



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

MINUTES

Council Meeting

on

Monday 2 December 2024 at 7.00pm

**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
Siobhan Sullivan Executive Manager Transformation
Steven White Director Infrastructure
Vivien Ferlaino Manager Governance and Integrity
Kerryn Woods Coordinator Governance
Alex Wintle Senior Governance Officer

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TABLE OF CONTENTS

1	WELCOME	5
2	APOLOGIES	5
3	DISCLOSURE OF CONFLICTS OF INTEREST	5
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
5	URGENT BUSINESS	5
6	REQUESTS TO SPEAK	5
7	PUBLIC QUESTION TIME	6
8	PETITIONS	6
	8.1 Eley Park Off-lead Dog Park Upgrade	6
9	NOTICES OF MOTION	6
10	COUNCIL REPORTS	6
	10.1 State Government Planning Reform Announcements	7
	10.2 Amendment C256whse - Request to rezone 110 Albion Road, Box Hill, from Special Use Zone Schedule 1 to General Residential Zone Schedule 1	27
	10.3 Whitehorse Manningham Library Corporation Annual Report...	48
	10.4 Audit and Risk Committee Bi-Annual Report	52
	10.5 Councillor Appointment to Committees, Organisations and Community Bodies.....	55
	10.6 Records of Informal Meetings of Councillors	63
11	COUNCILLOR DELEGATE AND CONFERENCE / SEMINAR REPORTS	66
12	CONFIDENTIAL REPORTS	66
	Nil	
13	CLOSE MEETING	66

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

Nil

4 Confirmation of Minutes of Previous Meeting

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Allan

Confirms Minutes for Special Council Meeting held on 18 November 2024.

CARRIED UNANIMOUSLY

5 Urgent Business

Nil

6 Requests to Speak

6.1 C Liu, Blackburn South

Item 8.1 - Eley Park Off-lead Dog Park Upgrade

6.2 Y Bowyer, Surrey Hills and Mont Albert Progress Association

Item 10.1 - State Government Planning Reform Announcements

7 Public Question Time

Nil

8 Petitions**8.1 Eley Park Off-lead Dog Park Upgrade**

1. A petition requesting that Council upgrade the dog off-lead area at Eley Park in Blackburn South has been received with 121 signatures in support.

2. The petition request is as follows:

'We the undersigned request that Council upgrade the dog off-lead area at Eley Park in Blackburn South by adding facilities such as: drinking water, lighting, rubbish bins, chairs, shade, fencing for the off-leash area as well as dog waste bags. Eley Park is one of only two off-lead parks in Blackburn South, and we urge Council to act now to provide a safer and more enjoyable environment for both dogs and residents.'

COUNCIL RESOLUTION

Moved by Cr Griffiths, Seconded by Cr Simpson

That Council:

1. Receives the petition and refers it to, Director Infrastructure for appropriate action and response; and
2. Notifies the Head Petitioner of the outcome of this resolution.

CARRIED UNANIMOUSLY

9 Notices of Motion

Nil

10 Council Reports

10.1 State Government Planning Reform Announcements

Department City Planning and Development
Director City Development

Attachment

SUMMARY

The purpose of this report is to inform Council and the community about the announcements made by the State Government about reforms to the Victorian planning system.

There have been a series of announcements, originating with the release of *Victoria's Housing Statement - the decade ahead 2024-2034* in September 2023, which announced an additional 800,000 new homes will be built in the next decade (2024-2034).

The remaining announcements cover municipal housing targets, activity centres, infrastructure contributions, reforms to assessment of planning applications and unlocking government land.

This report sets out each announcement, discusses the implications for Council and the community and makes recommendations for Council to address the implications.

MOTION

Moved by Cr Barker, Seconded by Cr Gunn

That Council:

1. Notes the significant number of planning reforms proposed by the State Government and the implications for the City of Whitehorse.
2. Is committed to making a meaningful contribution to resolving the inadequate supply of dwellings and notes the significant financial, social and environmental costs of inaction.
3. Proposes that there are several fundamental issues that need to be addressed to positively impact the supply of dwellings whilst maintaining, and improving, the liveability of the city.
4. Undertakes the following work to determine the impact of the proposed reforms and to assess housing demand and supply in Whitehorse, specifically:
 - a) A high level assessment of the causal factors influencing dwelling supply and policy settings, including but not limited to government policies and economics, that could meaningfully support improved housing supply.
 - b) A review of the housing capacity assessment for the municipality.

10.1 (cont)

- c) An assessment of the social and community infrastructure that is required to support increased population density.
 - d) Built form scenario modelling and illustrations around the Blackburn, Nunawading, and Mitcham Activity Centres.
5. Prepares an advocacy program to raise community awareness of the planning reforms and Council's suggested policy settings, as well as advocate Council's views to the State and Federal Government.
 6. Seeks quotes from suitable consultants to undertake the work outlined in item 4 and delegates approval of additional operational budget for this work to the Chief Executive Officer.

Cr Cutts proposed an amendment to include an additional point (7) as follows:

AMENDMENT

Moved by Cr Cutts, Seconded by Cr Allan

7. Writes to the Planning Minister and local MPs requesting the following actions in relation to the Activity Centres program and their associated catchments, in particular for the Ringwood Activity Centres:
 - a) Undertake community forums
 - b) Drainage Impact Assessments to be made public
 - c) Community Infrastructure Needs Assessment to be made public
 - d) Transport Infrastructure Needs Assessment to be made public
 - e) A summary of submissions to the Victorian Planning Authority and the survey responses, including numbers in support or against the proposal, be made public
 - f) A summary of the second Community Reference Group meeting be made public
 - g) Strategic justifications for the Catchment Areas to be made public.

Cr Barker and Cr Gunn as the mover and seconder of the motion agreed to incorporate the amendment which became the substantive.

Cr Stennett proposed a further amendment to include Blackburn, Nunawading, Mitcham Activity Centres into point 7 as follows:

AMENDMENT

Moved by Cr Stennett, Seconded by Cr Allan

7. Writes to the Planning Minister and local MPs requesting the following actions in relation to the Activity Centres program and their associated catchments, in particular for the **Blackburn, Nunawading, Mitcham, Ringwood** Activity Centres:

10.1 (cont)

Cr Barker and Cr Gunn as the mover and seconder of the motion agreed to incorporate the amendment which became the substantive.

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

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Gunn

That Council:

1. Notes the significant number of planning reforms proposed by the State Government and the implications for the City of Whitehorse.
2. Is committed to making a meaningful contribution to resolving the inadequate supply of dwellings and notes the significant financial, social and environmental costs of inaction.
3. Proposes that there are several fundamental issues that need to be addressed to positively impact the supply of dwellings whilst maintaining, and improving, the liveability of the city.
4. Undertakes the following work to determine the impact of the proposed reforms and to assess housing demand and supply in Whitehorse, specifically:
 - a) A high level assessment of the causal factors influencing dwelling supply and policy settings, including but not limited to government policies and economics, that could meaningfully support improved housing supply.
 - b) A review of the housing capacity assessment for the municipality.
 - c) An assessment of the social and community infrastructure that is required to support increased population density.
 - d) Built form scenario modelling and illustrations around the Blackburn, Nunawading, and Mitcham Activity Centres.
5. Prepares an advocacy program to raise community awareness of the planning reforms and Council's suggested policy settings, as well as advocate Council's views to the State and Federal Government.
6. Seeks quotes from suitable consultants to undertake the work outlined in item 4 and delegates approval of additional operational budget for this work to the Chief Executive Officer.
7. Writes to the Planning Minister and local MPs requesting the following actions in relation to the Activity Centres program and their associated catchments, in particular for the Blackburn, Nunawading, Mitcham and Ringwood Activity Centres:
 - a) Undertake community forums
 - b) Drainage Impact Assessments to be made public

10.1 (cont)

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| <ul style="list-style-type: none"> c) Community Infrastructure Needs Assessment to be made public d) Transport Infrastructure Needs Assessment to be made public e) A summary of submissions to the Victorian Planning Authority and the survey responses, including numbers in support or against the proposal, be made public f) A summary of the second Community Reference Group meeting be made public g) Strategic justifications for the Catchment Areas to be made public. |
|---|

CARRIED

Voted FOR item: Cr Davenport, Cr Cutts, Cr Allan, Cr Barker, Cr Gunn, Cr Langford, Cr Stennett and Cr Weller (8)

Voted AGAINST item: Cr Griffiths, Cr Martin and Cr Simpson (3)

Spoke to the item: Cr Cutts, Cr Allan, Cr Barker, Cr Griffiths, Cr Gunn, Cr Langford, Cr Simpson (7)

KEY MATTERS

The Victorian Government's Housing Statement (Attachment 1), released in September 2023, flagged the introduction of several reforms to the planning system.

The proposed reforms overwhelmingly focus on the provision of new housing and higher density living and range from the preparation of a new state wide plan (the *Plan for Victoria*), changes to ResCode assessments, housing targets for each municipality, introduction of new activity centres and associated new planning controls, new infrastructure in growth corridors and a review of the Planning & Environment Act. A review of existing infrastructure contributions has also been raised as part of feedback provided to other reforms discussed below.

Council recognises the need for more housing however there are significant concerns about the implications of these reforms, including:

- Lack of engagement with Councils about proposed changes
- Impact on Council's decision making ability and role as the Responsible Authority
- Weakening of planning controls
- Erosion of community voice and participation in the planning process
- Lack of alignment with Council and community aspirations
- Impact on social and physical infrastructure

10.1 (cont)

- Negative affect on neighbourhood and landscape character and liveability

It is recommended that Council undertake a review of the housing capacity of the municipality, as well as population forecast scenario modelling and built form modelling of the activity centres to determine the impacts of the State Government's announcements on the municipality.

DISCUSSION, OPTIONS AND ANALYSIS

On 20 September 2023 the State government released *Victoria's Housing Statement - the decade ahead 2024-2034*. The Housing Statement included many recommendations that form the basis for the proposed reforms that have been announced and which are discussed below.

The Housing Statement includes the following five focus areas:

1. Good decisions, made faster
2. Cheaper housing, closer to where you work
3. Protecting renters' rights
4. More social housing
5. A long-term housing plan

Future Homes

The *Future Homes* program began as a two-year pilot project in the City of Maribyrnong. On 22 September 2023 the State Government announced the expansion of the program to statewide implementation across all councils, as well as new *Future Homes* typologies.

The program is intended to facilitate three storey apartment development on land included in the General Residential Zone and within 800 metres of metropolitan, major, or neighbourhood activity centres, provided certain eligibility criteria are met. *Future Homes* also provides designs that are available to purchase and implemented through a streamlined planning process.

Applications are assessed and issued by Councils but are exempt from third party appeal rights to the Victorian Civil and Administrative Tribunal (VCAT).

Encouraging higher density housing within an 800-metre catchment of a well serviced activity centre is generally supported, but consideration must be given to the amenities and services within the 800m catchment (or the market potential for those services), ensuring they align with the concepts of a 20-minute neighbourhood.

10.1 (cont)

Implications for Whitehorse

The *Future Homes* program treats the scale of centres equally, regardless of the range of services and facilities provided by each centre, which in many cases is very limited and does not adequately cater the daily needs of the surrounding neighbourhood (e.g.: comparing Box Hill MAC to minor neighbourhood activity centre such as at Hawthorn Road/Robinlee Avenue, Forest Hill).

There is concern that the homogenous approach will erode neighbourhood and landscape character in Whitehorse, as well as negatively impact on residential amenity.

Many of the existing planning controls used to assess housing within Whitehorse are separated into schedules, with these schedules reflecting character criteria unique to different areas of the municipality. These schedules set the quantitative outcomes against which new housing development is assessed. These quantitative elements include front setbacks, building wall heights on and off boundaries, setbacks from boundaries, areas of secluded open space, areas for canopy tree planting, and overall building height.

These assessment criteria have enabled housing outcomes to be achieved that reflect the built form and building features, street and boundary setbacks and landscaping of both existing and desired housing stock. Many of these criteria are to be removed through the changes proposed.

In addition, Council is conscious of the sensitive interface between zones such as the boundary to the Neighbourhood Residential Zone (NRZ) where initiatives like Future Homes and the activity centres reforms (discussed below) have the potential to create adverse built form and amenity outcomes.

Furthermore, as there is a requirement to provide notice, but no review rights, there may be instances where a submitter raises serious concerns about amenity impacts on the surrounding properties but there is no ability for them to be considered. It therefore appears apparent that the *Future Homes* program does not, and is not required to, adequately consider neighbourhood character.

Plan for Victoria

As part of the Housing Statement, the State Government announced that it would be replacing the current metropolitan strategy *Plan Melbourne 2017-2050*, with the first-ever statewide strategy, *Plan for Victoria*. This announcement came amidst population forecasts for Victoria which will see the State grow to more than 10 million by the year 2051, with more than 8 million residing within the capital.

The new *Plan for Victoria* intends to build on several foundations:

- The existing urban growth boundary

10.1 (cont)

- Evolution of the 20-minute neighbourhood
- Victoria's 2045 net-zero emission target
- Suburban Rail Loop and its precincts
- Strong protection of the natural environment and green wedges, as well as industrial and commercial land
- Investment in social and affordable housing
- Victoria's Housing Statement.

The new *Plan for Victoria* proposes to establish 70 per cent of new homes in established areas and 30 per cent of new homes in growth areas. There was no draft plan made available for comment during the consultation period. However, the State Government sought feedback on the following five pillars:

- Affordable housing and choice
- Equity and jobs
- Thriving and liveable suburbs and towns
- Sustainable environments and climate action
- Self Determination and Caring for Country

Council endorsed a submission to Plan for Victoria at the Council meeting on 26 August 2024. The new *Plan for Victoria* is due for release by the end of 2024.

Implications for Whitehorse

During the engagement period of the new Plan in June 2024, the State Government announced draft housing targets. The housing targets are discussed in more detail below.

Despite this announcement as part of the preparation of the new Plan, there has been no commitment from State Government for the provision of, or investment in, the new and upgraded infrastructure that will be required to accommodate the projected growth, such as open space, sporting facilities, community facilities, education facilities, medical facilities, drainage, and new/upgrades to roads.

The infrastructure being designed and constructed now will have a significant impact on the future community who live, visit, and work in Whitehorse up to and beyond 2050 and must consider the housing targets and projected population growth. In a rate capping environment, Councils simply do not have the funds to support infrastructure delivery arising from these plans, nor do they have funds to support the projected population growth.

Whitehorse is a member of the Eastern Affordable Housing Alliance (EAHA), a collaboration with the cities of Knox, Manningham, Maroondah,

10.1 (cont)

Monash, and Yarra Ranges. There is an urgent need to significantly increase the supply of social housing across the eastern region. In Whitehorse, the shortfall stands at 2,570 units of social housing and affordable rentals (at 2021), projected to escalate to 3,740 by 2041 if decisive action is not taken. The uneven distribution of state-owned public housing and community housing exacerbates this issue. Areas like Burwood, Forest Hill, and Blackburn South have substantial social housing stocks (16.2%, 15.3%, and 14.7% respectively), whereas Surrey Hills and Mont Albert North have minimal availability (0.3% and 0.6% respectively), severely limiting accessibility for residents in need. Council is therefore concerned about the provision of affordable housing, and what mechanisms the new *Plan for Victoria* will recommend.

Whitehorse is renowned for its liveability, attributed to an extensive open space network and waterways, access to a range of services and amenities and a strong character and sense of identity. There are significant concerns about the potential repercussions of a new *Plan for Victoria* on social and physical infrastructure, loss of open space, and diminishing consideration of neighbourhood character and heritage.

The pressure and demand for housing supply has the potential to adversely impact the liveability and vibrancy of Whitehorse and the significant investment to date in its infrastructure and open space if not undertaken in a logical and sustainable manner.

There are concerns that the new Plan for Victoria will have a disproportionate focus on housing delivery rather than being a true 'strategic land-use plan', therefore potentially neglecting important aspects such as neighbourhood and landscape character, climate change, access to services and amenities, and the provision of essential social and physical infrastructure.

Housing Targets

In June 2024 the State Government released draft housing targets for each of Victoria's 79 councils. Whitehorse has been set a target of 79,000 new homes to 2051.

The targets have been calculated based on:

- An area's proximity to jobs and services;
- Level of access to existing and planned public transport;
- Environmental hazards like flood and bushfire risk;
- Current development trends and places already identified for more homes (e.g. Suburban Rail Loop Precincts);
- Demonstrated development potential in established regional cities in Victoria.

10.1 (cont)

Implications for Whitehorse

The draft housing target for Whitehorse represents a 106% increase on the existing housing stock within the municipality (from 74,200 existing dwellings).

Council supports the development and expansion of diverse housing options, recognising the significant challenges that this involves. Council has raised that the proposed targets may have the potential to erode the attributes that the community values and what makes Whitehorse a destination to live, work and visit.

Council has previously undertaken housing capacity analysis of the municipality as part of its Housing and Neighbourhood Character review in 2014 where it collectively adopted the *Whitehorse Housing Strategy 2014*, the *Whitehorse Neighbourhood Character Study 2014*, and *Whitehorse Neighbourhood Activity Centres Urban Design Guidelines 2014*. Most recently this capacity analysis was reviewed to support the introduction of Schedule 9 to the Significant Landscape Overlay (SLO9).

Council's analysis demonstrated that the application of the SLO9 would not negatively affect the housing capacity. Part 2 of the *Municipal Wide Tree Study (Additional Analysis in Garden Suburban and Bush Suburban Character Precincts)* showed that there was capacity for 76, 976 additional dwellings to 2031 (p.51).

Over the past 5 years, Council has received 7192 planning permit applications, and has approved 7557 dwellings. Just over one third of these applications have not commenced construction. On average, Whitehorse approves 92% of all planning applications received. The planning permit process, specifically the timeframe for determining an application, will not address broader housing supply issues.

Council is also concerned about the methodology used to determine the housing targets. For example, a 20% capacity discount is offered for the Significant Landscape Overlay and Vegetation Protection Overlay (amongst others). This greatly concerns Council, given the substantial amount of work it has undertaken to apply planning controls to protect trees and vegetation, particularly most recently through Schedule 9 to the Significant Landscape Overlay. Council is deeply concerned that the leafy, green nature of the municipality will be eroded by the need to meet arbitrary housing targets. Similar concerns are raised with the 50% capacity discount for the Heritage Overlay and the impact this could have on the heritage significance and character of properties and precincts in Whitehorse. The methodology appears entirely focussed on the capacity of a municipality, but completely fails to consider the subsequent liveability and amenity of suburbs.

Finally, there is a risk to Council projects currently underway becoming outdated, including the preparation of the Whitehorse Open Space Strategy and the Social and Community Infrastructure Plan. Equally, this potential risk applies to existing Council strategies that discuss the

10.1 (cont)

physical and social infrastructure needs of the municipality such as the Whitehorse Integrated Transport Strategy, Integrated Water Management Strategy, Whitehorse Recreation Strategy, Affordable Housing Policy, and Early Years Plan. These use population data and projections that are based on current planning settings (amongst other things) to determine the needs of the community.

It is recommended that Council undertake a current analysis of the housing capacity of the municipality as well as modelling of various scenarios to determine the impact of the proposed housing targets on the municipality, including potential population growth rates, the characteristics of the future population of the municipality and housing demand. Subject to the estimated cost, this work may be able to be undertaken from the operational budget, noting there is a level of urgency given the pace of planning reform announcements.

Activity Centres Pilot Program

The *Housing Statement* flagged the introduction of clear planning controls to deliver an additional 60,000 houses around an initial 10 activity centres across Melbourne as part of the Activity Centres Pilot Program:

- Broadmeadows
- Camberwell Junction
- Chadstone
- Epping
- Frankston
- Moorabbin
- Niddrie (Keilor Road) and North Essendon
- Preston (High Street)
- Ringwood

In March 2024 the Victorian Planning Authority (VPA), in collaboration with the Department of Transport and Planning (DTP), commenced preparation of draft activity centre plans for these activity centres aimed at realising more dwellings within proximity to existing shops, services, employment and public transport.

The pilot program was intended to review building heights and urban design requirements in each location and change existing rules to encourage additional dwellings to be constructed to support the delivery of an estimated 60,000 new homes.

The pilot program resulted in the development of draft Activity Centre Plans, and in some instances revisions to existing strategic documents prepared by councils.

10.1 (cont)

Of relevance to Whitehorse is the Ringwood Activity Centre, which is located primarily in the adjoining municipality of Maroondah. The catchment area associated with the Activity Centre encompasses parts of Whitehorse.

Proposed planning controls were subsequently proposed in September 2024 for the activity centres and the catchment areas. These are discussed in more detail below.

Implications for Whitehorse

Council tendered a submission to DTP about the inclusion of parts of Whitehorse within the catchment area of the Ringwood Activity Centre. Council maintains the inclusion of parts of Whitehorse in the catchment area is an arbitrary inclusion and not strategically justified, primarily as this area is not 'walkable' to the activity centre as required by the proposed re-zoning.

Council also wrote directly to the Minister for Planning and the VPA requesting that the catchment area in Whitehorse be removed from the Ringwood Activity Centre draft Activity Centre Plan.

Council also raised significant concerns about the lack of genuine consultation undertaken with local communities regarding the proposed activity centre changes.

It is expected that the draft activity centre plans will be finalised by the end of 2024. No response to Council's individual submission has been received however Council has been informed that 11 Standing Advisory Committees (SAC) have been formed:

- SAC to consider the proposed planning controls
- SAC to consider matters across all Activity Centres
- 9 individual SACs to consider the Activity Centre Plans (Niddrie/North Essendon considered together).

ResCode reform

On 27 August 2024 DTP outlined changes to the planning assessment for residential development. The proposed changes would apply to Clause 54 and 55 of the Whitehorse Planning Scheme (ResCode) which is used to assess planning permit applications. The changes sought to make all standards 'deemed to comply', introduce new standards as well as delete or amend other standards.

'Deemed to comply' means that if a standard is met, no further consideration or assessment of the standard can be given.

The proposed changes also seek to remove third party appeal rights if all 'deemed to comply' provisions are met, so that a review of a decision cannot be sought by objectors at VCAT. The community could continue to lodge objections as part of the public notice period, however there would be no

10.1 (cont)

opportunity for third party review of Council's decision by an objector if an application was approved.

Council tendered a submission about the proposed changes to ResCode in September 2024.

Implications for Whitehorse

The proposed changes include numerous new or amended standards within a deemed to comply model that would allow for substantially increased built form intensity without appropriate regard to neighbouring interfaces, residential amenity, or character outcomes.

Council is concerned that the potential resulting development has not been tested in a practical setting and will result in amenity impacts to surrounding properties, including poor standards of outdoor spaces, limited side and rear setbacks, substantial site coverage and poor landscaping outcomes.

Similarly to other proposed reforms, the proposed changes to ResCode appear entirely focussed on increasing the housing capacity of a municipality, whilst completely failing to consider the subsequent liveability and amenity of suburbs. Council is fundamentally opposed to making neighbourhood character a deemed to comply assessment.

If a proposed development meets all deemed to comply standards, there will be no ability for third parties, such as local residents, to appeal the decision to VCAT. Removing the right to appeal erodes the community's voice and involvement in the planning approvals process which greatly concerns Council. Council maintains that third party appeal rights are central to transparency and good decision making on local issues.

Additionally, Council is concerned about the diminished role of local government as the responsible authority in assessing planning applications. Council has the local knowledge and is best positioned to understand the issues affecting the Whitehorse community. Furthermore, the proposed changes to ResCode further concentrates planning powers with the Minister for Planning and ultimately the shift in decision making is contrary to the recommendations in the Operation Sandon report by IBAC.

Activity Centres Planning Controls

On 20 September 2024 new planning controls were proposed by DTP for the Activity Centres included in the Activity Centres Pilot Program. The State Government prepared a draft Built Form Overlay (BFO), draft Walkable Catchment Zone (WCZ) and addendums to Clause 58 of the Planning Scheme (Apartment Developments).

The BFO is to be applied to the Activity Centres' commercial cores and the WCZ is to be applied to the surrounding residential catchment.

The purpose of the WCZ is "to provide housing at increased densities in locations within walking distance to local jobs, services and public transport"

10.1 (cont)

as well as “to encourage a scale of residential development that provides a transition between areas of more intense development and residential areas”. The key features of the proposed WCZ are:

- A mandatory 3 storey height limit (except for larger sites as per next dot point).
- A discretionary 6 storey height limit for sites larger than 1000m² and 20m minimum frontage width.
- No requirement for a garden area.
- Land use provisions generally consistent with those of the Residential Growth Zone.

The purpose of the BFO is “to facilitate higher density development that supports sustainable urban outcomes that maximise the use of infrastructure and public transport”. The key features of the proposed BFO are:

- Outcomes and standards (deemed-to-comply, discretionary, mandatory) relating to the following themes:
 - Building typology and future character
 - Building height, floor heights
 - Floor area ratio and density
 - Overshadowing of open space
 - Front setback, street wall height and setback above the street wall
 - Side and rear setbacks, separation within a site and sensitive interfaces
 - Building layout and adaptability
 - Wind effects on the public realm
 - Active frontages
 - Pedestrian connections
 - Weather protection
 - Landscaping and fencing
 - Carparking design
 - Building services
 - Exterior design
- Ability for Council to include additional standards for relevant outcomes through a local schedule to the overlay.
- Ability for Council to identify a new Value Capture Framework in the schedule to the overlay. This would allow variations to standards (e.g.

10.1 (cont)

building heights exceeding the maximum building height or reduced setbacks) where a public benefit is provided.

- Ability for Council to set a public open space contribution rate in the schedule to the overlay.
- Exemption from notice and review for any application within the overlay area.

Council lodged a submission about the proposed planning controls.

Implications for Whitehorse

A broader application of the WCZ was flagged which raises questions on the establishment of a WCZ, the data and strategic work behind it, and how it defines areas to be walkable.

There is concern that a broader application of the proposed controls would have implications for other activity centres in the municipality, including neighbourhood activity centres, as part of the expansion of the Activity Centres program (see below).

Officers query the impact of applying the proposed WCZ more broadly on strategic work that Council is currently undertaking, including structure plans in progress for the Nunawading MegaMile and Mitcham Major Activity Centre and the Tally Ho Major Activity Centre. A risk with applying the WCZ is that growth may be directed to these areas ahead of or instead of the activity centre it surrounds.

No schedule is currently proposed for the WCZ to allowing tailoring to the local context. The absence of a schedule suggests there is a homogenous approach to development with no ability to scale down and temper built form to reflect that Whitehorse is vastly different to other parts of Melbourne.

The application of the WCZ also offers no insight into how it would interact with existing overlay controls applicable to this area within the Whitehorse Planning Scheme, including the Significant Landscape Overlay (SLO), Vegetation Protection Overlay (VPO), Bushfire Management Overlay (BMO) and Heritage Overlay (HO).

Overall, the proposed WCZ is contrary to the work Whitehorse has already completed, including the *Housing Strategy*, *Neighbourhood Character Study*, policy implementation into the planning scheme, and the formulation of schedules to the residential zones. The proposed controls disregard the rigorous process this strategic work went through.

Similarly, the broader application of the BFO poses concern. Currently it is proposed to be used instead of the Activity Centre Zone (which is not applied anywhere in Whitehorse currently), however there is no clarity about whether it might be applied to other zones in future. In Whitehorse, there are existing Design and Development Overlays (DDOs) that apply to neighbourhood activity centres and other DDOs, such as those at Tally Ho

10.1 (cont)

Major Activity Centre that are currently being reviewed through a structure planning process.

Similarly to the ResCode reforms, there appears to be no consideration of neighbourhood character and Council believes that the proposed zone and overlay will have a significant impact on the neighbourhood character and amenity of this area.

Expansion of Activity Centres Program

On 20 October 2024 the State Government announced that the activity centre program is to be expanded from the 10 pilot activity centres discussed above to include 50 new 'train and tram zone' Activity Centres. Twenty-five centres have been initially announced, with the remaining 25 centres to be announced in late 2024 when the new *Plan for Victoria* is released.

Three centres have so far been included in Whitehorse: Blackburn, Nunawading, and Mitcham stations.

Implications for Whitehorse

Under *Plan Melbourne 2017-2050*, Whitehorse is home to several activity centres, which are part of a broader network across Melbourne, including Metropolitan activity centres, Major activity centres and Neighbourhood activity centres. Whitehorse includes 1 x Metropolitan Activity Centre (Box Hill), 4 x Major activity centres (Tally Ho, Burwood Heights, Forest Hill Chase, and Nunawading/Megamile/Mitcham) and 53 x Neighbourhood activity centres distributed throughout the municipality.

Initially, there is concern about the current review of the Nunawading Megamile Mitcham Structure Plan as Mitcham and Nunawading were included in the initial announcement of 25 centres. There is also concern about the existing Megamile West and Blackburn Village Activity Centres Urban Design Framework and the unique character that currently exists around Blackburn Village. It is recommended that built form scenario modelling be undertaken around the Blackburn, Nunawading, and Mitcham Activity Centres.

It is unknown how the inclusion of these centres will impact the review, which has been underway for a significant period of time with funding provided by the VPA. No further details have yet been provided; however Council has been advised that public consultation is planned for February 2025.

There is concern that anticipated intensity of development will erode neighbourhood and landscape character in Whitehorse, as well as negatively impact on residential amenity. In addition, Council is conscious of the sensitive interfaces between activity centres and their hinterland where this initiative and subsequent planning controls have the potential to create adverse built form and amenity outcomes.

10.1 (cont)

It is recommended that Council share our previous housing capacity work with DTP to help guide the future delivery of housing capacity within Whitehorse.

Infrastructure contributions reform

On 22 October 2024 the State Government announced a review of Statewide infrastructure developer contributions. A pilot contributions regime will be implemented for the 10 activity centres in the Activity Centre Pilot Program to commence on 1 January 2027, with details to be confirmed. Of relevance to Whitehorse is the current inclusion of parts of Mitcham in the Ringwood Activity Centre catchment area.

Implications for Whitehorse

Currently Whitehorse has a Development Contributions Plan in place for a 20 year program of projects across the municipality. It is not known how our DCP may be impacted by this review, however the DCP is based on the projected population and employment growth. It is therefore unclear how the housing targets will affect the current DCP.

The reform outlined by the government indicates that infrastructure to be funded by the contributions will include State government infrastructure such as schools and transport. Open space has also been included in the list of potential items to be funded, however there is a risk that the separate open space contributions levy may also be reviewed and incorporated with infrastructure contributions.

Parts of Whitehorse are included within the current catchment area of the Ringwood Activity Centre. It is unclear how our current DCP will be affected within this area if the planned pilot contributions regime is implemented as announced to the activity centres included in the activity centre pilot program. There is a risk that this area may need to be excluded from our existing DCP and that any funds collected in this area may be received by the State Government. There is a concern about the potential lack of control Council will have in determining the list of infrastructure projects and the subsequent management of the funds collected.

10-year Greenfields Plan

On 23 October 2024 the State Government released a 10 year Greenfields plan outlining a program for the delivery of precinct structure plans (PSPs) across greater Melbourne.

The Greenfields Plan includes three 'horizons':

Horizon 1 – sites under preparation in 2024-25, targeted completion by 2028

Horizon 2 – sites to commence between 2025-26 and 2028-29, targeted completion by 2033

10.1 (cont)

Horizon 3 – sites to commence between 2029-30 and 2033-34.

As part of this announcement, it is noted that while the VPA will be the key agency responsible for delivery of the PSP, the VPA will be integrated within DTP from 1 January 2025.

Additionally, the government announced that further government land will be unlocked for development. Existing Vic-Track owned land near Footscray and Oakleigh train stations will be made available first, with a further 10 sites being prepared for the next round. It is unknown if any sites within Whitehorse are being considered.

Implications for Whitehorse

All of the sites in the Greenfields Plan are adjacent to, or nearby, the urban growth boundary and do not affect Whitehorse.

There are a number of government land parcels in the City of Whitehorse. These are not part of the current announcement but may be potential sites into the future.

It is recommended that Council note this announcement and monitor further updates.

Building regulator

On 24 October 2024 the State Government announced a reform of the building regulator by replacing the Victorian Building Authority with a new Building and Plumbing Commission. The new Commission is intended to combine all aspects of building quality control into a single agency, to be finalised by April 2025.

Implications for Whitehorse

Officers have been advised that the new Building and Plumbing Commission will commence operation in April 2025.

It is recommended that Council note this announcement and monitor further updates.

Overarching Governance Principles and Supporting Report Details

<p>Strategic Alignment</p>	<p>Strategic direction 4 of the Council Plan discusses the built environment and the objective specifically references planning for and facilitating “appropriate land use and high quality development outcomes”. An action to support this is “prepare strategies and guidelines that support high quality urban design outcomes....”</p> <p>Ultimately it is envisaged that <i>Plan for Victoria</i> and the other reforms such as those to ResCode and</p>
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10.1 (cont)

	<p>the activity centres program will be reflected in and implemented through the State and regional tiers of the Planning Policy Framework and the planning controls contained in planning schemes.</p> <p>It is unclear how many of the proposed reforms will align with the aspirations of Council and the community.</p>
<p>Financial and Resource Implications</p>	<p>The implementation of the various reforms at a local government level is likely to require additional resources.</p> <p>Implementation could influence existing and future policies and strategies across various areas of Council such as transport, sustainability, natural environments, community development, economic development, leisure, and recreation, placemaking, aging communities, early years, youth and cultural services and infrastructure provision. Of particular relevance are the following projects currently underway:</p> <ul style="list-style-type: none"> • Preparation of the Whitehorse Open Space Strategy (WOSS) • Nunawading Megamile and Mitcham Structure Plan <p>Project budgets may therefore need to be reviewed to update these policies and strategies.</p> <p>Similarly, resourcing will be required to ensure the community is aware of the announcements and their possible implications, particularly if the State Government does not organise community engagement on the various planning reforms.</p> <p>At this stage, the timeframes, and details for implementation of many of the reforms are unknown. Subject to the estimated cost, the recommended Housing Capacity Assessment, built form modelling and scenario modelling may be able to be undertaken from the operational budget. If the budget cannot be covered operationally a future report will be presented to Council about the financial implications.</p> <p>The financial implications are therefore unclear, beyond officer time in responding to the reforms which is being absorbed in the current operational budget and work programs have been reprioritised accordingly.</p>


10.1 (cont)

<p>Legislative and Risk Implications</p>	<p>As with the current metropolitan strategy, <i>Plan Melbourne</i>, councils and agencies across Victoria will have to meet the policy directions contained in the finalised document and implemented by State government into planning schemes. There is a risk that the final Plan for Victoria may not meet Council's or the community's expectations and aspirations.</p> <p>With the remaining announcements that could affect Whitehorse there is a significant risk of existing planning controls being weakened and there being no third party appeal rights or community input.</p> <p>Current Council strategies and those in progress risk becoming out of date as a consequence of the reforms driving increased population and higher density development</p>
<p>Equity, Inclusion, and Human Rights Considerations</p>	<p>In developing this report to Council, the subject matter has been considered in accordance with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006</i>.</p> <p>It is considered that the subject matter does not raise any human rights issues.</p>
<p>Community Engagement</p>	<p>Council organised two pop-up sessions in April 2024 at Box Hill Gardens and at Brentford Square shopping centre to discuss <i>Plan for Victoria</i> with the community. This feedback was included in a submission lodged by Council about <i>Plan for Victoria</i>; however no response from the State Government has been received. It is not expected that Council will have further opportunity to engage with the government on <i>Plan for Victoria</i> prior to the anticipated release date of the finalised plan and housing targets toward the end of 2024.</p> <p>Council has also previously provided feedback on the Activity Centre Pilot Program and related planning controls, as well as the proposed ResCode reforms. There was no engagement with Council by the VPA beyond an initial information session with officers, and a follow-up meeting with Directors about the Activity Centre pilot program more broadly.</p> <p>Similarly, no response has been received to any of the feedback provided or correspondence sent by</p>

10.1 (cont)

	<p>Council directly to the Minister for Planning and VPA.</p> <p>Council is unsure as to what level the community and Council will be consulted with on the various reforms.</p> <p>To ensure that the community remain informed and up to date with State Government announcements and Council's subsequent responses, a webpage and other forms of communication could be developed.</p>
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	<p>The <i>Local Government Act 2020</i> 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.</p> <p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>

ATTACHMENT

- 1 Victoria's Housing Statement 

10.2 Amendment C256whse - Request to rezone 110 Albion Road, Box Hill, from Special Use Zone Schedule 1 to General Residential Zone Schedule 1

Department

City Planning and Development

Director City Development

Attachment

SUMMARY

Council has received a request to consider an amendment to the Whitehorse Planning Scheme (WPS). The request concerns 110 Albion Road, Box Hill and seeks the rezoning of the land from Special Use Zone (Schedule 1) to the General Residential Zone (Schedule 1) and the application of the Significant Landscape Overlay (Schedule 9) and retention of the Development Contributions Plan Overlay (Schedule 1).

It is considered that the proposed rezoning is an appropriate outcome for the site and the broader area. The proposed rezoning utilises a site that is no longer required to be used for the purpose of an education centre or place of worship as per the Special Use Zone (Schedule 1). The potential residential use of this land is consistent with the directives of *Victoria's Housing Statement* and the anticipated new *Plan for Victoria* to create housing supply and choice in well serviced locations. It is considered that the new suite of planning controls will aid the transition to a residential site and minimise impacts to the broader residential area and ensure that the treed landscape character of the site is maintained and enhanced.

This report discusses the amendment request and recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit the amendment to the Whitehorse Planning Scheme in accordance with the attached draft explanatory report.

COUNCIL RESOLUTION

Moved by Cr Allan, Seconded by Cr Barker

That Council:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme under section 8 of the Planning and Environment Act 1987 to rezone the land at 110 Albion Road, Box Hill from the Special Use Zone – Schedule 1 (SUZ1) to the General Residential Zone – Schedule 1 (GRZ1) and apply the Significant Landscape Overlay – Schedule 9 (SLO9).
2. Authorise the Director of City Planning and Development to make changes to the amendment to meet any conditions of authorisation from the Department of Transport and Planning (DTP), provided these are

10.2 (cont)

consistent with the intent of the amendment, prior to submitting the amendment to the Minister for Planning for exhibition.

CARRIED UNANIMOUSLY

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

KEY MATTERS

- The consideration of amendment C256whse to the WPS to rezone land from a Special Use Zone (SUZ) to the General Residential Zone (GRZ).
- The amendment land has an area of approximately 5,019 square metres and is currently vacant, with preexisting buildings having been demolished in 2020.
- The amendment land originally formed part of the St Paschal College Friary precinct site to the west. Council records indicate that a subdivision of the land occurred in circa 1986, with the new title (110 Albion Road) being created. A nursing home was established in the 1980s and was occupied until the late 2010s until the buildings were demolished and the land was subsequently sold to the current owners in 2020.
- A planning permit was issued by VCAT in 2022 for the ‘*Use of land for Accommodation (residential aged care facility), buildings and works (aged care facility), and removal of native vegetation*’. Despite receiving approval, at the time this report was written, the permit is yet to be acted upon and condition 1 plans have not been endorsed.
- Council officers have queried the rezoning in light of the approval of planning permit WH/2021/898. The town planning report prepared by Human Habitats Pty Ltd states that the primary purpose of the amendment is to:

“Implement a shared aspiration for the site to provide high quality residential accommodation. Although the site already benefits from a planning permit for an aged care facility this has not yet been implemented. Whether the Amendment Area is ultimately developed in accordance with this permit, or another, it is appropriate that the controls that apply to the land better reflect the strategic aspirations of both the State Government and Whitehorse Planning Scheme”.
- The proposed amendment of this land would result in residential uses becoming ‘as of right’. The maximum building heights permitted in the GRZ are 11 metres and no more than 3 storeys at any point.
- The State Government released *Victoria’s Housing Statement* in September 2023 and *Draft Housing Targets* in 2024. There is undoubtedly greater pressure on councils to meet the demand for housing supply and there is strong justification in favour of the site’s rezoning to a residential use.

10.2 (cont)

- The site is reasonably well-located to services, amenity and public transport. Whilst just outside of the SRL declared planning boundary for Box Hill, it is still a reasonably well serviced site. It is important to also acknowledge that the site sits within an unusual zoning context, with SUZ to the west and south and PUZ and PPRZ to the east.
- The purpose of the Special Use Zone is to provide for areas in private ownership to be used for an education centre or place of worship. The subject site has not been used for this purpose and rather, was used for the purpose of an aged care facility. As the amendment land is no longer required by the St Paschal's Friary and has been sold, the current zoning is no longer relevant or appropriate.
- Council anticipates the new Plan for Victoria and finalised housing targets by late 2024. It is considered that the rezoning of the amendment land would support the directives to increase housing supply across metropolitan Melbourne.

DISCUSSION, OPTIONS AND ANALYSIS

Background

Human Habitats, on behalf of the landowner Villa Maria Catholic Homes Ltd (VMCH), has submitted a request to amend the Whitehorse Planning Scheme by rezoning the land at 110 Albion Road, Box Hill from Special Use Zone (Schedule 1) to the General Residential Zone (Schedule 1) and apply the Significant Landscape Overlay (Schedule 9). The land subject to the rezoning was used as a nursing home for a number of years before this operation ceased and the building was demolished sometime in 2019. The land was subsequently sold to the current landowner in 2020.



Figure 1: Location of the amendment land

History

The broader site (including 90-100 Albion Road) was purchased by Charles James Bedford in the 1854 auction of Crown Land. It was primarily used as

10.2 (cont)

an orchard, growing pear and cherry trees. The property was then sold in 1887 and again in 1914 where cattle and poultry were raised on the farm. A portion of the broader site was donated to the Franciscan Order (Friars) and in November 1934, the Friars took possession. Construction on the site was built in two major stages, the first being in 1936 consisting of buildings set around a courtyard and the other completed in 1971 consisting of a large chapel to the east side and a printing press building at the southwest corner.

Council records indicate that a planning permit was sought and approved in 1983 "To erect a special accommodation Nursing Home" at 110 Albion Road, Box Hill. A planning permit was sought and approved in 1984 for 'A two lot subdivision and the use of Lot 2 on the endorsed plan as a nursing home with the plans forming part of Planning Permit BH/83/3323. Based on a historical copy of title, it appears that Lot 2 of LP201596H was created on 7/1/1986. Council's aerial photography indicates that the nursing home was completed and in operation by 1987.

The nursing home, known as *St Vincent De Paul* was in operation until the late 2010s, until the nursing home was demolished, and the site was sold.



Figure 2: Aerial photograph of the amendment land and surrounds (2015)
Planning Permit WH/2021/898

A permit application was submitted in 2021 for the 'Use of land for Accommodation (residential aged care facility), buildings and works (aged care facility), and removal of native vegetation'. The main considerations of this application were the zoning, built form impacts, interface with Sparks

10.2 (cont)

Reserve and St Paschal's Friary College Precinct, drainage and flood mitigation, vegetation impacts and parking and access. Council officers considered that the proposed residential aged care facility aligned with most of the relevant provisions of the WPS. However, the drainage strategy, dominance of built form to the streetscape and Sparks Reserve, inadequate tree protection and landscaping opportunity were all considered to be flawed elements of the proposal and the application was subsequently refused.

The application was subsequently appealed at the Victorian Civil and Administrative Tribunal (VCAT) and following a compulsory conference, a permit was issued by VCAT on 3rd November 2022. The permit provides for the construction of a building with a part triple and part double storey presentation to the Albion Road frontage and includes the provision of 100 beds, ancillary resident wellness and communal facilities, lower ground car parking, and extensive landscaping throughout the site.

At the time this report was prepared, condition 1 plans had not been received and the permit has not been acted upon.

The amendment land and surrounds

The amendment land, 110 Albion Road, Box Hill, is located on the southern side of Albion Road. The amendment land is legally described as Lot 2 on Plan of Subdivision 201596H. The amendment land is irregular in shape with a total area of approximately 5,019 square metres. A north-west/south-east aligned drainage easement transverses across the rear portion of the site.

Land to the north is predominantly residential, comprising of single dwelling, dual occupancy and multi-unit style development. Land to the east and south-east contains RHL Sparks Reserve. Dissecting this interface is the Gardiners Creek. Land to the south-west and west contains the St Paschal's Friary College Precinct.

The land slopes heavily down to the site of the former buildings (pad site) from both the northern street frontage and western side boundary with a 2-metre level change, while sloping from the pad site down to both the north-east and south-east side boundaries with level changes of up to 3 metres. Land along the eastern boundary continues to slope heavily down to Gardiners Creek and the sporting fields of Sparks Reserve with level changes of up to 4 metres (maximum fall from the original building footprint site of approximately 7 metres).

The amendment land is vegetated with a total of 119 existing trees, of which 26 are considered to be Victorian natives. Vegetation is primarily located along the boundaries of the site, specifically within the northern front setback. Vegetation within the front setback of the amendment land forms part of a continuous band that runs along Albion Road.

10.2 (cont)



Figure 3: Topographical features of the amendment land

West & South – 90-100 Albion Road, Box Hill (St Paschal’s Friary College Precinct)

Adjoining the site to the west is the heritage place commonly known as ‘St Paschal’s Friary College Precinct (90-100 Albion Road, Heritage Overlay HO214). The site is historically, aesthetically and socially significant to the City of Whitehorse as a *‘rare type of religious complex within the municipality. It is the only known Friary to exist in the City of Whitehorse and possibly Victoria. As an intact complex of cream brick religious buildings and associated grounds it is also rare within the municipality. The complex demonstrates the principal characteristics of a Friary.’*

The St Pascals Friary College Precinct site is now occupied by: The University of Divinity, The Yarra Theological Union, The St Paschal Library and The English Language School for Pastoral Ministry. Built form on the site is predominantly concentrated to the southwest however, the closest building to the amendment land is approximately 70 metres from the common western boundary.

East and South-East (RHL Sparks Reserve)

The site has a wide eastern boundary interface to RHL Sparks Public Reserve. The site is elevated at both this boundary interface and the graded ground level of this adjoining reserve. From the central graded area on site, the land heavily falls (4 to 5 metres) down to the east property boundary at

10.2 (cont)

gradients exceeding 60%, before falling more gently by 1 to 3 metres for 10 to 13 metres before meeting Gardiners Creek. The boundary interface on both its sides forms as a continuous landscape tree canopy screen extending along this common boundary interface.

Sparks Reserve is widely used for a large range of passive and active recreational activities and includes multiple playing fields, large informal grassed areas, various mixed-use paths, car parking, pavilion etc. The site is occupied by the Box Hill City Archers & Union Club. This public reserve also forms as a key retarding basin managed by Melbourne Water.

North

Land to the immediate north of the amendment site is several residential properties (107 Albion Road to 115 Albion Road). These residential properties are a mixture of single detached, dual occupancy and multi-unit dwelling development. The section of Albion Road adjacent to the site, is a busy connector road where no parking or overtaking is allowed likely due to the high level of traffic experienced here, combined with a lack of continuous western view due to the peak of the rise in the road approximately 50 metres west of the site.

Surrounds

The site is located 1.5 kilometres south-east of the Box Hill MAC, including Box Hill Train Station and a major bus interchange, with major bus routes along Albion Road opposite the site, and along Middleborough Road 170 metres east of the site. There are also a number of public open spaces within walking distance of the site, comprising Sparks Reserve, Wembley Park (750 metres beyond to the south), and the Blackburn Creek lands commencing 170 metres to the east and extending through to Blackburn Road taking in Blacks Walk, Kalang Park and Furness Park.

Laburnum Primary School is located on the eastern side of Middleborough Road, 150 metres east of the amendment land. Bedford Heights Retirement Village is located 80 metres southwest of the subject site.

Current Planning Controls

The following planning controls currently apply to the amendment land:

- Special Use Zone, Schedule 1 (SUZ1)
- Development Contributions Plan Overlay, Schedule 1 (DCPO1)

The SUZ applies to not only the amendment land but the adjoining property to the west (St Paschal's Friary College Precinct). The SUZ is applied to land for the use and development for a specific purpose. The amendment land is in the Special Use Zone (Schedule 1) where the purpose of the special land use is for private education centres and places of worship. The site was previously part of the site to the west, St Paschal's Friary College Precinct, until its subdivision in the 1980s. The amendment land adjoins the Public Use Zone (PUZ1) and Public Park and Recreation Zone (PPRZ) at Sparks Reserve, with the Transport Zone 3 (TRZ3) along the frontage.

10.2 (cont)

As a result of the introduction of new residential zones across the City of Whitehorse, Council prepared the *Whitehorse Housing and Neighbourhood Character Review 2014* and involved the drafting of three documents:

- Whitehorse Housing Strategy 2014
- Neighbourhood Character Study 2014
- Neighbourhood Activity Centre Urban Design Guidelines 2014

As part of this process, neighbourhood character statements were revised to define character precincts based on existing character and how the area's character can evolve into the future (called 'preferred character'). The preferred character statements were implemented via Amendment C160, updating Clause 22.03 of the WPS.

The residential area to the north of the amendment land is located in the Garden Suburban 10 which is characterised as follows:

"A variety of well-articulated dwelling styles will sit within open garden settings incorporating a mixture of native and exotic vegetation and large trees. Infill development will be common, however new buildings and additions will be set back at upper levels to minimise dominance in the streetscape. The consistent front setbacks and spacing between dwellings will be retained, with buildings set back or appearing to be setback from both side boundaries. Low or open style front fences will provide a sense of openness along the streetscape and allow views into front gardens".

The residential area to the east (to the east of Middleborough Road) is located in the Bush Suburban 3 which is characterised as follows:

"The low scale pitched roof dwellings will sit within established garden settings that contain substantial vegetation including native and exotic canopy trees. The dominance of remnant indigenous eucalypts is retained and enhanced.

Properties abutting or situated close to Gardiners Creek, the Blackburn Creeklands and Wurrundjeri Walk, or with interface to Bush Environment areas will contain substantial vegetation, and development will be sited so that the overall visibility of buildings is minimised when viewed from the open space corridors.

New buildings will occasionally be built to one side boundary, however the rhythm of dwelling spacing appears regular from the street. In areas where timber predominates, new buildings utilise complementary materials. The impression of the streetscape will be of informality and openness due to a frequent lack of front fencing or low, unobtrusive fences, and the landscaped setting.

The landscape character of the area will be enhanced through the planting and growth of new vegetation, including large shrubs and tall canopy trees".

10.2 (cont)

Local Policy

The Housing Framework Plan, which forms part of the Whitehorse Housing Strategy 2014 identifies areas that would be the focus for more intensive development and areas where change may be limited. These areas are identified as limited change, natural change and substantial change. This forms part of Clause 21.06 (Housing) and Clause 22.03 (Residential Development) of the Whitehorse Planning Scheme.

As the site is not currently located in a residential zone, a change classification has not been applied to the land under the Housing Framework Plan. Land to the north and west is located within a natural change area, whilst land on the eastern side of Middleborough Road is within a limited change area. The amendment land is considered to meet the following criteria for inclusion in a natural change area that is outlined in Appendix C of the strategy:

- All other residential land not within Limited Change areas.

The amendment land is located approximately 1.5 kilometres south-east of the Box Hill Metropolitan Activity Centre (MAC) (including Box Hill Train Station), 700 metres south-west of Laburnum Train Station and 1.4 kilometres south-west of Blackburn Station. The amendment land is located approximately 350 metres north-west of the commercial zone of the Middleborough Road and Canterbury Road shops and 1.1 kilometres north-east of the commercial zone of the Station Street and Canterbury Road shops.

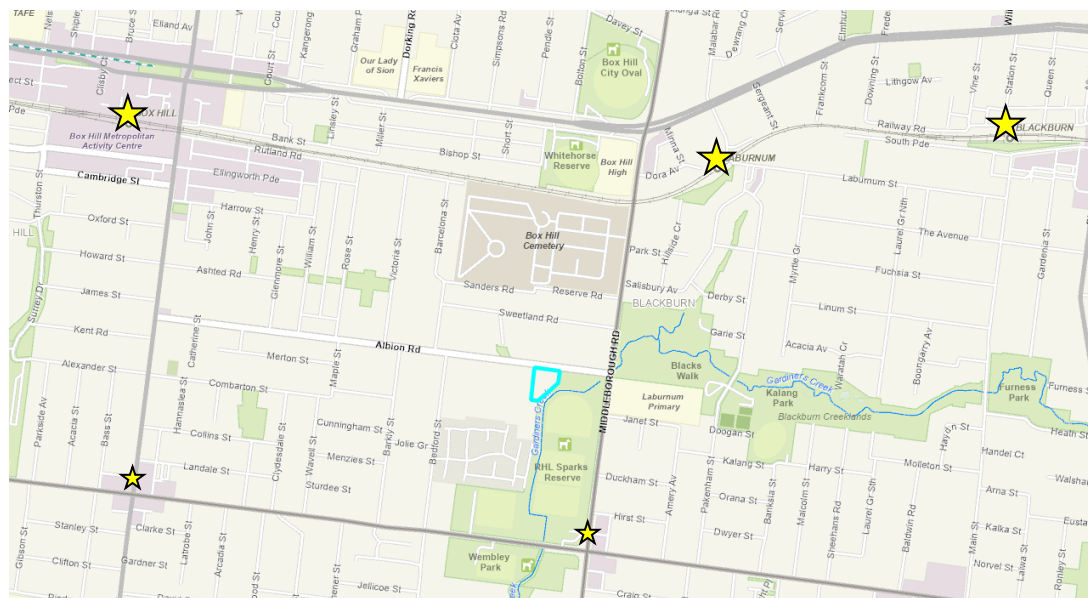


Figure 4: Proximity of the amendment land to surrounding activity centres

Proposal

The amendment request submitted by the proponent seeks to apply the following Zone and Overlay controls to the amendment land:

- Rezone the land from Special Use Zone (Schedule 1) to General Residential Zone (Schedule 1)

10.2 (cont)

- Apply the Significant Landscape Overlay (Schedule 9)
- Retain the Development Contributions Overlay Schedule 1)

The amendment request was submitted with supporting documentation, including:

- Draft Explanatory Report, prepared by Human Habitats Pty Ltd. Refer to Attachment 1
- Town Planning Submission (V3), prepared by Human Habitats (dated 25 June 2024). Refer to Attachment 2.

Officers have reviewed the amendment request and are satisfied that the proposed rezoning of the land from SUZ1 to GRZ1 is justified. The current zoning is no longer the most appropriate control on the following basis:

- The amendment land was subdivided off from the broader St Paschal's Friary College Precinct site and sold in the 1980s and as such, the zone become irrelevant when the land passed from institutional ownership to ownership by private entity. The amendment land was therefore no longer required by St Paschal's Friary.
- The amendment land was previously used for the purpose of a nursing home (which is considered to be an accommodation type use) and was never developed for purposes associated with the SUZ.
- Council has recently considered an accommodation use (WH/2021/898) and whilst this permit was issued by VCAT, Council officers determined that the proposal was generally aligned with the expectations of the SUZ based on the previous nursing home and the location of the site to services and amenities.

The town planning submission which accompanies the amendment, includes the following 'vision' statements in regard to the potential future development of the site:

... "Whilst a development which aligns with the VCMH vision remains the key focus for the landowner, it is submitted that a rezoning of the land would allow for potential redevelopment of the site for, residential purposes. In saying this, it is important to understand the vision and core values of our clients non-for-profit organisation. VMCH is a leading aged care, disability and retirement living provider across metropolitan Melbourne and regional Victoria. Their mission is "to be recognised as a transformative leader in the provision of exceptional care, services and accommodation" and core value attain to "love", "joy", "hospitality" and "courage". VCMH offer a range of services including:

At Home Aged Care – *VMCH is a trusted home care partner, enabling clients to maintain independence in the comfort of your own home. VMCH is an accredited My Aged Care Home Care*

10.2 (cont)

Package provider who have assisted thousands of clients across Victoria.

Residential Aged Care – The VMCH aged care residences offer 24-hour care. From ageing in place, specialised dementia care, chronic disease management and respite, our qualified team of registered nurses and professional carers provide the highest quality support for their clients.

Disability Services – VMCH is a registered NDIS provider, working with their clients to reach individual goals. Their wide range of high-quality disability support services for children and adults include accommodation, support coordination, allied health, help at home services and job/life skills.

Retirement Living - VMCH is a well-established, for-purpose provider of retirement communities. Our portfolio of retirement villages and premium apartments in Melbourne and regional Victoria are designed with independence, security, and lifestyle in mind.

As evident from the above, VMCH offers a vast range of services and housing opportunities for their clients, and this is not only limited to residential aged care as per Planning Permit WH/2021/898. Therefore, a rezoning of the Amendment Area to the General Residential Zone will unlock and enable the following land uses to occur on the land which align with the VMCH vision:

- Retirement Village
- SDA Housing (Community Care Accommodation)
- Education Centre

The Amendment will allow for VMCH to expand their non-for-profit operations through the use of the Amendment Area for purposes that align with the strategic vision.

It is acknowledged that the current owner's intention is to provide some form of aged care on the site. However, if a rezoning is to occur, there is opportunity for this site to be sold and/or developed for residential purposes.

General Residential Zone (Schedule 1)

It is proposed to rezone the amendment land from SUZ1 to GRZ1 to better reflect the future development of the site. The purpose of the General Residential Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.

10.2 (cont)

- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The amendment land is well situated, being located in close proximity to a number of services and amenities:

- Laburnum Station
- Middleborough Road
- Box Hill Metropolitan Activity Centre
- RHL Sparks Reserve, Wembley Park, Blacks Walk & Kalang Park
- Laburnum Primary School

Land to the north of Albion Road and to the west and south of the adjoining St Pascals site is located in the General Residential Zone.

Significant Landscape Overlay (Schedule 9)

Along with the perimeter landscape screen, there are numerous scattered canopy trees across the site. The arborist report submitted with planning permit application WH/2021/898 and prepared by Galbraith & Associates, confirms that 121 trees exist on site, with a further 37 adjoining trees that straddle the property boundaries. Tree species are both native and exotic in origin and generally comprise Melaleuca, Eucalyptus (*cladocalyx*, *conferruminata*, *nicholii*, *spathulata*), Hakea, Callistemon, Corymbia, Pittosporum, Photinia, Privet, Cotoneaster, Liquidambar, and Fraxinus species.

In recognition of the valued landscape character, the amendment request proposes to apply the SLO, schedule 9 to the amendment land. Council officers support the application of the SLO9 as it adequately acknowledges and responds to the landscape character of the site. The proposed SLO9 contains the following objectives:

- To retain and enhance the canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas.
- To encourage the retention of established and mature trees.
- To provide for the planting of new and replacement canopy trees.
- To ensure that development is compatible with the landscape character of the area.

However, it is noted that the Significant Landscape Overlay (Schedule 9) is an interim control that applies across most residential areas in Whitehorse. At the time of this report, the SLO9 is due to expire on 23 December 2024. The Department of Transport (DTP) are in the process of currently developing consistent statewide tree protection provisions in response to

10.2 (cont)

Plan Melbourne Action 91: Cooling and greening in Melbourne. It is unclear if the SLO9 will be extended beyond 2024.

The existing GRZ1 and SLO9 as contained in the Whitehorse Planning Scheme are attached for reference (refer to Attachment 3).

Local Planning Policy Framework

It will be necessary to make slight changes to two clauses of the Local Planning Policy Framework in conjunction with the change of land use to residential. As part of the Whitehorse Housing and Neighbourhood Character Review 2014, two maps relating to residential areas in the municipality were introduced. As the amendment land was not located in a residential zone at the time of this review, the Housing Framework Plan and the Neighbourhood Character Precincts map did not include the amendment land.

It is proposed to amend Clause 21.06 (Housing) by designating the amendment land as “Natural Change” under the Housing Framework Plan that forms part of this clause. The “Natural Change” designation applies to residential land in the municipality that is located in the GRZ. As the amendment proposes to rezone the land to GRZ, it is appropriate to include the land in a Natural Change area at Clause 21.06 of the Whitehorse Planning Scheme.

It is also proposed to amend Clause 22.03 (Residential Development) by making an adjustment to Map 1: Neighbourhood Character Precincts to include the amendment land within the residential area of the Melbourne 10 (GS10) neighbourhood character precinct.

The GS10 precinct applies to a significant portion of land to the west of the amendment land (figure 5). The GS10 preferred future character statement includes the following statement regarding sites able to accommodate natural change:

“To accommodate the population increases in the municipality in the areas identified as being able to sustain higher density based on environmental and infrastructure considerations”.

10.2 (cont)

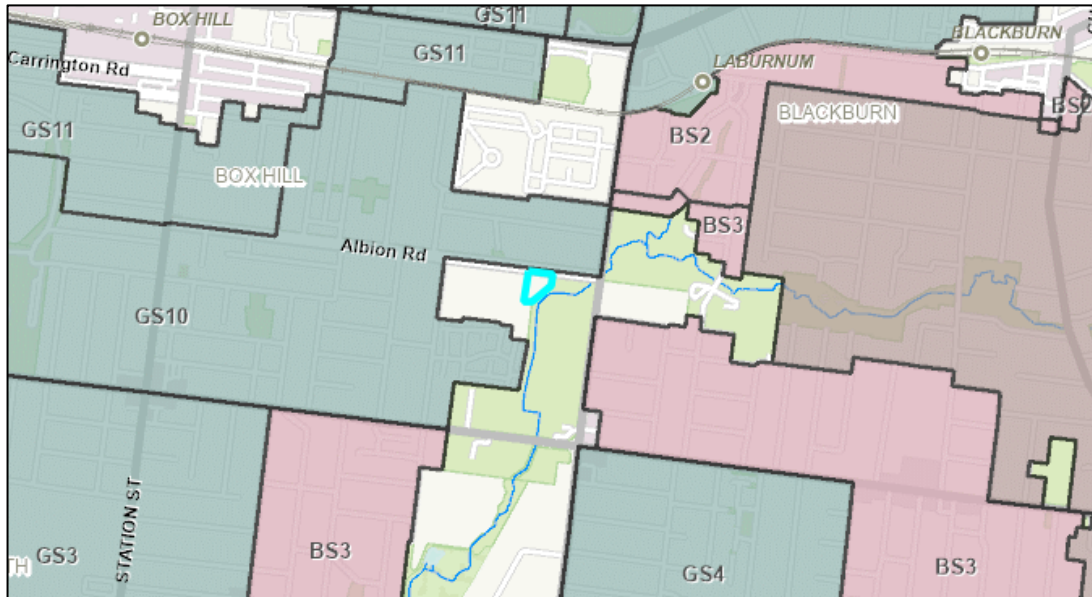


Figure 5: Neighbourhood Character Precincts surrounding the amendment land

Case Study

A relevant example that relates to the proposal is a site that sits south-west of the amendment land, formerly known as 16-26 Bedford Road, Box Hill (now known as Southern Cross Care – Bedford Heights Estate). Whilst the rezoning of this site dates to 2002, there are considerations within the panel report that are relevant to the proposal to rezone the amendment land.



4 Figure 6: Comparative aerial photography 1996 v 2024

Amendment C36 proposed to rezone the land at 16-36 Bedford Street, Box Hill from Special Use Zone Schedule 1 to Residential 1 Zone (which is now the General Residential Zone). The key findings by the Panel in relation to the relevance of the SUZ are included below:

- The objectives of the Special Use Zone are applicable while land is used for education or religious activity or owned by such organisations. When such land ceases to be used for these activities or is sold, the objectives

10.2 (cont)

of the Special Use Zone could not be achieved the zone becomes less relevant.

- The Special Use Zone is no longer appropriate for 16 –36 Bedford Street now that:
 - the Special Use Zone does not reflect ownership of land;
 - the site has been sold by the institution which triggered the need for the Special Use Zone;
 - the Special Use Zone objectives are applicable only while land is used for education or religious activities or owned by such organisations; and
 - future residential development has been signalled by the issue of a planning permit for a retirement village.

The proposed amendment at 110 Albion Road has similar elements such as the change in ownership (from the private institution) and the use of the land (i.e. not being used for education or religious activities).

Strategic Assessment

Council must have regard to the Ministerial direction 11 – Strategic Assessment of Amendments and the corresponding Planning Practice Note (PPN46) in considering this proposed amendment. This Planning Practice Note outlines the following matters that should be addressed in establishing the need for an amendment and whether the proposed provisions are appropriate.

- Why is the amendment required?
- How does the Amendment address any environmental, social and economic effects?
- How does the amendment address any relevant bushfire risk?
- Does the Amendment comply with the requirements of any Minister's Directions applicable to the Amendment?
- How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?
- How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
- How does the amendment support or implement the Municipal Planning Strategy?
- Does the amendment make proper use of the Victorian Planning Provisions?
- How does the Amendment address the view of any relevant agency?
- Does the Amendment address relevant requirements of the Transport Integration Act 2010?

10.2 (cont)

- What impact will the new planning provisions have on the resource and administrative cost of the Responsible Authority?

The following is a brief summary of the responses to the above matters. The draft explanatory report, prepared by the proponent, is included as an attachment to this report (refer to Attachment 1).

- The proposed amendment rezones land in the SUZ1 that is no longer required to be used for the purpose of an education centre or place of worship. The change from institutional ownership to ownership by a private entity indicated that it was no longer required by St Pascal's Friary. The sale of the land excised it from the broader St Paschal's Friary College precinct site, for which the SUZ was originally intended. The practice note requires that where there is the potential to use other tools from the Victorian Planning Provisions that the zone be replaced.
- The new suite of controls will guide the transition of the site to residential land. The application of the Significant Landscape Overlay – Schedule 9 (SLO9) will assist in the retention and incorporation of existing and new vegetation in any future development.
- The proposed amendment will have a positive economic and social effect by removing a redundant zone and applying a suite of new controls that enable residential use and development in a reasonably well-serviced location.
- The proposed amendment is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- The proposed amendment is consistent with Ministerial Direction No. 9 Metropolitan Strategy. This Direction outlines the requirements of planning scheme amendments considering relevant directions of policies in Plan Melbourne 2017-2050 being the relevant Metropolitan Planning Strategy. Council acknowledges that the new Plan for Victoria is anticipated to be released in late 2024, accompanied by finalised housing targets. Nonetheless, the proposed amendment supports several policy directions of Plan Melbourne including the creation of 20-minute neighbourhoods, providing certainty about the scale of growth in suburbs and the delivery of additional housing that adds diversity and choice in locations close to public transport and centres.
- The proposed amendment is consistent with Ministerial Direction No. 11, which requires a comprehensive strategic evaluation of a planning scheme amendment. The requirements of this direction are satisfied by using the assessment contained in this report and the proposed amendment documentation attached.
- The Planning Policy Framework supports land use and development that takes advantage of existing infrastructure in established areas of Melbourne. The relevant policies include Clause 11.01-1S – Settlement, Clause 11.01-1R Settlement – Metropolitan Melbourne, Clause 11.02-2 Supply of urban land, Clause 12.05-2S Landscapes, Clause 15.01-1S –

10.2 (cont)

Urban design, Clause 16.01-1R – Housing Supply – Metropolitan Melbourne and Clause 16.01-2S – Housing Affordability.

- The proposed amendment gives effect to several objectives under Clause 21 and Clause 22 (Local Planning Policy Framework) of the Whitehorse Planning Scheme. The relevant policies include Clause 21.05 – Environment, Clause 21.06 – Housing, Clause 22.03 – Residential development and Clause 22.04 – Tree Conservation.
- The amendment makes proper use of the Victorian Planning Provisions by utilising a zone (GRZ) that reflects the strategic redevelopment opportunity presented by the site. The inclusion of the amendment land as a Natural Change area and within the Garden Suburban Precinct 10 will ensure that neighbourhood character is considered and respected. The amendment makes consequential changes to the Housing Framework Plan in Clause 21.06 to include the amendment land in a natural change area, and to the Neighbourhood Character Precincts map at Clause 22.03, to include the amendment land in the Garden Suburban 10 precinct.
- The SLO control recognises and manages the treed character of the site and its contribution to the broader landscape character of the area. This will ensure that significant trees and stands of trees are retained and incorporated into any future proposal.
- The proposed new planning provisions will have minimal impact on the resource and administrative costs of the Responsible Authority.

Recommended Planning Scheme Amendment C256whse

Council officers consider that the amendment request has merit and that a request authorisation from the Minister for Planning to prepare and exhibit Amendment C256whse to the Whitehorse Planning Scheme is appropriate.

Proposed Amendment C256whse is consistent with the Council Plan 2021-2025 and Council's strategic land use policies and framework. The Amendment will support additional housing in an area that is reasonably well serviced by an activity centre, public transport, open space and other services and facilities. The proposed set of planning controls will effectively manage the integration of the site within the surrounding residential neighbourhood while preserving the characteristics of the land, and appropriately responding to the surrounding context, including the adjoining GRZ areas.

In summary, the controls proposed to be applied to the site under the amendment request, together with the Council officers proposed changes and additions result in the following set of zone and overlay provisions for the site:

- Rezone the land to GRZ1;
- Apply the SLO9; and
- Retain the DCPO1.

10.2 (cont)

In addition to the above, the following amendments are also proposed to the Whitehorse Planning Scheme:

- Amend Clause 21.06 (Housing) by making slight changes to the Housing Framework Plan to include the amendment land in a Natural Change area;
- Amend Clause 22.03 (Residential Development) by making slight changes to the Neighbourhood Character Precincts map to include the amendment land in the Garden Suburban 10 precinct.

The proposed Planning Scheme Amendment C256whse draft explanatory report can be found at (Attachment 1).

Overarching Governance Principles and Supporting Report Details

10.2 (cont)

<p>Strategic Alignment</p>	<p>The rezoning of the land will meet Strategic Direction 4 within the Council Plan (2021-2025). The rezoning of the land would create opportunities for development in an area that has access to a range of facilities, services and amenities. Additionally, the proposed rezoning would create opportunities for residential development in line with the State Government's Housing Statement and draft housing targets.</p> <p>The Amendment supports Strategic Direction 4: Our Built Environment; Movement and Public Places of the Council Plan 2021-2025, and Strategic Direction 5: Sustainable Climate and Environmental Care. It supports the following objectives of these strategic directions:</p> <ul style="list-style-type: none"> • Objective 4.2: <i>Foster development that has access to a range of facilities, services and amenities to meet future community needs.</i> <p>The Amendment site is well located to accommodate additional housing. It is in proximity to an activity centre, public transport, schools, public open space, and a business park.</p> <ul style="list-style-type: none"> • Objective 5.2: <i>Consider our natural environment when making decisions including creeks, wetlands, lakes, bushlands, flora and fauna.</i> <p>The substantial tree canopy coverage across the site has been considered as part of the Amendment request. The proposed SLO9 control recognises the environmental and landscape features of the site and seek to preserve this character as part of any future development.</p>
<p>Financial and Resource Implications</p>	<p>The costs associated with proposed Amendment C256whse will be passed onto the proponent, except for any costs associated with Council's representation at a panel hearing (if applicable). Any costs to Council are included within the Strategic Planning operational budget.</p>
<p>Legislative and Risk Implications</p>	<p>There are no legal or risk implications arising from the recommendation contained in this report.</p>




10.2 (cont)

Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	<p>If Council resolves to seek authorisation from the Minister for Planning to prepare and exhibit an amendment and authorisation is subsequently granted, the Amendment will be placed on public exhibition for a minimum of one (1) month.</p> <p>The exhibition will include the advertising of the proposed amendment to the owners and occupiers of the amendment land and the surrounding area. These requirements are in addition to the need for public a notice in a newspaper circulating in the area and the Victoria Government Gazette, and to notify prescribed Ministers and relevant authorities.</p> <p>In addition to the statutory process, and in accordance with Council's Community Engagement Policy, a project page will be created on the Whitehorse YourSay platform for the exhibition period. This will broaden the reach of the community engagement and facilitate online submissions.</p> <p>At the end of the exhibition period, Council will have to consider any submissions and possibly refer these to an independent panel appointed by the Minister for Planning. Any panel will report back to Council, following a public hearing, and Council will then have to determine whether or not to adopt the amendment (with or without changes). If adopted, the Minister for Planning may then decide whether or not to approve the amendment (with or without changes).</p> <p>No community engagement was required for this report.</p>
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
Collaboration	Pre-exhibition comments have been sought from Melbourne Water regarding any flooding considerations for the site. Relevant agencies will be formally notified as part of the amendment exhibition process.

10.2 (cont)

Conflict of Interest	<p>The <i>Local Government Act 2020</i> 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.</p> <p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>
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ATTACHMENT

- 1 Amendment C256whse Draft Explanatory Report 
- 2 Town Planning Submission by Proponent 
- 3 Existing GRZ1 and SLO9 in the Whitehorse Planning Scheme for Reference 

10.3 Whitehorse Manningham Library Corporation Annual Report

Department

Communities, Engagement and Integrated Planning
Director Community Services

Attachment

SUMMARY

Libraries provide communities with safe spaces, digital access, information resources and opportunities to connect, learn and grow. The Whitehorse Manningham Regional Library Corporation exists to provide library services to the communities of Whitehorse and Manningham. Both Council's collaborate in the governance of this arrangement, through the provision of infrastructure, joint planning, and program delivery.

The Whitehorse Manningham Regional Library Corporation has prepared an Annual Report for the 2023-2024 year which was adopted by the Library Board on 16 October 2024(Attachment 1).

The Annual Report outlines the Library Service's achievements towards the strategic objectives outlined in the Library Plan and the implementation of the Strategic Resource Plan.

COUNCIL RESOLUTION

Moved by Cr Weller, Seconded by Cr Allan

That Council:

1. Receives and notes the Whitehorse Manningham Regional Library Corporation 2023-2024 Annual Report.
2. Notes the Whitehorse Manningham Regional Library Corporation 2023-2024 Annual Report is publicly available via the Corporation's website.

CARRIED UNANIMOUSLY

Spoke to the item: Cr Weller and Cr Allan (2)

KEY MATTERS

The Whitehorse Manningham Library Corporation (WMLC) provides library services from eight branch libraries-four in each municipality and provides services to an estimated population of just over 300,000 people.

Whitehorse Manningham Libraries strive for four strategic goals to ensure the services delivered continue to respond to the diverse needs of Whitehorse and Manningham communities and that they deliver on their purpose and vision –

10.3 (cont)

Purpose: To strengthen and inspire our community by providing opportunities to learn, create, connect, and imagine.

Vision: A vibrant and inclusive library service that enriches our community.

Goal 1: Experience

Objective: To be an inclusive and welcoming people centred service

Goal 2: Learning and Engagement

Objective: To enable an informed and engaged community

Goal 3: Collaboration

Objective: To extend the reach and benefit of library services

Goal 4: Performance

Objective: To be a flexible, resilient, and high performing organisation

The value of library services for our communities cannot be overstated. Public Libraries Victoria recently released a framework 'Strategic Framework for Victorian Public Libraries towards Libraries for Health and Wellbeing 2024' which reinforces that libraries are more than just book repositories, they are essential hubs for fostering social, physical, and mental well-being. Public libraries are vital catalysts for community development and well-being and the activities highlighted in the WMLC Annual Report all contribute to improved community outcomes.

Some of the highlights for the 2023/24 Financial Year across Whitehorse and Manningham Libraries are:

- Over 3.6M Loans with 55,066 loans to outreach patrons.
- 932,557 visits to Branch Libraries.
- 101,325 Library Members - a 4% increase compared to the previous year.
- 526,930 downloads of newspapers and magazines.
- Digital access included 175,513 eBook loans, 9,201 Online courses accessed and 95,802 e-Audiobook loans.
- Box Hill Library selected to participate in a Communication Access Pilot program, coordinated by the State Library of Victoria. The program aims to enhance disability access within libraries and will be implemented throughout the next financial year.
- Tech help for Seniors Program, a partnership with Youngster.co and Box Hill Institute, with students offering dedicated one-on-one technical support to seniors. The program rotated through Doncaster, Box Hill and Nunawading Libraries and there were 198 participants.
- Whitehorse Heritage Week was celebrated with activities held at the Blackburn and Nunawading Libraries. An enthusiastic crowd gathered to find their ancestors in shipping records at Blackburn Library, and a talk

10.3 (cont)

on the history of transport through photography was enjoyed at Nunawading Library.

DISCUSSION, OPTIONS AND ANALYSIS

As this report is for noting only, no other options have been considered.

Overarching Governance Principles and Supporting Report Details

<p>Strategic Alignment</p>	<p>Strategic Direction 1 - Innovation, Transformation and Creativity; Strategic Direction 4 - Our Built Environment,</p> <p>Libraries directly support the achievement of Whitehorse Council's Community Vision and Council Plan through its contribution to supporting multigenerational connections, improved mental health and wellbeing, education, providing a sense of place and belonging and reducing social isolation.</p>
<p>Financial and Resource Implications</p>	<p>There are no financial or resource implications arising from the recommendation contained in this report.</p> <p>The WMRLC Annual report includes the Financial Report. The Corporation received a signed independent Auditors report dated 26 August 2024 which notes that the "financial report presents fairly, in all material respects, the financial position of the corporation as at 30 June 2024 and their financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of the Local Government Act 1989, the Local Government (Planning and Reporting) Regulations 2014 and applicable Australian Accounting Standards".</p> <p>Whitehorse City Council contributed \$5,842,668 (excluding GST) to the corporation in 2023/24 in accordance with its obligations in the Whitehorse Manningham Regional Library Agreement.</p>
<p>Legislative and Risk Implications</p>	<p>The Whitehorse Manningham, Library Corporation operates under the <i>Local Government Act 1989</i>. The 2023/24 Annual Report meets the requirements of Sections 131 to 134 of the <i>Local Government Act 1989</i>.</p> <p>There are no risk implications arising from the recommendation contained in this report.</p>

10.3 (cont)

Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.
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	<p>The <i>Local Government Act 2020</i> 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.</p> <p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>

ATTACHMENT

- 1 Whitehorse Manningham Library Corporation Annual Report 2023-24



10.4 Audit and Risk Committee Bi-Annual Report

Department

Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

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

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

- Prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- Provide a copy of the biannual audit and risk report to the Chief Executive Officer (CEO) for tabling at the next Council meeting.
- The Committee at its meeting held Monday 16 September 2024 approved the Biannual Audit and Risk Committee Report to Council, contingent upon the inclusion of updated information for the September 2024 Committee meeting.

The biannual report is for the period April to September 2024.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Griffiths

That Council note the Audit and Risk Committee Biannual Report for the period April to September 2024.

CARRIED UNANIMOUSLY

Spoke to the item: Cr Barker, Cr Griffiths (2)

KEY MATTERS

- The Internal Auditor, HLB Mann Judd, presented the Review of Data Governance/Cyber (Victorian Protective Data Security Standards) – Part 1 Internal Audit Report and Assurance Map in May 2024. There were sixteen findings raised across the two reports. There were no findings of high risk contained in the reports. Across all projects, the Committee is comfortable with the reporting received and actions being taken by management to address findings. Implementation status is monitored at every meeting.
- The External Auditor, RSD Audit, presented the Interim Management Letter in May 2024, and the annual financial report and performance

10.4 (cont)

statement together with Final Management Letter in September 2024. The Committee reviewed the audited annual financial statements and the audited performance statement and did not identify any significant issues.

- The Committee received organisational updates and also monitors announcements and guidelines that impact Council operations on various matters including cyber security, expected housing growth, cost shifting, Operation Sandon, advanced waste processing project, financial sustainability, Technology and Transformation Program update, the Service Review Program Pipeline and Program Status. The Committee's role has been focussed on the oversight of program governance and risk management.

DISCUSSION, OPTIONS AND ANALYSIS

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

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

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

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

The Charter was last reviewed and endorsed by the Committee at the August 2024 meeting and approved by Council on 9 September 2024.

The Committee comprises of five members: three independent members and two Councillors, appointed by Council. As per the Charter, the Committee meets five times a year.

The agenda for all meetings was in accordance with the Audit and Risk Committee Work Plan 2023/24 (Work Plan), which was developed, discussed and approved by the Committee. The Work Plan is the primary tool used to track completion of responsibilities in the Charter.

10.4 (cont)

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	This report aligns to Strategic Direction 1 of the Council Plan: <i>An innovative Council that is well led and governed.</i> This report was prepared in accordance with the following: <ul style="list-style-type: none"> • Audit and Risk Committee Charter • Audit and Risk Committee Work Plan • Local Government Act 2020
Financial and Resource Implications	There are no financial or resource implications arising from the recommendation contained in this report.
Legislative and Risk Implications	Under Section 54(5) of the Act, the Committee must: <ul style="list-style-type: none"> • Prepare a biannual audit and risk report that describes the activities of the ARC and includes its findings and recommendations; and • Provide a copy of the biannual audit and risk report to the CEO for tabling at the next Council meeting.
Equity, Inclusion, and Human Rights Considerations	It is considered that the subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.
Innovation and Continuous Improvement	Internal and external audit raise matters, including areas for improvements, for management to address and action. The Committee monitors the implementation of management actions to address findings at subsequent Committee meetings until they are resolved.
Collaboration	All members of the Audit and Risk Committee were consulted in the preparation of this report.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

- 1 Biannual Audit and Risk Report - April to September 2024 

10.5 Councillor Appointment to Committees, Organisations and Community Bodies

Department Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

Annually, Council appoints Councillor delegates to various internal and external committees, organisations, and community bodies (committees).

The appointment of Councillor delegates to relevant committees occurs annually in November or December.

The *Local Government Act 2020* (the Act) does not reference committees, and it is up to individual Councils to determine the type of committees they establish, with the exception of the Audit and Risk Committee which is a legislative requirement under Section 66 of the Act.

Council has established a CEO Employment Matters Committee in accordance with the Chief Executive Officer Employment and Remuneration Policy .

Additionally, Council has an agreement with the Whitehorse Manningham Regional Library Corporation that requires that the Board of the Regional Library shall consist of two councillors.

Committees, as defined by Whitehorse Council, operate with adopted Terms of Reference or a similar framework and are advisory in nature on important matters or issues impacting the municipality.

These appointments provide Councillors with the opportunity to engage with the community and bodies that are relevant to Local Government.

Currently, Council is involved in 20 different committees, encompassing both external and internal groups. Of these, 9 are external (including 2 focused on transport issues), and 11 are internal. Each group has specific criteria for Councillor representation, including the required number of Councillors and the length of appointments (either one or two years).

Council can elect to review the committees where Councillors are appointed. To facilitate a review, it is proposed that appointments be made to all current committees for 12 months and a review take place over the next 6 months and options presented to Council.

Further details on each committee can be found in **Attachment 1** to this report.

10.5 (cont)

The Mayor called for nominations on each Committee, where there was more than the required nominations received votes were taken in order of the nominations.

Following are the appointments to each committee and details of where votes were required:

Committee	Councillor Delegate/s 2024/25
Municipal Association of Victoria (One Councillor and One substitute Councillor)	Cr Simpson Substitute Cr Cutts
Whitehorse Business Group (Two Councillors)	Cr Langford Cr Martin
Whitehorse Manningham Regional Library Corp. (Two Councillors)	Cr Weller Cr Allan
Eastern Alliance for Greenhouse Action Executive Committee (One Councillor)	Cr Davenport
Eastern Region Group of Councils (Mayor is the delegate and one Councillor)	Mayor Cr Andrew Davenport Deputy Mayor Cr Cutts
Metropolitan Transport Forum (One Councillor and One substitute Councillor)	Cr Simpson Substitute Cr Gunn
Local Government Working Group on Gambling (One Councillor and One substitute Councillor)	Cr Martin Substitute Cr Cutts

Committee	Councillor Delegate/s 2024/25						
CEO Employment Matters Committee (All Councillors form part of the Committee)	All Councillors						
Audit and Risk Committee (Two Councillors)	Cr Griffiths Cr Allan						
Heritage Steering Committee (One Councillor)	Cr Langford						
Visual Arts Advisory Committee (One Councillor and One substitute Councillor) A vote was conducted for the delegate. The following votes were cast:	Cr Griffiths Substitute Cr Cutts						
<table border="1"> <tbody> <tr> <td>Cr Barker</td> <td>2 Votes</td> </tr> <tr> <td>Cr Cutts</td> <td>4 Votes</td> </tr> <tr> <td>Cr Griffiths</td> <td>6 Votes</td> </tr> </tbody> </table>	Cr Barker	2 Votes	Cr Cutts	4 Votes	Cr Griffiths	6 Votes	
Cr Barker	2 Votes						
Cr Cutts	4 Votes						
Cr Griffiths	6 Votes						

10.5 (cont)

Cr Griffiths with the majority of votes was appointed.					
Whitehorse Disability Advisory Committee (One Councillor and One substitute Councillor)	Cr Griffiths Substitute Cr Langford				
Whitehorse Reconciliation Advisory Committee (One Councillor and One substitute Councillor)	Cr Gunn Substitute Cr Davenport				
Domestic Animal Management Plan Advisory Committee (Two Councillors)	Cr Weller Cr Barker				
<p>Whitehorse Sports and Recreation Reference Group (Two Councillors)</p> <p>Position one Nominations: Cr Gunn, Cr Stennett, Cr Allan. A vote was conducted in order of nomination for the delegate as follows:</p> <table border="1" data-bbox="344 981 711 1032"> <tr> <td>Cr Gunn</td> <td>6 Votes</td> </tr> </table> <p>(as a majority was achieved no further voting was required)</p> <p>Position two Nominations: Cr Allan, Cr Stennett. A vote was conducted in order of nomination for the delegate as follows:</p> <table border="1" data-bbox="344 1279 711 1330"> <tr> <td>Cr Allan</td> <td>6 Votes</td> </tr> </table> <p>(as a majority was achieved no further voting was required)</p>	Cr Gunn	6 Votes	Cr Allan	6 Votes	Cr Gunn Cr Allan
Cr Gunn	6 Votes				
Cr Allan	6 Votes				
Environment and Sustainability Reference Group (Two Councillors, One as Chair)	Chair - Cr Cutts Cr Simpson				
<p>Multicultural Advisory Committee (One Councillor and One substitute Councillor) Nominations: Cr Langford, Cr Griffiths A vote was conducted in order of nomination for the delegate as follows:</p> <table border="1" data-bbox="344 1765 711 1816"> <tr> <td>Cr Langford</td> <td>6 Votes</td> </tr> </table> <p>(as a majority was achieved no further voting was required)</p>	Cr Langford	6 Votes	Cr Langford Substitute Cr Griffiths		
Cr Langford	6 Votes				

10.5 (cont)

COUNCIL RESOLUTION

Moved by Cr Martin, Seconded by Cr Simpson

That Council:

1. Appoints Councillor Representative to committees, organisations and other bodies for the 2024-2025 term.
2. Notes that all Councillor appointments will be for a 12-month term.
3. Notifies the committees, organisations and other bodies of the Councillor Representative appointments.
4. Seeks a review of all Committees and report back to Council within 8 months

CARRIED

Voted FOR item: Cr Allan, Cr Barker, Cr Cutts, Cr Davenport, Cr Griffiths, Cr Gunn, Cr Langford, Cr Martin, Cr Simpson, Cr Weller

Voted AGAINST item (Abstained): Cr Stennett

Spoke to the item: Cr Martin, Cr Simpson (2)

KEY MATTERS

- The Audit and Risk Committee is a legislative requirement under Section 53 of the Act. The committee is responsible for overseeing Council's financial integrity, risk management, and compliance with relevant legislation.
- The CEO Employment Matters Committee has been established in accordance with the Chief Executive Officer Employment and Remuneration Policy and oversees the performance and employment matters of the Chief Executive Officer.
- The Eastern Region Group of Councils is currently reviewing potential changes to the Eastern Affordable Housing Alliance and the Eastern Transport Coalition. A report will come to Council outlining the findings of the review, as a result, these committees have been removed from the list of potential appointments at this time.
- Council can determine if new committees are to be established or if changes should be made to existing committees including the option to dissolve them.

Background

Each year, Council appoints Councillor Representatives to various internal and external committees, organisations and other bodies for the forthcoming year.

These committees provide a necessary mechanism for consultation with the community and key stakeholders. Internal committees and networks provide advice to Council but do not make formal decisions.

10.5 (cont)

For External Organisations, Council is a member or participant in a range of external organisations at a local, regional or sector level. Councillors are appointed to represent Council as delegates to those organisations. In some cases, a substitute is also appointed to attend if the primary Councillor is not available.

Internal Whitehorse Committees and networks have Terms of Reference that outline their purpose and how the meetings are governed. They are advisory in nature and provide recommendations to Council.

The addition of the Multicultural Advisory Committee has been added since the last appointments to committees, organisations and community bodies since the 2023-2024 appointments.

DISCUSSION, OPTIONS AND ANALYSIS

Committees offer advice to the Council on important matters or issues impacting the municipality. They also provide Councillors with opportunities to engage with the community and organisations relevant to local government.

Given the commencement of a new Council term it may be considered timely to review the relevance and significance of some of the committees. As a result, the following options are provided in relation to committees:

Option 1

The committee structure and listing to remain unchanged, with Councillor appointments to be made as outlined below:

EXTERNAL		
No.	Committee/Organisation	Councillor Delegate/s 2024/2025
1.	Municipal Association of Victoria One Councillor and one substitute Councillor (two-year term)	Cr Substitute Cr
2.	Whitehorse Business Group Two Councillors (one-year term)	Cr Cr
3.	Whitehorse Manningham Regional Library Corporation Two Councillors (two-year term)	Cr Cr
4.	Eastern Alliance for Greenhouse Action Executive Committee One Councillor (one-year term)	Cr
5.	Eastern Region Group of Councils Current Mayor, Deputy Mayor and CEO.	Mayor, Cr Cr Simon McMillan
6.	Metropolitan Transport Forum One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr

10.5 (cont)

7.	Local Government Working Group on Gambling One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr
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INTERNAL		
No.	Committee/Group	Councillor Delegate/s 2023/2024
8.	CEO Employment Matters Committee All Councillors	All Councillors
9.	Audit and Risk Committee Two Councillors (one-year term)	Cr Cr
10.	Heritage Steering Committee One Councillor (one-year term)	Cr
11.	Visual Arts Advisory Committee One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr
12.	Whitehorse Disability Advisory Committee One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr
13.	Whitehorse Reconciliation Advisory Committee One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr
14.	Domestic Animal Management Plan Advisory Committee Two Councillors (one-year term)	Cr Cr
15.	Whitehorse Sports and Recreation Reference Group Two Councillors (two-year term)	Cr Cr
16.	Environment and Sustainability Reference Group Two Councillors, one as Chair (two-year term)	Cr Cr
17.	Multicultural Advisory Committee One Councillor and one substitute Councillor (one-year term)	Cr Substitute Cr

Option 2

Make appointments as per the above listing and seek a review to come back to Council in 8 months time. This option provides the new Council an opportunity to see how the committees operate and provides time for officers

10.5 (cont)

to review and present options including how other Council's operate, review terms of references and undertake a gap analysis linked to the Council Plan and strategic directions.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Strategic Direction 1: An innovative Council that is well led and governed.</p> <p>This report reflects commitment to strategic direction 1, by meeting the Committee requirements set by <i>Local Government Act 2020 and Local Government (Governance and Integrity) Regulations 2020 (regulation 7(1) (a) and (b))</i>.</p>
Financial and Resource Implications	<p>There are no financial or resource implications arising from the recommendation contained in this report.</p>
Legislative and Risk Implications	<p>The <i>Local Government (Governance and Integrity) Regulations 2020 (regulation 7(1) (a) and (b))</i> provide for the following exemptions to the conflict of interest provisions (as per s 129(g) of the Act) in relation to committees:</p> <ul style="list-style-type: none"> • The nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated. • The nomination or appointment by the Council of a Councillor to a position in the Municipality. <p>There are no risk implications arising from the recommendation contained in this report.</p>
Equity, Inclusion, and Human Rights Considerations	<p>It is considered that the subject matter does not raise any human rights issues.</p>
Community Engagement	<p>No community engagement was required for this report.</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>

10.5 (cont)

Conflict of Interest	<p>The <i>Local Government Act 2020</i> 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.</p> <p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>
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ATTACHMENT

- 1 List of Committees 

10.6 Records of Informal Meetings of Councillors

Department Governance and Integrity
Director Corporate Services

COUNCIL RESOLUTION

Moved by Cr Gunn, Seconded by Cr Allan

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

CARRIED UNANIMOUSLY

Pre-Council Meeting Briefing – 9 September 2024 –6.30pm-6.43pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> Council Agenda Items – 9 September 2024 	Cr Massoud (Mayor)	S McMillan
	Cr Davenport (Deputy Mayor)	S Cann J Green
	Cr Barker	L Letic
	Cr Carr	S Sullivan
	Cr Cutts	S White
	Cr Lane	V Ferlaino
	Cr Liu	K Woods
	Cr McNeill	
	Cr Munroe	
	Cr Skilbeck	
	Cr Stennett	
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

10.6 (cont)

Councillor Introduction and Mandatory Training 20 November 2024 – 6.30pm – 10.00pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Directorate overviews • Mandatory training <ul style="list-style-type: none"> – Community representation – Strategic planning and financial management 	Cr Andrew Davenport (Mayor) Cr Prue Cutts (Deputy Mayor) Cr Peter Allan Cr Blair Barker left 9.28pm 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 Sullivan S White V Ferlaino K Woods
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

10.6 (cont)

Councillor Briefing – 25 November 2024 – 6.30pm-10.30pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Proposal for New Look Whitehorse News • Davy Lane Reserve Advocacy Approach - User Groups • Councillor Appointments to Committees • Introduction to Planning - Mandatory Training • Council Agenda Items – 2 December 2024 	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 S Sullivan V Ferlaino F Nolan T Gledhill K Chandler K Marriott J Hansen 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

Nil

12 Confidential Reports

Nil

13 Close Meeting

The open Council Meeting was closed at 8.32pm and did not reopen to the public.

These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 16 December 2024.