



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

MINUTES

Council Meeting

on

Monday 29 April 2024 at 7.00pm

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

Meeting opened at 7.02pm

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

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

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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

A leave of absence for tonight's meeting for Cr Carr was granted at the 25 March Council Meeting.

3 Disclosure of Conflicts of Interest

Nil

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 15 April 2024

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Stennett

That the minutes of the Council Meeting 15 April 2024 be confirmed.

CARRIED UNANIMOUSLY

5 Urgent Business

Nil

6 Public Presentations

- 6.1 T Hudson, Box Hill
Item 8.1 Street Parking, Bedford Street, Box Hill
- 6.2 V Mennilli, Box Hill Brickworks Parkland Association
Item 10.2 Proposed Land Transactions Box Hill
- 6.3 Y Bowyer, Surrey Hills and Mont Albert Progress
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Item 10.2 Proposed Land Transactions Box Hill
- 6.4 I Moser, Whitehorse Active Transport Action Group
Easy Ride Cycle Routes
- 6.5 D Morrison, Combined Residents of Whitehorse Action Group
Easy Ride Cycle Routes
- 6.6 T Sofos, Falun Dafa Box Hill Branch
Activation Pod and Human Rights Assessments

7 Public Question Time

Nil

8 Petitions and Joint Letters**8.1 Street Parking - Bedford Street, Box Hill****SUMMARY**

1. A petition requesting that Council confine parking to one side of Bedford Street, Box Hill has been received and signed by 113 signatories in support.
2. The petition request is as follows:
*“This is a petition to request that parking in Bedford Street, Box Hill be **confined to one side of the street only**. Redevelopment of properties in recent years has led to significant growth in on-street parking, which has changed the traffic flow to single lane only. There is very little opportunity for passing.”*

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That the petition be received and referred to the Director City Development for appropriate action and response.

CARRIED UNANIMOUSLY

9 Notices of Motion

9.1 Notice of Motion - Cr Barker - Vacant Properties and Housing Supply

MOTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. Council seeks a report in relation to Vacant properties and housing supply that considers:
 - a) Identification of long-term vacant properties
 - b) Cost implications on land banking and application of increased rates to long term vacant properties
 - c) Utilisation of data including data sharing and matching
2. If the above is deemed not possible, the identification of policy changes that might inform advocacy to the state and federal government and other local government bodies.
3. The report includes any other relevant considerations.

The Mayor put the motion in parts as follows:

Part 1

That Council:

1. Council seeks a report in relation to Vacant properties and housing supply that considers:
 - a) Identification of long-term vacant properties
 - b) Cost implications on land banking and application of increased rates to long term vacant properties
 - c) Utilisation of data including data sharing and matching

For: *Cr Barker, Cr Cutts, Cr Davenport, Cr McNeill, Cr Stennett (5)*

Against: *Cr Lane, Cr Liu, Cr Massoud, Cr Munroe, Cr Skilbeck (5)*

The vote was EQUAL

The Mayor as chair exercised the casting vote and declared the motion LOST

Part 2

That Council:

2. If the above is deemed not possible, the identification of policy changes that might inform advocacy to the state and federal government and other local government bodies.
3. The report includes any other relevant considerations.

LOST UNANIMOUSLY

At the conclusion of voting in parts the motion was LOST.

9.2 Notice of Motion - Cr Barker - Water Safety**COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

1. Notes that there is increasing evidence that people from migrant communities are at an elevated risk of drowning.
2. Calls on a report from officers detailing how Council might lead water safety initiatives to help save lives, giving consideration to:
 - a) The use of off-peak hours at our pools for adult migrant swimming and water safety lessons
 - b) Working in partnership with other not for profit organisations, private providers, swim clubs and volunteers to directly provide cost effective and attractive education/training, and
 - c) Ways Council could promote water safety within migrant communities.

CARRIED UNANIMOUSLY

10 Council Reports

10.1 Notice of Intention to Declare a Special Charge - Burwood Heights Shopping Centre

Department Engineering and Investment
Manager Engineering and Investment

Attachment

SUMMARY

In February 2024, Council received a request from the Burwood Heights Business Association (the Association) (Attachment 1), to renew the current Special Charge Scheme (the Scheme) for the Burwood Heights Shopping Centre (which expires on the 31 August 2024) for a further five years. Following initial consultation, a threshold of 75% 'in principle' support from affected property and business owners/tenants was reached indicating that there is a sufficient level of support shown for Council to commence the statutory process to renew the existing Scheme.

This report seeks that Council notes the adopted Burwood Heights Shopping Centre Business Plan (Attachment 2), gives public notice of its intention to declare a Special Charge for the Burwood Heights Shopping Centre (the Centre) and commences the necessary statutory process.

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Lane

That Council:

1. Notes the Burwood Heights Shopping Centre Business Plan 2024-2029 as adopted by the Burwood Heights Business Association.
2. Notes and approves the \$52,285.55 per annum (adjusted annually in line with CPI) combined budget for the proposed Burwood Heights Shopping Centre Special Charge Scheme.
3. Commences the statutory process for the renewal of the proposed Burwood Heights Shopping Centre Special Charge Scheme for the defined properties in the Burwood Heights Shopping Centre under the *Local Government Acts 1989 and 2020*.
4. Notes the proposed Burwood Heights Shopping Centre Special Charge Scheme will raise \$52,285.55 per annum (adjusted annually in line with CPI) for a period of five years from 1 September 2024 to 31 August 2029 for the purposes of marketing and promotion of the Burwood Heights Shopping Centre, otherwise in accordance with the Proposed Declaration of Special Charge.
5. Directs that a public notice of Council's intention to declare the Proposed Special Charge at its ordinary meeting to be held on 22 July 2024 be published in the 'The Age' newspaper in accordance with the

10.1(cont)

Proposed Declaration of Special Charge and on Council's internet website.

6. Directs that written notification, with a copy of the as-published public notice, be sent to both the rated owners and the occupiers of the properties referred to in the 'Annexure 1 of rateable properties' included in and forming part of the Proposed Declaration of Special Charge, advising of Council's intention to declare and levy the Proposed Special Charge, the amount for which an owner or an occupier will be liable or required to pay, the basis of the calculation of the Proposed Special Charge and, that written submissions and/or objections in relation to the Proposed Special Charge will be accepted and considered/taken into account by Council in accordance with the *Local Government Act 1989*.
7. Advises the Association of the matters specified in paragraphs 1 to 4 of this recommendation.
8. Authorises the Director City Development to carry out all and any other administrative procedures necessary to enable (if required) a Council Committee to meet and hear any persons wishing to make a submission and/or an objection, and for the Council to otherwise carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the *Local Government Act 1989*.
9. Inform the Association that:
 - a) If the Proposed Special Charge is declared at the Council ordinary meeting to be held on 22 July 2024, Council will prepare Council's standard Special Rates and Charges Funding Agreement between Council and the Burwood Heights Business Association (in connection with the administrative operations of the Proposed Special Charge) and that the Burwood Heights Business Association will be required to enter into the Agreement as a precondition to the payment by Council to the Burwood Heights Business Association of any funds from the Proposed Special Charge.
 - b) Directs that the Agreement specified in paragraph 9 of this recommendation be approved and executed by and under delegated authority from Council before any funds from the Proposed Special Charge by delegated authority before funds are paid to the Burwood Heights Business Association.

CARRIED UNANIMOUSLY

KEY MATTERSHistory

The Burwood Heights Business Association has been established since 1993 with a Special Rates and Charges Scheme for the Burwood Heights Shopping Centre having been in place since 2002 (respectively Scheme, Centre, Precinct).

10.1(cont)

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

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

Challenges

The buildings within the Burwood Heights Shopping Centre were built in or during the 1970s.

Multiple owners' corporations are responsible for much of the maintenance of the aging infrastructure within the Precinct. This poses challenges to the commitment of the owner group and the appearance of the Precinct.

Benefits

The Special Charge Scheme, historically and as now proposed, is evidence of Council's commitment to good governance and the encouragement of commerce and retail activity in the municipality.

The Scheme is considered to provide special benefits to the properties and businesses in the Centre. It provides essential marketing and promotional funding, enabling the Centre to employ a marketing coordinator to generate and manage the collective marketing for the Precinct. Without this financial support, the ageing Centre would struggle to maintain its competitiveness.

Key Timelines

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

- Notice of Intention to Declare Council Report – 29 April 2024
- Public Notice of Proposed Declaration of Special Charge in newspaper – 2 May 2024
- Notice of Intention to Declare letter mailed to all property owners and business operators with a copy of the as-published Proposed Declaration of Special Charge Public Notice – 2 May 2024
- Submissions and Objections due – 5 June 2024
- Council formally considers Submissions and/or Objections received – 24 June 2024 Ordinary Meeting of Council (subject to any Committee hearing requirements), and
- Council makes a final decision on the proposed Scheme at Ordinary Meeting of Council – 22 July 2024.

STRATEGIC ALIGNMENT

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

Council Plan 2021-2025

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

10.1(cont)**Whitehorse Investment and Economic Development Strategy 2024-2028 (draft)****Theme 2: Supporting Activity Centres and Employment Precincts 2.3 Special Rate and Charge Schemes**

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

BACKGROUND

The Burwood Heights Shopping Centre is in a prominent position on the south side of Burwood Highway, on the corner of Middleborough Road and Burwood Highway and is approximately 18 kilometres south-east of the Melbourne CBD. Currently comprising 37 Chargeable properties (including a telecommunication tower), the Scheme was first adopted in 2002.

Discussion and Options**Business Plan**

A Business Plan for the Burwood Heights Shopping Centre (Attachment 2) has been developed and prepared by Patrick Moriarty of Strategic Australia. Jointly funded by Council and the Association, this document was prepared in consultation with key stakeholders, including businesses and property owners, the Centre Coordinator and staff from Council's Investment and Economic Development Unit.

The Business Plan includes an action plan and provides the vision and framework for the Centre's strategic, financial, and marketing direction for the life of the proposed renewal. The Association formally adopted the revised Business Plan on 22 February 2024.

The Proposed Special Charge

The proposed budget developed for the Scheme is seeking to raise approximately \$52,285.55 per year for marketing, promotion, and business development purposes. This amount is to be adjusted annually in line with movements in the Consumer Price Index (CPI).

The proposed Scheme can be summarised as follows –

- It will effectively operate as a 'renewal' of the existing scheme, for a five-year period, from 1 September 2024 to 31 August 2029.
- It is expected to raise a combined amount of approximately \$52,285.55 per annum (adjusted annually in line with CPI).
- All properties to be included in the Scheme are considered to receive the same 'primary' level of special benefit and the special benefits are considered to accrue only to the properties in the Centre; and

10.1(cont)

The Proposed Special Charge is to be calculated as follows.

- For each year of the scheme, the Special Charge will be calculated by reference to an amount that reflects the amount payable by each property in the immediate previous year, adjusted in accordance with movements in the CPI.
- More specifically, the amount applicable to each Chargeable property to be included in the Scheme is set out in the Proposed Declaration of the Special Charge forming a part of this report (Attachment 3).
- In calculating a Special Rate or Charge Scheme, the Local Government Act 1989 requires Council to ensure that it considers any wider special benefits or community benefits. These are defined as tangible and direct benefits to properties outside the Scheme area, or to people in the broader community, and are not confined to the Scheme contributors.
- It is considered that no such wider special benefits or community benefits exist in this Scheme because, in the relevant sense, the proceeds of the Proposed Special Charge will be used exclusively for the benefit of the owners and occupiers of the properties included in the Scheme, by way of appointing a part-time Centre Coordinator and authorising expenditure for promotional, marketing and business development related activities. The Proposed Declarations of the Special Charge will reflect this position.

CONSULTATION

In May 2023, business and property owners were advised of the Association's request for the Scheme renewal and were invited to attend one of two information sessions facilitated by Strategic Australia. These sessions were aimed to provide an opportunity for stakeholders to understand the benefits of the Scheme, the statutory process for renewal and rights and obligations moving forward.

Council surveyed all affected property and business owners to determine the level of 'in principle' support to renew the Special Charge. A total number of 50 responses were received, of which 19 were from the property owners and 31 from the business owners. As a result, a threshold of 75% 'in principle' support was reached indicating that (in view of Council's Investment and Economic Development Unit) there is a sufficient level of support shown for Council to consider renewal of the existing Scheme.

The responses are displayed in the table below. A Visioning Workshop was held on the 5 September 2023 to develop a vision and framework for the Centre's strategic plan and marketing direction.

'In Principle' Survey Responses		
Responses	YES	NO
Property Owners	12	7
Business Owners	28	3
Total	40	10

10.1(cont)**SUPPORTING REPORT DETAILS****Legislative and Risk Implications**

As detailed in this report, Council is being invited to commence the statutory process to renew the Scheme in accordance with the *Local Government Acts 1989 and 2020*.

The legislation enables Councils to declare and levy Special Rates and/or Charges to help pay for services or activities that will be of special benefit to a particular group of businesses and/or property owners within a defined area. A 'special benefit' is a benefit that is additional to, or greater than, the benefit generally available to the other people outside the scheme area. It is considered by Council's Investment and Economic Development Unit that the Burwood Heights Shopping Centre will receive a special benefit from the renewal of the Special Charge Scheme. This is set out in the Proposed Declaration of Special Charge.

Equity, Inclusion, and Human Rights Considerations

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

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

Community Engagement

Information sessions were run for both property owners and business operators/tenants for them to understand the benefits of the Scheme, the statutory process for renewal, the rights and obligations moving forward and for stakeholders to find out and learn more about the benefits of Special Rates and Charges. All listed property owners and business operators/tenants within the Precinct were invited to the online and in-person information sessions. In addition, a direct mail out of letters to gauge 'in principle' support for renewal was sent in June 2023. A consultation session followed to allow all stakeholders the opportunity to provide input into the Visioning workshop for the Business plan.

Financial and Resource Implications

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

Item	Estimated Budget	Expenditure to Date
Expenditure		
Facilitation - Information Sessions	\$3,300	\$3,300
Preparation of Business Plan	\$8,800	\$8,800
Postage	\$250	\$72
The Age Advertising –Declaration Notice	\$6,528	
Legal Fees	\$13,000	
Total Estimated Budget	\$31,878	
Sub Total Expenditure to date		\$12,172

10.1(cont)**Innovation and Continuous Improvement**

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

Collaboration

No collaboration was required for this report.

Conflict of Interest

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

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

Conclusion

The report (otherwise supported by Council's Investment and Economic Development Unit and the request from the Burwood Heights Business Association) invites Council to renew the Special Charge Scheme for the Burwood Heights Shopping Centre for a further 5 years from 1 September 2024 - 31 August 2029. The proposed renewal represents a significant decision for the property and business owners located in the Burwood Heights Shopping Centre. With a 75% 'in principle' support threshold achieved; it is considered that there is adequate backing for the Scheme's continuation.




The adoption of the Burwood Heights Shopping Centre Business Plan 2024-2029 reflects a unified vision for the growth of the Precinct.

The proposed budget of \$52,285.55 per annum, adjusted in line with CPI is considered as being fundamental for driving marketing and promotion for businesses in the Precinct which is crucial for local economic sustainability.

The endorsement of these recommendations will uphold Council's commitment and proactive support for local businesses.

Please see attached Proposed Declaration (Attachment 3).

ATTACHMENTS

- 1 Burwood Heights Business Association Letter to Council requesting Scheme renewal 
- 2 Burwood Heights Strategic Plan 2024-2029 
- 3 Burwood Heights Special Charge Renewal 2024-2029 - Proposed Declaration 

10.2 Proposed Land Transactions Box Hill

Department Property and Leasing
Director City Development

Attachment

SUMMARY

At the meeting held on 12 February 2024 Council resolved to authorise Council's Manager Property and Leasing to commence the statutory processes required under Sections 112 and 114 of the *Local Government Act 2020* and upon completion of the statutory processes prepare a report for Council's consideration in respect of the proposed land transactions.

The purpose of this report is to advise Council on the statutory processes completed in accordance with Section 112 and Section 114 of the *Local Government Act 2020*.

All required statutory obligations have been correctly complied with.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

1. Having complied with Council's statutory obligations under Sections 112 and 114 of the Local Government Act 2020 and having regard to the outcome of Council's community engagement with respect to the proposal; resolves not to proceed with the Suburban Rail Loop Authority's proposal that Council transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill in exchange for ownership of 528 Station Street, Box Hill.
2. Supports, in principle, the conversion of the existing off-street carpark at 20-24 Ellingworth Parade, Box Hill to new public open space and authorises Council's Senior Advisor Major Recreation and Open Space to write to nearby residents informing them of the proposed conversion to public open space; and advise that the Suburban Rail Loop Authority will fund the design and delivery of the associated capital works.
3. Supports open space enhancements within Box Hill Gardens, with the Suburban Rail Loop Authority to fund and deliver the design and delivery of the associated capital works.
4. Authorises Council's Chief Executive Officer to write to the Suburban Rail Loop Authority's Chief Executive Officer advising of Council's decision.
5. Authorises the Director City Development and/or Manager Property and Leasing to engage further with the Suburban Rail Loop Authority.

10.2 (cont)

6. Authorises the Manager Property and Leasing to undertake the statutory processes under Sections 112 and 114 of the Local Government Act 2020 in respect of any new proposal.

CARRIED UNANIMOUSLY

KEY MATTERS

At its meeting held on 11 December 2023, to facilitate the provision of one hectare of replacement open space in Box Hill, Council resolved to support undertaking community engagement regarding the land transactions proposed by the Suburban Rail Loop Authority (SRLA).

Forming part of the SRLA proposal was that Council transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill to the SRLA in exchange for 528 Station Street, Box Hill.

On 12 February 2024 Council resolved to authorise Council's Manager Property & Leasing to commence the statutory processes required under Sections 112 and 114 of the *Local Government Act 2020* (LGA 2020) and upon completion of the statutory processes prepare a report for Council's consideration in respect of the proposed land transactions.

The statutory processes required under Sections 112 and 114 of the LGA 2020 include community engagement in accordance with Council's Community Engagement Policy.

Additional statutory processes required under Sections 112 and 114 of the LGA 2020 are: the publication of a public notice, and independent property valuations.

Council has completed the statutory processes in accordance with Sections 112 & 114 of the LGA 2020 and Council Officers can confirm that these statutory processes were correctly complied with.

This report is for Council's consideration in respect of the proposed land transactions.

STRATEGIC ALIGNMENTStrategic Direction 4:

"A built environment that encourages movement with high quality public places.

Objective: Council will plan, build, renew and maintain community assets and public spaces to meet community needs. We will plan for and facilitate appropriate land use and high-quality development outcomes."

Strategic Direction 6:

"An empowered collaborative community.

Objective: Council will engage with the community and provide opportunities to be included in decision-making processes."

10.2 (cont)

Policy

Components of the statutory processes required under Sections 112 & 114 of the LGA 2020 were completed in accordance with Council's Community Engagement Policy.

BACKGROUND

From 2026 the SRLA will be occupying up to one quarter of Box Hill Gardens to support the construction of the Suburban Rail Loop (SRL) Box Hill Station.

The SRL Public Open Space Framework requires SRLA to provide at least one hectare (10,000m²) of new public open space within 1.6 kilometres of the SRL Box Hill Station for the duration of the occupation of Box Hill Gardens (until approximately 2035).

This new public open space needs to be delivered prior to the commencement of SRLA construction activities within Box Hill Gardens.

To address the SRL Public Open Space Framework, SRLA formally wrote to Council with a proposal to create new public open space in central Box Hill.

The SRLA proposal is that Council transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill to the SRLA in exchange for 528 Station Street, Box Hill.

The SRLA also proposes to deliver further open space outcomes in central Box Hill, including SRLA funding and constructing a new public open space at 20-24 Ellingworth Parade, Box Hill and SRLA funding and constructing enhancements within Box Hill Gardens. These open space outcomes were discussed at the confidential 11 December Council meeting.

At its meeting held on 11 December 2023, Council resolved to support undertaking community engagement regarding the land transactions proposed by the SRLA.

On 12 February 2024 Council resolved to authorise the Manager Property & Leasing to commence the statutory processes required under Sections 112 & 114 of the LGA 2020: Section 114 states the following:

"Restriction on power to sell or exchange land:

- (1) Except where section 116 applies, if a Council sells or exchanges any land it must comply with this section.*
- (2) Before selling or exchanging the land, the Council must—*
 - (a) At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—*
 - (i) On the Council's Internet site; and*
 - (ii) in any other manner prescribed by the regulations for the purposes of this subsection; and*
 - (b) Undertake a community engagement process in accordance with its community engagement policy; and*

10.2 (cont)

Obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.”

To comply with Section 114(2)(b) of the LGA 2020, Council Via “Your Say Whitehorse” platform conducted a survey that opened on Monday 26 February 2024 and closed on Wednesday 27 March 2024.

As part of the survey process Council conducted a “drop-in” session at the Box Hill Town Hall, held on the evening of Wednesday 13 March 2024.

To ensure that nearby owners and occupiers in Box Hill were given every opportunity to participate in the community engagement process, approximately 5,800 letters were sent to those nearby owners and occupiers advising them of the survey and the “drop-in” session.

To ensure that Council complied with Section 114(2)(a)(i) & (ii) of the LGA 2020, Council published a public notice on its internet site for the prescribed four weeks and published the public notice in the Saturday 2 March 2024 edition of The Age.

In addition to completing the community engagement survey and publishing the required public notice, Council’s Property & Leasing Department obtained updated valuations from a Valuer who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960*. These updated valuations are contained within Confidential Attachment #1.

Council has completed the statutory processes required under Sections 112 & 114 of the LGA 2020 and all required statutory obligations have been correctly complied with.

Discussion and Options

The “drop-in” session held at Box Hill Town Hall attended by five Councilors and between 50 to 60 residents; the session also included an interpreter who translated into Mandarin to ensure that all attendees could fully participate in the session.

The proposal to convert 10-12 Watts Street and 11 Court Street generated the most conversation at the “drop-in” session with residents voicing the following concerns:

- The uncertainty regarding the future use beyond the seven to eight years of public open space proposed by the SRLA.
- Laneway access to the rear of Watts and Court Street properties, particularly those properties that rely on the laneway for vehicle access.
- Loss of public car parking and the adverse impact that loss would have on street parking in Court Street, especially the ‘Resident Only’ street parking.
- Why the childcare centre had not reopened.

There was also concern at the “drop-in” session that there was no adopted Council strategy regarding the future use of 528 Station Street, if transferred to Council as proposed by the SRLA.

10.2 (cont)

The primary issue concerning those residents that attended the “drop-in” session was the uncertainty regarding the future use of 10-12 Watts Street and 11 Court Street once the Box Hill Gardens are returned to Council.

In short, most attendees at the “drop-in” session want the SRLA to retain 10-12 Watts Street and 11 Court Street as public open space in perpetuity rather than for a limited time as proposed by the SRLA.

As part of Council community engagement activities regarding the Box Hill Proposed Land Transactions the community were asked three key questions.

1. What do you think of the proposed land transactions in Box Hill? The proposal is for the: sale of 10-12 Watts Street and 11 Court Street, Box Hill to SRLA and the purchase of 528 Station Street, Box Hill from SRLA
NB. When considering this statement, submitters could respond to the following statements: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
2. Why do you feel that way?
NB. When considering this statement, submitters had the opportunity to enter free text.
3. Do you have any further ideas or feedback about this proposal?
NB. When considering this statement, submitters had the opportunity to enter free text.

A summary of submitters responses to question one can be found in Table #2.

Concern Summary

1. **Temporary Nature of Open Space:** Many residents expressed concerns about the temporary nature of the proposed open space at Watts and Court Streets. They question the unknown long-term plans for these areas after the completion of the SRLA project and fear that they might be converted into high-density developments, that they consider may impact the quality of life and amenity in the neighbourhood.
2. **Transparency of Costs and Future Development:** Some residents expressed scepticism about the transparency of project costs and future development plans. They seek more clarity on the use of any Council funds and seek further information regarding whether the project aligns with long-term community interests.
3. **Impact on Parking Availability and Safety:** Concerns were raised about the potential impact on parking availability and safety, especially if the nearby parking complex is affected. Residents fear increased congestion and inconvenience.
4. **Mixed Opinions on Benefits and Drawbacks:** There are mixed opinions regarding the potential benefits and drawbacks of the proposal. While some residents see potential advantages, others stress the need for more comprehensive planning and community input.
5. **Long-Term Plans for Purchased Land:** Residents are apprehensive about the long-term plans for the purchased land. They seek assurance

10.2 (cont)

that it will be utilised effectively for the community's benefit beyond the temporary open space proposal.

Support Summary

1. There was a general theme of support towards the idea of creating additional permanent open space within the precinct to address the need for more green spaces.
2. Some submitters suggest that the proposal will ultimately benefit the area in the long term by providing much-needed green space and improving land use efficiency.
3. There is agreement that increasing public spaces is beneficial for the community's well-being.
4. Some see the proposal as a practical solution to the need for more green spaces and efficient land use.
5. Residents expressed support for the idea of increasing open space in Box Hill and improving canopy cover to enhance the area's liveability.

Neutral Summary

Neutral comments express uncertainty or lack of strong opinion on the proposed land transactions and developments in Box Hill. They question the temporary nature of the open space, express concerns about future plans for the land, and seek clarity on costs and community benefits.

Additionally, some neutral comments mentioned the need for more information before forming an opinion.

Demonstrated demand for more public open space

Council understands that Box Hill is and will continue to be the focus of substantial development, growth and investment and that these factors will drive population growth. It is critically important that the existing and future population have access to a diverse network of high quality and accessible public open space.

In Whitehorse, there are 3.5 hectares of public open space per 1,000 people. The median figure for open space for the Greater Metropolitan Melbourne Area is almost twice this amount: 6.6 hectares per 1,000 people.

Specific to the SRL Box Hill precinct area officers understand the following. There is 554,264m² of unrestricted public open space in the SRL Box Hill precinct (within 1.6 kilometres radius of the SRL Box Hill Station). With SRLA's projected population for this area of 77,500 people, there is an estimated 7.15m² of open space per person. Using SRLA's existing population data for the same geographic area, the current area per person of open space is 19.11m².

This is represented in the Table #1 below:

10.2 (cont)

Table#1: Ratio of Public Open Space

Area of unrestricted open space within the SRL Box Hill precinct	554,264m ²
Current population within SRL Box Hill Precinct*	29,000
Open space per person	19.11m²
Projected population within SRL Box Hill Precinct by 2056*	77,500
Open space per person (sqm)	7.15m²

* Source SRL Business and Investment Case, Table 6-1.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

As mentioned above Council has completed the statutory processes required under Sections 112 & 114 of the LGA 2020 and all required statutory obligations have been correctly complied with.

Consequently, there are no risk implications associated with this report.

Equity, Inclusion, and Human Rights Considerations

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

By undertaking the community engagement in accordance with Council's Community Engagement Policy, Council recognised every individual's right to express their opinion regarding the proposed land transactions between Council and the SRLA.

Community Engagement

Council's Community Engagement Policy has different participatory engagement for proposed sale transactions and proposed purchase transactions; for consistency Council undertook participatory engagement (Consult) for both the proposed sale and proposed purchase transactions.

Council relies on the International Association for Public Participation (IAP2) Public Participation Spectrum to define its levels of engagement and the amount of influence participants can expect to have in the process.

Under the IAP2 Public Participation Spectrum the following applies to participatory engagement (Consult):

Consult Goal: *"To obtain feedback on analysis, alternatives and/or decisions."*

Promise to target participants: *"We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision."*

Role of target participants: *"Contribute"*.

Council's Property & Leasing Department completed the following engagement methods:

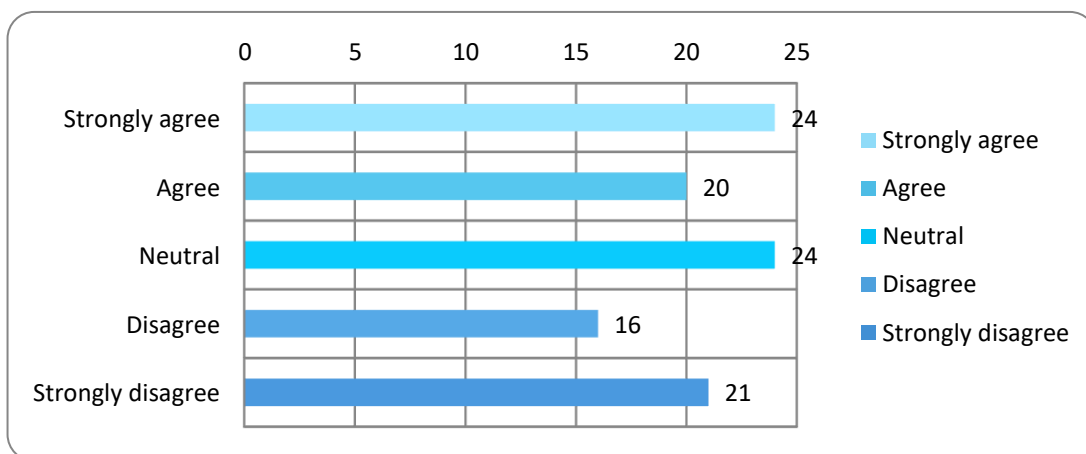
10.2 (cont)

- Wrote to approximately 5,800 nearby owners and occupiers inviting them to participate in the consultation process.
- Conducted a “drop-in” session at the Box Hill Town Hall, held on the evening of Wednesday 13 March 2024.
- Via “Your Say Whitehorse” platform conducted a survey that opened on Monday 26 February 2024 and closed Wednesday 27 March 2024.

The “Your Say Whitehorse” platform received 1,210 views and these 1,210 views converted to 105 survey participants.

Table #2 below shows how the 105 survey participants responded to Question #1, in the “Your Say Whitehorse”.

Table#2: What do you think of the proposed land transactions in Box Hill?



While the combined strongly agree and agree total more than the combined strongly disagree and disagree, Council Officers believe that if 10-12 Watts Street and 11 Court Street were retained as public open space in perpetuity that this would significantly reduce the combined strongly disagree and disagree total.

It is therefore recommended that Council should advocate for both 10-12 Watts Street and 11 Court Street to be retained as public open space in perpetuity.

Financial and Resource Implications

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

Innovation and Continuous Improvement

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

Collaboration

No collaboration was required for this report.

Conflict of Interest

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

10.2 (cont)

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

Conclusion

The population of Box Hill is expected to be 77,500 by 2056 means that the ratio of public open space per resident will reduce from 19.11m² to 7.15m²

Given the future scarcity of public open space in Box Hill, it is recommended that Council resolve not to proceed with the SRLA's proposal that Council transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill in exchange for ownership of 528 Station Street, Box Hill.

However, given the importance of the SRL project it also recommended that Council authorise further engagement with the SRLA, as to obtain long-term public open space outcomes in Box Hill.

ATTACHMENT

1 Valuation Summary

Whitehorse City Council designates this attachment and the information contained in it as **CONFIDENTIAL INFORMATION** pursuant to Section 3 (1) ((g)(i)) of the *Local Government Act 2020*.

2 Response - Suburban Rail Loop Authority

Whitehorse City Council designates this attachment and the information contained in it as **CONFIDENTIAL INFORMATION** pursuant to Section 3 (1) (g(ii)) of the *Local Government Act 2020*.

10.3 Records of Informal Meetings of Councillors

Department Governance and Integrity
Director Corporate Services

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Munroe

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

CARRIED UNANIMOUSLY

Pre-Council Meeting Briefing – 15 April 2024 – 6.30pm-6.43pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Council Agenda Items - 15 April 2024 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann J Green
	Cr Barker	L Letic
	Cr Cutts	S White
	Cr Lane	V Ferlaino
	Cr Liu	S Lozsan
	Cr McNeill	A Wintle
	Cr Munroe	K Woods
	Cr Skilbeck	
	Cr Stennett	
	Leave of Absence	
	Cr Carr	
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

10.3 (cont)

Councillor Briefing – 22 April 2024 – 6.30pm – 9.30pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Whitehorse Leisure Services & Facility Management Procurement Strategy • Open Space Discussion Budget • Draft Agenda 29 April 2024 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	L Letic
	Cr Barker	S Sullivan (online)
	Cr Cutts	S White
	Cr Lane	J Green
	Cr Liu	S Cann
	Cr McNeill	V Ferlaino
	Cr Munroe	T Gledhill
	Cr Skilbeck	T Jenvey
	Cr Stennett	
	Leave of Absence	
	Cr Carr	
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
Director Corporate Services

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

- Councillor Tina Liu attended the Eastern Transport Coalition board meeting on 18 April 2024.
- Councillor Trudy Skilbeck attended the Whitehorse Manningham Regional Library Corporation Audit and Risk Committee meeting on 24 April 2024
- Councillor Mark Lane attended the:
 - Eastern Region Group of Councils meeting on 18 April 2024, and
 - Eastern Region Group/Municipal Association Victoria representative group meeting on 18 April 2024.
- Councillor Prue Cutts attended the:
 - Environment and Sustainability Reference Group meeting on 17 April 2024, and
 - Whitehorse Sport and Recreation Reference Group meeting on 18 April 2024.
- Councillor Amanda McNeill attended the Victorian Local Governance Association *Managing Difficult Conversations* Lunch and Learn Online workshop on 19 April 2024.
- Councillor Ben Stennett chaired the Whitehorse Sport and Recreation Reference Group meeting on 18 April 2024.
- Councillor Andrew Munroe attended the:
 - Victorian Local Governance Association - Local Government Working Group on Gambling meeting on 18 April 2024, and
 - Lighter Footprints EV specialists seminar on 18 April 2024
- Councillor Blair Barker attended the Harvard Kennedy School Policy Cast *Public Policy Values* on 25 April 2024

- Councillor Denise Massoud attended the
 - Environment and Sustainability Reference Group meeting on 17 April 2024,
 - Victorian Local Governance Association - Local Government Working Group on Gambling meeting on 18 April 2024,
 - Eastern Region Group of Councils meeting on 18 April 2024,
 - Eastern Region Group/Municipal Association Victoria representative group meeting on 18 April 2024,
 - Victorian Local Governance Association – Lunch and Learn session Managing Difficult Conversations, and
 - Various ANZAC Day functions.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That Council receives and notes the:

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

CARRIED UNANIMOUSLY

12 Confidential Reports

Nil

13 Close Meeting

The meeting closed at 8.57pm.

These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 13 May 2024.