



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

MINUTES

Council Meeting

on

Monday 14 April 2025 at 7:00 PM

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

Meeting opened at 7.00pm

Present: Cr Andrew Davenport Mayor
Cr Prue Cutts Deputy Mayor
Cr Peter Allan
Cr Blair Barker
Cr Daniel Griffiths
Cr Jarrod Gunn
Cr Kirsten Langford
Cr Jason Martin
Cr Kieran Simpson
Cr Ben Stennett
Cr Hayley Weller

Officers: Simon McMillan Chief Executive Officer
Stuart Cann Director Corporate Services
Jeff Green Director City Development
Lisa Letic Director Community Services
Steven White Director Infrastructure
Andrea Ghastine Executive Manager Transformation
Vivien Ferlaino Executive Manager Corporate Services
Kerryn Woods Coordinator Governance

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COUNCIL HAS ROUTINE MAINTENANCE REGIMES FOR ALL SPORTS FIELDS. THIS INCLUDES BUT IS NOT LIMITED TO MOWING, IRRIGATING, FERTILISING, WEEDING, LITTER COLLECTING AND INTENSIVE WORKS TWICE A YEAR BETWEEN THE WINTER AND SUMMER SPORT SEASONS. DOG OFF LEASH SITES REQUIRE EXTRA RESOURCES TO FILL HOLES AND REPAIR TURF DAMAGE CAUSED BY DOGS NOT UNDER EFFECTIVE CONTROL. SPORTING CLUBS ALSO PROVIDE ASSISTANCE BY COLLECTING LITTER AND FILLING HOLES DUG BY DOGS BETWEEN COUNCIL VISITS.....8

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THE LAST EASY RIDE ROUTE WAS INSTALLED IN 2023. AN EVALUATION REPORT BY EXTERNAL CONSULTANTS, OF THE 8 INSTALLED ROUTES WAS COMPLETED JULY 2024 (THIS REPORT NOTES THAT: FOR THE EASY RIDE ROUTE PROJECT TO FULFIL ITS POTENTIAL, IT IS VITAL THAT PROVISION OF SAFE CYCLING INFRASTRUCTURE IS INCREASED THROUGHOUT THE NETWORK.).WHEN IS COUNCIL PROPOSING TO START TO DETAIL DESIGNS OF THE REMAINING ROUTES SO THAT A FULL NETWORK CAN BE ACHIEVED8

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THE EASY RIDE ROUTES EVALUATION HAS RECOMMENDED THAT “THE IDENTIFIED INFRASTRUCTURE AND WAYFINDING ISSUES ON THE EXISTING ERRS IMPLEMENTED ARE ADDRESSED, BEFORE ADDING MORE ERRS TO THE CYCLING NETWORK.”9

AS SUCH, COUNCIL OFFICERS ARE CURRENTLY INVESTIGATING IMPROVEMENTS AND ADDRESSING THE WAYFINDING ISSUES OF THE EXISTING ERR ROUTES. OFFICERS ARE ALSO INVESTIGATING OTHER CYCLING CONNECTIONS IN THE STRATEGIC CYCLING CORRIDOR NETWORK IN WHITEHORSE.9

COUNCIL WILL CONTINUE TO PROMOTE AND MONITOR USAGE OF THE EXISTING EASY RIDE ROUTES. HOWEVER, COUNCIL WILL NOT BE IMPLEMENTING ANY NEW EASY RIDE ROUTES AT THIS TIME9

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Cr Weller having declared a Conflict of Interest in the item left the Chamber at 7.56pm.35

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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

Cr Weller declared a Conflict of Interest in Item 10.2 Submission of the Suburban Rail Loop East Draft Structure Plans and Draft Planning Scheme Amendments to the Whitehorse Planning Scheme as her employer is a client of the Suburban Rail Loop Authority.

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 24 March 2025

COUNCIL RESOLUTION

Moved by Cr Allan, Seconded by Cr Simpson

That the minutes of the Council Meeting 24 March 2025 be confirmed.

CARRIED UNANIMOUSLY

5 Urgent Business

Nil

6 Requests to Speak

6.1 Peter Carter, Box Hill North

6.2 Chun Guo, Ratio Consultants

6.3 Kerry, Vermont

6.4 Appley Groch, Mitcham**6.5 Chanelle Sandhu, Blackburn****6.6 Stephanie Gaut, Nunawading****6.7 Cameron Ballinger, Nunawading****6.8 John Bennett, Box Hill****6.9 Christopher Miller, Mitcham****7 Public Question Time****7.1 Pavi De Alwis, Blackburn****Question One**

Why was it recently decided that regular maintenance of some dogs off-leash ovals, as indicated by council erected signage (now withdrawn), is not "par for the course" of maintaining and supporting public amenities for the local communities?

Question Two

What is the councils current operational approach, plans and timing across the calendar year for regular maintenance of dual-use sports grounds that support off-leash dogs and sports?

Response

Council has routine maintenance regimes for all sports fields. This includes but is not limited to mowing, irrigating, fertilising, weeding, litter collecting and intensive works twice a year between the winter and summer sport seasons. Dog off leash sites require extra resources to fill holes and repair turf damage caused by dogs not under effective control. Sporting clubs also provide assistance by collecting litter and filling holes dug by dogs between Council visits.

Mahoneys Reserve Bob Saker Oval and Morton Park West Oval have experienced a higher level of use and damage caused by dogs off leash than the other sports fields where dogs are permitted to be off leash. This increases maintenance costs at these sites and results in a lower condition playing surface. Hence a different approach was proposed in an effort to lessen the damage caused by dogs at these two sites.

Any changes to the gates has been deferred pending further monitoring of the sites.

7.2 Peter Carter, Box Hill North**Question**

The last Easy Ride Route was installed in 2023. An Evaluation report by external consultants, of the 8 installed routes was completed July 2024 (This report notes that: For the Easy Ride Route project to fulfil its potential, it is vital that provision of safe

cycling infrastructure is increased throughout the network.) When is Council proposing to start to detail designs of the remaining routes so that a FULL network can be achieved

Response

The Easy Ride Routes Evaluation has recommended that “the identified infrastructure and wayfinding issues on the existing ERRs implemented are addressed, before adding more ERRs to the cycling network.”

As such, Council officers are currently investigating improvements and addressing the wayfinding issues of the existing ERR routes. Officers are also investigating other cycling connections in the Strategic Cycling Corridor network in Whitehorse.

Council will continue to promote and monitor usage of the existing Easy Ride Routes. However, Council will not be implementing any new Easy Ride Routes at this time

8 Petitions

Nil

9 Notices of Motion

Nil

10 Council Reports

10.1 159-171 Rooks Road, Vermont (Lot 1 TP 805843W)– Change of use to indoor recreation facility (Badminton Centre) including buildings and works to an existing warehouse building and a waiver of bicycle spaces

Department City Planning and Development
Director City Development

WH/2024/388
Attachment

SUMMARY

This report provides an assessment of planning application WH/2024/388 at 159-171 Rooks Road, Vermont, which seeks approval for *Change of use to indoor recreation facility (Badminton Centre) including buildings and works to an existing warehouse building and a waiver of bicycle spaces*.

This application was advertised, and a total of 31 objections were received. The objections raise issues with parking and traffic, amenity and noise impacts from hours of operation and proposed patronage, impact upon pedestrian and vehicle safety, impact to property values, lack of bicycle parking and lighting.

An online Consultation Forum was held on 30 October 2024, chaired by Planning Officers, and attended by Planning Officers, the applicant and four (4) objector parties. While the key issues were explored, no resolution was reached between the parties.

Subsequent to the Consultation Forum, a revised without prejudice acoustic report, plans and planning report were prepared by the applicant and submitted to officers on 14 November 2024. The without prejudice submission was circulated to registered objector parties on 19 November 2024.

The without prejudice submission was prepared in response to some of the issues raised by objectors at the consultation forum. The key changes proposed include strengthening the noise mitigation measures including the construction of a new eastern acoustic boundary fence and fitting the proposed north-eastern (nominated as emergency exit door only) and eastern door with acoustic seals. The applicant also proposed to reduce closing hours of operation from midnight to 11pm (Monday to Sunday), reduce the patron numbers to 64 (from 100) on Sunday between 8.30am to 12pm, and propose nine (9) on-site bicycle spaces to reduce the reliance on cars. A lighting strategy plan was also provided.

Planning Officers have had the without prejudice acoustic report and objection grounds related to noise, peer reviewed by an independent acoustic engineer, the outcomes of which are discussed in this report.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, including the provisions of the Industrial 1 Zone, Clause 52.06 (Car Parking), and the objection grounds.

10.1 (cont)

Subject to conditions on any permit issued, the proposed indoor recreation facility (Badminton Centre) use is appropriate as it is supported by planning policy.

Subject to conditions on any permit issued, the proposed use will not have an adverse impact on the surrounding road network from the perspectives of traffic generation and car parking demand, given that the site will provide 100 on-site car parking spaces.

Overall, both the management of the premises, and sufficient resolution of all amenity impacts outlined in objection grounds, can be addressed through conditions on any permit issued for the proposal. This will include requirements for additional acoustic reports, and a comprehensive car park and noise management plan to be submitted to Council's satisfaction and endorsement.

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

MOTION

Cr Martin moved the motion for Item 10.1 as recommended in the Council Agenda.

Moved by Cr Martin, Seconded by Cr Langford

Cr Simpson proposed an amendment to remove the words 'or spectators' from condition 11(h).

The amendment was accepted by the mover and the seconder and became the substantive motion.

The substantive motion was put and became Council Resolution as follows:

COUNCIL RESOLUTION

Moved by Cr Martin, Seconded by Cr Langford

That Council:

- A Being the Responsible Authority, having caused Application WH/2024/388 for 159-171 Rooks Road, VERMONT (Lot 1 TP 805843W) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Change of use to indoor recreation facility (Badminton Centre) including buildings and works to an existing warehouse building and a waiver of bicycle spaces is acceptable and should not unreasonably impact the amenity of adjacent properties.
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 159-171 Rooks Road, VERMONT (Lot 1 TP 805843W) for the Change of use to indoor recreation facility (Badminton Centre) including buildings and works to

10.1 (cont)

an existing warehouse building and a waiver of bicycle spaces as follows:

Planning Scheme Clause	Matter for which the permit has been granted
33.01-1	Change of use to indoor recreation facility (Badminton Centre)
33.01-4	Construct a building or construct or carry out works
52.34-2	Reduction of any requirements of Clause 52.34-5 and Clause 52.34-6.

and subject to the following conditions:

1. Before the development or use commences, amended plans must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) The changes included within the 'without prejudice plans' dated 11 November 2024, Revision B and prepared by s2dio-X Architects, including:
 - i. A minimum 2.1 metre high eastern and south-eastern continuous acoustic boundary fence.
 - ii. Acoustic seals fitted to the external north-eastern (nominated as emergency exit door only) and existing eastern doors.
 - iii. Nine (9) on-site bicycle spaces.
 - iv. A Lighting Strategy site plan.
 - b) A Management Plan in accordance with Condition 11.
 - c) A Car Park Management Plan with Condition 12.
 - d) Any requirements/recommendations made by the acoustic reports clearly shown on the plans.
 - e) Acoustic specifications of plasterboard or FC sheet materials annotated on plans.
 - f) All bicycle spaces are to comply with the Australian Standards AS2890.3-2015 and design standards of Clause 52.34-6.

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

10.1 (cont)

2. The layout of the site and the size, design and location of the buildings and works including the proposed use permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. The use must operate only between the hours of 8:30am and 11:00pm, Monday to Sunday, or otherwise as approved by the Responsible Authority in writing.
4. Unless with the prior written consent of the Responsible Authority, the maximum number of patrons on the premises at any one time must not exceed:
 - a) Monday to Saturday 8:30am to 11:00pm – 100 patrons.
 - b) Sunday: 8:30am to 12:00pm – 64 patrons.
 - c) Sunday: 12:00pm to 11pm – 100 patrons.
5. Unless with the prior written consent of the Responsible Authority, the maximum number of staff on the premises at any one time must not exceed two (2).
6. The following recommendations made in the Enfield Acoustics Noise Report (document number V1923-01-P) issued on the 13th of November 2024 must be implemented to the Satisfaction of the Responsible Authority:
 - a) Eastern wall cladding - Plasterboard or FC sheet cladding up to the roofline with 90mm thick 11 kg/m³ insulation to fill cavity.
 - b) Ventilation - Ventilation louvres along eastern façade must be sealed with FC sheet (or similar solid cladding) externally with insulation packed into any cavity.
 - c) Roller doors - Roller doors on the north and south facades to remain closed during badminton play.
 - d) East façade doors - New and existing doors to be fitted/retrofitted with acoustic seals to the perimeter.
 - e) Signage is to be installed along the residential interface reminding patrons to be respectful of neighbours, to not linger, and to enter/exit the carpark quietly.
 - f) Acoustic fencing including the following details:
 - i. Minimum 2.1m high acoustic fencing along the eastern and south-eastern corner boundaries.
 - ii. Using fibre cement sheeting, treated timber, lightweight aerated concrete, transparent acrylic panels, glass and profiled sheet cladding as long the selected material (or combined skins) has a mass of at least 10kg/m²;

10.1 (cont)

- iii. The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through;
 - iv. The fence must be designed and built in an acceptable manner so that noise will not pass underneath it;
 - v. Any butt joints shall be sealed with a fire-rated weather proof mastic or an overlapping piece of material meeting the mass requirements of 10kg/m² (minimum 35mm each side of the butt joint); and
 - vi. Where multiple cladding layers are used (e.g. FC sheeting over timber paling fence), joints in the cladding materials shall not coincide.
7. Prior to the commencement of the use a letter of confirmation from a suitably qualified acoustic consultant must be submitted for approval to the Responsible Authority to certify that the development has been constructed in accordance with the requirements of the referenced Acoustic Report and conditions of the permit.
8. At three months after the use has commenced, and at any time on the request of the Responsible Authority, the venue operator must undertake an acoustic assessment by a suitably qualified acoustic consultant. The acoustic consultant must prepare a report demonstrating the measured noise levels, comparing the measured noise levels with the noise level requirements and recommend any changes to the operation if necessary. The Report must also undertake testing of any existing mechanical plant equipment (aircon units, ventilation, hot water systems, etc) and proposed mechanical plant equipment (where practical any proposed mechanical plant equipment is to be located on the western side/roof of the building) to the Satisfaction of the Responsible Authority.
9. The requirements of the Acoustic Report and any subsequent amended acoustic reports must be implemented by the building operator, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.
10. Any acoustic fencing required by this permit or within the Acoustic Report must be constructed and maintained to the satisfaction of the Responsible Authority.
11. Prior to the commencement of the use, a Management Plan must be submitted to the satisfaction of the Responsible Authority, setting out noise management measures to prevent off-site noise impacts which shall be implemented. When approved the Management Plan must be endorsed to form part of this permit. This plan must include the following:

10.1 (cont)

- a) External openings/doors (including roller doors and windows) to remain closed (excepting access or egress) during opening hours.
 - b) Maintain of a register of stakeholder/resident communications.
 - c) The ways in which staff are to be made aware of the conditions attached to this permit.
 - d) Details of internal systems to manage occupancy during un-staffed hours (internal scan in numbers are to be in accordance with requirements of condition 4).
 - e) A complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant. The register must be made available to the Responsible Authority on request.
 - f) A contact number of the operator/ manager of the badminton facility must be displayed at the entry so that any neighbouring residents can register a complaint or address any other matter arising from the use of the site.
 - g) No classes.
 - h) No competitions/events
 - i) No background music or amplified music.
12. Before the development commences, a Parking Management Plan (PMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and form part of this permit. The PMP must address, but is not limited to, the following:
- a) Allocation of staff car spaces.
 - b) Detail any sign and line marking for parking spaces.
 - c) Details of any carpark signage.
 - d) Management of conflicts with church related activities.
 - e) Information for staff and patrons about public transport options in the area.
 - f) Education and awareness initiatives and incentives for staff and patrons to encourage more sustainable modes of travel to/from the site.
 - g) The location and use of the car parking spaces and bicycle spaces on site and their use (i.e. for staff parking).
 - h) Measures (including information on the website, social media, information within the building) that can be adopted to

10.1 (cont)

- discourage staff and patrons from parking within residential areas where possible.
- i) Staffing and other measures to ensure the orderly departure and arrival of patrons.
13. The provisions, recommendations and requirements of the endorsed Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The car parking areas, bicycle parking spaces, loading bays and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the endorsed plans, and must be properly constructed, line marked, surfaced and drained. The car park and accessways must be maintained to the satisfaction of the Responsible Authority. Parking areas, loading bays and access lanes must be kept available for these purposes at all times.
15. The use and development must provide 100 car parking spaces on the site.
16. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.
17. Unless with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
18. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
19. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building.
20. The use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods, or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
21. All building plant and equipment on the roofs and the development, is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, telecommunication facilities, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication

10.1 (cont)

equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.

Lighting Strategy Conditions

22. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent adverse effects on adjoining land.
23. The approved lighting must be installed and maintained and operated in accordance with requirements of the Lighting Strategy by the building manager and owners of the site for the life of the building, to the satisfaction of the Responsible Authority
24. All external lighting must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles so that no direct light or glare is emitted outside the site, to the satisfaction of the Responsible Authority.

Waste Management Plan Conditions

25. Waste collections for this development are to be completed internally by Private waste collection contractor.
26. All waste collection shall only be permitted to occur between 7am to 8.30am Monday to Friday to the Satisfaction of the Responsible Authority.
27. Waste collection vehicles are to enter and leave the developed site in a forward direction.
28. Waste collection is to be managed in accordance with the approved Waste Management Plan, unless with the written consent of the Responsible Authority.

Expiry Conditions

29. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit.
 - b) The development is not completed within four (4) years from the date of this permit.
 - c) The use is discontinued for a period of two (2) years.

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

Permit Notes:

- A. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.

10.1 (cont)

- B. Except where no permit is required under the provision of the Whitehorse Planning Scheme, no advertising signs may be constructed or displayed without a permit.
- C. Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
- D. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.
- C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

Spoke to the item: Cr Martin, Cr Langford, Cr Simpson, Cr Cutts, Cr Barker, Cr Allan, Cr Stennett, Cr Griffiths (8)

10.1 (cont)

MELWAYS REFERENCE 62 H1

Applicant: Vermont Badminton Centre

Zoning: Industrial 1 Zone (IN1Z)

Overlays: Development Contributions Plan Overlay – Schedule 1 (DCPO1)

Relevant Clauses:

- Clause 02.03-1 – Settlement
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development
- Clause 11.01-1S – Settlement
- Clause 13.05-1S – Noise management
- Clause 13.06-1S – Air quality management
- Clause 13.07-1S – Land use compatibility
- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Industrial development
- Clause 15.01-2S – Building design
- Clause 17.01-1S – Diversified economy
- Clause 17.03-1S – Industrial land supply
- Clause 18.02-4L – Car Parking
- Clause 19.02 – Community Infrastructure
- Clause 19.03 – Development Infrastructure
- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 65 – Decision Guidelines

Ward: Mahoneys



10.1 (cont)

BACKGROUND**History**

Planning Permit NUN2639 was issued on 26 November 1983 allowing for the erection of an office and warehouse and associated road and carparking.

Planning Application NUN6640D was refused for the use of the land as a mail centre on 5 October 1994.

Planning Permit WH/2002/13298 was issued on 5 December 2002 allowing for the use and development of a Place of Worship with car parking dispensation.

Planning Permit WH/2006/539 was issued on 23 February 2007 allowing for the construction of buildings and works (external flue).

Planning Permit WH/2005/14814 was issued on 18 February 2005 allowing for the use of the land (in part) as a Warehouse (Store).

Planning Permit WH/2006/735 was issued on 20 February 2007 allowing for the use of land (in part) for a warehouse and associated office.

Amendment Planning application WH/2006/735/A subsequently refused on 14 February 2008, to amend Condition 12.

Planning application WH/2010/962 was refused on 16 September 2011 for buildings and works relating to storage (shipping containers).

Planning Permit WH/2015/690 was issued on 27 April 2016 allowing for the change of use to an education centre (motor cycling training and licensing).

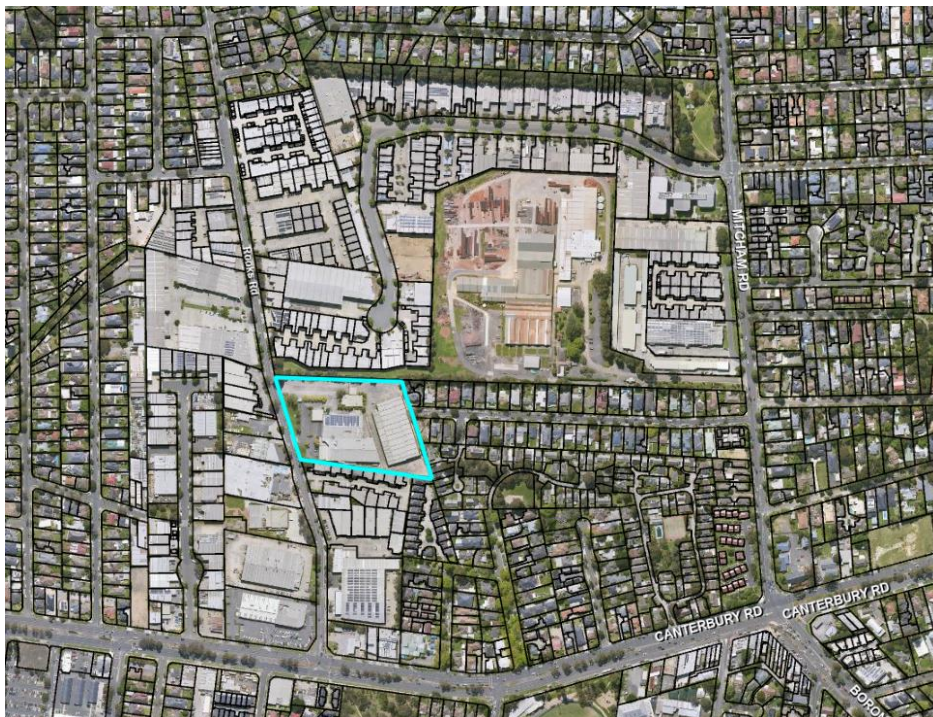
The Site and Surrounds

Figure 1: Subject site and surrounds (Source – Weave aerial photograph October 2024)

10.1 (cont)

The subject site is located on the east side of Rooks Road in Vermont, 310 metres north of the junction with Canterbury Road. The site has a frontage width of 118 metres, a depth of 182 metres and a total site area of approximately 2.21ha.

The subject parcel of land is registered as Lot 1 on Title Plan 805843W. There are no restrictions or agreements registered to the subject land. However, drainage, sewerage and water easements E-1, E-2 and E-3, all exist along the rear boundary, which the existing subject rear industrial building on the land, directly abuts.

The site is occupied by a number of buildings and includes a total of 266 car parking spaces. The front building is occupied by a Place of Worship (Stairway Church Whitehorse) approved under Planning Permit WH/2002/13298.

The rear subject building is currently vacant and was previously used as an education centre approved under Planning Permit WH/2015/690.

The site is located within a regionally significant industrial precinct (Redland Estate) that extends north, south and west of the site. The industrial estate is bound by the major roads of Mitcham Road further to the east, and Canterbury Road to the south. This industrial estate is dominated by industrial developments comprising both larger multinational businesses and pockets of smaller lots with a mixture of repair, maintenance and manufacturing businesses that service the local market. Non-industrial activities such as cafes, martial arts school, gymnasiums, place of worship and office uses, also exist within the immediate surrounding area.

The adjacent properties to the north and south located within Rooks Road are included within the Industrial 1 Zone (INZ1). To the east and south-eastern corner, the lots are located within the Neighbourhood Residential Zone – Schedule 3 (NRZ3) and are predominately single dwellings per lot.



10.1 (cont)

Figure 2: Subject site and boundary interfaces (Source – Weave aerial photograph October 2024)

Planning Controls

Industrial 1 Zone

The purposes of the Industrial 1 Zone (INZ1) are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The main purpose of the INZ1 is to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities. The proposed use of the site is permitted subject to the grant of a permit.

Under Clause 33.01-1 the proposed land use for leisure and recreation (indoor recreation facility), in this case as a Badminton Centre, requires a permit under the zone.

Under Clause 33.01-4, a permit is required to construct a building or construct or carry out works.

Car Parking

Clause 52.06 does not table a formal car-parking rate for the land use 'leisure and recreation' (indoor recreation facility). Any car parking requirements associated with a leisure and recreation use are to be provided to the satisfaction of the Responsible Authority.

Bicycle Facilities

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

Use	Employee / Resident	Visitor / Shopper / Student	Statutory Requirement	Provided
Minor sports and recreation facility (under which an indoor recreation facility is nested)	1 per 4 employees	1 to each 200sqm of net floor area	21 spaces	9 spaces

As shown on the floor plan (Figures 3 and 4 below), the total area of the proposed use is approximately 4070 square metres, which requires 20 bicycle spaces. A maximum of two (2) staff are proposed which requires one (1) bicycle space. A total of 21 bicycle spaces are therefore required. The applicant has proposed nine (9) on-site bicycle spaces in the without

10.1 (cont)

prejudice submission. Therefore, a reduction to the bicycle facilities requirements of 12 bicycle spaces pursuant to Clause 52.34 is proposed.

PROPOSAL

It is proposed to change the use of the existing rear industrial building to an indoor recreation facility) for the purpose of operating a Badminton Centre. The following specific details are provided:

- A total floor area of 4070m², providing 25 courts.
- 100 car parking spaces allocated to the north, south and west of the subject rear building.
- The proposed hours of operation are Monday to Sunday 8.30am to 12am (applicant has agreed to reduce the closing times from 12am to 11pm following the consultation forum meeting).
- A maximum of 100 patrons at any one time (the applicant has agreed to reduce the maximum patron capacity to 64 patrons on Sundays following the planning consultation meeting).
- A maximum of two (2) staff members at any one time.
- No background music, competitions and spectators will be permitted.
- The buildings and works triggering a permit under the Industrial 1 Zone include a new 2.2-metre-high western entrance door and two (2) additional exit doors (eastern and western side of building).

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

For further details of the proposal please refer to development plans prepared by s2dio-X Architects dated 13 August 2024. The application is also accompanied by the supporting reports, referred to in this assessment as:

- 'Applicants Planning Report' (prepared by Ratio Planning dated 15 August 2024).
- 'Applicant's Traffic Statement' (prepared by Stairway Church received on 15 August 2024).
- 'Applicant's Acoustic Report' (prepared by Enfield Acoustic Noise Vibration dated 12 August 2024).
- 'Applicant's Traffic Report' (prepared by Ratio Planning dated 20 August 2024).
- 'Applicant's Waste Management Plan' (prepared by Ratio Planning dated 15 August 2024).

10.1 (cont)

CONSULTATION**Public Notice**

The application was advertised by mail to the adjacent property owners and occupiers and by erecting a notice on front of the site. Following the advertising period, 32 letters of support are noted as part of the merits of this application. 31 objections were also received.

The objection grounds relate to land use (includes patron capacity, badminton court capacity, and operating hours), parking and traffic, pedestrian and vehicular safety, external amenity impacts (includes noise, property devaluation, external light spill), and boundary treatment.

Consultation Forum

A Consultation Forum chaired by Planning Officers, was held on 30 October 2024. Council officers, the permit applicant and four (4) objector parties attended the meeting.

Key points discussed during the forum meeting related to amenity/noise impacts, use of the land, air pollution, lighting, boundary fencing, accuracy of application, crime and car parking/traffic. No resolution was reached between the parties during the meeting. However, the applicant provided a letter in response to the objection grounds and the discussions that occurred at the consultation forum. On any permit issued for the proposal, the applicant agreed to revise the proposal as follows:

- a) construction of a new eastern acoustic boundary fence;
- b) proposed and existing external doors to be fitted with acoustic seals;
- c) reduction in hours of operation from midnight to 11pm (Monday to Sunday);
- d) reduction in patron numbers from 100 patrons to 64 patrons during Sundays (8.30am to 12pm);
- e) provision of 9 additional on-site bicycle spaces.

Referrals**Acoustic Peer Review**

Acoustic Engineer Advisor	<p>In response to the issues around noise from the proposed use which emerged through the consultation forum as the primary issue, officers engaged an independent acoustic engineer to peer review the application material and an objector's acoustic report (Acoustic Compliance, dated 4 September 2024)</p> <p>The observations and recommendations made indicate that all major noise sources generated by the proposal use can mitigated through building modifications that would address noise to</p>
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10.1 (cont)

	<p>acceptable levels to protect the amenity of the residential area east and south east of the site.</p> <p>The specific observations and recommendations feature in the discussion of this assessment accordingly.</p>
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Internal

Asset Engineer (Drainage)	The proposed plans have been reviewed by Council's Asset Engineer, who supports the proposal.
Transport Engineering (Traffic, Parking, Access)	<p>Following a review of the application material, Council's Transport Engineering Department provided the following comments on key issues:</p> <ul style="list-style-type: none"> • the proposed badminton centre can operate at peak capacity outside of peak Sunday church services due to sufficient onsite parking capacity. • the proposed badminton centre should not operate at full capacity on Sundays when church services are in operation due to insufficient onsite parking capacity between both land uses during these times. • the proposed badminton centre can operate at a reduced capacity on Sundays when church services were in operation. This would be subject to a condition on any permit issued for the proposal requiring the patron capacity to be reduced from 100 patrons to 64 patrons during Sundays (8.30am to 12pm). • the proposed reduction of the bicycle spaces, reduced from 21 spaces to 9 spaces is supported, subject to the bicycle spaces being designed in accordance with the Australian Standards.
Waste Engineer	The proposal has been reviewed by Council's Waste Engineer, who supports the proposal subject to the submission of a waste management plan and standard waste conditions to be included in any permit issued.

10.1 (cont)

DISCUSSION

The application has been assessed against the provisions of the Whitehorse Planning Scheme and is deemed to be appropriate. The proposal will be compatible with surrounding industrial estate providing employment and recreational opportunities that supports the local community and economy. Subject to conditions, for any permit issued the potential amenity impacts between the use and adjacent residential land uses can be managed. This warrants a detailed discussion on the proposal in context with the provisions of the planning scheme as follows:

Strategic Direction**Zoning Considerations**

The subject site is located in the Industrial 1 Zone (Schedule 1) (INZ1) for which the purpose includes implementing the Municipal Planning Strategy and the Planning Policy Framework; and to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities. The zoning in the immediate surrounding area is shown in Figure 5 below.

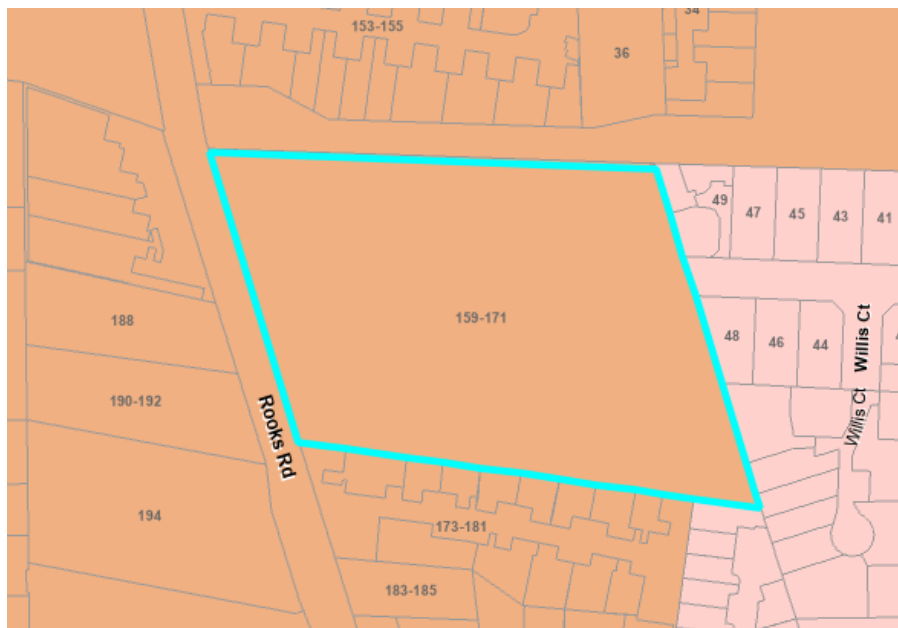


Figure 5: Zoning Map – Subject site and surrounds

Firstly, the proposal will involve changing previous non-industrial land use (education centre) into another non-industrial land use (indoor recreation facility) and so the principal circumstances of the rear part of the site would not change.

Other than required acoustic treatment, there are no major structural internal works associated with the proposal. The floor layout will remain open in nature and can be converted back to a warehouse in future if required, which confirms that the building remains adequately future proofed.

10.1 (cont)

The proposed use of the land will introduce economic activities into one of Whitehorse's industrial precincts and further seeks to capitalise on an underutilised allotment/building.

The subject area is known (from aerial photos) to have been utilised for commercial and industrial uses for almost 40 years and that there has been an ongoing interface with residential areas to the east. This interface remains an ongoing potential point of conflict between the Industrial 1 Zone, which can accommodate intensive industry, and the land use expectations of surrounding residents. It is the role of planning to regulate the use and development of the land for any planning application approved and ensure that uses are appropriately located having regard for the purpose of the zone and the context of a site.

Firstly, as the proposed use will take place within an existing warehouse building, the building form and appearance to the abutting residential boundary interfaces will remain relatively unchanged. The proposed use, subject to conditions, can be introduced in a manner that is compatible with the residential interface, without impacting upon the residential amenity experienced by residents. The proposal can address concerns regarding the residential amenity as follows:

- a) The use will be wholly contained within the existing building. Noise extending outside of the building will not be unreasonable, nor will it be greater than that ordinarily expected to be generated from a warehouse use. As a means of ensuring ongoing management and to give residents a level of comfort, noise conditions including additional acoustic testing post commencement will be recommended for any permit issued.
- b) There will be no background music or competitions proposed that may otherwise generate noise above reasonable levels. Whilst the activities on site are a consideration in terms of noise generation, the more likely source of any noise is from items such as amplified noise, buzzers, PA systems etc, which this proposal won't be permitting
- c) The traffic and parking generated will not have an adverse impact on the vehicular activity, nor will it be significantly greater or different to that generated by industrial uses that operate within this estate. The site is located on the busy road corridor of Rooks Road where traffic entering and leaving the estate is frequent and free flowing. Traffic generated by the proposed use from the site will be able to enter and exit the site efficiently without adversely disturbing the external traffic flow, or impact on the functioning of this road.
- d) subject to conditions reducing the patron capacity, the proposed use can co-exist with church services that occur on Sundays in front building of the subject site as shown in Figure 6, without being burdensome on the surrounding road network. Therefore, although being a non-industrial land use, the proposal will be compatible with industry that operate within this estate. This will comply with Clause 13.07-1S (Land Use Compatibility).

10.1 (cont)

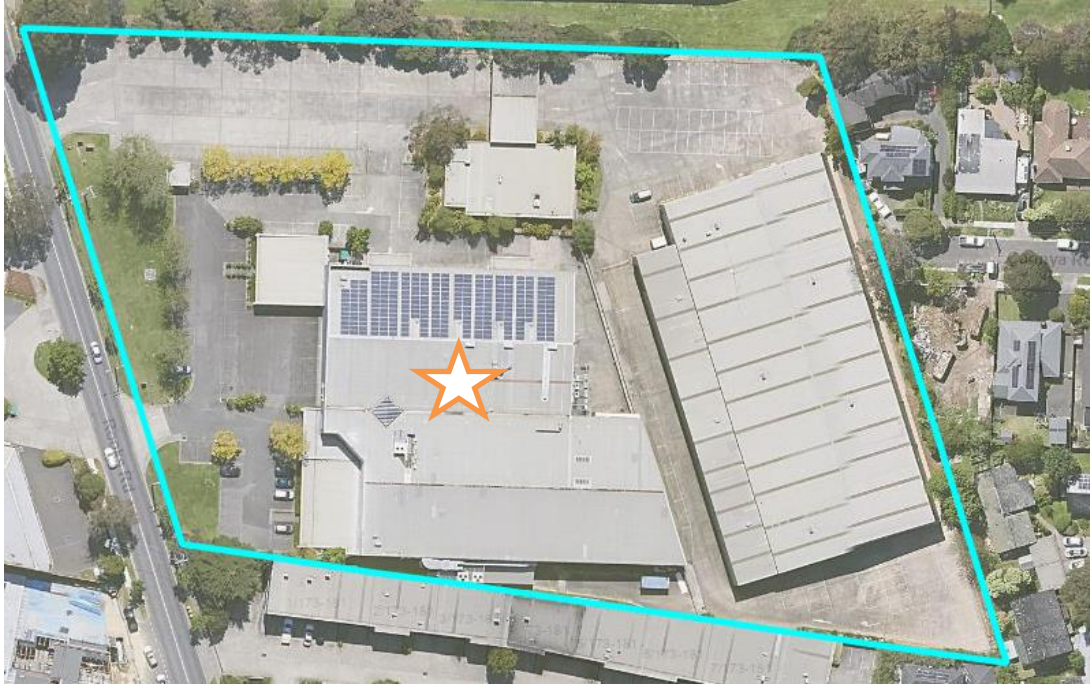


Figure 6 – Aerial image of Church location

Noting the above assessment, the proposed use meets the Zone's purposes and decision guidelines.

Policy Framework

The proposal can satisfy Clause 13.05-1S (Noise management), which, relative to the application, seeks to control unacceptable noise effects on sensitive residential land uses abutting the east of the site. This will be delivered through the provision of acceptable acoustic mitigation treatment as discussed in detail later in this assessment. Treating a building with noise mitigation measures as part of a permit

Subject to conditions to both provide appropriate acoustic measures, and to bring forward closing times from 12am to 11pm during evening periods, the proposal will be compatible with the abutting established residential area to the east. Additionally, subject to conditions to limit maximum patron capacities on Sundays when church services, functions and gatherings occur, the proposal will not conflict with the abutting church on the site.

Clause 15.01-1L (Industrial Areas Design Guidelines) essentially relates to new buildings and works within the Industrial areas, which will not generally apply to the subject application. Having said this, the proposed use with relatively minor modifications to the exterior of the building and updated fencing will utilise an existing and currently vacant building within the Industrial 1 Zone for the purpose of a Badminton Centre that will be accessible only from Rooks Road. The 100 allocated car parking spaces are all conveniently accessible from Rooks Road. Additionally, there are no changes to the size of the existing building footprint, and both the waste storage areas and parking areas have no, or limited, visibility to the street.

10.1 (cont)

The proposal addresses Clause 17.01-1S (Diversified Economy) by contributing to the provision of a diverse range of land uses within the municipality. The proposal results in converting an existing vacant building that has some history of non-industrial land use (education centre) into another non-industrial land use (indoor recreation facility). Additionally, the proposed buildings and works are minor improvements to doorways, and internal works that do not require a planning permit, and retain the capability of the building to be converted back to a warehouse or industry in future if required.

Given the increasing population of the municipality there is an increased demand for alternative uses for leisure and recreation purposes to serve the community needs. The subject building has been underutilised for a period of time and given its size it presents as an opportunity to accommodate the proposed use. More strategic matters that support the proposal include the high demand for badminton facilities within Whitehorse as identified within the Indoor Sports Facility Feasibility Study (ISFFS). Finding appropriate sites and capital outlay for construction of new facilities is difficult, and whilst the planning considerations do not specifically contemplate municipal facility demand, it is notable to recognise the benefits more broadly to the community of providing a facility that is needed.

The proposal would not result in any changes to the building on the land. Consequently, if the proposed use ceases, the building could once again be available for industrial and associated commercial uses.

Noise

With the surrounding industrial estate abutting to the north, west and south and are not considered to be sensitive interfaces. The residential area to the east and south-east is the site's primary sensitive boundary interface. External amenity impacts to this residential area should be appropriately mitigated if the land use is to be found acceptable against the requirements of the planning scheme.

Offsite noise impacts, and the potential for the proposed use to generate these is a key consideration. It must be firstly acknowledged that the applicant has been operating a Badminton Centre (Melbourne Unique Badminton Centre) in Mount Waverley since 2019 of similar patron, parking and court capacity (22 courts), and as such demonstrates their genuine ability to operate and manage such a facility. Like the subject proposal, the owner's alternative Badminton Centre is also located within an established industrial setting.

Concerning the subject building, the proposed land use will be contained within the existing building, which will assist in attenuating noise sources to the abutting residential interface.

The permit applicant has submitted an acoustic report which confirms that noise impacts can be mitigated to meet the relevant EPA regulations. This includes acoustic insulation on the eastern wall, acoustic seals on doors and to raise the acoustic fence height along the residential boundary interface to mitigate noise impacts. Council's acoustic engineer advisor agreed that

10.1 (cont)

noise sources could be mitigated to resolve any potential residential amenity impacts.

A condition of permit is required 3 month's post occupation to confirm that the recommendations of the Acoustic Report are being upheld, testing of the ventilations systems as recommended by Octave Acoustics is undertaken and that any further changes required to reduce noise (if necessary) are considered and adopted.

This is a practical and reasonable requirement to give certainty to objectors and surrounding residents that noise mitigation is an important component of any approval granted, and that these mitigation measures are on-going obligations on the permit holder.

All recommended improvements above are warranted and can be addressed as conditions on any permit issued for the proposal.

Notwithstanding, beyond the expectations of Council's consulting acoustic engineer, the following additional condition requirements are considered appropriate in protect the amenity of the abutting residential area ongoing:

- A Management Plan. The document must address measures to be taken by management and employees to mitigate unreasonable impacts to residential interfaces. The management plan will also require the building doors to be closed during any noisy operation.
- Standard noise conditions will be recommended for any permit issued. These measures will ensure that noise emissions from the site are limited to maintain the amenity of the area.

Subject to conditions of permit, Planning Officers consider that the use would not result in unreasonable impacts on the amenity of the area.

Car Parking

Council's Transport team has nominated a peak parking demand at a rate of 0.5 spaces per patron. This is considered to be a conservative rate given other similar land uses where people 'gather' (similar to 'Place of Assembly' type land uses) are allocated a rate of only 0.3 spaces per patron under Clause 52.06.

By applying a rate of 0.5 spaces per patron, the proposed land use will have a maximum car parking demand of 50 car parking spaces. The proposal provides 100 on-site car parking spaces, which will comfortably meet this requirement, from a parking, access and traffic generation perspective.

The applicant has agreed to limit the patron capacity on Sundays when church services occur, to 64 patrons (between 8.30 to 12pm) to ensure the amenity of the locality is not adversely impacted through car parking conflicts, which has been supported by Council's Transport Engineer. This confirms that subject to conditions, the proposal will be compatible with the operations of the church on the site.

It is considered that the proposed use will not unreasonably increase the existing traffic conditions within the road network, subject to a Parking

10.1 (cont)

Management Plan (PMP) addressed through a condition on any permit issued for the proposal. The PMP:

- will ensure that the operation of the use and associated parking on the site is appropriately managed to limit offsite amenity impacts to the road network and residents.
- will provide certainty around confirming and managing appropriate car parking allocations on site, ensuring there will be no conflict with the existing church operations.
- will encourage use of alternative transport options.

Given the above considerations and conditional recommendations, Clause 52.06 (Parking Policy) will be addressed.

Bicycle Facilities

As stated earlier in this assessment under 'Planning Controls' 20 bicycle spaces are required for the proposed badminton centre in accordance with Clause 52.34 of the Whitehorse Planning Scheme. Council's Transport Engineer is satisfied a reduced provision of 9 bicycle spaces will be sufficient to service the proposed land use activities and meet the provision of Clause 52.34.

Waste Management

Council's Waste officer has reviewed the proposal and has provided written consent subject to submission of a waste management plan (WMP) that will address waste management capacity between the proposed badminton centre and the abutting church. The WMP will confirm appropriate waste generation rates, an appropriate location and room size for bin size, bin storage, and compaction.

The WMP will confirm private waste collection for the proposed use, appropriate access and loading ability for the private waste vehicle, while addressing any conflicts associated with traffic safety, access and residential amenity (noise, smell, vermin control etc). The associated measures around waste management, can be addressed as conditions on any permit issued for the proposal, which will address Clause 33.01 (Industrial 1 Zone).

Response to Objections Grounds

Use

The proposed indoor recreational facility (Badminton Centre) use on the site is consistent with the Planning Policy Framework that permits this type of use within an existing industrial area subject to planning permission. The proposal accords with planning policies which seek to ensure that uses are compatible with the changing demand on industrial zoned land and increased economic growth within the municipality.

The proposed use will abut an established residential area, and will operate outside of normal business hours, proposed to close at midnight. However, should a permit issue the applicant has agreed to reduce the closing times to 11pm. The reduced closing time of 11pm, when combined with the

10.1 (cont)

conditionally required acoustic measures in the building, fitted onto the external doors, and to the boundary fencing, is acceptable. This reduced closing time can be addressed as a condition on any permit issued for the proposal.

The added measures recommended by the submitted acoustic report including additional acoustic testing to be undertaken, will ensure surrounding residential interfaces will not be adversely impacted. The proposed use will consequently be sufficiently compatible with the abutting residential area with all amenity impacts mitigated and thus, its location is considered acceptable.

Crime, Anti-social Behaviour and Security

This is not considered to be a relevant planning consideration. There is no evidence to link this application with increased crime rates or reduced safety for residents.

Boundary Fence

The applicant has agreed to include an acoustic treated boundary fence to mitigate the emission of noise.

Noise

This matter has been discussed at length throughout this assessment. Subject to conditions, the noise emission generated by the proposed use will not be unreasonable for an Industrial setting, to a residential boundary interface.

As discussed earlier, subject to conditions, adequate noise attenuation, and mitigation measures can be put in place to address external residential amenity impacts. This includes sound proofing internal to the building, acoustic lined doors, acoustic fencing of appropriate heights, reduced patron capacity and traffic generation during peak Sunday Church services, and reduced closing times.

There is also a potential risk of causing adverse noise generation to the abutting residential area should any external doors or roller doors nearby this boundary interface, remain open for extended periods. This issue can be addressed as a condition on any permit issued for the proposal ensuring that doors remain continually closed, unless for propose relating to the primary building entry, or for emergency or maintenance purposes.

Additionally, a noise management plan will be required, and letter from a qualified acoustic consultant post occupation of the building, confirming that the proposed works have been constructed in accordance with the endorsed material. Subject to conditions on any permit issued, the noise generated by the proposed use will be in accordance with the outlined protocols.

Lighting

The proposed use will operate outside normal business hours. The without prejudice submission has provided a lighting strategy plan to ensure that external lighting will be appropriately baffled away from the residential boundary interface. Conditions on any permit issue for the proposal will

10.1 (cont)

ensure that the appropriate baffling of external lighting will remain permanently to prevent adverse effects to adjoining interfaces.

Car Parking

Council's Transport Engineering Department does not object to the proposal given the number of spaces on site, on-street car parking and public transport opportunities available. Furthermore, parking capacity and traffic flow will continue to function adequately on Sundays when church services, gatherings and functions occur, through a reduced patron capacity. A car park management plan will also be required to be submitted.

Property devaluation

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

CONCLUSION

The proposed development and use are consistent with the relevant planning controls and policies, including the Planning Policy Framework and provisions of the Industrial 1 Zone. The proposed use is considered to be acceptable and will integrate with the surrounding industrial estate.

Subject to conditions on any permit issued for the proposal, the proposal will adequately respond to the residential amenity east and south-east of the site.

The application has been advertised and all objection grounds have been discussed.

It is considered that the application should be approved.

ATTACHMENT

- 1 WH/2024/388 - Plans 
- 2 WH/2024/388 - Acoustic Report 
- 3 WH/2024/388 - Without Prejudice Plans 
- 4 WH/2024/388 - Without Prejudice Acoustic Report 

Attendance:

Cr Weller having declared a Conflict of Interest in the item left the Chamber at 7.56pm.

10.2 Submission on the Suburban Rail Loop East Draft Structure Plans and Draft Planning Scheme Amendments to the Whitehorse Planning Scheme

Department City Planning and Development
Director City Development

Attachment

SUMMARY

The purpose of this report is to consider the impacts of the proposed amendments to the Whitehorse Planning Scheme (WPS) led by the Suburban Rail Loop Authority (SRLA) as the planning authority. The amendments seek to translate the draft structure plans (SP) into the WPS.

The proposed planning scheme amendments are:

- Amendment GC248: Burwood SRLA structure planning area; and
- Amendment C255WHSE: Box Hill SRLA structure planning area.

The matters for Council to consider include:

- the role and capacity of Council to implement the projects identified in the implementation plans for Box Hill and Burwood;
- whether the draft structure plans are appropriate for the long-term land-use, built-form, social, economic and environmental outcomes of the municipality;
- whether the suite of new planning provisions underpinned by the structure plans will effectively deliver transformational transit orientated sustainable neighbourhoods that provide affordable living, local employment and community and open space infrastructure; and
- whether the proposals set in place the policy settings and mechanisms to deliver a liveable environment that also encourages mode shift from the private car to public and active transport;

After having considered the issues presented in this report, the next step is to note that a formal (high level) submission will be lodged to the SRLA before the closing date of the 22 April 2025. This response will be posted on Council's website for the community to consider.

Council officers will then continue to prepare a detailed response for the forthcoming Advisory Committee hearing in late 2025.

10.2 (cont)

COUNCIL RESOLUTION

Moved by Cr Langford, Seconded by Cr Allan

That Council:

1. Endorse the contents of this report as a high-level response to the Suburban Rail Loop Authority's draft Planning Scheme Amendments, draft Structure Plans and draft Implementation Plans for Burwood and Box Hill;
2. Authorises the Director City Development to approve and submit a high-level submission to the Suburban Rail Loop before the closing date of the 22 April 2025; and
3. Note that following the submission, that Council officers will then continue to prepare a detailed response for the forthcoming Advisory Committee hearing appointed by the Minister for Planning, anticipated to convene in late 2025.

CARRIED UNANIMOUSLY

Spoke to the item: Cr Langford, Cr Allan, Cr Barker, Cr Simpson (4)

Abbreviations

Abbreviation	Definition
BFO	Built form overlay
FAR	Floor area ratio
MPS	Municipal Planning Strategy
PAD	Suburban Rail Loop Authority Planning Area Declaration
PEA 1987	Planning and environment act 1987
PRZ	Precinct zone
PSA	Planning Scheme Amendment (to the Whitehorse Planning Scheme)
PPF	Planning Policy Framework
SP	Structure Plan
SLO	Significant Landscape Overlay
SRLA	Suburban Rail Loop Authority
SRL	Suburban Rail Loop project
VPBUF	Voluntary Public Benefit Uplift Framework

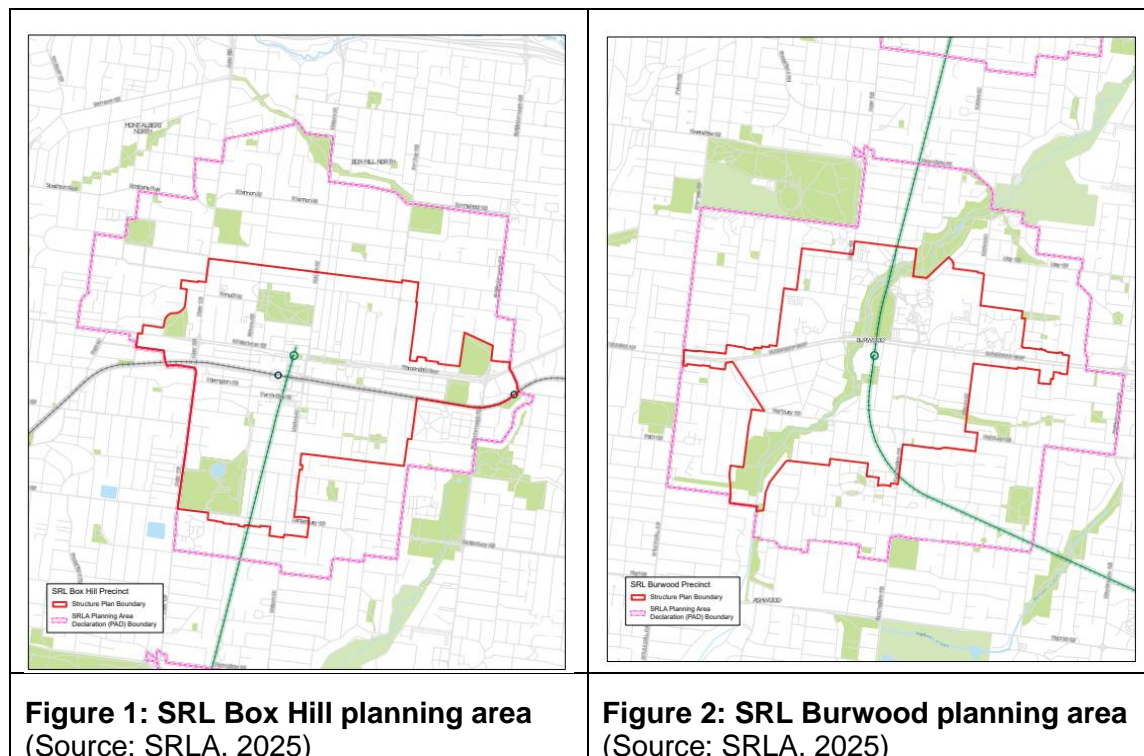
10.2 (cont)

WCC	Whitehorse City Council
WPS	Whitehorse Planning Scheme

KEY MATTERS

SRLA is the planning authority

The SRLA is the planning authority for land bounded by the Box Hill and Burwood SRLA Planning Area Declaration (PAD) boundary. (Refer Figures 1 and 2 below, pink boundary).



What has the SRLA prepared?

The SRLA has prepared draft amendments to the WPS and draft structure plans for the Box Hill and Burwood precincts. (Refer Figures 1 and 2 above, red boundary). Refer to Attachment 1 for a list of all documents Box Hill and Burwood. In addition, there are “line wide” documents that cover technical matters common to the entire project.

The draft amendments:

There are two proposed amendments to the WPS:

- Amendment GC248: Burwood SRLA structure planning area; and
- Amendment C255WHSE: Box Hill SRLA structure planning area.

The Structure Plans:

10.2 (cont)

The draft Box Hill and Burwood SPs and their Implementation Plans are intended to be listed as Background Documents (Schedule to Clause 72.08) to the WPS.

The SPs are intended to guide development by establishing a spatial urban framework for future change. The plans are geared to facilitating growth in employment, housing supply and diversity supported by improved transport access.

Through listing a number of projects with time frames and lead agency responsibilities, the Box Hill and Burwood Implementation Plans are intended as 'road maps' for delivering urban regeneration within the precinct boundaries.

Background reports:

Supporting the SPs are background reports for Box Hill and Burwood and technical investigations. Listed in Attachment 1 to this report, they are not intended to be included as Background Documents to Clause 72.08 of the Whitehorse Planning Scheme (WPS).

WHAT DO THE DRAFT AMENDMENTS ENCOMPASS?

There are two major amendments proposed to the WPS:

1. Amendment GC248: Burwood SRLA structure planning area: Provided as a Group of Councils (GC) amendment given that the Burwood area contains part of the City of Monash; and
2. Amendment C255WHSE: Box Hill SRLA structure planning area.

The draft amendments to the WPS encompass:

- Introducing the Box Hill and Burwood SPs, Implementation Plans and Parking Precinct Plans as Background Documents to Clause 72.08 of the WPS.
- Amending the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) to introduce Box Hill and Burwood as new transit oriented 'growth' precincts supporting a range of homes and employment land.
- Amending Schedules to the zones and overlays for land within the Box Hill and Burwood SP Areas by:
 - Inserting the new **Precinct Zone and Schedules** to apply the Voluntary Public Benefit Uplift Framework (VPBUF) and specific schedules for the Box Hill and Burwood Station development areas and also the broader precincts.
 - Inserting a new **Built Form Overlay and Schedules** that each respond to urban design and land-use based neighbourhood typologies.
 - Inserting a new **Parking Overlay** (supported by Parking Precinct Plans) and four new Schedules to the Parking Overlay and deleting the existing Box Hill Parking Overlay.

10.2 (cont)

- Introducing the **Environmental Audit Overlay** in one site in Box Hill and six sites in Burwood.
- Introducing the **Public Acquisition Overlay** in one location in Burwood.
- **Removing or amending existing zone and overlay**
Schedules that will be superseded by the new planning controls or that conflict with the outcomes of the relevant SP. These include removing the Neighbourhood Character Overlay, Schedule 2 (NCO2) in Box Hill and the Significant Landscape Overlay, Schedule 9 (SLO9) in the precinct areas only.
- Amending the General and Operational Provisions by adding the SPs, Implementation Plans and Parking Precinct Plans as Background Documents.
- Amending the Planning Scheme Maps.

Further details are provided in Table 1 below:

Table 1: Proposed Amendment GC248 and C255WHSE

Component	Key changes
PROPOSED CHANGES TO THE MUNICIPAL PLANNING STRATEGY	
Clause 2.03 Strategic Directions	<p>CI 2.03-5 Excludes neighbourhood character from the SRL SP areas</p> <p>Supports and retains heritage</p> <p>Integrates SRL context in the new strategic direction of the SP area</p> <p>CI. 2.03-6 Supports housing growth in the SP areas</p> <p>CI. 2.03-7 Focuses on future employment growth</p> <p>CI. 2.03-8 Enhances transport accessibility</p> <p>CI. 2.03-9 Development of new health and education and adds strategic directions to open space</p>
PROPOSED CHANGES TO THE PLANNING POLICY FRAMEWORK	
Clause 11.03 Planning for Places	<p>CI 11.03-1L -01 Deletes the Box Hill Metropolitan Activity Centre policy</p> <p>CI 11.03-6L -01 Adds new policy applicable to SRL SP areas which includes housing, affordable housing, strategic sites, public benefit uplift, building environment and sustainable transport.</p> <p>CI 11.03-6L -02 Adds new policy to Burwood SP areas which supports sustainable urban renewal focused around a thriving urban centre and new SRL station with strong connections to</p>

10.2 (cont)

Component	Key changes
	<p>Deakin University, surrounding established residential areas and Gardiners Creek (Kooyongkoot).</p> <p>CI 11.03-6L -03 Adds new policy to Box Hill SP areas which supports strengthening the established health, education, cultural and recreational services and business community of the Box Hill SP Area within a thriving, culturally dynamic and cosmopolitan place where global and local communities connect.</p>
<p>Clause 15.01 Built Environment</p>	<p>The new BFO controls will mean that the following clauses for SRL SP areas will no longer apply:</p> <p>15.01-5L Preferred neighbourhood character</p> <p>15.01-5L-01 Tree Conservation</p>
<p>Clause 18.02 Movement networks</p>	<p>18.02-4L-01 Car parking Adds notes to include SRL SP areas where shared car parking will be supported</p>
PROPOSED ZONES AND OVERLAYS	
<p>CI 37.10 Precinct zone</p>	<p>CI 37.10 Precinct zone is proposed to be applied to the Box Hill and Burwood SP areas (except to publicly zoned land) to facilitate growth in employment, housing supply and diversity supported by improved transport access enabled by the Suburban Rail Loop Authority.</p> <p>The schedules to this zone provide a use and development framework, a VPBUF and a table of the applied zones and how they apply within the Precinct Zone. Building envelopes are also provide in the BFO.</p> <p>New Schedules for the Burwood precinct:</p> <p>Schedule 1 to Clause 37.10: Burwood Suburban Rail Loop East structure plan area.</p> <p>This schedule provides specific use and development objectives for Burwood including promoting substantial growth in employment and housing supply and a development framework to achieve this. The SP Area will be a thriving urban centre with an increased range of retail, education, office, residential, entertainment, open space and community uses, with strong connections to Deakin University and Gardiners Creek (Kooyongkoot).</p> <p>Schedule 2 to Clause 37.10: Burwood Suburban Rail Loop East structure plan area. Station Development Area.</p> <p>This schedule provides specific use and development objectives for Burwood station development areas to deliver local retail, offices and residential uses with a high amenity public realm.</p>

10.2 (cont)

Component	Key changes
	<p>Protecting and enhancing the Gardiners Creek corridor is a priority.</p> <p>New Schedules for the Box Hill precinct:</p> <p>Schedule 1 to Clause 37.10: Box Hill Suburban Rail Loop East structure plan area.</p> <p>This schedule provides specific use and development objectives for Box Hill including supporting substantial growth in offices, employment and housing supply</p> <p>Schedule 2 to Clause 37.10: Box Hill Suburban Rail Loop East structure plan area. Station Development Area.</p> <p>This schedule provides specific use and development objectives for Box Hill station development areas to deliver transformation change and accommodate significant areas of office, retail , hospitality and entertainment uses along with significant residential growth.</p> <p>Schedule 5 to Clause 37.10: Box Hill Suburban Rail Loop East structure plan area. Former Box Hill Brickworks.</p> <p>The schedule provides for the planning of this major site to accommodate a housing, open space and neighbourhood connectivity through the requirement for a masterplan.</p>
<p>CI 43.06 Built Form Overlay</p>	<p>The BFO will be applied to the majority of land within the Box Hill and Burwood SP Areas and will help guide development within the area so that it is consistent with the objectives and outcomes sought by the SP.</p> <p>The schedules set out urban design based outcomes and standards for</p> <ul style="list-style-type: none"> • Preferred maximum building heights and mandatory Baseline Floor Area Ratios (FAR) A FAR is the ratio of a building's total floor area to the size of the land parcel • Minimum front, side and rear set backs • Wind effects • Active frontages, landscaping and canopy trees • Access ways and pedestrian connections • 'Deemed to comply' provisions have been included in residential neighbourhoods and employment and enterprise neighbourhoods to streamline the approvals process. • If a proposal meets specified standards eg building height, side or rear setbacks then it can't be refused on those standards.

10.2 (cont)

Component	Key changes
	<ul style="list-style-type: none"> • If the proposal does not meet the standards, then a typical planning assessment is undertaken. • Exemption from notice and review rights. <p>(Note that heights in metres are specified in the schedules but numbers of storeys are not)</p> <p>New Schedules for the Burwood precinct:</p> <ul style="list-style-type: none"> • Schedule 1 to Clause 43.06: Main Streets. Focussed on Burwood Highway. Preferred maximum building height: 25 metres. (Equivalent to 6 to 7 storeys) • Schedule 2 to Clause 43.06 : Key movement corridors and urban neighbourhoods. Typically taller structures proposed on wide streets that include public transport. Building height ranges: 27 – 41 metres. (Equivalent to 7-11 storeys) • Schedule 3 to Clause 43.06 : Residential neighbourhoods. A more moderate built form with building separations. Building height ranges: 11 metres where there is a frontage of less than 24 metres to 21 metres where there is a frontage of 24 metre or greater. (Equivalent to 3-6 storeys) • Schedule 4 to Clause 43.06: Employment neighbourhoods. A range of building types which encourage building services away from the primary frontage. Preferred maximum building height: 25 metres. (Equivalent to 6- 7 storeys) <p>New Schedules for the Box Hill precinct:</p> <ul style="list-style-type: none"> • Schedule 5 to Clause 43.06: Central core to Box Hill. Building height ranges: 85 – 133 metres. (Equivalent to 22 to 40 storeys) • Schedule 6 to Clause 43.06: Central flanks. The areas adjacent to the core of Box Hill. Building height ranges: 36 – 52 metres. (Equivalent to 9 to 15 storeys) • Schedule 7 to Clause 43.06: Key movement corridors and urban neighbourhoods. Typically taller structure proposed on wide streets that include public transport. Building height ranges: 21 – 27 metres. (Equivalent to 6 to 8 storeys) • Schedule 8 to Clause 43.06 : Residential neighbourhoods. A more moderate built form with building separations. Building height ranges: 11 metres where there is a frontage of less than 24 metres to 21

10.2 (cont)

Component	Key changes
	metres where there is a frontage of 24 metre or greater. (Equivalent to 3- 6 storeys)
CI 45.09 Parking Overlay (Schedules 2, 3, 4 and 5)	<p>The Parking overlay will be applied to the SP areas excluding publicly zoned land to encourage sustainable transport patterns and alternative forms of parking through the precincts.</p> <p>Adds two types of parking overlays across the Burwood and Box Hill precincts: Areas A and B.</p> <p>New Schedules for the Burwood precincts:</p> <ul style="list-style-type: none"> • Schedule 2 Clause 45.09: Parking Overlay. Applies Area A to the central part of the precinct and near the proposed SRL station by applying maximum rates. (Reduced numbers of car spaces) • Schedule 3 Clause 45.09: Parking Overlay. Applies Area B to the remainder of the precinct by applying minimum and maximum rates. <p>New Schedules for the Box Hill precinct:</p> <ul style="list-style-type: none"> • Schedule 4 to Clause 45.09: Parking Overlay. Applies Area A to the central part of the precinct and near the proposed SRL station by applying maximum rates. (Reduced numbers of car spaces) • Schedule 5 to Clause 45.09: Parking Overlay. Applies Area B to the remainder of the precinct by applying minimum and maximum rates.
CI 45.03 Environment Audit Overlay	<p>Burwood precinct:</p> <p>Adds 6 sites in the vicinity of the Burwood Highway which have had an industrial use.</p> <p>Box Hill precinct:</p> <p>Adds 480 – 500 Station Street which currently have an industrial use.</p>
CI 45.01: Public Acquisition Overlay	<p>Burwood precinct:</p> <p>PAO2: Adds land at the corner of Sinnott Street / Highbury Road to be compulsorily acquired by the SRLA for the purpose of a road</p>

What key planning overlays are to be retained?

The amendment does not change the following key planning provisions in either precinct. (They are noted as 'key' because they play important roles in heritage and individual site management.)

Table 2: Key planning overlays to be retained

10.2 (cont)

Overlay	Why it is retained
CI 43.01 Heritage Overlay	Both SPs Protects local heritage places and includes permit triggers that are not included in the proposed BFO.
CI 44.05 Special Building Overlay	Both SPs Responds to the risk of flooding caused by stormwater. Responding to the water Act 1989 and referral requirements to the floodplain management authority (Melbourne Water) are not included in the BFO.
CI 45.03 Environmental audit Overlay	Both SPs Identifies that an environmental audit is required as part of planning approval. (The amendment proposes additional sites in Burwood and Box Hill)
CI 45.12. Specific Controls Overlay	Box Hill precinct: There are a number of specific controls recently introduced to enable the construction of the Suburban Rail Loop. These are: SCO6: 517 and 519–521 Station Street (under construction) SCO16: Box Hill Central North (Vicinity Centres - recently approved)
CI 45.06 Development Contributions Plan Overlay	Both SPs Council's Development Contributions Plan (December 2023) will continue to be applied in the Box Hill and Burwood precincts and across the municipality.
CI 43.04 Development Plan Overlay	Box Hill precinct: Development Plan Overlay 8 on 16-18 Spring Street Box Hill given the fact that a planning permit has been issued for this site and there is a need to ensure a continuum of controls.
CI 43.02 Design and Development Overlay	Both SPs These controls are site specific: DDO2: protects the integrity and amenity of the Gardiner's Creek Linear Reserve DDO3: protects Deakin University's 'Northern Oval' for recreational use DDO4: Neighbourhood activity centres

10.2 (cont)

What planning overlays are proposed to be deleted?

The amendment proposes to remove the following key overlays listed in Table 3.

Table 3: Key planning overlays proposed to be deleted

Overlay	Why it is proposed to be removed
CI 43.02 Design and Development Overlay	<p>Box Hill precinct: Removes DD011 and DDO4 to avoid duplication and potential conflict with proposed built form controls.</p> <p>Burwood precinct: Removes DD07 to 85, 101, 109 Burwood Highway and 3 Edwards Street Burwood to avoid duplication and potential conflict with proposed built form controls.</p>
CI 43.05 Neighbourhood Character Overlay	<p>Box Hill precinct: Removes NCO2 in the Box Hill precinct due to the duplication of controls. The NCO2 currently applies in the Acacia Street/ Bass Street/ Alexander Street areas. The vision and built form outcomes are included in the BFO schedules.</p>
CI 42.03 Significant landscape overlay	<p>Removes SLO9 from both Box Hill and Burwood precincts due to the potential duplication of controls given the new BFO. The proposed standard BFO12 is proposed to assist in urban greening and cooling outcomes.</p>
CI 45.09 Parking Overlay	<p>Deletes Schedule 1 to the existing Box Hill Parking Overlay and replaces it with new parking overlays, Schedules 2, 3, 4 and 5 supported by a new parking precinct plan.</p>
CI 45.12. Specific Controls Overlay and Schedule to CI 72.04 Incorporated documents	<p>Burwood precinct: Delete the SCO4 and removes the associated Incorporated document no 7, August 1999 for 5 Delany Avenue Burwood, as the land has been subdivided and developed, making the control redundant.</p>

What other changes are proposed to Operational Provisions?

The Operational Provisions flag where planning controls apply in the scheme and provide a statement of reason.

The following clauses and schedules are proposed to be amended:

- Schedule to CI 72.04 Incorporated documents

10.2 (cont)


- Schedule to CI 72.08 Background documents
- Schedule to CI 74.01 Application of Zones, Overlays and Provisions.

KEY FEATURES OF THE STRUCTURE PLANS

In December 2024 the SRLA released the ‘Vision for Box Hill’ and ‘the Vision for Burwood’. These documents underpin the structure plans.

Key features of each plan are summarised below.

Table 5: Key features of the Burwood structure plan

Feature	What the structure plan includes
<p>7 local neighbourhoods</p>	<p>Each of the 7 neighbourhoods will have a distinctive suite of land uses, development and residential densities and other operational features. They are:</p> <ol style="list-style-type: none"> 1. Burwood Central 2. McIntyre 3. Employment neighbourhood 4. Ashwood 5. Lundgren 6. Station Street 7. Educational neighbourhood <p>The neighbourhood framework plans provide building heights, movement frameworks and development setbacks.</p> <p>Burwood Neighbourhoods (Source: SRL East Background Burwood report . Page 33)</p> 
<p>Where growth is planned</p>	<ul style="list-style-type: none"> • Burwood Central: Significant change areas (mixed use and residential) are planned for the area immediately south of

10.2 (cont)

Feature	What the structure plan includes
	<p>Burwood Highway. Preferred max building height = 6-20 storeys (25-69 metres)</p> <ul style="list-style-type: none"> • McIntyre: mid rise development Preferred max building height = 6-8 storeys (25-27 metres) • Employment neighbourhood hubs (Highbury Rd) Preferred max building height = 4-8 storeys (14-27 metres) • Ashwood: high quality residential neighbourhood Preferred max building height = 4-6 storeys (14-21 metres) • Lundgren: medium density residential close to Burwood central shopping centre Preferred max building height = 4-8 storeys (14-27 metres) • Station Street: mixed use close to the Greenwood Business Park Preferred max building height = 4-8 storeys (14-27 metres) • Educational neighbourhood including walking and cycling paths. Key educational institutions (Deakin University, Mount Scopus and PLC) will be supported through master planning strategic sites Preferred max building height = 4-8 storeys (14-27 metres)
Jobs and economic growth	<p>Jobs in the Burwood area are planned to double from 9,000 in 2021 to 16,900 by 2041.</p> <p>Key commercial areas to be supported for ongoing growth include Greenwood Business Park, Burwood Highway, 114-126 Burwood Highway, Highbury Road, Barry Road and Warrigal Road. These areas are encouraged to expand and intensify.</p>
A new heart for Burwood	<p>A new local policy in Clause 11.03 supports sustainable urban renewal focused around a thriving urban centre and new SRL station with strong connections to Deakin University, surrounding established residential areas and Gardiners Creek (Kooyongkoot).</p>
Key sites	<p>Key sites for master planning:</p> <ul style="list-style-type: none"> • 127 Highbury Road Burwood: as a major residential and employment development site • SRL station development area (mixed use) • Deakin University Burwood campus (education and employment). Note: The existing DDO3 is proposed to be retained on this site. • Mount Scopus College (education and employment) • Greenwood Business Park (employment and economic growth)

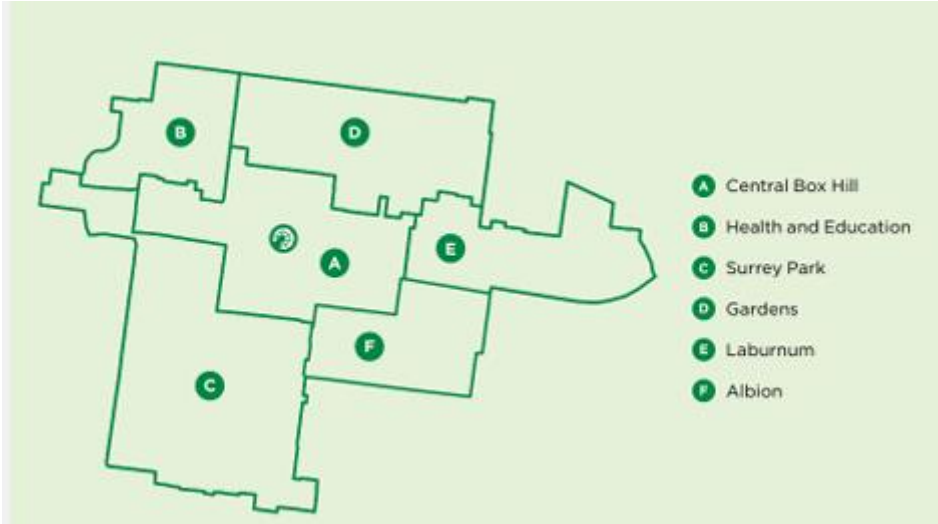
10.2 (cont)

Feature	What the structure plan includes
Protecting biodiversity along the Gardiners Creek corridor	<p>Upgrade the public realm along Gardiners Creek by increased setbacks to the Creek and revegetation including large shade trees.</p> <p>The existing DDO2 is proposed to be retained along this corridor</p>
Retaining and expanding open space corridors	<p>Key existing public open spaces include Gardiners Creek Reserve, Lundgren Chain Reserve, McComas Grove Linear Reserve.</p> <p>Potential new sites are identified near McIntyre Street and Delaney Avenue, a new pedestrian link between Hughes Street and Gardiners Creek and between Cookson Way and Carmody Street.</p>
Connectivity	<p>Upgrading the local streets to improve walkability and wheeling options</p> <p>Enhancing Burwood Highway as a tree lined boulevard</p> <p>Signalising the intersection of Sinnott Street and Highbury Road</p> <p>Consider a future high capacity public transport corridor along Elgar Road</p> <p>Deliver 2 new pedestrian footbridges over Burwood Highway to Bennettswood Reserve and over Gardiners Creek between the proposed station and McIntyre Street.</p> <p>Plan for a new creek crossing south of Highbury Road</p>
Public realm and building amenity	<p>Provides setbacks to protect the public realm from visual encroachment and overshadowing</p> <p>Provides new standards to protected amenity of occupants</p>
Parking	<p>Recommends that a parking precinct plan be developed and provides for new parking rates through the Parking Overlays</p>
Sustainability	<p>Amends the planning scheme to provide for higher building standards and aims to reduce the high urban heat effects by adding street tree canopy cover to local streets and capacity for trees on private land.</p> <p>Proposal to have a third pipe for recycled water for flushing toilets and watering landscaped areas.</p>

Table 5: Key features of the Box Hill structure plan

Feature	What the structure plan includes
6 local neighbourhoods	<p>Each of the 6 neighbourhoods will have a distinctive suite of land uses, development and residential densities and other operational features. They are:</p>

10.2 (cont)

Feature	What the structure plan includes
	<ol style="list-style-type: none"> 1. Central Box Hill 2. Health and education 3. Surrey Park 4. Gardens 5. Laburnum 6. Albion <p>The neighbourhood framework plans provide building heights, movement frameworks and development setbacks.</p> <p>Box Hill Neighbourhoods. (Source: SRL East Background Box Hill report. Page 31)</p> 
<p>Where growth is planned</p>	<ul style="list-style-type: none"> • Central Box Hill: The traditional heart of Box Hill Preferred max building height = 6-40 storeys (21-133 metres) • Health and education. Includes the Box Hill hospital. Preferred max building height = 5-15 storeys (21-52 metres) • Surrey Park largely residential and includes the former Box Hill brick works site Preferred max building height = 4-8 storeys (14-27 metres) • Gardens. Includes the Box Hill Gardens as central to this neighbourhood Preferred max building height = 4-15 storeys (14-52 metres) • Laburnum. Dominated by Whitehorse Road Preferred max building height = 5-8 storeys (21-27 metres)

10.2 (cont)

Feature	What the structure plan includes
	<ul style="list-style-type: none"> Albion. Predominantly residential Preferred max building height = 3-6 storeys (11-21 metres)
Proposed changes to Central Box Hill and surrounds	<p>A new local policy in Clause 11.03 of the WPS supports a range of uses in the Box Hill area.</p> <p>Health industries, research and development industries will be encouraged particularly in the Health and Education Neighbourhoods of the Box Hill area.</p> <p>The importance of realising Box Hill as a Metropolitan Activity Centre and a genuine alternative location for high density offices , its aim being for the Box Hill SP Area to become 'one of Melbourne's most significant economic and employment centres'.</p> <p>Although the Commercial 1 zone will continue to be applied to this area a new local policy at Clause 11.03 seeks to prioritise central Box Hill for office development.</p>
Jobs and economic growth	Jobs in the Box Hill area are planned to double from 18,000 in 2021 to 38,700 by 2041.
Key sites	<ul style="list-style-type: none"> Key sites for masterplanning: SRL station site Box Hill Central Former Box Hill brickworks Box Hill Institute Box Hill hospital Epworth Eastern hospital Uniting Agewell Box Hill
Retaining and expanding open space	<p>Existing open space includes Box Hill Gardens, Surrey Park, Kingsley Gardens, Box Hill City Oval, and Whitehorse Road linear reserve.</p> <p>Adds new open space within the Whitehorse Road corridor, new sites acquired from Council at Ellingworth Parade, and at Court and Watts Street</p>
Connectivity	<p>Proposal to investigate improvements to the Box Hill bus interchange</p> <p>Investigate the opportunity to provide a new pedestrian and cycling link over the Belgrave Lilydale train line</p>

10.2 (cont)

Feature	What the structure plan includes
Public realm and building amenity	Provides setbacks to protect the public realm from visual encroachment and overshadowing Provides new standards to protected amenity of occupants
Parking	Recommends that a parking precinct plan be developed and provides for new parking rates through the Parking Overlays
Sustainability	Amends the planning scheme to provide for higher building standards and aims to reduce the high urban heat effects by adding street tree canopy cover to local streets and capacity for trees on private land. Proposal to have a third pipe for recycled water for flushing toilets and watering landscaped areas.

How the structure plans will be enabled

The suite of enablers includes:

Implementation plans relying on key stakeholders (including Council).

The draft Implementation Plans for Box Hill and Burwood identify time frames and responsibilities and list Whitehorse City Council as the lead agency for many local projects. Other key agencies include the Department of Transport and Planning, Melbourne Water and SRLA. Table 6 identified key concerns with this approach and note that Council has no current commitment to delivering many of these projects.

The Voluntary Public Benefit Uplift Framework (VPBUF)

As noted in Table 1, the VPBUF will be enabled through the schedule to the Precinct zone (PRZ). The schedule to the PRZ must specify a limit or standard that may only be exceeded where an eligible public benefit is provided. The methodology for calculating the Floor Area Uplift (FAU) is provided with the suite of Background reports and listed in Attachment 1 to this report.

The nominated types of public benefits are (i) Affordable housing (ii) Public realm works (iii) Public open space and (iv) Strategic land uses.

Specific projects are also suggested in the Implementation Plans.

Community infrastructure site selection principles

The Structure plans include site selection principles for identifying suitable locations for community infrastructure.

Council's Development Contributions Plan and Capital Works program

Council's priorities will be identified in the forthcoming Integrated Council Plan 2025-2029. This will direct how funds from the Whitehorse Development Contributions Plan and 10 year capital works program will be administered. It may be that the SRLA program is not a Council priority.

10.2 (cont)

It is noted that the Victorian infrastructure contributions system is proposed for reform by State government.

DISCUSSION, OPTIONS AND ANALYSIS

How Council officers have reviewed the structure plans

Across Council, key teams have reviewed the Vision statements, draft structure plans, draft implementation plan, supporting documents and the proposed planning controls as they have been released by SRLA.

This review is ongoing and key findings to date have been incorporated into this report. A summary of key issues identified to date is tabled below.

Table 6: Key issues and analysis

Key issue	Comments
<p>Council has not planned to deliver the projects listed the draft Implementation Plans for Box Hill and Burwood</p>	<p>Such projects include the acquisition of sites and the delivery of open space/community infrastructure and streetscape masterplans.</p> <p>Public realm and streetscape projects typically have high capital costs as well as high consultancy and project management fees.</p> <p>They are normally individually listed in the Council Plan and long-term Financial Plan, and provided for in Council's Development Contributions Plan.</p> <p>The Implementation Plan does not elaborate on the necessary infrastructure contribution mechanism or provide adequate details.</p> <p>Drafting of our new Integrated Council Plan 2025-2029 is underway. As a result Council cannot commit to the listed Key Projects in any capacity.</p>
<p>Can housing options be delivered with this suite of controls?</p>	<p>Apart from noting that social housing can be provided via developer contributions by applying S173 (PEA 1987) agreements between Council, the developer and an affordable housing provider, there is no clear delivery mechanism to ensure housing options will be increased.</p>
<p>Achieving mode shift from car to public transport</p>	<p>The new stations at Box Hill and Burwood need to be seamlessly integrated into existing transport connections, (including walking and wheeling)</p> <p>The plans seek to limit on-site parking as a way of forcing mode shift from private cars to public transport. The other initiatives, that will support</p>

10.2 (cont)

Key issue	Comments
	<p>mode shift, such as walkable well-lit streets with high amenity and safe crossing points will take considerable time and resources to deliver.</p> <p>Walking and cycling linkages need to be connected to open space, shopping centres and community facilities, including schools.</p> <p>The plans need to consider night shift workers in the hospitals, children walking on their own to school, the elderly and people with a disability.</p>
<p>Prioritise the Box Hill Bus interchange</p>	<p>The Box Hill bus interchange needs to be substantially upgraded (or an entirely new location identified in the structure planning area) as part of an integrated transport response for Box Hill.</p>
<p>Asking the private sector to contribute to the public realm when they exceed height limits</p>	<p>Administering the VPBUF may not be a reliable form of income to achieve public benefits should the developer choose not to exceed the Floor Area Ratio. Reasons may include not enough pre-sales of apartments prior to securing investment funds, the costs of materials may alter development yields and the affordable housing provider may not wish to acquire apartments in a tower block where body corporate fees are high.</p>
<p>Unlocking key sites for a range of uses</p>	<p>The Box Hill Brickworks site is a former tip site, with contaminated industrial heritage buildings. Although parts of the site are suitable for residential redevelopment by rezoning the site to Precinct zone a range of taxes that may stifle redevelopment options will be triggered.</p>
<p>Land surplus to SRLA's requirements should prioritise generous public realm and community outcomes</p>	<p>Some land parcels acquired for the SRL project will become available for development at the completion of the project. Given that they were purchased with public funds, these sites should have long term community benefits such as ground level open space and community facilities.</p>
<p>With an increasing population, the urgency to add to open space choices</p>	<p>The Implementation Plans propose that Council acquire and deliver new open space in the precincts. Council's existing open space funds will not provide for the additional sites required.</p>

10.2 (cont)

Key issue	Comments
when there is an existing deficit	<p>Further funds are needed from SRLA when the SRLA can act as an acquiring authority and the current shortfall of local open space can be addressed, for example:</p> <ul style="list-style-type: none"> • SRLA owned Victoria Crescent site should remain as permanent open space. • Federation Street: new open space connections. • Lundgren Chain reserve continuation. <p>(Note that the following sites are intended to form part of the local Box Hill open space network: (i) 20-24 Ellingworth Parade (ii) 11 Court Street (iii) 10-12 Watts Street).</p>
Achieving large trees with a generous canopy	<p>Physical space needs to be allocated to large trees in the public and semi-private domain. This can be combined with additional open space where existing underground and above ground street services compromise tree and canopy size.</p>
Building heights (Baseline FAR)	<p>Building heights in an area are determined by the Baseline Floor Area Ratio (FAR) unless a public benefit is provided. Additional floor area uplift can be generated if a public benefit, such as social housing or open space is provided.</p> <p>There is a risk with this development model in achieving balanced public benefit outcomes if the developer can choose between open space and social housing. Will we end up with too much social housing and not enough open space, for example.</p> <p>Careful consideration also needs to be given to ensuring the public domain has access to direct sunlight and reduced wind impacts.</p>

Ongoing reviews of the proposed amendment, structure plans and implementation plans

The issues contained in Table 5 are preliminary. Council will continue to review and refine its response to the SRLA proposal in coming months through:

- Tabling the findings of the Whitehorse community engagement process: this has included a survey and a 'write to us' initiative between the 17 March to the 22 April;

10.2 (cont)

- Ongoing internal reviews of the proposed amendment including Council's financial capacity to implement the structure plan recommendations;
- Key learnings from Councils' ongoing collaboration with the neighbouring Councils also impacted by SRL being Monash, Kingston and Bayside; and
- Independent professional advice.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Strategic Direction 4 - Our Built Environment</p> <p>The SRLA led proposal will have significant long term impacts on the Whitehorse built environment by:</p> <ul style="list-style-type: none"> • rezoning land within the structure planning area to Precinct Zone (does not include public land); • providing mandatory FAR within the structure planning areas to plan for increased residential and employment densities; • proposing streetscape upgrades; • not being clear on how the public domain upgrades proposed in the Implementation Plan will be funded and so put at risk the quality of the built environment.
Financial and Resource Implications	<p>Consistent with existing working arrangements, some Council officer time and other expenses are being reimbursed by SRLA as per the Memorandum of Understanding (MOU).</p> <p>Additional funds to meet the costs of planning lawyers and experts will be required for the amendment (and SP) response, including participation in a future Advisory Committee process. (A report detailing project resourcing will be also come to a future Council meeting).</p>
Legislative and Risk Implications	<p>The SRLA is the planning authority for the amendment and not Council.</p> <p>Council intends to formally respond to the SRLA led proposal by</p> <ul style="list-style-type: none"> • Making a (high level) submission to the amendment via the Engage Victoria website

10.2 (cont)

	<p>before the end of the exhibition period of the 22 April 2025</p> <ul style="list-style-type: none"> • Providing comprehensive reports to the amendment by appearing before an Advisory Committee appointed by the Minister in late 2025 • Responding to the proposed amendment through the formal Advisory Committee process will require legal representation and further professional advice.
<p>Equity, Inclusion, and Human Rights Considerations</p>	<p>It is considered that the subject matter does not raise any human rights issues. The SRLA is undertaking an engagement process, seeking comment on the proposals until 22 April 2025 and Council is also undertaking engagement activities as detailed below. These measures enable the community to input to the process in line with the Human Rights Charter relating to participation in public life.</p> <p>The surveys available on Council's 'Your Say' website have questions regarding gender and age group. This is to ensure survey results can be calibrated against accessibility, community safety, liveability and access to community infrastructure.</p> <p>The flyers distributed within the Box Hill and Burwood Declared Areas (PAD areas as outlined in red in Figure 1) have multi lingual QR code options to encourage participation.</p>
<p>Community Engagement</p>	<p>Key components of the Council led Engagement (17 March to the 30 April includes):</p> <p>Flyers: will be distributed within the precinct area. The flyers explain that Council is not the proponent and that we want our submission to SRLA to consider current community needs and priorities.</p> <p>Pop ups: Pop ups in Box Hill and Burwood will provide a 'face to face' opportunity for the community to speak directly with a council officer and to understand the impacts of the SRLA proposal. Pop ups are planned for the weekend of the 5 and 6 April 2025.</p> <p>Online survey and 'write to us' The survey and written feedback to Council will ensure community priorities are reflected in the advocacy position and the forthcoming Advisory Committee.</p>

10.2 (cont)

	Social media: The survey and pop ups will be promoted through our social media platforms. The community will be able to access information.
Innovation and Continuous Improvement	The SRL project is not 'Business as Usual' given that Council is not the planning authority. As a 'catalyst' project it has significant implications on long term planning and liveability for the people of Whitehorse. It also has long term implications on Council's forward planning and resources.
Collaboration	Collaboration that informed this report includes: <ul style="list-style-type: none"> • Other SRL Councils (Monash, Kingston and Bayside): Ongoing regular Council officer meetings to discuss common issues, processes, etc; • Internal regular meetings: to align Council's position at officer level; • SRLA with Council's CEO and officers: Regular briefings and meetings; and • SRLA with Councillors at key project stages.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

- 1 SRLA Amendment documentation list 

Attendance:

Cr Weller returned to the Chamber at 8.14pm.

10.3 Feasibility of Differential Rating for Retirement Villages and Vacant Residential Land (developed but not occupied).**Department**

Finance

Director Corporate Services

SUMMARY

At the Council meeting on 27 May 2024, a Councillor Motion was passed that sought a report on the feasibility of introducing a differential rate on land that contains:

- a) Retirement villages within the 2025/2026 – 2028/2029 version of Council's Revenue and Rating Plan;
- b) Vacant residential properties within the 2025/2026 – 2028/2029 version of Council's Revenue and Rating Plan.

This report outlines the rationale and feasibility of introducing a differential rating system for Retirement Villages and Vacant Residential Land (developed but not occupied) in context of the rate cap environment and legislative framework. Key considerations include the potential impacts of such changes on fairness, equity, and administrative complexity.

For retirement villages, some residents have requested reduced rates, arguing they make limited use of public services while maintaining their own infrastructure. However, counter-arguments highlight that retirement villages still rely on Council services up to village boundaries, similar to other properties. In considering the key taxation principles outlined in this report, Council rates are not based on the benefit taxation principle and are not a fee for service. Rates are instead a taxation based on the valuation of the assessment and are required to subsidise the delivery of services and capital works that would otherwise be unaffordable if charged on a case by case basis.

Properties within a retirement village generally have lower values and this is already reflected in the lower amount of rates paid. Implementing a lower differential rate for retirement villages would lead to higher rates for other property categories and shift the rate burden to other ratepayers, including elderly residents unable or unwilling to move into retirement villages.

The above factors need to be carefully considered for their equity, fairness and financial implications in line with the objectives of the *Local Government Act 2020*.

The report also explores the potential introduction of differential rates for Vacant Residential Land (developed but not occupied), considering the context of the Victorian Government's Vacant Residential Land Tax (VRLT),

10.3 (cont)

which seeks to address housing supply shortages in the state. However, several significant challenges emerge, particularly in accurately identifying vacant properties. The inability to obtain reliable data, along with the administrative complexities of tracking vacancy status, presents substantial difficulties. Additionally, the risk of double taxation alongside the VRLT further complicates the matter and could lead to confusion for landowners. Implementing a differential rate in this context would rely on assumptions, leading to potential inaccuracies that could negatively affect Council's rate base and income.

Fluctuating occupancy status would make it difficult to manage rates consistently throughout the year. Therefore, Council cannot have properties moving in and out of a differential during a year other than properties where supplementary rates are applying (e.g. vacant land that is developed) without impacting revenue. Such fluctuations would negatively affect revenue stability. The financial management principles outlined in section 101 of *Local Government Act 2020* highlight the need for stability and predictability in revenue. Implementing a differential rate (if it were possible) of this nature would introduce an unstable and unpredictable revenue stream.

Moreover, altering the rating system would require substantial updates to Council processes and systems. This includes revisions to rate notices, ensuring compliance with the *Local Government Act 2020*, and the allocation of additional administrative resources.

Given these challenges, the report concludes that introducing differential rates for Vacant Residential Land (developed but not occupied) is not feasible.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Simpson

That Council:

1. Acknowledges the receipt of the feasibility report regarding differential rating for Retirement Villages and Vacant Residential Land (developed but not occupied).
2. Notes the advice in the report, which indicates that implementing a differential rate on Vacant Residential Land (developed but not occupied) is not feasible due to challenges in obtaining accurate data, enforcement and administration complexities, and costs of managing such a system.
3. Resolve to continue with a uniform rating approach as outlined in Council's current Revenue and Rating Plan 2023-2027, applying a uniform rate in the dollar across all rateable properties.
4. Initiates a consultation with Snap Send Solve to explore the potential for incorporating public reporting on vacant residential properties (built but not occupied) within their application platform.

10.3 (cont)

5. Following the outcomes with Snap Send Solve, determines whether further action is required, including the preparation of a formal letter to the Minister for Housing to integrate State Governments Vacant Residential Land Tax reporting with Snap Send Solve.

CARRIED UNANIMOUSLY

Spoke to the item: Cr Barker, Cr Simpson, Cr Gunn (3)

KEY MATTERS

This report examines the feasibility of introducing a differential rating system for Retirement Villages and Vacant Residential Land (developed but not occupied) within context of the rate cap environment and legislative framework. The report raises several key issues and considerations, including potential impacts of introducing differential rating.

For retirement villages, the primary concern is the request from some residents for a reduction in rates levied against retirement village properties, arguing that they make limited use of public services while maintaining their own infrastructure. However, there are counterarguments that retirement villages still rely on Council infrastructure up to the village boundary, much like other property types. Implementing a lower differential rate for retirement villages could shift the rate burden to other property categories, including potentially impacting elderly residents who are unable or unwilling to move into retirement villages. It could also result in higher rates for other residential, industrial, and commercial properties. The financial impact on these property owners needs to be carefully considered, as well as overall equity and fairness of introducing this type of differential rate.

For Vacant Residential Land (developed but not occupied), the report explores the possibility of introducing a differential rate alongside the Vacant Residential Land Tax (VRLT). This idea presents significant challenges, particularly in determining which properties are truly vacant. The lack of reliable data on property occupancy status and the administrative complexity of tracking changes in vacancy would make this a difficult and costly system to manage. Additionally, there is a risk of double taxation for landowners who are already subject to VRLT, which could cause confusion among property owners.

The potential administrative burden of tracking occupancy status, adjusting rates accordingly, and updating ratepayer information could require additional resources (3 FTE), which would outweigh the objectives and benefits of differential rating for Vacant Resident Land (developed but not occupied).

There are also broader administrative considerations. Modifying the rating system would require substantial changes to Council processes and rating database system, including updates to rate notices in compliance with the *Local Government Act 2020*, ensuring transparency and clarity for ratepayers.

10.3 (cont)

DISCUSSION, OPTIONS AND ANALYSIS**Background**

Rates are property taxes that allows Councils to raise revenue to fund essential public services to cater to their municipal population. Importantly, it is a taxation system that includes flexibility for councils to utilise different tools in its rating structure to accommodate issues of equity and to ensure fairness in rating for all ratepayers. Striking a proper balance between the distribution of the rate burden across residents is a challenge for Councils.

The *Local Government Act 1989* allows a Council to declare general rates in respect to all rateable land by 30 June for the following year and disclosures are included in Council's Annual Budget. A Council may declare general rates by the application of a uniform rate across ratepayer categories, or by differential rates. Council may raise general rates by the application of a differential rate, if it uses the capital improved value (CIV) to assess and levy rates and if it considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.

In 2019, the Victorian State Government conducted a Local Government Rating System Review. The Rating System Review provided guidance to Councils when developing a rating strategy, recommending they consider key taxation principles of Wealth Tax, Equity, Efficiency, Simplicity, Benefit, Capacity to Pay, and Diversity. These principles are explained and incorporated in Council's current Revenue and Rating Plan 2023-2027.

Revenue and Rating Plan

Whitehorse City Council's Revenue and Rating Plan 2023-2027, adopted in June 2023, outlines the revenue-raising framework the Council will follow for the next four years. The plan includes decisions made by Council regarding rating options to ensure the fair and equitable distribution of rates among ratepayers. The current plan maintains a uniform rating approach, applying a uniform rate in the dollar across all rateable properties using capital improved value. This system treats all ratepayer groups equally.

The legislation specifies several major objectives for the rating system:

- the equitable imposition of rates and charges
- a reasonable degree of stability in the level of the rates effort
- contribute to the equitable and efficient carrying out of its functions
- apply principles of financial management, simplicity and transparency

The two objectives which the rating system must have the greatest regard to are the achievement of equity and efficiency.

The *Local Government Act 2020* requires councils to adopt a Revenue and Rating Plan by the next 30 June after a general election, with the plan covering at least the next four financial years. Whitehorse City Council adopted its first Revenue and Rating Plan under the Act in June 2021, and it was subsequently revised in 2023 to include the separation of the waste service charge. The Plan is currently under review to ensure it remains

10.3 (cont)

aligned with the council's objectives and legislative requirements.

Rate cap environment

It is important to note the current legislative rate cap system limits the amount of revenue a council can collect through general rates each year, capping it to a percentage increase from the previous year. This applies to overall revenue, not to individual properties. As a result, changes in property valuations or alterations to Council's rating structure (such as adopting uniform or differential rating) may result in an individual experiencing either a higher or lower percentage increase than what was set by the rate cap.

Differential Rating

Differential rating allows particular classes of properties to be assessed at different levels from the general rate set for the municipality. Differential rating allows Council to shift part of the rate burden from some groups of ratepayers to others, through different "rates in the dollar" for each class of property. Under the *Local Government Act 1989*, Council is entitled to apply differential rates provided it uses Capital Improved Valuations as its base for rating. Section 161 outlines the regulations relating to differential rates. This section is outlined below:

- a) A Council may raise any general rates by the application of a differential rate, if Council considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- b) If a Council declares a differential rate for any land, the Council must:
 - Specify the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Councils functions and must include the following:
 - A definition of the types of classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate.
 - An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Councils district)
 - Specify the characteristics of the land, which are the criteria for declaring the differential rate.

The maximum differential allowed is no more than four (4) times the lowest differential. Councils strike the rates through the Annual Budget process and set the differential rates for set classes of properties at higher or lower amounts than the general rate.

Ministerial Guidelines for Differential Rating (Guidelines) are in place to guide Councils in the application of differential rates under S.161 of the *Local Government Act 1989*. Councils must have regard to these guidelines before declaring a differential rate for any land.

10.3 (cont)

The guidelines also require the specified objectives of differential rates to align to the strategic objectives set out in the Council Plan. The guidelines outline types and classes of land categories considered appropriate for differential rates include:

- General land
- Residential land
- Farmland
- Commercial land
- Industrial land
- Vacant land
- Retirement Village land
- Derelict land
- Cultural and recreational land

The guidelines do not prevent the introduction of new differential rates but do require documentation of the Council's discussion in relation to the objective, suitability, simplicity, and effectiveness of the new differential rate.

Retirement Villages

Under the Ministerial Guidelines for differential rating, Council is required to give consideration to a differential rate for retirement villages. Approximately 6 out of the 79 Victorian Councils are providing a discount ranging from 5 per cent to 25 per cent to Retirement Villages.

Whitehorse City Council has 1,962 retirement village properties (including serviced apartment villages) which constitute 2.45 per cent of the total assessments and contribute 1.07 per cent of the total rates raised in 2024/25.

People living in retirement villages within Whitehorse City Council (and across the State) have sometimes campaigned for a reduction of the rates levied against retirement village properties. They argue that their rates should be reduced as they maintain the road and drainage network within the village and are also responsible for their own street lighting. The counter argument is that retirement villages have access to the infrastructure provided by the Council up to the village boundary, like all other properties. Their situation is similar to other 'common properties' such as apartment and unit complexes.

In addition, villages have common property including gardens, roads, footpaths, office and leisure areas. Despite these surrounding amenities being privately owned and used to generate income, they are in most cases not rated. The majority of residents within retirement villages in the municipality use Council's waste service.

Properties within a retirement village generally have lower values and this is already reflected in the lower amount of rates paid. In addition, of the 1962

10.3 (cont)

retirement village properties in Whitehorse, 675 also claim the Government pensioner rebate on rates.

In considering the taxation principles, Council rates are not based on the benefit taxation principle and are not a fee for service. Rates are instead a taxation based on the valuation of the assessment. Residents may make a strong case that they do not use an equivalent amount of Council services compared to the Council rates they pay, however, other rate payers including elderly ratepayers and those living in in their own home and apartment complexes could also argue this point in relation to their rates not reflecting their limited use of Council services.

Offering lower differential rating to Retirement Villages would also require distributing the financial burden across other rate categories such as residential, industrial and commercial properties (uniform rate). While the impact may be minimal, it could result in a greater burden and potentially disadvantage those elderly residents not able to, or not wishing to, move into a retirement village.

Council's current Revenue and Rating Plan applies a uniform rate across all rateable properties based on capital improved value and ensures equal treatment for all ratepayers. Introducing a differential rate for retirement villages would create challenges to the existing rating approach potentially affecting fairness and requiring careful consideration of its broader financial and equity implications. Therefore, maintaining a uniform rating approach remains the most balanced and equitable solution.

Vacant Residential Land (developed but not occupied)

The introduction of differential rates on Vacant Residential land (developed but not occupied) is considered in the context of the Victorian Government's Vacant Residential Land Tax (VRLT). The VRLT, effective from 1 January 2018, aims to address housing supply shortages in Victoria. It applies to properties that are developed but unoccupied, with the property owner liable for the tax. The tax is assessed on a calendar year basis, from 1 January to 31 December.

The following outlines the background of VRLT and explores the feasibility of implementing differential rates on vacant residential land to further incentivise property use and support housing availability.

The VRLT may apply to the following situations:

- Residential land with an existing home that has been vacant for more than 6 months in the previous calendar year.
- Residential land with a home under construction or renovation for two or more years.
- Residential land with a home that has been uninhabitable for two or more years.

10.3 (cont)

The VRLT is assessed based on the previous year's property status. For example, VRLT in 2025 is based on a property's vacancy in 2024.

Previously, VRLT applied only to vacant residential land in inner and middle Melbourne. From 1 January 2025, it now applies statewide to any vacant residential land in the preceding calendar year. For example, land vacant in 2024 will incur VRLT in 2025. Additionally, a progressive VRLT rate will be implemented for non-exempt vacant residential land across all of Victoria.

VRLT differs from other taxes such as the absentee owner surcharge, the federal annual vacancy fee, and land tax. Notably, land exempt from land tax is also exempt from VRLT, such as a primary residence.

While the concept of introducing differential rates on vacant residential land (developed but not occupied) is explored, several challenges arise in its implementation:

1. **Determining Vacancy**

It is difficult to determine if a property is vacant, as absentee ownership does not clarify whether the property is rented, occupied, or left unoccupied.

There is the lack of clear indicators to determine vacancy status. Knowing that the owner is absent doesn't provide enough evidence to determine if the property is empty/not occupied or if it's being rented out. Unfortunately, Local Government does not have access to the same databases as the State Revenue Office and would need to maintain their own records. Without more definitive data (such as regular inspections or tenant declarations), applying a differential rate to vacant properties would be based on assumptions, which could lead to inaccuracies and impact on Council's rate base and income.

2. **Data Access**

Acquiring relevant occupancy data from real estate agents managing rental properties or other sources would be nearly impossible including the lack of consistent reporting mechanisms.

Real estate agents may not always have up-to-date or detailed information regarding the occupancy status of properties, and legal constraints around tenant privacy could make it difficult to request or collect such information. Even if information were available, agents may not be able to confirm whether a property is genuinely vacant or if there are extenuating circumstances, such as temporary vacancies, that would make it unfair to apply the differential rate.

3. **Administrative Complexity of Tracking Vacancy Status**

Investment properties frequently become vacant and then rented again. The administration (if information could be obtained) of applying a higher differential and then lower it again once rented would be complex and potentially outweigh any financial returns.

Investment properties often experience periods of vacancy, followed by periods of tenancy. In a system where properties are taxed at a higher differential rate when vacant, it would be cumbersome to

10.3 (cont)

constantly track when a property is vacant and when it becomes occupied again. The administrative complexity involved in recalculating and adjusting rates each time the occupancy status changes would likely outweigh the potential benefits including financial. It is estimated additional 3 FTE would be required to manage this process if data was available.

Rate Cap Environment – Vacant Residential Land (Developed but Not Occupied)

Council is subject to the rate cap, meaning any additional revenue generated by a differential rate would need to be offset by reducing rates for other property categories. Furthermore, fluctuating occupancy status would complicate the administration of rates throughout the year. Council cannot, therefore, have properties moving in and out of a differential during a year other than properties where supplementary rates are applying (e.g. vacant land is built upon) without impacting revenue.

Such fluctuations could negatively affect revenue stability. The financial management principles outlined in section 101 of *Local Government Act 2020* highlight the need for stability and predictability in revenue. Implementing a differential rate (if possible) of this nature would introduce an unstable and unpredictable revenue stream.

Potential Conflicts With VRLT

Imposing a higher Council differential rate alongside the VRLT could result in double taxation for landowners with developed but unoccupied properties. This could lead to confusion for landowners, complicating efforts to encourage the use of vacant land that is built upon.

In summary the challenges highlight that implementing a differential rate on Vacant Residential Land (developed but not occupied) would involve significant difficulties in data collection, enforcement, and ongoing administration. The inability to accurately track property occupancy status and the high administrative workload and cost of managing such a system makes this unfeasible.

Other Considerations

In addition to the challenges above for Retirement Villages and Vacant Residential Land (developed but not occupied), implementing a differential rating system would also necessitate modifications to Council's rating system to accommodate additional property categories and calculations. Furthermore, rate notices would need to include specific details as required under the *Local Government Act 2020*.

In Victoria, the Local Government (General) Regulations 2015, originally made under the *Local Government Act 1989* and replaced by the *Local Government Act 2020* (effective 1 July 2020). These regulations set out various administrative processes and responsibilities for local councils in Victoria including rate setting and collection procedures, including rules for differential rates.

10.3 (cont)

Key amendments to the regulations, introduced as part of the *Local Government Act 2020*, specifically address the inclusion of additional information on rate notices when differential rates are applied. Under these regulations, if a council adopts a differential rating system, rate notices must include the following details:

- The rate amount based on the property's current differential category.
- The rate amount that would have applied if the property were classified under a different differential rate category.

This ensures ratepayers are fully informed about how differential rates affect their property and enables them to make more informed decisions if they wish to dispute their classification or rates.

Overarching Governance Principles and Supporting Report Details

<p>Strategic Alignment</p>	<p>Council Plan 2021-2025 and Community Vision 2040.</p> <p>The report supports Strategic Direction 1: An innovative Council that is well led and governed.</p> <p>Council's Revenue and Rating Plan 2023-2027, adopted in June 2023, outlines the current revenue-raising framework including rating options available. The Plan is currently under review to ensure it remains aligned with the council's objectives and legislative requirements.</p> <p>Council's Annual Budget document is supported by the Revenue and Rating Plan and declares the rates and charges for the respective year.</p>
<p>Financial and Resource Implications</p>	<p>Financial modelling was presented at a Councillor Briefing 16th February 2025 on differential rating for Retirement Villages. Depending on the discounted differential rate applied it would result in redistributing the rate burden to other property categories ranging in total of \$130k to \$325k. The modelling was based on the current 2024/25 Adopted Budget valuations and rate cap due to valuations not finalised by the Valuer General for the new rating year 2025/26.</p> <p>If a lower differential rate was applied to Retirement Villages there would be changes to council's rating database and rate notices. This application of differential rating can be accommodated within existing budgets.</p>

10.3 (cont)

<p>Legislative and Risk Implications</p>	<p><i>The Local Government Act 1989</i> allows a Council to declare general rates in respect to all rateable land by 30 June for the following year and disclosures are required in Council's Annual Budget. A Council may declare general rates by the application of a uniform rate across ratepayer categories, or by differential rates. Council may raise general rates by the application of a differential rate, if it uses the capital improved value (CIV) to assess and levy rates and if it considers that the differential rate will contribute to the equitable and efficient carrying out of its functions. Whitehorse uses the Capital Improved Valuations as its base for rating. Please refer to the section "Differential Rating" for details.</p> <p>Ministerial Guidelines for Differential Rating (Guidelines) are in place to guide Councils in the application of differential rates under S.161 of the <i>Local Government Act 1989</i>. Councils must have regard to these guidelines before declaring a differential rate for any land and are outlined in this report.</p> <p>The current legislative rate cap system limits the amount of amount of revenue a council can collect through general rates each year, capping it to a percentage increase from the previous year. This applies to overall revenue, not to individual properties. As a result, changes in property valuations or alterations to council's rating structure (such as adopting uniform or differential rating) may result in an individual experiencing either a higher or lower percentage increase than what was set by the rate cap.</p> <p><i>The Local Government Act 2020</i> requires councils to adopt a Revenue and Rating Plan by the next 30 June after a general election, with the plan covering at least the next four financial years. Any changes to Councils rating framework are required to be reflected in this Plan and require community engagement in line with Councils Community Engagement Policy.</p>
<p>Equity, Inclusion, and Human Rights Considerations</p>	<p>It is considered that the subject matter does not raise any human rights issues.</p>

10.3 (cont)

Community Engagement	<p>This report sought to investigate the feasibility of differential rates Retirement Villages and Vacant Residential Land (developed but not occupied). The feasibility did not undergo community consultation or engagement.</p> <p>Providing transparency to the community is an essential part of the budget setting process and by extension, the application of differential rates.</p> <p>Any changes to Council's rating structure would need to be incorporated in Councils Revenue and Rating Plan and Annual Budget. Community consultation is required in accordance with Council's Community Engagement Policy and would depend on the differential rating structure applied and impact to the community.</p>
Innovation and Continuous Improvement	<p>There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.</p>
Collaboration	<p>No collaboration was required for this report.</p>
Conflict of Interest	<p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>

10.4 Records of Informal Meetings of Councillors

Department Governance and Integrity
Coordinator Governance

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Allan

That Council receives and notes the Records of Informal Meetings of Councillors.

CARRIED UNANIMOUSLY

Pre Council Meeting Briefing – 24 March 2025 – 6.30pm – 6.55pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Council Agenda Items 24 March 2025 	Cr Andrew Davenport - Mayor Cr Prue Cutts - Deputy Mayor Cr Peter Allan Cr Blair Barker Cr Jarrod Gunn Cr Daniel Griffiths Cr Kirsten Langford Cr Jason Martin Cr Kieran Simpson Cr Ben Stennett Cr Hayley Weller	S McMillan S Cann J Green L Letic S White V Ferlaino C Robinson K Woods A Ghastine
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

10.4 (cont)

Councillor Briefing – 31 March 2025 – 6.30pm – 10.50pm			
Matter/s Discussed:	Councillors Present	Officers Present	
<ul style="list-style-type: none"> • Integrated Council Plan – Candidate Annual Actions for 2025/26 • Budget/Council Plan Timeline Update • Asset Plan • Aquatics Fees and Charges • Proposed Amendments to the road Management Plan • Strategic Property Program 	Cr Andrew Davenport - Mayor	S McMillan	
			S Cann
	Cr Prue Cutts - Deputy Mayor	J Green	
		L Letic	
	Cr Peter Allan	S White	
	Cr Blair Barker	A Ghastine	
	Cr Jarrod Gunn	V Ferlaino	
	Cr Daniel Griffiths	C Robinson	
	Cr Kirsten Langford (Online)	Z Quinn	
		Z Thorn	
	Cr Jason Martin (Online)	C Clarke	
	Cr Kieran Simpson	T Gledhill	
	Cr Hayley Weller	L Morris	
	M Constantinou		
	K Woods		
Others Present: N/A			
Disclosures of Conflict of Interest: Nil			
Councillor /Officer attendance following disclosure: N/A			

11 Councillor Delegate and Conference / Seminar Reports

11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance

Department Governance and Integrity

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Langford

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

CARRIED UNANIMOUSLY

- Cr Andrew Davenport attended:
 - Eastern Region Group (ERG) meeting on 11 April 2025 –
 - Professional development workshop on the role of the Mayor in internal dispute resolution ON 4 April 2025
- Cr Prue Cutts attended:
 - Eastern Region Group (ERG) meeting on 11 April 2025
 - MAV 'Internal Dispute Resolution' ½ day course with the Mayor 4 April 2025
- Cr Jarrod Gunn attended:
 - Metropolitan Transport Forum on 2 April 2025
 - Whitehorse Sport and Recreation Reference Group on 3 April 2025
- Cr Kieran Simpson attended:
 - Metropolitan Transport Forum on 2 April 2025
- Cr Hayley Weller attended:
 - Whitehorse Manningham Regional Library Board (WML) on 9 April 2025
- Cr Peter Allan attended:
 - Audit and Risk Committee on 2 April 2025
 - Whitehorse Sport and Rec Whitehorse Sport and Recreation Reference Group on 3 April 2025
- Cr Kirsten Langford attended:
 - Whitehorse Business Group on 8 April 2025
- Cr Daniel Griffiths attended:
 - Whitehorse Visual Arts Advisory Committee on 25 March 2025
 - Whitehorse Disability Advisory Committee on 2 April 2025

12 Confidential Reports

Nil

13 Close Meeting

The Council Meeting was closed at 8.36pm.

These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 12 May 2025.

Special Council Meeting will be held on 28 April 2024.