental health and wellbeing benefits of open space.
- The Australian Park Life Project research which proposes a nationally harmonised framework for classifying open space functions and hierarchies.
- Public open space hierarchy used overseas.

### Collaboration

The development of the draft Strategy involved extensive collaboration with internal and external stakeholders including:

Internal Subject Matter Experts	External Stakeholders
<ul style="list-style-type: none"> <li>• Strategic and Statutory Planning</li> <li>• Parks and Natural Environment</li> <li>• Design and Construction</li> <li>• Active Communities (Sports)</li> <li>• Active Transport</li> <li>• Local Laws (Dog management)</li> <li>• Major Transport Projects</li> <li>• Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Parks Victoria</li> <li>• Melbourne Water</li> <li>• Department of Energy, Environment and Climate Action</li> <li>• Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation</li> </ul>

### Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

## 10.4 (cont)

**Conclusion**

The draft Whitehorse Open Space Strategy has been developed on the basis of sound open space planning methodology and informed by extensive community and stakeholder consultation, research studies and best practice examples locally and internationally.




The draft Strategy provides comprehensive guidance on protecting and enhancing the existing open spaces and locations where additional open space are required.

Endorsement of the draft Strategy to go out for community consultation will allow Council to validate if the proposed recommendations address community needs as we have heard from the first round of community engagement.

Feedback received during the second round of community consultation will play a crucial role in shaping updates to the draft Strategy. Additionally, the latest strategic directions released by the State Government, including updates on major transport projects, will also be integrated into the draft Strategy. This approach ensures that the draft Strategy reflects both public needs and broader strategic goals.

Should Council support the officer recommendation, officers will proceed to prepare documentation for formal engagement on the draft Strategy. Consultation will formally commence on 24 July 2024 until 30 August 2024.

**ATTACHMENT**

- 1 Draft Whitehorse Open Space Strategy 2024 - Summary Report 
- 2 Draft Whitehorse Open Space Strategy 2024 - Technical Report 
- 3 Draft Whitehorse Open Space Strategy 2024 - Appendix 

## 10.5 Whitehorse Community Grants Program 2024-2025

**Department** Communities, Engagement and Integrated Planning  
Director Community Services

Attachment

### SUMMARY

The purpose of this report is to seek endorsement of the recommended funding allocations for the 2024/2025 Community Grants Program. This includes annual Cash Grants and Discount Support Free Tipping (DSFT).

The Community Grants Program was open for applications for 6 weeks from February through to April 2024.

213 Community Grant applications were submitted by community groups and organisations. This is the largest amount Council has ever received in one grant round.

After a rigorous assessment process, 120 different programs, projects and initiatives were funded, and 55 general and green waste vouchers were provided to assist with waste disposal. As a result, the Community Grants program has assisted 111 community organisations/groups in total.

The following table shows the number of applications received per category and the recommended funding amount:

Grant Category		Applications received	Applications funded	Total funding amount
Community Annual Cash Grants	Activation Booster	1	0	\$0.00
	Artist in Schools	4	4	\$20,800.00
	Creativity	17	13	\$28,702.50
	Diversity and Inclusion	11	7	\$10,730.24
	Education Assistance	1	1	\$1,600.00
	Environmental Sustainability	8	3	\$7905.07
	Health and Wellbeing	21	11	\$20,550.00
	Intergenerational	0	0	\$0.00
	Major	22	15	\$82,189.72

## 10.5 (cont)

Grant Category		Applications received	Applications funded	Total funding amount
	Positive Ageing	13	8	\$21,354.00
	Seniors Participation	24	18	\$14,440.00
	Seed Funding	3	1	\$2850.00
	Small Equipment	59	39	\$31,014.56
<b>Total</b>		<b>184</b>	<b>120</b>	<b>\$242,136.06</b>
Discount Support Free Tipping		29	27	\$15,330.00
<b>Overall Total</b>		<b>213</b>	<b>147</b>	<b>\$257,466.06</b>

The overall recommended funding is: \$257,466.06. It comprises:

- Annual Cash Grants: \$242,136.06 (\$26.32 under budget)
- DSFT: \$15,330.00 (\$82.50 under budget)

<b>MOTION</b>	
Moved by Cr Stennett, Seconded by Cr McNeill	
That Council defer Item 10.5 Whitehorse Community Grants Program 2024-2025 until the next Council meeting to be held on 12 August 2024.	
<b>LOST</b>	
<b>Voted FOR item:</b>	Cr Barker, Cr Cutts, Cr Davenport, Cr McNeill, Cr Stennett (5)
<b>Voted AGAINST item:</b>	Cr Carr, Cr Lane, Cr Liu, Cr Massoud, Cr Munroe, Cr Skilbeck (6)

*Cr Massoud having declared a Conflict of Interest, left the meeting at 10.04pm.*

Deputy Mayor Cr Davenport took over the meeting as Chair for Council to determine the Grant allocation for the Avenue Neighbourhood House @ Eley.

## 10.5 (cont)

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Liu

That Council:

1. Endorses the funding allocation for the Avenue Neighbourhood House @ Eley of \$1,600 as part of the overall Whitehorse Community Grants

**CARRIED UNANIMOUSLY**

*Cr Massoud returned to the Chamber at 10:06 pm and resumed to chair item 10.5.*

**MOTION**

Moved by Cr Davenport, Seconded by Cr Cutts

1. Endorses the funding allocation of \$242,136.06 for the 2024/2025 Whitehorse Community Grants (annual cash grants) as outlined in 2024/2025 Community Grant Recommended Funding Report with the following change:
2. Endorses the funding allocation increasing by \$8,000 from \$15,330 as previously resolved by Council on 27 November 2023 to \$23,330 for the 2024/2025 Discount Support Free Tipping (voucher based) as outlined in 2024/2025 Discount Support Free Tipping Recommended Funding Report.
3. Notes funding allocation of \$220,419.04 for the 2024/2025 Discount Support Hall Hire received to date.
4. Notes funding allocation of \$419,244.41 for the 2024/2025 Partnership Grants.

**Cr Munroe proposed the following amendment**

**AMENDMENT**

Moved by Cr Munroe, Seconded by Cr Skilbeck

1. Endorses the funding allocation of \$242,136.06 for the 2024/2025 Whitehorse Community Grants (annual cash grants) as outlined in 2024/2025 Community Grant Recommended Funding Report with the following change:
2. Endorses the funding allocation of \$15,330 for the 2024/2025 Discount Support Free Tipping (voucher based) as outlined in 2024/2025 Discount Support Free Tipping Recommended Funding Report.
3. Notes funding allocation of \$220,419.04 for the 2024/2025 Discount Support Hall Hire received to date.
4. Notes funding allocation of \$419,244.41 for the 2024/2025 Partnership Grants.

## 10.5 (cont)

<b>CARRIED</b>	
<b>Voted FOR item:</b>	Cr Carr, Cr Lane, Cr Liu, Cr Massoud, Cr Munroe, Cr Skilbeck (6)
<b>Voted AGAINST item:</b>	Cr Barker, Cr Cutts, Cr Davenport, Cr McNeill, Cr Stennett (5)
<b>The amended motion then became the substantive and was put to the vote</b>	
<b>COUNCIL RESOLUTION</b>	
Moved by Cr Munroe, Seconded by Cr Skilbeck	
<ol style="list-style-type: none"> <li>1. Endorses the funding allocation of \$242,136.06 for the 2024/2025 Whitehorse Community Grants (annual cash grants) as outlined in 2024/2025 Community Grant Recommended Funding Report with the following change:</li> <li>2. Endorses the funding allocation of \$15,330 for the 2024/2025 Discount Support Free Tipping (voucher based) as outlined in 2024/2025 Discount Support Free Tipping Recommended Funding Report.</li> <li>3. Notes funding allocation of \$220,419.04 for the 2024/2025 Discount Support Hall Hire received to date.</li> <li>4. Notes funding allocation of \$419,244.41 for the 2024/2025 Partnership Grants.</li> </ol>	
<b>CARRIED UNANIMOUSLY</b>	
<b>Spoke to the item:</b>	Cr Davenport, Cr McNeill, Cr Stennett Cr Cutts, Cr Liu, Cr Munroe, Cr Skilbeck, Cr Barker (1)

**KEY MATTERS**

- 2024/2025 Whitehorse Community Grants (annual cash grants) funding allocation: \$242,136.06.
- 2024/2025 Discount Support Free Tipping (DSFT) funding allocation: \$15,330.00.
- 2024/2025 Discount Support Hall Hire funding allocation to date: \$220,419.04.
- 2024/2025 Partnership Grant allocation: \$419,244.41.

**STRATEGIC ALIGNMENT**

The Whitehorse Community Grants Program aligns with and is underpinned by the Whitehorse Community Vision 2040, the Whitehorse Council Plan 2021 – 2025 and the Whitehorse Municipal Health and Wellbeing Plan.

10.5 (cont)

The following table presents the strategic alignment to the Council Plan:

<b>Strategic Alignment – Council Plan 2021 - 2025</b>
<p><b>Strategic Direction 1: An innovative Council that is well led and governed.</b></p> <p>Objective: Council will be a trusted organisation that embraces innovation.</p> <p>Strategic Action: Drive a culture of strong governance by strengthening fraud and corruption controls, embedding risk management into planning and decision-making processes and maintaining transparency in Council decisions.</p>
<p><b>Strategic Direction 3: A culturally rich, diverse, creative and inclusive community.</b></p> <p>Objective: Council will promote diversity, social connection and access to community services.</p> <p>Strategic Action: Work in partnership with community groups to celebrate and host events that promote culture and heritage, faith, gender and diversity.</p>
<p><b>Strategic Direction 7: A safe and healthy community.</b></p> <p>Objective: Council will protect and promote health and wellbeing of the Whitehorse community.</p> <p>Strategic Action: Promote community participation in sporting and recreational opportunities, especially by underrepresented groups.</p>

### **Policy**

The Community Grants Policy and the 2024 Community Grant Guidelines provide the framework for the 2024/2025 Community Grants Program.

### **BACKGROUND**

The Whitehorse Community Grants Program provides financial assistance to support not for profit, incorporated associations and schools or other service delivery agencies within the City of Whitehorse to deliver programs, projects or initiatives to enhance the health and wellbeing of the Whitehorse community.

The Community Grants Program has four main objectives:

- 1.) Provide transparent and rigorous process to the Community Grants Program, to support good governance and appropriate distribution of funds.
- 2.) Strengthen the Whitehorse community through support of diverse range of activities, services and programs that are responsive to the community needs.



## 10.5 (cont)

- 3.) Create a resilient community that embraces the history and diversity of Whitehorse, promotes learning, growing and thriving, as well as being safe, healthy and inclusive.
- 4.) Build the capacity of local organisations and strengthen partnerships within the Whitehorse community to support planned growth, collaboration and sustainability.

### Grant Categories

The Annual Cash Grants consists of 13 different categories with various funding amounts as outlined in the table below:

Grant Category	Funding Amount
Activation Booster Grant	Up to \$1,000
Artist in Schools Program	Up to \$8,000
Creativity Grant	Up to \$3,000
Diversity and Inclusion Grant	Up to \$3,000
Education Assistance Grant	Up to \$1,600 per educational institute and \$400 per student
Environmental Sustainability Grant	Up to \$3,000
Health and Wellbeing Grant	Up to \$3,000
Intergenerational Grant	Up to \$1,000
Major Grant	Up to \$10,000
Positive Ageing Grant	Up to \$3,000
Seniors Participation Grant	Up to \$1,000
Seed Funding Grant	Up to \$3,000
Small Equipment Grant	Up to \$1,000

A community organisation/group can only submit one application per category. If an organisation submits multiple applications for various categories, they must be for a different program, project or initiative.

### Applications Received

The 2024/2025 Community Grants were open for application for 6 weeks from 22 February to 7 April. A total of 213 grant applications were submitted during this period resulting in the highest number ever received in one grant round.

### Assessment of Grant Applications

A comprehensive, objective and rigorous assessment of all applications was performed by Council Officers with relevant subject matter expertise and with no conflict of interest.

### Final Outcome

The 2024/2025 Community Grants Program has awarded funding towards:

## 10.5 (cont)

- 120 different programs, projects and initiatives: \$242,136.06 (Attachment 1)
- 27 different community groups for Discount Support Free Tipping. This consisted of 40 general waste vouchers and 15 green waste free tipping vouchers: \$15,330 (Attachment 2)
- Overall, 111 community groups received funding across both the Annual Cash Grants and Discount Support Free Tipping.

As a result, funding is under budget by \$26.32 in the Annual Cash Grants and \$82.50 in Discount Support Free Tipping.

## Discussion and Options

### Partnership Grants

As per the Council Resolution from 12 February 2024, Partnership Grants are to be rolled over for the 2024/25 year to the following organisations with a rate cap of 2.75%:

Organisation	Amount
Uniting Care East Burwood	\$31,400.89
ABAW	\$27,431.63
Bennettswood Neighbourhood House	\$34,424.86
Box Hill South Neighbourhood House	\$34,424.86
Clota Cottage	\$34,424.86
Blackburn North Neighbourhood House	\$34,424.86
Louise Multicultural Community Centre	\$30,997.83
Burwood Neighbourhood House	\$34,424.86
The Avenue Neighbourhood House	\$42,653.79
Kerrimuir Neighbourhood House	\$34,424.86
Vermont South Neighbourhood House	\$39,708.52
Mitcham Neighbourhood House	\$40,502.59
<b>Total</b>	<b>\$419,244.41</b>

### Discount Support Hall Hire

Discount Support Hall Hire (DSHH) provides a proportional discount in relation to hall hire charges to 13 different Council owned and operated venues.

DSHH operates on a calendar year. For the period June – December 2024, Council has provided discount support to 87 organisations/groups (as of 11 June 2024) totalling \$220,419.04. The breakdown of this is as follows:

## 10.5 (cont)

Council Venues	Organisations/ Groups Supported	Discount Support Amount
Blackburn North Community Hall	3	\$13,477.50
Blackburn South Hall	0	\$0.00
Box Hill Community Arts Centre	24	\$40,994.77
Box Hill Town Hall	14	\$29,035.27
East Burwood Hall	7	\$20,865.00
Eley Park Community Centre	6	\$14,715.00
Forest Hill Hall	7	\$23,975.00
Horticultural Centre	12	\$8,272.50
Rentoul Hall	4	\$25,065.00
Strabane Avenue Hall	1	\$1,300.00
The Round – Function Centre	0	\$0.00
The Round - Theatre	5	\$36,200.00
Willis Room	4	\$6,519.00
<b>Total</b>	<b>87</b>	<b>\$220,419.04</b>

## SUPPORTING REPORT DETAILS

### Legislative and Risk Implications

The Community Grants Program is transparent, auditable and administered in line with good governance practice.

The online platform 'Smarty Grants' manages the documentation associated with the program. This software captures all user actions from the application, eligibility check, assessment, recommended funding amount, through to the acquittal phase. Inbuilt software also provides officers with limited access to only the information and forms specific to their role in the Community Grants Program.

All must assessors declare conflict of interest for each application. In the event of a conflict-of-interest declaration, the assessment is transferred to a different Council Officer.

### 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*.

## 10.5 (cont)

Community Grant funding categories provide opportunities to address equity, inclusion and human rights inequalities in the community.

**Community Engagement**

Officers organised and ran eight free sessions to assist the community with the Community Grants process. These were as follows:

**a.) Information Sessions**

- 27 February, Civic Centre – 22 participants
- 28 February, Online – 37 participants
- 1 March, Box Hill Community Arts Centre with Mandarin Interpreter – 30 participants

**b.) Grant Writing Workshops**

- 4 March, Civic Centre – 21 participants
- 7 March, Online – 32 participants

**c.) Drop in Application Assistance Sessions**

- 13 March, Nunawading Hub – 1 participant
- 21 March, Box Hill Community Arts Centre – 8 participants
- 26 March, Sportlink – 5 participants

Assistance was also given by officers to community groups via email, over the phone and in-person meetings by request.

**Promotion**

The 2024/2025 Whitehorse Community Grants Program was advertised extensively via:

- The February and March 2024 Whitehorse News,
- Council's social media platforms: Facebook, Instagram and LinkedIn,
- Posters in community venues including the libraries, Box Hill Community Arts Centre, Aqualinks, Sportlink, Strathdon House, the Nunawading Hub and Neighbourhood Houses,
- Electronic Screens at Aqualinks and the Nunawading Hub,
- Electronic Newsletters: Community Groups, Down to Business, AllSports, Creative Vic, Youth Issues Network, School Focused Youth Services and Positive Ageing,
- Presentation at the Positive Ageing Forum,
- Direct email to all previous applicants via Smarty Grants,
- Council's websites including Whitehorse Community Grants page, WBIZ and Council's homepage,
- The Asian Multimedia newspapers, and

## 10.5 (cont)

- Mayors Radio.

**Financial and Resource Implications**

The overall recommended funding for the Community Grants program is \$257,466.06. It comprises:

- Annual Cash Grants: \$242,136.06 (\$26.32 under budget)
- DSFT: \$15,330.00 (\$82.50 under budget)

**Innovation and Continuous Improvement**

Innovation and continuous improvement took place in the administering of the 2024/2025 Community Grants Program to have a bigger reach and impact on the health and wellbeing of the community. These included:

- Updating the Community Grants webpage to allow for easier access to information and enhanced understanding.
- Hosting a Grants Information Session at Box Hill Community Arts Centre with a mandarin interpreter to cater for the Chinese community.
- Introducing 3 drop-in application assistance sessions across three community centres to assist and cater for more community members.
- Expanding previous promotional opportunities to include presenting at the Positive Ageing Forum and using the electronic screens at the Nunawading Hub and Aqualinks.

**Collaboration**

The 2024/2025 Community Grants Program involved collaboration with officers and managers from cross-Council departments for various tasks. These included:

- 18 Council Officers with areas of expertise from various departments performed eligibility checks (3 Officers) and assessments on the 213 community grant applications (15 Officers).
- A Manager Panel met on two occasions to discuss and make final decisions regarding grant funding. This panel consisted of representatives from departments that included Communities Engagement and Integrated Planning, Arts and Culture, Leisure and Recreation, Parks and Natural Environment, City Services and Health and Family Services.
- Officers from various Council departments assisted community groups with enquiries.
- Updating information in the Community Grants Guidelines and application forms involved collaborating with officers from various departments. Officers from City Services assisted with providing information about environmental sustainability and officers from People and Culture provided information about the Victorian Child Safe Standards and Gender Equality.

10.5 (cont)

### **Conflict of Interest**

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Assessing officers undertook mandatory fraud and corruption training specific to community grants.

All assessing Officers were required to fill out a declaration of direct or indirect conflict of interest prior to assessing each individual grant. If a conflict of interest was identified, the officer did not assess the grant application and the application was given to another officer to assess. All records of this are documented and can be traced on the Smarty Grants platform.



A declaration of conflict of interest was also completed by representatives on the Manager panel.

### **Conclusion**

The 2024/2025 Community Grants Program demonstrates Council's commitment to enhancing the health and wellbeing of the Whitehorse community.

Council's endorsement of the recommendations relating to the Annual Cash Grants and Discount Support Free Tipping will benefit 120 different programs, project and initiatives and provide support to 27 community organisations to dispose of their general and green waste. As a result, the Community Grants program has assisted 111 community organisations/groups in total.

### **ATTACHMENT**

- 1 2024 2025 Community Grants Recommended Funding Report 
- 2 2024 2025 Discount Support Free Tipping Recommended Funding Report 

## 10.6 Advocacy Priorities

**Department** Strategic Communications and Customer Service  
Director Corporate Services

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### SUMMARY

Whitehorse City Council is building its advocacy function to ensure Council obtains the best outcomes for Whitehorse's community now and into the future. Advocacy at Whitehorse encompasses multiple streams of work. This includes long-term policy and strategic planning, collaboration with the Eastern Region Group of Councils, advocating for community outcomes for the Suburban Rail Loop (SRL) and North East Link (NEL) projects, and maximising external funding opportunities for Council's Capital Works Program. As a first step to building its advocacy function, Council has identified four advocacy priorities to focus on to attract external partnerships and funding. These priorities have been based on community engagement and asset life.

The focus of this report is on advocacy for capital projects and to support the recommendation of the top four projects to advocate for.

The top four advocacy projects are:

- Bennettswood Reserve – North Oval
- Davy Lane Reserve
- Nunawading Basketball
- Sparks Reserve Upper

The report outlines the recommended maximum funding contribution for each of these projects and recommends contribution of funding to support designs and plans for the proposed priority projects.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Carr

That Council:

1. Endorses the four priority advocacy projects, which have been developed based on community engagement and asset life.
2. Confirms its support for undertaking the advocacy on these projects based on the following Council maximum funding contributions and external funding requirements:

#### **Bennettswood Reserve – North Oval**

- Council's maximum funding contribution: \$2 million
- External funding requirement: \$9 million
- Total project: \$11 million\* (total cost is not all Council's project)

## 10.6 (cont)

**Davy Lane Reserve**

- Council's maximum funding: \$11 million
- External funding requirement: \$10 million
- Total project: \$21 million

**Nunawading Basketball**

- Council's maximum funding: \$35 million
- External funding requirement: \$65 million
- Total project: \$100 million

**Sparks Reserve – Upper**

- Council's maximum funding: \$2 million
- External funding requirement: \$4 million
- Total project: \$6 million

3. Starts advocating for these four priority projects in a coordinated and strategic approach.
4. Allocates funding of \$450K for contribution for designs of the four projects, commencing in 2024/2025.
5. Subject to external partners expressing interest in funding these projects, considers a further report(s) including detailed design and documentation for the projects to commence within the funding guideline requirements.

**CARRIED UNANIMOUSLY**

<b>Spoke to the item:</b>	Cr Cutts, Cr Carr, Cr Davenport (3)
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**KEY MATTERS****Community needs and population densification in Whitehorse**

The municipality of Whitehorse is well recognised as a highly diverse community. It has over 150 cultures represented with a greater proportion of the Whitehorse residents born overseas (41.5 per cent) compared to Greater Melbourne (35.7 per cent). Victoria's population is expected to grow from 6.5 million (in 2021) to 10.3 million by 2051 with the population for the City of Whitehorse forecast to increase substantially.

The intense development will have many implications for the current and future needs of the city. The State Government's housing target for additional dwellings in Whitehorse is 79,000. It is expected to particularly impact Box Hill and Burwood, with State Government SRL Precinct Visions outlining significant growth in these suburbs. The SRL Precinct Visions indicate that building heights could increase up to 40 storeys at the centre of Box Hill and up to 20 storeys near the Burwood SRL station.

The significant increase in population will put pressure on Council's ageing infrastructure. Council will need to upgrade or build community facilities,



## 10.6 (cont)

including leisure and recreation services, to support the proposed population growth and Council will need to help facilitate open space options for the community.

### **State Government Projects**

Planning is a key community issue. The City will also be significantly impacted by two major transport projects delivered by the Victorian State Government - the Suburban Rail Loop (SRL) and North East Link. These projects will be largely delivered beyond direct control of Council. However wide-ranging impacts need to be considered and managed by Council, with the most significant being provision of open space within the City, community infrastructure, education and health services.

### **Open space**

Access to open space is a key emerging issue for the City. With significant development planned over the coming 10 years, access to public open space will be a core community and equity issue into the future. This is expected to be most significant in the Box Hill precinct, where public open space could reduce from 19m<sup>2</sup> to 7m<sup>2</sup> per person by 2056 if no additional open space is provided.

### **Financial Pressures**

The implementation of the rates cap in Victoria in 2016 has put additional pressure on Council to be able to deliver sustainable and innovative solutions to deliver services for the Whitehorse community. It has limited the revenue Council can generate to fund new infrastructure and renew existing assets. The cumulative effect of capped rates over time relative to inflation, particularly regarding the rising costs of construction, is putting pressure on Council's budget available to invest in infrastructure. Council must look to other revenue sources, such as grants and financial commitments from other levels of government, as a more viable and reliable income stream to offset costs, improve its financial position and ensure continued project delivery of essential community infrastructure.

### **Priority Projects**

Council has provided input on projects to prioritise as advocacy projects. Five prioritisation principles have also been considered when determining which projects should be developed further as part of Council's advocacy campaigns.

These principles include:

- Community
- Government alignment
- Geography
- Deliverability
- Evidence based

## 10.6 (cont)

There have been four projects highlighted as Council's priority projects. These projects were identified after seeking feedback from Councillors and Council Officers. These projects can be reviewed and adapted based on the key principles, but for now, these are the recommended top four projects Council Officers recommend as Council's top advocacy priorities.

- Bennettswood Reserve – North Oval
- Davy Lane Reserve
- Nunawading Basketball
- Sparks Reserve – Upper

## **Other Priorities**

### ***Open space***

There are existing demands and pressures on the open space network within the Whitehorse municipality. The growing population predicted by the Victorian Government will exacerbate this. Council is aware of the community interest in the Brickworks site in the Box Hill Precinct, as is the State Government. This land is in private ownership. Council will explore all opportunities to secure and maintain open space in Whitehorse and in particular in Box Hill where the population is expected to significantly increase in light of State Government projects and policy.

### ***Nunawading Aqualink***

The Nunawading aquatic facility is a significant asset and is due for replacement within less than 10 years. Council Officers are currently undertaking a business case which will provide more detailed plans/options for an aquatic facility. Council will be looking to State and Federal government for funding and partnership opportunities. Council will brief government on the project in early 2025 and outline opportunities going forward, once the outcomes of the business case have been endorsed.

## **STRATEGIC ALIGNMENT**

Whitehorse City Council is committed to turning the Community Vision 2040 and Council Plan into reality, and strategic project advocacy plays an important role.

The themes of Council's Community Vision include:

- Diverse and Inclusive Community
- Movement and Public Spaces
- Innovation and Creativity
- Employment, Education and Skill Development
- Empowered Collaborative Community
- Health and Wellbeing

The proposed top priority projects relate to the Vision aspirations. The population growth will place significant pressure on Whitehorse's community. The projects will allow increased use of leisure and recreation facilities – for all ages and abilities and are inclusive for Whitehorse's diverse community.

## 10.6 (cont)

They will have a positive impact on the health and wellbeing of the community. This can also help to decrease the pressure on many other services in the community, such as health services.

### **Policy**

The following policies have helped inform the identification of the proposed four priority advocacy projects:

- Indoor sports feasibility study
- East Burwood Master Plan
- Bennettswood Reserve Master Plan
- Strathdon Davy Lane Jolimont Reserve Master Plan
- Whitehorse Recreation Strategy
- Community Infrastructure Plan

### **Background**

Advocacy is about relationships and executing a political strategy. The advocacy process relates to prioritising and preparing key identified projects to be aligned and pitched to the three to five year political cycles – at all levels of government. Understanding the political environment, decision drivers, priorities and divisions is vital to the process and content of advocacy. Council has an opportunity to develop a coordinated, strategic approach to advocacy in partnership with community, business and other levels of government.

The City of Whitehorse sits across four state districts (lower house) and two regions (upper house). The City of Whitehorse is currently split across four federal electorates (dependent upon redistribution). Council needs to take action now, with the Federal Election cycle beginning which will lead into the State Election cycle.

### **Discussion and Options**

Below are the proposed four advocacy priorities, with a summary of the proposed project. Each project is at varying stages of business case development, planning and community consultation. The proposed methodology for advocacy is that it will be responsive to the differing stages of the projects and adjust accordingly.

#### **Bennettswood Reserve – North Oval**

- Project outline: North oval redevelopment, multi-purpose courts, sports field lighting, cricket nets, car parking
- Community:
  - Cricket clubs
  - Football clubs
  - Recreational walkers and runners
  - Families
  - Dog walkers
  - University

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### 10.6 (cont)

- Potential Partnerships: Deakin University
- Status: Masterplan in development

#### **Davy Lane Reserve**

- Project outline: Development of two sports fields, play and recreation space, open space development, dog walking
- Community:
  - Sporting Clubs
  - Families
  - Recreational walkers
  - Dog walkers
- Potential partnerships: Parks Victoria
- Status: Masterplan in progress

#### **Nunawading Basketball**

- Project outline: Redevelopment of basketball centre with additional courts. Multi-use purpose.
- Community:
  - Basketball clubs (including Melbourne Eastern Basketball Association – one of Australia’s largest basketball programs)
    - Sporting groups (potential for netball, badminton and other groups)
  - Status: Masterplan endorsed. Feasibility study in development.

#### **Sparks Reserve – Upper**

- Project outline: Upgrade soccer west pitch to synthetic. The upgrade to a synthetic soccer pitch will allow for the continued high use on a good quality surface.
- Community:
  - Regional level soccer club
    - Senior women
    - Senior men
    - Junior girls
    - Junior boys
- Status: Feasibility study complete which supports upgrade. Finalising concept design. Commencing detailed design soon.
- Potential Partnerships: Box Hill United Soccer.

Financials are outlined below in the Finance and Resource Implications section.

10.6 (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**

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*.

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

### **Community Engagement**

Community is at the heart of what Council does. The community play an important role in advocacy and helping Council secure funding to deliver improved services and facilities for the community.

Whitehorse has community support for the proposed major priority projects including sporting groups, community groups, resident groups and schools.

Council is already in discussions with many of these groups. Council will work together to help deliver the best outcomes for the community.

Following is a summary of some of the consultation the community have been engaged with. This has helped to guide Council to help inform the priority advocacy projects.

- Strategic Partnerships Framework
  - Community engagement online questionnaire: August 2021
- East Burwood master plan
  - Community engagement round 1 including online questionnaire: 4 July – 7 August 2022
  - Community engagement round 2 including online questionnaire: 22 May – 22 June 2023
  - Community Q&A session: 13 June 2023
- RHL Sparks Reserve West Sports Field Upgrade - Synthetic Surface
  - Community engagement online questionnaire and pop-up session: 12 April - 2 May 2023
- Improving leisure services
  - Community engagement online questionnaire and pop-up sessions: February 2024
- Bennettswood Reserve Master Plan
  - Community engagement round 1 including online questionnaire: 12 April to 26 May 2024
  - Community pop-up session: 4 May 2024

## 10.6 (cont)

- Strathdon Davy Lane Jolimont Reserve Master Plan
  - Community engagement round 1 including online questionnaire: 15 April to 31 May 2024
  - Community pop-up session: 18 May 2024
- Community Infrastructure Plan
  - Community engagement online questionnaire and pop-up sessions: 6 May – 14 July 2024

### Financial and Resource Implications

A strategic approach and being successful in advocating to government to help fund major projects is an important step in Council's financial sustainability. To meet the requirement of 'deliverability' and 'evidence-based' for Council's top four advocacy projects require funds to develop designs and plans. This will be up to \$450,000 to complete designs, 3D drawings and investigations.

This report recommends that in principle, Council supports undertaking the advocacy on these projects based on the following Council maximum funding contributions and external funding requirements. Subject to external partners expressing interest in funding these projects, Council will consider a further report including detailed design and documentation for the project to commence within the funding guideline requirements.

Please note these are approximate project costs and more detailed project costs will be provided as plans progress.

Project	Maximum Council Contribution	External Funding requirement	Total Project	Comments
Bennettswood Reserve- North Oval *	\$2M	\$9M	\$11M	*Only a portion of this is project is attributable to Council. The total for the whole project includes scope from other partners (such as Deakin University).
Davy Lane Reserve	\$11M	\$10M	\$21M	
Nunawading Basketball	\$35M	\$65M	\$100M	
Sparks Reserve- Upper	\$2M	\$4M	\$6M	

### Innovation and Continuous Improvement

Council strives to always deliver the best services and facilities for the Whitehorse community. To achieve this requires an innovative approach. Council strives to provide the best and most efficient service to provide the best outcomes for the community.

## 10.6 (cont)

**Collaboration**

Council is committed to collaborating with the State and Federal Government, other Councils, and regional groups to maximise external funding opportunities for Council's Capital Works Program.

Council will also work closely with the community to provide the best outcomes for the municipality.

Council has the opportunity to work with, but not limited to, the community groups on the priority projects as listed above.

**Conflict of Interest**

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

**Conclusion**

Endorsing the four priority advocacy projects will provide direction for Council to begin a consistent approach to advocating for funding for Council's Capital Works projects:

- Bennettswood Reserve – North Oval
- Davy Lane Reserve
- Nunawading Basketball
- Sparks Reserve – Upper

Council will continue its advocacy relating to open space opportunities particularly noting the proposed population forecasts for Whitehorse identified as part of the Victorian Government's Housing Targets with 79,000 homes to be built within the City by 2051. Council is seeking a collaborative approach that enables State Government and Council to address an immediate shortfall of open space associated with the Suburban Rail Loop and North East Link major projects. A particular emphasis will focus on the Box Hill and Burwood areas.

Following Council endorsement, discussions will commence with State Government and Federal Government representatives. Council will begin to build strategic relationships with them and inform them of the opportunities to partner with Whitehorse City Council.

## 10.7 Tender Evaluation - Contract 30471 - East Burwood Reserve South Sportsfield Renewal

**Department** Parks and Natural Environment  
Director Infrastructure

Attachment

### SUMMARY

The East Burwood Reserve South sporting field requires renewal. The age of the existing infrastructure is no longer able to be maintained to a condition suitable for the Eastern Football and Netball League competition or the Box Hill Reporter District Cricket Association competition. Audits have determined it is the highest priority sporting field for renewal and the endorsed 2024/25 Capital Works Budget includes this project.

Tenders for the East Burwood Reserve South Ground Renewal contract closed on 18 June 2024. Eleven tenders were received, following a detailed evaluation of the tender submissions as shown in Confidential Attachment 1, SJM Turf & Civil Pty Ltd is assessed as providing the best value and is the recommended contractor for this project.

### COUNCIL RESOLUTION

Moved by Cr Carr, Seconded by Cr Lane

That Council accepts the tender and signs the formal contract documentation for Contract 30471 – East Burwood Reserve South Ground Renewal received from SJM Turf & Civil Pty Ltd (ABN 23624750018), Factory 2/38 Tarmac Way Pakenham 3810, for the tendered amount of \$1,885,345.40 including GST; as part of the total expected project expenditure of \$1,980,000 including GST.

**CARRIED UNANIMOUSLY**

<b>Spoke to the item:</b>	Cr Carr, Cr Lane (2)
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### KEY MATTERS

Council maintains 53 sporting fields across the municipality. The sporting field is home to the East Burwood Senior Cricket Club and East Burwood Junior and Senior Football Clubs, who have close to 500 combined members. The sporting field is heavily used by the broader Whitehorse community for other activities including passive recreation and casual bookings for local school sports and is used by the Eastern Football Netball League to host senior football finals each year.

The existing infrastructure at East Burwood Reserve South oval is at the end of its useful life and the sporting field surface is not able to be maintained to the required conditions. The current drainage system was constructed in 1987 (37 years old) and is no longer fit for purpose. Due to the old infrastructure and increasing community usage, the oval is in decline and



### 10.7 (cont)

requires renewal to maintain appropriate standards for sport and to meet community expectations.

The project includes complete renewal of the sports field and associated infrastructure including drainage, irrigation, AFL goal posts, cricket wicket, safety netting, synthetic grass, boundary line fence and natural turf surface.

Experienced consultants have assisted Council officers to develop the sports field renewal design and specification to meet the high wear demand of community sport. The design and specification ensure asset longevity and a facility that can be cost effectively maintained for the required usage for up to 30 years.

The design and specification have been developed to ensure only essential components required to deliver a functioning sports field for the life of the asset are included.

### **STRATEGIC ALIGNMENT**

The scope of services contained within this contract is relevant to:

4.1.1: Plan, build, renew and maintain community assets and facilities to meet current and future service needs in an environmentally, financially, and socially sustainable way.

4.3: Provide active public spaces which are accessible by all, where people feel safe and connected with others in the community.

This project is aligned with Council's Open Space Asset Management Plan for ongoing asset renewal and is included within the endorsed East Burwood Reserve Master Plan.

### **Policy**

The tender, tender evaluation and appointment of the successful contractor and the contract administration is governed by Council's Procurement Policy.

### **Background**

The tender was advertised and closed on 18 June 2024.

The Tender Evaluation Panel (TEP) assessed each tender submission in detail as shown in Confidential Attachment 1.

All tender submissions were evaluated against the following criteria:

- a) The tender offer (40%)
- b) Capability to undertake these works outlined in the tender schedule (25%)
- c) Credibility and demonstrated technical experience to complete the contract, (25%)
- d) Social and environmental sustainability (5%)
- e) Local Contents (5%)

Occupational health and safety and equal employment opportunity were assessed on a pass / fail basis.

Compliance Criteria including the ability to comply with the tender and contract requirements including statutory compliance and insurances, and

### 10.7 (cont)

financial soundness and capacity of the tenderer to undertake the contract, were also evaluated on a pass / fail basis.

The tender received from SJM Turf & Civil Pty Ltd (ABN 23624750018) is assessed as having the highest overall score (Refer to Confidential Attachment 1) and demonstrated the best value for money to Council.

## **SUPPORTING REPORT DETAILS**

### **Legislative and Risk Implications**

This contract assists Council to provide safe sporting surfaces for the community and mitigates risk of incident or injury occurring on the sports surface.

A project risk register has been developed to manage risks during the project construction.

### **Consultation**

Consultation was undertaken with the tenant sporting clubs of East Burwood Reserve south to ensure the renewal design will meet community needs.

The training nets and clubroom facilities will remain in use during all construction activities.

Consultation for tender specifications was undertaken with representatives from Parks and Natural Environment, Leisure and Recreation Services and Project Delivery and Assets to ensure this contract will meet the needs of all relevant areas within Council. Council's Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

The timelines proposed for this project are:

- September 2024 – area fenced and works commence (post any football finals)
- October - November 2024 – earthworks, drainage and irrigation installation
- January 2025 – turf installation
- January 2025 – March 2025 – sporting field establishment period
- April 2025 – area reopened for community use

### **Collaboration**

Collaborative procurement was not considered suitable for this contract due to site specific specifications and requirements.

### **Financial and Resource Implications**

This Contract is a Lump Sum Contract for \$1,885,345.40 including GST and is not subject to rise and fall in the costs of labour, materials or any other items, and is subject to variation only in accordance with the Contract.

Funding will be drawn directly from the endorsed Capital Works program budget C450001 and will be administered and financially managed by the Parks and Natural Environment department.

### 10.7 (cont)

This Contract will be delivered within the endorsed 2024/25 Council budget. A detailed financial summary is contained within the Confidential Attachment 1.

### **Discussion and Options**

The program of works has been carefully planned over the next six months to minimise the impacts on sports clubs and oval users and to maximise the seasonality conditions to ensure appropriate turf establishment and project success.

The existing infrastructure including drainage, irrigation, subsurface and associated assets are at the end of their useful life, resulting in declining and suboptimal surface standards. Without renewal, the oval would continue to decline. Sporting events such as training and competition games have been cancelled over the last twenty-four months due to the degrading condition of the sporting field.

Value management exercises including a Best and Final Offer (BAFO) post tender have resulted the recommended tender price that is within the endorsed Capital Works budget. There are no further opportunities to alter the specification without impacting on function, quality, and lifespan of the sports field.

The acceptance of this tender will enable the continuation of a safe playing surface suitable for football and cricket for the sporting clubs and improve the facility conditions for the broader community use.

### **Conflict of Interest**

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### **Conclusion**

It is recommended that Council accepts the tender and signs the formal contract document for Contract 30471 – East Burwood Reserve South Ground Renewal from SJM Turf & Civil Pty Ltd (ABN 23624750018), Factory 2/38 Tarmac Way Pakenham 3810, for the tendered amount of \$1,885,345.40 including GST.

Subject to signing the contract, the next step is to commence the project in September 2024 at the immediate conclusion of the football season including any finals hosted at East Burwood Reserve south.

### **ATTACHMENT**

- 1 East Burwood Reserve South - Tender Evaluation Report

**Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3(1)g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns business commercial tendering and financial information**

## 10.8 Tender Evaluation - Contract 30533 - Statutory and Strategic Planning Specialist Advisory Service

**Department** City Planning and Development  
Director City Development

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### SUMMARY

This report considers tenders received for contract 30533 the provision of a range of specialist statutory and strategic planning advisory and advocacy services for the Statutory Planning and Strategic Planning Business Units.

Further, to recommend the acceptance of the tender received from the panel of consultants and contractors, as set out in this report, for each of the eight (8) different services on a Schedule of Rates basis for a period of 4 years commencing on 1 August 2024 with an option to extend for a further 1 year at Council's discretion.

The contract expenditure over the 4 years plus 1 year is estimated at \$6,500,000.

### COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr McNeill

That Council:

1. Accepts the tender and signs the formal contract document for Contract 30533 for Specialist Statutory and Strategic Planning Advisory and Associated Services, on a Schedule of Rates basis for a period of 4 years with an option to extend for a further 1 year at Council's discretion commencing on 1 August 2024 for the following consultants:
  - Arb Inspect
  - Arbor Survey
  - Arup
  - Beveridge Williams
  - Blades Studio
  - Charter Keck Cramer
  - CoFutures
  - Diamatrix Planning Consultants
  - Ethos Urban
  - Geografia
  - GJM Heritage
  - Glossop
  - GML Heritage
  - Hansen Partnership
  - Hip V Hype
  - Hodyl & Co
  - Journeyman Planning

## 10.8 (cont)

- KPMG
- Lousie Lunn
- Marshall Day Acoustics
- McIntosh Planning
- Mesh
- Niche Planning Studio
- Octave Acoustics
- Organica Engineering
- Plan V Planning
- Plan2Place Consulting
- SGS Economics
- Song Bowden
- The Project Arborist
- WIDA Solutions

2. Authorises the Chief Executive Officer and/or delegate to award an extension of this contract, subject to a review of the Contractors' performance and Council's business needs, at the conclusion of the initial four-year contract term.

**CARRIED UNANIMOUSLY**

<b>Spoke to the item:</b>	Cr Skilbeck, Cr McNeill
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## KEY MATTERS

The Whitehorse City Council has sought a range of suitably qualified and experienced consultants for its Strategic and Statutory Planning Units to make up a panel to support these business units in the provision of their legislative and regulatory roles.

There are increasing expectations on the delivery of statutory planning functions of Council through processing of planning applications, representation of planning decisions at the Victorian Civil and Administrative Tribunal (VCAT), fulfilling enforcement and prosecution obligations and an increasing need for specialist and independent supporting advice in matters of ESD, urban design, wind, acoustic and arboriculture. This has seen the need to engage specialists in these fields.

Additionally, these services are sought to enable delivery of strategic planning services, with the need for specialist supporting services that underpin master planning, structure planning, policy development, strategic advice and advocacy required for amendments to the Whitehorse Planning Scheme. Moreover, recent Victoria wide policy announcements made by the State Government including housing targets, precinct planning as part of the Suburban Rail Loop and Plan Victoria are anticipated to impose significant resourcing pressure on the Strategic planning team in the next 1-3 years.

The Whitehorse Statutory Planning Team receives in excess of 1000 planning applications per year. In the past 3 years the number of appeals has been approximately 70-80 per year. Whilst the number of planning

## 10.8 (cont)

applications has reduced, (compared to 2 years ago when there had been years of consecutive increases), changing industry expectations with regard to VCAT proceedings has meant more complicated and longer VCAT hearings, and the need to more regularly engage independent experts in areas of urban design, wind, acoustics, and arboriculture.

A previous contract for the provision of similar services expired on 30 June 2024. This new contract seeks to cover each of those areas where substantial external consultant engagement has occurred over the past 2-3 years and respond to the changing needs of service provision within the industry. One additional service area has been included which is for expertise in air/wind/acoustics. These areas of expertise were not part of the 2019 panel, however recent years has seen a need for expert advice in air quality assessment, wind tunnel testing and acoustic assessments.

This contract seeks to ensure Procurement obligations can be met, whilst still ensuring the on-going timely delivery of Statutory and Strategic planning functions of Council.

The services for which a panel of providers is being sought are:

1. VCAT representation and advocacy
2. Statutory planning report writing and application support
3. Urban design advice
4. Arboricultural advice
5. Environmentally Sustainable Development (ESD) Advisor
6. Wind, air quality and acoustic advice
7. Strategic planning support
8. Heritage planning support

The term of the contract is 4 years commencing on 1 August 2024, with an option to extend the contract for a further 1 year at Council's discretion.

Strategic Alignment The Council Plan identifies seven strategic directions, aligned with the Community Vision.

This contract will ensure that officers can continue to provide high level expertise in the provision of statutory and strategic planning services, both of which are legislated council services. Importantly the expertise sought through this panel of providers will contribute to the provision of land use and development outcomes that align with the following strategic directions:

- A Thriving Local Economy: Business, Employment, Education & Skill Development
- Our Diverse and Inclusive Community
- Our Built Environment; Movement, and Public Places.
- Sustainable Climate & Environmental Care
- Health and Wellbeing

## 10.8 (cont)

**Policy**

The tender process, and contract are consistent with the Procurement Policy and procedures. A panel of subject matter experts from Statutory and Strategic Planning was convened, with an independent panel member with experience in tender evaluation, as well as Council's Coordinator Procurement. The tenders also underwent substantial review by Council's newly appointed Contracts and Benefits team to ensure the contract achieves the best financial outcome.

**BACKGROUND**

The tender was advertised in The Age newspaper on Thursday 2 May 2024 and closed on Wednesday 23 May 2024. 43 tenders were received, some of which tendered for multiple services across the 8 areas covered in the tender. 32 submissions that were considered best value have been recommended for the panel.

The tenders were evaluated against the following criteria and weightings:

- Cost (30%);
- Capability (25%);
- Credibility (35%);
- Local Content and Social and Environmental Sustainability (10%); and
- Essential Items (Pass/Fail).

The tender identified 8 different services with some consultants/contractors seeking to tender for single or multiple services. Given the volume of work likely to be generated through the different services, the Council Evaluation Panel determined that a panel of providers was appropriate for each of the 8 services, and accordingly, a number of consultants/contractors have been selected, based on their ratings against the above criteria.

Following evaluation of each tender submission against the assessment criteria, a short-list of providers was established. An additional round of assessment of each short-listed tenderer was undertaken, having regard to the proposed schedule of rates, term of rates proposed (i.e., fixed for 4 years/CPI annual review etc) and the 'best and final offer' on the schedule of rates.

Following this the following comments are made:

- The majority of short-listed tenderers are prepared to lock rates in for the full 4-year term initially with a CPI increase for the final year; 9 of the short-listed tenders were not.
- The rates for those tenderers who had been a part of the previous contract (Contract 30089), had not increased hourly rates significantly, and in some cases had either not increased or decreased hourly rates.
- The half day and full day VCAT rates have increased most substantially, something that is consistent across all tenderers for the VCAT and Planning Panel service. This is a broader reflection of the expectations of VCAT on officers and advocates in the provision of

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## 10.8 (cont)

information, responsiveness and expert input into land use and development matters by VCAT advocates.

- The rates for sole or small operators were reasonably consistent, and whilst larger companies have provided higher hourly rates, these are consistent across that tier of consultancy service.
- The evaluation panel have selected a range of consultants that are best able to offer a suite of services to cover smaller prices or work, through to larger and more lengthy projects. The selected consultants are also a mix of quality professionals in their field, having extensive experience in the services areas sought and some of which have been providing a high level of service to Whitehorse as part of the previous panel of providers. This panel now also includes new tenderers to these Whitehorse services, having demonstrable experience in their fields, although not having undertaken work for Whitehorse in the past.
- The list of preferred consultants represents a comprehensive list of industry experienced specialists, whilst also representing value for money as demonstrated through the thorough costings analysis of hourly rates, fee ranges, and the best and final offer assessment.

## **SUPPORTING REPORT DETAILS**

### **Legislative and Risk Implications**

There are no legal or risk implications arising from the approval for this contract. Appointment of the list of tenderers in itself does not guarantee work or expenditure.

The risk of not approving the contract is in not being able to appropriately represent Council and officer planning decisions in a contemporary and timely manner and to a standard that meets industry and community expectations. Further, the anticipated change in Strategic Planning responsiveness resulting from State Government infrastructure projects and changing policy expectations, is likely to increase the need to bolster strategic planning output and advocacy.

### **Consultation**

Council's Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

Council's Contract Benefit and Realisation team have also been a part of the assessment of tender submissions to ensure financial savings over the 5-year contract term are maximised.

### **Collaboration**

The process of development and assessment of the tender and submissions was a collaboration with the teams of Procurement and Contract Benefits and Realisation.



10.8 (cont)

### **Financial and Resource Implications**

The contract for the provision of Specialist Statutory and Strategic Planning Services is based on a Schedule of Rates.

A comparison of the previous contract rates for tenderers who were on the old contract and also selected for the new, showed well contained increases. The annualised increase was broadly estimated to be 2%.

Best and Final Offer process was undertaken with the shortlist, with the result of:

- A high proportion agreed to fix the first-year rate over four years with no CPI adjustments with the balance of tenderers.
- Increased fixed rates but to a lesser extent than accumulated CPI over the new contract term.
- Reducing tendered panel rates with a minority of tenderers seeking CPI increases.

This was an outstanding process with anticipated cost avoidance of \$0.3m

The contract expenditure is expected to be \$6.5m which accounts for the additional service of expertise in air/wind/acoustic consultants, increasing costs for VCAT and Planning Panel representation and significant state government projects which Council's planning team will need to respond to and undertake additional strategic work. This specifically relates to Suburban Rail Loop Precinct Planning, Housing Targets, and Plan for Victoria are the currently known projects which will have a significant impact on Whitehorse.

It is significant to note that the nature of arboricultural services under this new contract are expected to be significantly less given the introduction of an in-house arborist team, with consultant services required to provide independent advice for tree related VCAT matters.

### **Discussion and Options**

The tender if approved would institute a panel of expert providers to support and the Statutory and Strategic planning services of Council.

The list of tenderers represents good value for service, and offer a range of both sole, small and larger operators to cover the various needs of statutory and strategic planning work undertaken.

### **Conflict of Interest**

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

### **Conclusion**

The list of tenderers is considered to represent value in terms of spend, hourly rates, experience and responsiveness that will allow the Statutory and Strategic Planning services to provide high level outcomes to service the Whitehorse community.

## 10.9 Land Transaction 10-12 Watts Street and 11 Court Street, Box Hill

**Department** Engineering and Investment  
Director City Development

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Attachment

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### SUMMARY

In November 2023, the Suburban Rail Loop Authority (SRLA) wrote to Council presenting an offer to create new public open space sites in central Box Hill. To facilitate the creation of new public open space at one of these sites (Courts and Watts Street) a land transaction was proposed.

SRLA proposed a land exchange, whereby ownership of 10 – 12 Watts Street, Box Hill and 11 Court Street, Box Hill was to be exchanged to SRLA for 528 Station Street, Box Hill. Council undertook community engagement on this land transaction in March 2024.

Following consideration of this matter, in April 2024 Council determined that it was not in the best interest of the community or Council to support the land transaction.

Since this time, officers have been in discussions with representatives from SRLA regarding other mechanisms to achieve open space outcomes that better serve the interest of the community and Council.

This report is coming to Council to discuss an updated offer received from the SRLA with regards to creating permanent public open space at 10-12 Watts Street and 11 Court Street, Box Hill.

The new offer outlines that SRLA propose to create this new public open space by converting the existing carpark at 11 Court Street, Box Hill and by demolishing the vacant former childcare centre at 10-12 Watts Street, Box Hill to transform this area into a new permanent public open space of approximately 2,950m<sup>2</sup>.

SRLA propose that Council remain the landowner of 10-12 Watts Street and 11 Court Street, Box Hill. The offer also outlines that SRLA will fund the design and construction of this new public open space, subject to the satisfaction of Council.

Officers consider that it is in the best interest of Council to accept this proposal as it addresses the key community concern, being the temporary nature of the original SRLA proposal.

Furthermore, creating permanent public open space at this site will address a Council identified open space gap area, allows Council to retain ownership of both sites, and there is no capital cost to Council.

Should Council resolve not to support this new proposal, officers do not expect an alternative offer to be received from SRLA, meaning that Council would be forgoing this opportunity.

## 10.9 (cont)

**COUNCIL RESOLUTION**

Moved by Cr Liu, Seconded by Cr Barker

That Council:

1. Supports the creation of new public open space at 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill
2. Writes to nearby residents informing them of the project; and advise that the Suburban Rail Loop Authority will fund the design and delivery of the associated capital works.
3. Enters into a Terms Sheet with the SRLA to commit to deliver new public open space at 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill
4. In alignment with the 29 April 2024 Council resolution, authorises the Director City Development and/or their delegate to enter into a Terms Sheet with the SRLA to commit to deliver new public open space at 20-24 Ellingworth Parade, Box Hill and open space enhancements within Box Hill Gardens.

**CARRIED UNANIMOUSLY**

<b>Spoke to the item:</b>	Cr Liu, Cr Barker (2)
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**KEY MATTERS**

At the meeting held on 29 April 2024 Council resolved the following.

*“That Council:*

1. Having complied with Council’s statutory obligations under Sections 112 and 114 of the Local Government Act 2020 and having regard to the outcome of Council’s community engagement with respect to the proposal; resolves not to proceed with the Suburban Rail Loop Authority’s proposal that Council transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill in exchange for ownership of 528 Station Street, Box Hill.
2. Supports, in principle, the conversion of the existing off-street carpark at 20-24 Ellingworth Parade, Box Hill to new public open space and authorises Council’s Senior Advisor Major Recreation and Open Space to write to nearby residents informing them of the proposed conversion to public open space; and advise that the Suburban Rail Loop Authority will fund the design and delivery of the associated capital works.
3. Supports open space enhancements within Box Hill Gardens, with the Suburban Rail Loop Authority to fund and deliver the design and delivery of the associated capital works.
4. Authorises Council’s Chief Executive Officer to write to the Suburban Rail Loop Authority’s Chief Executive Officer advising of Council’s decision.

## 10.9 (cont)

5. Authorises the Director City Development and/or Manager Property and Leasing to engage further with the Suburban Rail Loop Authority. Council Meeting Minutes 29 April 2024 10.2 (cont) Page 17
6. Authorises the Manager Property and Leasing to undertake the statutory processes under Sections 112 and 114 of the Local Government Act 2020 in respect of any new proposal.”

Council wrote to the Chief Executive Officer of SRLA, Mr Frankie Carroll on 7 May 2024 to inform the SRLA of the above Council resolution.

SRLA has now responded and proposed an updated offer. With particular regard to 10-12 Watts Street and 11 Court Street, Box Hill the offer is to deliver the following outcomes:

- Conversion of existing underutilised carpark and vacant former childcare centre (to be demolished) to permanent public open space (approximately 2,950 m<sup>2</sup>).
- Council to retain ownership, management and control of the land.
- SRLA to fund and deliver the public open space design development and capital works, noting community consultation has already been undertaken by SRLA.
- Council to retain operations and maintenance responsibility for the land, including public open space assets, at its own expense.

Officers have considered this updated proposal and provide further discussion and context below.

## **STRATEGIC ALIGNMENT**

### **Strategic Direction 4:**

“A built environment that encourages movement with high quality public places. Objective: Council will plan, build, renew and maintain community assets and public spaces to meet community needs. We will plan for and facilitate appropriate land use and high-quality development outcomes.”

### **Strategic Direction 6:**

“An empowered collaborative community. Objective: Council will engage with the community and provide opportunities to be included in decision-making processes.”

## **Policy**

Whitehorse Open Space Strategy (Draft)

Revised Box Hill MAC Structure Plan (Draft)

backgroundIn September 2022, the Minister for Environment and Climate Action approved the SRL Public Open Space Framework. Approval and conditions for the project were informed by Environment Effects Statement (EES) and the Environmental Management Framework (EMF).

One of the key outcomes of Council’s strategic advocacy during the SRL EES phase was that Council secured a requirement for SRLA to provide

## 10.9 (cont)

additional open space within Box Hill for the duration of the SRL construction works.

The Public Open Space Framework outlines a number of performance requirements that SRLA need to deliver to mitigate the project's impact to Box Hill Gardens, including:

Prior to the commencement of construction activities (excluding preparatory works and utility works) in the Box Hill Gardens, enhance the area of the gardens which will not be occupied to accommodate increased utilisation during construction.

Prior to the commencement of construction activities (excluding preparatory works and utility works) in the Box Hill Gardens provide:

(a) New open space in one or more locations within 1.6km of the Box Hill SRL station with a total area of at least 1 hectare; or

(b) If new open space cannot be provided within 1.6km of the Box Hill SRL station, enhancements to existing passive open space within 1.6km of the Box Hill SRL station; or

A combination of (a) and (b).

New passive public open space is to be equivalent to or better quality and be responsive to its context, and be located in accordance to the following hierarchy:

- a) Adjacent to the existing open space;
- b) If it is not practicable to provide adjacent new public open space, within 1.6km of the relevant SRL station; or
- c) If (a) or (b) are not practicable, in an alternative location within the same region served by that open space.

Since early 2023 officers from Council and SRLA have worked collegially to identify sites that would be appropriate to convert into public open space.

Detailed assessment of opportunities for new public open space sites and enhancements to existing passive open space were considered, particularly in terms of:

- Proximity to Box Hill Gardens
- Alignment with Local and State Policy (e.g., Revised Box Hill MAC Structure Plan and Council's Public Open Space Strategy)
- Addressing Public Open Space gap areas
- Deliverability (e.g., land availability, time, risk etc.)

The work has culminated in two Council sites being identified for new public open space.

- 20-24 Ellingworth Parade, Box Hill
- 10-12 Watts Street and 11 Court Street, Box Hill

## 10.9 (cont)

A map of the Council owned sites proposed to be converted into new public open space can be found below.

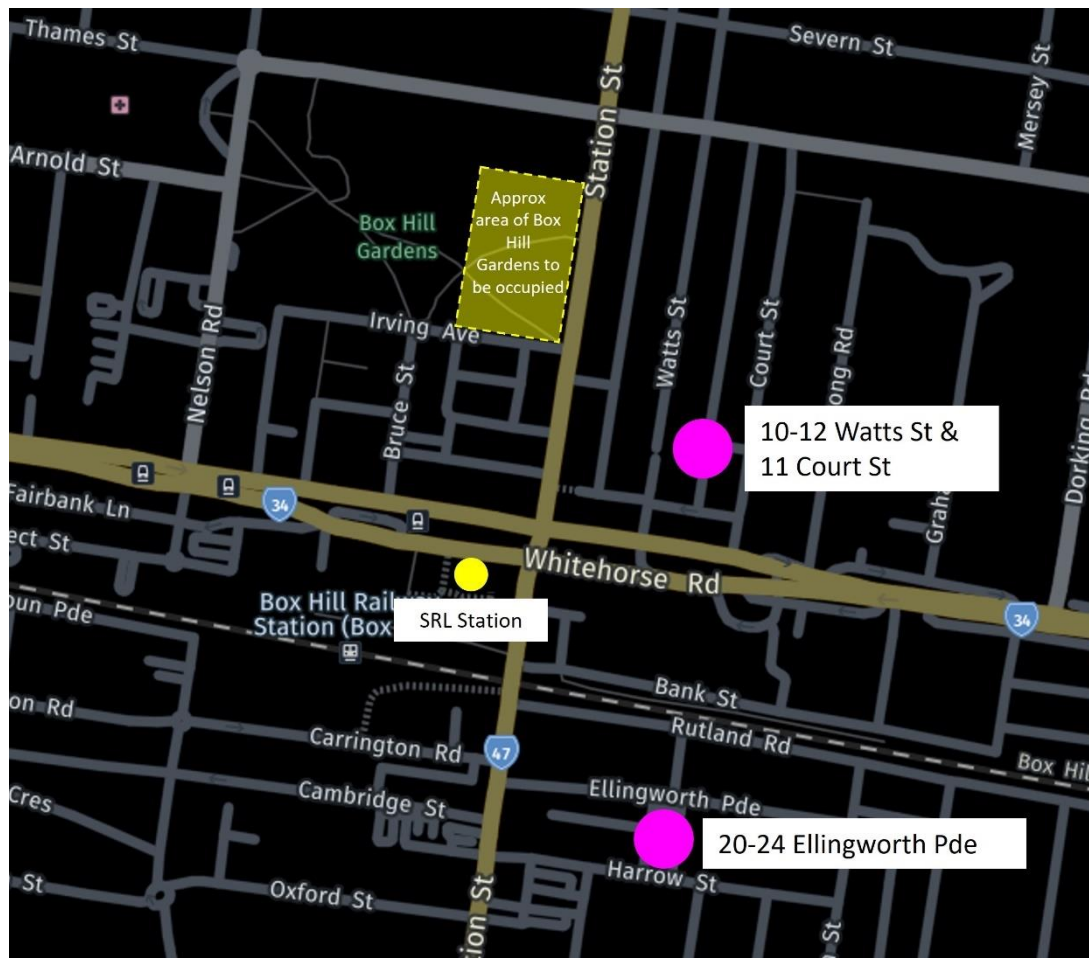


Figure 1. Proposed new public open space sites, Box Hill

Regarding the new public open space at 20-24 Ellingworth Parade, Box Hill, on 29 April 2024 Council resolved to support the delivery of new public open space at this site through the conversion of the existing off-street carpark.

Regarding creating new public open space at 10-12 Watts Street and 11 Court Street officers note the following:

1. Council's Box Hill Metropolitan Activity Centre to 2036 DRAFT Structure Plan included an Action to "deliver small local open spaces (at) Watts Street (and) Court Street" (Objective 18, Action 35).
2. Council's proposed Whitehorse Open Space Strategy 2024 (Draft) includes a High Priority Action to "provide new small local open space" to address an existing gap area east of Station Street and north of Whitehorse Road "as compensation for the loss of the eastern extent of Box Hill Gardens as part of the Suburban Rail Loop project" (Action 7.5A-2)

## 10.9 (cont)

Council understands and accepts that Box Hill is and will continue to be the focus of substantial development, growth and investment and that these factors will drive population growth. Because of these externalities, it is critically important that the existing and future population have access to a diverse network of high quality and accessible public open space.

The World Health Organisation Report *Urban Green Spaces and Health A Review of Evidence (2016)*, concludes that there is evidence to support the premise that green open space contributes to people's mental health and wellbeing if they live within 300 metres of open space, the open space is at least 0.5 hectares in size, and if 0.5 hectares is not available, they live closer than 300 metres to smaller areas of open space.

When considering the population forecasts set out in the SRLA Business and Investment Case officers are concerned that without intervention that access to public open space will be compromised in the future. The projected population growth for Box Hill and the provision of public open space is outlined in the table below:

There is 554,264m<sup>2</sup> of unrestricted public open space in the SRL Box Hill precinct (within 1600 metre radius of the SRL Box Hill Station). With SLRA's projected population for this area of 77,500 people, there is an estimated 7.15m<sup>2</sup> of open space per person. Using SRLA's existing population data for the same geographic area, the current area per person of open space is 19.11m<sup>2</sup>.

Area of unrestricted open space within the SRL Box Hill precinct	554,264 m <sup>2</sup>
Current population within SRL Box Hill Precinct*	29,000
Open space per person	<b>19.11 m<sup>2</sup></b>
Projected population within SRL Box Hill Precinct by 2056*	77,500
Open space per person (sqm)	<b>7.15 m<sup>2</sup></b>

\* Source SRL Business and Investment Case, Table 6-1.

Officers note that the above figures do not take into account the recently released Victorian Government Statewide housing targets. Officers understand that these targets will significantly impact further, upon the available open space per person (sqm).

## SUPPORTING REPORT DETAILS

### Legislative and Risk Implications

The following preliminary risks have been identified:

## 10.9 (cont)

- The SRL Public Open Space Framework allows for SRLA to seek approval to invest in upgrades to existing public open space if it can be demonstrated they are not able to deliver one hectare of new public open space. The SRLA proposal outlines that should Council not agree to the land exchange and further realistic opportunities to create new public open space are not identified in a timeframe that facilitates delivery in accordance with the POSF, SRLA will seek Council recommendations regarding enhancements to existing passive public open space. Officers do not consider this to be a good outcome for Council.
- The timelines for designing, consulting and constructing the new open spaces is very tight. The Public Open Space Framework requires the new spaces to be operational prior to Box Hill Gardens being occupied by SRLA for main works. There is the risk that any delay in Council's decisions could impact the ability to meet that requirement.

**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*.

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

**Community Engagement**

As the new proposal does not contain any landowner changes S112 & S114 *Local Government Act 2020* do not apply. Subsequently, no community engagement was required for this report.

Independent of each other, both Council and SRLA consulted broadly on creating new public open space at this site in March 2024.

Council engagement identified that there was a general theme of support towards the idea of creating additional permanent open space within Court and Watts Street precinct to address the need for more green spaces. There was however a key concern identified with the temporary nature of what was being proposed.

**Financial and Resource Implications**

All costs associated with the delivery of this new public open space site will be funded by SRLA. SRLA is proposing to fund and deliver public open space design development, community consultation and capital works.

As design development, asset level provision and maintenance levels of service are not yet known it is too early to understand the expected future maintenance and renewal costs.

As the plans are developed through the planning stage officers will input these costings into future operational budgets to ensure that Council is resourced to service them.



10.9 (cont)

### **Innovation and Continuous Improvement**

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

### **Collaboration**

Council officers have worked collegially with officers from SRLA on the development of this proposal.

Officers have also developed this proposal through engagement with internal stakeholders including Parks and Natural Environment, Leisure and Recreation Services and Property and Leasing.

### **Conflict of Interest**

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

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

### **Conclusion**

Creating new public open space in a dense urban environment is rarely straight forward, often timely and extremely expensive.

Should Council accept the updated SRLA offer, the outcome will deliver permanent public open space in an identified public open space gap area, with the works delivered at no cost to Council.

As discussed earlier, should Council resolve to reject this proposal, officers do not expect an alternative offer to be received from SRLA. This means that Council would be forgoing the opportunity to have this project funded through an external funding source.

Should Council wish to deliver an open space outcome at this site into the future, the project would need to be funded by Council, with the most appropriate funding source being the Open Space Reserve.

Officers are acutely aware that this is not the end of our pursuit of better open space outcomes for the existing and new residents, business and visitors of Box Hill and will continue to plan and pursue further opportunities into the future.

However, officers do consider that creating a new permanent, public open space at this site will go some way to ensure that these stakeholders have nearby quality open space options now and into the future.

### **ATTACHMENT**

1 Land Transaction

**Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) (c) and g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns SRLA & land uses**

## 10.10 Records of Informal Meetings of Councillors

**Department** Governance and Integrity  
 Manager Governance and Integrity

### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Liu

That Council receives and notes the Records of Informal Meetings of Councillors.

**CARRIED UNANIMOUSLY**

### Pre-Council Meeting Briefing – 8 July 2024 –6.30pm – 6.38pm

<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
<ul style="list-style-type: none"> <li>Council Agenda Items – 8 July 2024</li> </ul>	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann
		J Green
	Cr Barker	L Letic
	Cr Carr	S White
	Cr Cutts	S Sullivan
	Cr Lane	V Ferlaino
	Cr Liu	K Woods
	Cr McNeill	
	Cr Munroe	
	Cr Skilbeck	
	Cr Stennett	
	<b>Leave of Absence</b>	
	Nil	
<b>Others Present: Nil</b>		
<b>Disclosures of Conflict of Interest: Nil</b>		

## 10.10 (cont)

<b>Pre-Council Meeting Briefing – 15 July 2024 – 6.31pm – 8.50pm</b>		
<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
<ul style="list-style-type: none"> <li>• Introduction Briefing with Whitehorse Arborists</li> <li>• Advanced Waste Processing</li> <li>• Council Agenda Items – 22 July 2024</li> </ul>	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann
		J Green
	Cr Barker	L Letic
	Cr Carr (arrived 6.47pm)	S Sullivan
	Cr Cutts	S White
	Cr Lane (departed)	V Ferlaino
	Cr Liu	R Hamill
	Cr McNeill	J Hansen
	Cr Munroe	T Jenvey
	Cr Skilbeck	S Lozsan
	Cr Stennett	K Marriott
		F Nolan
		Z Quinn
	K Raynor	
	I Wang	
	K Woods	
<b>Others Present:</b> Nil		
<p><b>Disclosures of Conflict of Interest:</b>  Cr Mark Lane declared a Conflict of Interest at Item 12.2 Advanced Waste Processing Project Progress (<i>this item has been renumbered as Item 12.1 for the final Council Meeting agenda</i>).</p>		
<p><b>Councillor /Officer attendance following disclosure:</b> There was no discussion regarding Item 12.2 and Cr Lane remained present at the briefing.</p>		

## 11 Councillor Delegate and Conference / Seminar Reports

### 11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance

**Department** Governance and Integrity  
Manager Governance and Integrity

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Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

- Councillor Tina Liu attended Eastern Transport Coalition on the 18 July 2024.
- Councillor Mark Lane attended Whitehorse Business Group meeting on 9 July 2023, Eastern Region Group meeting and a Municipal Association of Victoria meeting on 19 July 2024.
- Councillor Prue Cutts attended the Whitehorse Sport and Recreation Reference Group 18 July 2024 .
- Councillor Ben Stennett attended the Whitehorse Sport and Recreation Reference Group 18 July 2024.
- Councillor Denise Massoud attended the:
  - Whitehorse Business Group meeting on 9 July 2023
  - Eastern Region Group meeting and a Municipal Association of Victoria meeting on 19 July 2024
  - Council Reconciliation Advisory Committee 11 July (WRAC)
  - NAIDOC week event; and
  - Local Government working group on gambling 17 July

#### **COUNCIL RESOLUTION B**

Moved by Cr Lane, Seconded by Cr McNeill

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

**CARRIED UNANIMOUSLY**

## CLOSURE OF THE MEETING TO THE PUBLIC

### 12 Confidential Reports

#### **COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Liu

That in accordance with Section 61(1) and 66(2)(a) of the *Local Government Act 2020*, Council closes the Meeting to members of the public and adjourns for five minutes to consider the following items:

#### **12.1 Advanced Waste Processing Project Progress**

This report is designated as Confidential Information in accordance with Section 3(1)(a) of the *Local Government Act 2020*, because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. This ground applies because the matter concerns a commercial arrangement that if disclosed could be detrimental to the interests of Council.

#### **12.2 Property Matters**

This report is designated as Confidential Information in accordance with Section 3(1)(a) and (c) of the *Local Government Act 2020*, because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and land use planning information, being information that if prematurely released is likely to encourage speculation in land values. This ground applies because the matter concerns confidential open space and land planning matters

**CARRIED UNANIMOUSLY**

### 13 Close Meeting

The open Council Meeting was closed at 11.08pm and did not reopen to the public.

Cr Cutts left the Chamber at 11.08 pm and did not return for the confidential section of the Council Meeting.

The confidential section of the Council Meeting opened at 11.13pm in order to deal with items 12.1 and 12.2.

The meeting closed at 11.22pm.

*These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 12 August 2024.*