



WHITEHORSE  
CITY COUNCIL

# Whitehorse City Council

## MINUTES

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### **Council Meeting**

on

**Monday 24 November 2025 at 7:00 PM**

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

Meeting opened at 7.00pm

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

**Officers:** Simon McMillan Chief Executive Officer  
Stuart Cann Director Corporate Services  
Jeff Green Director City Development  
Lisa Letic Director Community Services  
Steven White Director Infrastructure  
Vivien Ferlaino Manager Governance and Integrity  
Sarah Candeland Coordinator Governance  
Alex Wintle Senior Governance Officer

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## 1 Welcome

### Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

**Amen.**

### Acknowledgement of Country

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

## 2 Apologies

### COUNCIL RESOLUTION

Moved by Cr Simpson, Seconded by Cr Cutts

That Council grants Cr Allan a leave of absence for the Council meetings to be held on 2 February 2026.

**CARRIED UNANIMOUSLY**

## 3 Disclosure of Conflicts of Interest

Nil

## 4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 10 November 2025, and the Council Meeting (Election of the Mayor) 12 November 2025.

### COUNCIL RESOLUTION

Moved by Cr Weller, Seconded by Cr Simpson

That the minutes of the Council Meeting 10 November 2025, and the Council Meeting 12 November 2025 be confirmed.

**CARRIED UNANIMOUSLY**

**5 Urgent Business**

Nil

**6 Requests to Speak**

**6.1 Alex Argenti, Vermont Junior Football Club**

**6.2 Trent Touhy, Vermont Cricket Club**

**6.3 Richard Shi, Asian Business Association**

**6.4 Melarie Ong, Box Hill North**

**6.5 Gary Chan, Box Hill**

**6.6 Belinda Stopar, Land Use Planning Matter**

**6.7 Robin Ferdinands, Nunawading Cricket Club**

**6.8 David Lewis, Vermont Men's Shed Inc.**

**7 Public Question Time****7.1 Anonymous Submitter****Question**

Is Council considering a review of its street-parking enforcement and appeals processes, including the use of grace periods and officer discretion? There are ongoing community concerns that the current appeals framework can be inaccessible, non-transparent and difficult to navigate, particularly for residents from multicultural backgrounds.

**Response**

Whitehorse Parking Officers apply discretion when undertaking parking enforcement. The infringements appeals process is required to operate in line with the Infringements Act 2006 and Attorney General Guidelines. To support accessibility, Council's website includes translation functions that allow all written information to be converted into multiple languages. Additional interpreter services are also available for community members who require assistance.

**8 Petitions**

Nil

## 9 Notices of Motion

### 9.1 Notice of Motion - Advocacy Priorities

#### **COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Simpson

That Council receives a report that seeks:

1. The impact of removing Davy Lane Reserve from Whitehorse Advocacy priorities on future sportfield availability;
2. To recommend adjustments maximum contributions to other advocacy projects should Davy Lane be removed as a Whitehorse Advocacy priority.

**LOST**

**Voted FOR the item:** Cr Griffiths, Cr Gunn, Cr Davenport, Cr Simpson (4)

**Voted AGAINST the item:** Cr Allan, Cr Weller, Cr Langford, Cr Barker, Cr Stennett, Cr Cutts, Cr Martin (7)

**Spoke to item:** Cr Davenport, Cr Simpson, Cr Stennett, Cr Barker, Cr Martin, Cr Weller, Cr Gunn, Cr Cutts, Cr Griffiths (9)

### 9.2 Notice of Motion Community and Cultural Centre in the Box Hill Precinct

*The notice of motion was moved by Cr Allan with amendments that differed from the notice of motion as printed in the Agenda.*

#### **MOTION**

Moved by Cr Allan, Seconded by Cr Davenport

That Council:

1. Receives a report from Council officers regarding the establishment of a Chinese Community and Cultural Centre in the Box Hill precinct. The report to:
  - a. Identify potential funding options from Council, State and Federal Governments and any alternate funding from the Chinese community and associated organisations;
  - b. Provide options of location within Box Hill and any appropriate management models;

- c. Advise how best for Council to consult with the local Chinese community and organisations on the establishment of Chinese Community and Cultural Centre.
- d. Include the submissions made to Council requesting the establishment of the Community and Cultural Centre.

**Cr Griffiths proposed an amendment to add point e to the motion, it was accepted by the mover and seconder and became the substantive motion and became the resolution as follows:**

### **COUNCIL RESOLUTION**

Moved by Cr Allan, Seconded by Cr Davenport

That Council:

1. Receives a report from Council officers regarding the establishment of a Chinese Community and Cultural Centre in the Box Hill precinct. The report to:
  - a. Identify potential funding options from Council, State and Federal Governments and any alternate funding from the Chinese community and associated organisations;
  - b. Provide options of location within Box Hill and any appropriate management models;
  - c. Advise how best for Council to consult with the local Chinese community and organisations on the establishment of Chinese Community and Cultural Centre.
  - d. Include the submissions made to Council requesting the establishment of the Community and Cultural Centre.
  - e. Consider adding a Chinese Community Cultural Centre to Councils advocacy program.

**CARRIED**

**Voted FOR the item:** Cr Allan, Cr Weller, Cr Griffiths, Cr Davenport, Cr Simpson, Cr Langford, Cr Stennett, Cr Cutts, Cr Martin (9)

**Voted AGAINST the item:** Cr Gunn, Cr Barker (2)

**Spoke to item:** Cr Allan, Cr Davenport, Cr Cutts, Cr Martin, Cr Griffiths, Cr Barker (6)

**10 Council Reports**

## 10.1 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47)– Use of the land for a Place of Assembly and construction and display of illuminated sign and non-illuminated pylon sign

### Department

City Planning and Development

Director City Development

WH/2024/970

Attachment

### SUMMARY

This report provides Council with an assessment of planning permit application WH/2024/970 at 121 Burwood Highway, Burwood, which seeks approval for the Change of use from an office to a place of assembly (pool hall) and signage.

The key considerations include the acceptability of the use of the land as a place of assembly and impacts that may be caused, having regard to zoning, policy and local context.

As part of the process, the application was advertised and a total of 53 objections were received. The objections raised issues with safety and alcohol affected patrons, noise and antisocial behaviour from patrons, lack of on-site parking and overflow into residential streets, the proposed use being incompatible with surrounding uses (residential, school and childcare venues), excessive operating hours proposed and increased vehicle traffic.

A consultation forum was held on 2<sup>nd</sup> of July 2024, chaired by Councillor Davenport and attended by forty objectors, the permit applicant and Planning Officers, at which the issues were explored, however no resolution was reached between the parties. Objector concerns have been addressed in further detail throughout the report.

From July, 2025, Planning Scheme Amendment VC286 removed the requirement for a planning permit for the sale and consumption of liquor under the Planning Scheme and as such, this is no longer a consideration under this planning permit application. This was articulated to all objectors via email and reiterated at the public consultation forum.

The application was not required to be referred externally, however several internal departments provided comment, all of which provided support for the project subject to conditions, which have been included in the recommendation.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme (excluding Clause 52.27), including the purpose and decision guidelines of the Commercial 2 Zone, Clause 52.06 (Car Parking) and Clause 65 (Decision Guidelines).

It is recommended that the application be supported, and that Council issue a Notice of Decision to Grant a Permit, subject to the conditions below.

## 10.1 (cont)

**MOTION**

Moved by Cr Martin, Seconded Cr Barker

That Council:

- A. Being the Responsible Authority, having caused Application WH/2024/970 for 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign is acceptable and should not unreasonably impact the amenity of adjacent properties.
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign subject to the following conditions:
  1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended plans will be endorsed and will form part of this permit. The amended plans must be generally in accordance with the decision plans dated 21 February 2024, but modified to show:
    - a) Bike parking areas annotated to show a minimum of 3 bike parking spaces.
    - b) Recommendations from the Acoustic Report, prepared by Acoustic Compliance, Revision 3 and dated 15<sup>th</sup> October 2024, to be detailed on the plans.
    - c) An amended Noise and Amenity Action Plan in accordance with Condition 3.
    - d) Notification that signage on the north-eastern door (leading to the basement car park) will be implemented outlining that access through this door is prohibited other than for emergency egress.
  2. The use and development of the land must accord with the endorsed plans and documents and must not be altered or modified without the further written consent of the Responsible Authority.
  3. Before the use commences, an amended Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended NAAP will be endorsed and will form part of this permit. The amended NAAP must be generally in accordance with the NAAP prepared by LiquorPlan and dated 28 November 2024, but modified to show/include:
    - a. Actions to be undertaken for management of patrons to encourage patrons to exit the venue in a quiet and orderly manner.

## 10.1 (cont)

4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Within 3 months of the date of commencement of the use, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The amended Acoustic Report must demonstrate compliance with EPA noise regulations with respect to internal noise as a result of the use and noise emissions from the rooftop air conditioning unit. If compliance can not be achieved then further noise attenuation measures must be detailed as recommendations within the amended report. If any building additions are required that require a permit in their own right, this must be addressed through permit amendment.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Unless without the prior written consent of the Responsible Authority, the use hereby approved must operate only between the following hours:
  - a. Monday-Thursday (Inclusive): 2:00pm-11:00pm
  - b. Friday: 2:00pm-1:00am (the following day)
  - c. Saturday: 12:00pm-1:00am (the following day)
  - d. Sunday: 12:00pm-11:00pm
8. Unless without the prior written consent of the Responsible Authority, the use hereby approved must not operate at any time with more than 80 patrons on the premises to the satisfaction of the Responsible Authority.
9. The 14 car parking spaces shown on the endorsed plans must be kept available for car parking associated with the permitted use at all times.
10. Parking bays and access lanes must be kept available for these purposes at all times.
11. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
12. The use approved under this permit must, at all times, comply with the noise levels specified in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) 1826.4 No. N-1 and State Environment Protection Policy (Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues) 1826.4.
13. The amenity of the area must not be detrimentally affected by the use or development, through:
  - a. Transportation of materials, goods or commodities to or from the land;

## 10.1 (cont)

- b. Emissions of noise, artificial light, vibration, waste water or waste products.
  - c. Presence of vermin.
  - d. In any other way.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority..
  15. The location, type and dimensions of the sign(s), and supporting structure shown on the endorsed plan/s and/or described in the endorsed documents must not be altered without the prior written consent of the Responsible Authority.
  16. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
  17. The approved signs must not be animated in part or whole and flashing, intermittent or moving lights must not be displayed.
  18. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
  19. Unless with the prior written consent of the Responsible Authority, the hours of operation for all illumination of the signage is between hours of operation of the business.
  20. Prior to the operation of the signage, a Lighting Compliance Report from a suitably qualified engineer must be submitted to and approved by the Responsible Authority. The Lighting Compliance Report must demonstrate that the signage has been commissioned according to the requirements of all applicable permit conditions relating to the illumination of signs.
  21. Within 6 months of the installation of the signs, a lighting assessment must be submitted to and approved to the satisfaction of the Responsible Authority. The lighting assessment must ensure that light spill is contained in accordance with the lighting report.
  22. This permit will expire if the sign(s) are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
  23. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.
  24. Pertaining to the buildings and works, this permit will expire if one of the following circumstances applies:
    - a. The buildings and works have not commenced within two (2) years from the date of issue of this permit;

## 10.1 (cont)

- b. The buildings and works have not been completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.

**Cr Stennett proposed an amendment to add point D to the motion, it was not accepted by the mover and seconder.**

**AMENDMENT**

Moved by Cr Stennett, Seconder Cr Cutts

- D. Council investigate the impact along nearby streets which may be affected by additional traffic and carparking and consider appropriate changes to the parking restrictions in consultation with affected residents.

**DISMISSED**

*Cr Allan raised a Point of Order, questioning Council's authority to include point D on the basis that it pre-empted the decision prior to the vote being taken.*

*The Director of City Development provided advice and the Mayor ruled in favour of the point of order and dismissed the amendment.*

*Cr Stennett moved that the Chair's ruling to dismiss the amendment be dissented from.*

**ADJOURNMENT**

The Mayor called a five-minute adjournment at 8.35pm to allow Cr Stennett to work with officers to revise the proposed amendment to item 10.1.

Council resumed at 8.40pm

**Cr Stennett withdrew his dissent of the chair's ruling.**

**Cr Stennett's amendment was re written and separated into two parts which differed from what was printed in the agenda.**

**AMENDMENT**

Moved by Cr Stennett, Seconder Cr Simpson

1. That Council:

- A. Being the Responsible Authority, having caused Application WH/2024/970 for 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for a Place of Assembly and construction and

## 10.1 (cont)

display of an illuminated sign and non-illuminated pylon sign is acceptable and should not unreasonably impact the amenity of adjacent properties.

- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign subject to the following conditions:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended plans will be endorsed and will form part of this permit. The amended plans must be generally in accordance with the decision plans dated 21 February 2024, but modified to show:
  - a) Bike parking areas annotated to show a minimum of 3 bike parking spaces.
  - b) Recommendations from the Acoustic Report, prepared by Acoustic Compliance, Revision 3 and dated 15<sup>th</sup> October 2024, to be detailed on the plans.
  - c) An amended Noise and Amenity Action Plan in accordance with Condition 3.
  - d) Notification that signage on the north-eastern door (leading to the basement car park) will be implemented outlining that access through this door is prohibited other than for emergency egress.
2. The use and development of the land must accord with the endorsed plans and documents and must not be altered or modified without the further written consent of the Responsible Authority.
3. Before the use commences, an amended Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended NAAP will be endorsed and will form part of this permit. The amended NAAP must be generally in accordance with the NAAP prepared by LiquorPlan and dated 28 November 2024, but modified to show/include:
  - a. Actions to be undertaken for management of patrons to encourage patrons to exit the venue in a quiet and orderly manner.
4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## 10.1 (cont)

5. Within 3 months of the date of commencement of the use, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The amended Acoustic Report must demonstrate compliance with EPA noise regulations with respect to internal noise as a result of the use and noise emissions from the rooftop air conditioning unit. If compliance can not be achieved then further noise attenuation measures must be detailed as recommendations within the amended report. If any building additions are required that require a permit in their own right, this must be addressed through permit amendment.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Unless without the prior written consent of the Responsible Authority, the use hereby approved must operate only between the following hours:
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  - c. Saturday: 12:00pm-1:00am (the following day)
  - d. Sunday: 12:00pm-11:00pm
8. Unless without the prior written consent of the Responsible Authority, the use hereby approved must not operate at any time with more than 80 patrons on the premises to the satisfaction of the Responsible Authority.
9. The 14 car parking spaces shown on the endorsed plans must be kept available for car parking associated with the permitted use at all times.
10. Parking bays and access lanes must be kept available for these purposes at all times.
11. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
12. The use approved under this permit must, at all times, comply with the noise levels specified in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) 1826.4 No. N-1 and State Environment Protection Policy (Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues) 1826.4.
13. The amenity of the area must not be detrimentally affected by the use or development, through:
  - a. Transportation of materials, goods or commodities to or from the land;
  - b. Emissions of noise, artificial light, vibration, waste water or waste products.
  - c. Presence of vermin.

## 10.1 (cont)

- d. In any other way.
- 14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority..
- 15. The location, type and dimensions of the sign(s), and supporting structure shown on the endorsed plan/s and/or described in the endorsed documents must not be altered without the prior written consent of the Responsible Authority.
- 16. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 17. The approved signs must not be animated in part or whole and flashing, intermittent or moving lights must not be displayed.
- 18. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
- 19. Unless with the prior written consent of the Responsible Authority, the hours of operation for all illumination of the signage is between hours of operation of the business.
- 20. Prior to the operation of the signage, a Lighting Compliance Report from a suitably qualified engineer must be submitted to and approved by the Responsible Authority. The Lighting Compliance Report must demonstrate that the signage has been commissioned according to the requirements of all applicable permit conditions relating to the illumination of signs.
- 21. Within 6 months of the installation of the signs, a lighting assessment must be submitted to and approved to the satisfaction of the Responsible Authority. The lighting assessment must ensure that light spill is contained in accordance with the lighting report.
- 22. This permit will expire if the sign(s) are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
- 23. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.
- 24. Pertaining to the buildings and works, this permit will expire if one of the following circumstances applies:
  - a. The buildings and works have not commenced within two (2) years from the date of issue of this permit;

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- b. The buildings and works have not been completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

- c. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.
2. Council investigate the impact along nearby streets which may be affected by additional traffic and carparking and consider appropriate changes to the parking restrictions in consultation with affected residents.

**LOST**

**Voted FOR the item:** Cr Allan, Cr Cutts, Cr Griffiths, Cr Stennett (4)

**Voted AGAINST the item:** Cr Barker, Cr Davenport, Cr Gunn, Cr Langford, Cr Martin, Cr Simpson, Cr Weller (7)

**Cr Stennett called a division.**

**Division**

| <b>For (4)</b> | <b>Against (7)</b> |
|----------------|--------------------|
| Cr Allan       | Cr Barker          |
| Cr Cutts       | Cr Davenport       |
| Cr Griffiths   | Cr Gunn            |
| Cr Stennett    | Cr Langford        |
|                | Cr Martin          |
|                | Cr Simpson         |
|                | Cr Weller          |

**On the results of the Division the motion was declared LOST**

**Cr Allan proposed an amendment to section B(7) to ensure closure time is 11.00pm on all nights of the week. It was not accepted by the mover and seconder. The amendment was debated.**

**AMENDMENT**

Moved by Cr Allan, Secunder Cr Cutts

That Council:

- A. Being the Responsible Authority, having caused Application WH/2024/970 for 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign is acceptable and should not unreasonably impact the amenity of adjacent properties.

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- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign subject to the following conditions:
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  3. Before the use commences, an amended Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended NAAP will be endorsed and will form part of this permit. The amended NAAP must be generally in accordance with the NAAP prepared by LiquorPlan and dated 28 November 2024, but modified to show/include:
    - a. Actions to be undertaken for management of patrons to encourage patrons to exit the venue in a quiet and orderly manner.
  4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. Within 3 months of the date of commencement of the use, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The amended Acoustic Report must demonstrate compliance with EPA noise

## 10.1 (cont)

regulations with respect to internal noise as a result of the use and noise emissions from the rooftop air conditioning unit. If compliance can not be achieved then further noise attenuation measures must be detailed as recommendations within the amended report. If any building additions are required that require a permit in their own right, this must be addressed through permit amendment.

6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Unless without the prior written consent of the Responsible Authority, the use hereby approved must operate only between the following hours:
  - a. Monday-Thursday (Inclusive): 2:00pm-11:00pm
  - b. Friday: 2:00pm-11:00pm
  - c. Saturday: 12:00pm-11:00pm
  - d. Sunday: 12:00pm-11:00pm
8. Unless without the prior written consent of the Responsible Authority, the use hereby approved must not operate at any time with more than 80 patrons on the premises to the satisfaction of the Responsible Authority.
9. The 14 car parking spaces shown on the endorsed plans must be kept available for car parking associated with the permitted use at all times.
10. Parking bays and access lanes must be kept available for these purposes at all times.
11. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
12. The use approved under this permit must, at all times, comply with the noise levels specified in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) 1826.4 No. N-1 and State Environment Protection Policy (Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues) 1826.4.
13. The amenity of the area must not be detrimentally affected by the use or development, through:
  - a. Transportation of materials, goods or commodities to or from the land;
  - b. Emissions of noise, artificial light, vibration, waste water or waste products.
  - c. Presence of vermin.
  - d. In any other way.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority..

## 10.1 (cont)

15. The location, type and dimensions of the sign(s), and supporting structure shown on the endorsed plan/s and/or described in the endorsed documents must not be altered without the prior written consent of the Responsible Authority.
16. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
17. The approved signs must not be animated in part or whole and flashing, intermittent or moving lights must not be displayed.
18. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
19. Unless with the prior written consent of the Responsible Authority, the hours of operation for all illumination of the signage is between hours of operation of the business.
20. Prior to the operation of the signage, a Lighting Compliance Report from a suitably qualified engineer must be submitted to and approved by the Responsible Authority. The Lighting Compliance Report must demonstrate that the signage has been commissioned according to the requirements of all applicable permit conditions relating to the illumination of signs.
21. Within 6 months of the installation of the signs, a lighting assessment must be submitted to and approved to the satisfaction of the Responsible Authority. The lighting assessment must ensure that light spill is contained in accordance with the lighting report.
22. This permit will expire if the sign(s) are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
23. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.
24. Pertaining to the buildings and works, this permit will expire if one of the following circumstances applies:
  - a. The buildings and works have not commenced within two (2) years from the date of issue of this permit;
  - b. The buildings and works have not been completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

## 10.1 (cont)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the <i>Planning and Environment Act 1987</i> .                                                                                                                                                                                                                                                                                                                          |                   |
| <b>LOST</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                   |
| <b>Voted FOR the item:</b> Cr Allan, Cr Weller, , Cr Davenport, Cr Stennett, Cr Cutts (5)                                                                                                                                                                                                                                                                                                                                                                                       |                   |
| <b>Voted AGAINST the item:</b> Cr Barker, Cr Griffiths, Cr Gunn, Cr Langford, Cr Martin, Cr Simpson (6)                                                                                                                                                                                                                                                                                                                                                                         |                   |
| <b>Cr Stennett called a division.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |
| <b>Division</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
| <b>For(5)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Against(6)</b> |
| Cr Allan                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Cr Barker         |
| Cr Cutts                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Cr Griffiths      |
| Cr Davenport                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Cr Gunn           |
| Cr Stennett                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Cr Langford       |
| Cr Weller                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Cr Martin         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Cr Simpson        |
| <b>On the results of the Division the motion was declared LOST</b>                                                                                                                                                                                                                                                                                                                                                                                                              |                   |
| <i>Cr Davenport foreshadowed that if the substantive motion was not successful that he would move a refusal motion.</i>                                                                                                                                                                                                                                                                                                                                                         |                   |
| <i>Debate continued on the substantive motion.</i>                                                                                                                                                                                                                                                                                                                                                                                                                              |                   |
| <b>MOTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |
| Moved by Cr Martin, Seconded Cr Barker                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |
| That Council:                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |
| A. Being the Responsible Authority, having caused Application WH/2024/970 for 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign is acceptable and should not unreasonably impact the amenity of adjacent properties. |                   |
| B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 121 Burwood Highway, BURWOOD (LOT 1 TP 549192N 47) for the Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign subject to the following conditions:                                                                                                                                        |                   |
| 1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended plans will be endorsed and will form part of this permit. The amended plans                                                                                                                                                                                                              |                   |

## 10.1 (cont)

must be generally in accordance with the decision plans dated 21 February 2024, but modified to show:

- a) Bike parking areas annotated to show a minimum of 3 bike parking spaces.
  - b) Recommendations from the Acoustic Report, prepared by Acoustic Compliance, Revision 3 and dated 15<sup>th</sup> October 2024, to be detailed on the plans.
  - c) An amended Noise and Amenity Action Plan in accordance with Condition 3.
  - d) Notification that signage on the north-eastern door (leading to the basement car park) will be implemented outlining that access through this door is prohibited other than for emergency egress.
2. The use and development of the land must accord with the endorsed plans and documents and must not be altered or modified without the further written consent of the Responsible Authority.
  3. Before the use commences, an amended Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended NAAP will be endorsed and will form part of this permit. The amended NAAP must be generally in accordance with the NAAP prepared by LiquorPlan and dated 28 November 2024, but modified to show/include:
    - a. Actions to be undertaken for management of patrons to encourage patrons to exit the venue in a quiet and orderly manner.
  4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. Within 3 months of the date of commencement of the use, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The amended Acoustic Report must demonstrate compliance with EPA noise regulations with respect to internal noise as a result of the use and noise emissions from the rooftop air conditioning unit. If compliance can not be achieved then further noise attenuation measures must be detailed as recommendations within the amended report. If any building additions are required that require a permit in their own right, this must be addressed through permit amendment.
  6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
  7. Unless without the prior written consent of the Responsible Authority, the use hereby approved must operate only between the following hours:
    - a. Monday-Thursday (Inclusive): 2:00pm-11:00pm

## 10.1 (cont)

- b. Friday: 2:00pm-1:00am (the following day)
  - c. Saturday: 12:00pm-1:00am (the following day)
  - d. Sunday: 12:00pm-11:00pm
8. Unless without the prior written consent of the Responsible Authority, the use hereby approved must not operate at any time with more than 80 patrons on the premises to the satisfaction of the Responsible Authority.
  9. The 14 car parking spaces shown on the endorsed plans must be kept available for car parking associated with the permitted use at all times.
  10. Parking bays and access lanes must be kept available for these purposes at all times.
  11. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
  12. The use approved under this permit must, at all times, comply with the noise levels specified in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) 1826.4 No. N-1 and State Environment Protection Policy (Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues) 1826.4.
  13. The amenity of the area must not be detrimentally affected by the use or development, through:
    - a. Transportation of materials, goods or commodities to or from the land;
    - b. Emissions of noise, artificial light, vibration, waste water or waste products.
    - c. Presence of vermin.
    - d. In any other way.
  14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority..
  15. The location, type and dimensions of the sign(s), and supporting structure shown on the endorsed plan/s and/or described in the endorsed documents must not be altered without the prior written consent of the Responsible Authority.
  16. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
  17. The approved signs must not be animated in part or whole and flashing, intermittent or moving lights must not be displayed.
  18. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.

## 10.1 (cont)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>19. Unless with the prior written consent of the Responsible Authority, the hours of operation for all illumination of the signage is between hours of operation of the business.</p> <p>20. Prior to the operation of the signage, a Lighting Compliance Report from a suitably qualified engineer must be submitted to and approved by the Responsible Authority. The Lighting Compliance Report must demonstrate that the signage has been commissioned according to the requirements of all applicable permit conditions relating to the illumination of signs.</p> <p>21. Within 6 months of the installation of the signs, a lighting assessment must be submitted to and approved to the satisfaction of the Responsible Authority. The lighting assessment must ensure that light spill is contained in accordance with the lighting report.</p> <p>22. This permit will expire if the sign(s) are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.</p> <p>23. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.</p> <p>24. Pertaining to the buildings and works, this permit will expire if one of the following circumstances applies:</p> <ul style="list-style-type: none"> <li>a. The buildings and works have not commenced within two (2) years from the date of issue of this permit;</li> <li>b. The buildings and works have not been completed within four (4) years from the date of issue of this permit.</li> </ul> <p>The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.</p> <p>C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the <i>Planning and Environment Act 1987</i>.</p> <p style="text-align: right;"><b>LOST</b></p> |
| <p><b>Voted FOR the item:</b> Cr Weller, Cr Griffiths, Cr Langford, Cr Barker, Cr Martin (5)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Voted AGAINST the item:</b> Cr Allan, Cr Gunn, Cr Davenport, Cr Simpson, Cr Stennett, Cr Cutts (6)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>ADJOURNMENT</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 10.1 (cont)

The Mayor called a five-minute adjournment at 9.14pm to allow Cr Davenport prepare the previously foreshadowed refusal motion to item 10.1.

Council resumed at 9.20pm.

**COUNCIL RESOLUTION**

Moved by Cr Davenport, Seconded by Cr Cutts

That Council:

- A. Being the Responsible Authority, having caused Application WH/2024/249 to be advertised and having received and noted the objections is of the opinion that the granting of a planning permit for the Construction of an apartment building and removal of trees is not acceptable and will unreasonably impact on the neighbourhood character and amenity of adjacent properties.
- B. Issue a Notice of Refusal to Grant a Permit under the Whitehorse Planning Scheme to the land described as 121 Burwood Highway, Burwood for the 'Use of the land for a Place of Assembly and construction and display of an illuminated sign and non-illuminated pylon sign' on the following grounds:
  - 1. The use of the land for a place of assembly does not meet the purpose of the Clause 34.02 (Commercial 2 Zone) as it is incompatible with, and will cause unreasonable impact on, the safety and amenity of sensitive land uses within the surrounding area.
  - 2. The use does not meet the policy of Clause 13.05-1S (Noise Management) as noise emission from the proposed use will cause unreasonable impact on sensitive residential land uses on immediate adjoining lots.
  - 3. The hours proposed for the place of assembly are not compatible with the residential nature of surrounding lots.
  - 4. The use of the land will cause unreasonable safety impacts on residential land uses within the immediate surrounding area.
- C. Has made this decision having had particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.

**CARRIED**

**Voted FOR the item:** Cr Allan, Cr Griffiths, Cr Gunn, Cr Davenport, Cr Simpson, Cr Stennett, Cr Cutts (7)

**Voted AGAINST the item:** Cr Weller, Cr Langford, Cr Barker, Cr Martin (4)

**Spoke to item:** Cr Barker, Cr Martin, Cr Stennett, Cr Simpson, Cr Davenport, Cr Allan, Cr Cutts (7)

## 10.1 (cont)

**KEY MATTERS**

MELWAYS REFERENCE MAP: 60 REF: J6

|                   |                                                   |
|-------------------|---------------------------------------------------|
| Applicant:        | XSV Billiards Pty Ltd                             |
| Zoning:           | Commercial 2 Zone                                 |
| Overlays:         | Development Contributions Plan Overlay Schedule 1 |
| Relevant Clauses: |                                                   |
| Clause 13.05-1S   | Noise Management                                  |
| Clause 13.07-1S   | Land use Compatibility                            |
| Clause 17.01      | Employment                                        |
| Clause 17.02      | Commercial                                        |
| Clause 34.02      | Commercial 2 Zone                                 |
| Clause 52.06      | Car Parking                                       |
| Clause 52.34      | Bicycle Facilities                                |
| Clause 65         | Decision Guidelines                               |
| Ward:             | Wattle                                            |

**BACKGROUND****History**Amendment VC286

### 10.1 (cont)

Amendment VC286 was a statewide amendment introduced by the Department of Transport and Planning and came into operation on 1<sup>st</sup> of July 2025. This amendment removed the requirement for a planning permit to sell and consume liquor. It is important to note as this application was sought prior to the Amendment coming into operation and therefore sought permission to sell and consume liquor under the old Clause 52.27 and a number of the objections received include concerns of the sale and consumption of liquor.

As a result of this amendment, for which there are no transitional arrangements, there is no longer a permit trigger under this clause that applies to the application. As such Council cannot consider elements of the proposed use which relate to the sale or consumption of liquor.

### The Site and Surrounds

The subject site comprises of one lot containing a double storey building historically used as an office. The subject site is located on the north side of Burwood Highway in Burwood, approximately 650m west from the intersection with Elgar Road and 507m east of the intersection with Warrigal Road. The site has a frontage of 21.2m to Burwood Highway and a depth of 43m for a total site area of 812m<sup>2</sup>. The site currently contains a double storey office building with the ground floor providing a 15 car space parking garage (with 1 additional car park located outside) and upstairs providing an office with a floor area of approximately 450m<sup>2</sup>. The site is not encumbered by any easements.



The surrounding properties are a mix of commercial, public park and residential uses, with sites to the west and south (across Burwood Highway) providing car sales and services, to the north providing townhouses and to the east providing a public park.

Further east is the Burwood Village Shopping Centre, which provides for a range of services including retail, health, and food and drink services, which

### 10.1 (cont)

run along Burwood Highway, with residential to the rear, in similar settings to the subject site. To the west along Burwood Highway, sites of note include Presbyterian Ladies College (PLC) and Deakin University located 181m and 1km to the west respectively.

Burwood Highway, which the site is located on, is a major arterial road, and one of major feeder roads of Melbourne from the inner suburbs to the outer eastern areas within the Dandenong Ranges. This road carries a significant amount of daily traffic from in both and easterly and westerly direction, with Tram Route 75 travelling between Vermont South and Melbourne CBD.

## **Planning Controls**

### Commercial 2 Zone

The subject site is located within the Commercial 2 Zone (Clause 34.02) . A purpose of this zone is to allow for larger scale commercial uses, including offices, manufacturing and bulky goods retailing, while ensuring that they do not affect the safety and amenity of adjacent sensitive uses.

Pursuant to Clause 34.02-2, a permit is required to use the land for a Place of Assembly as it is a 'Section 2 Use'.

The zoning in itself does not trigger a permit for signage, however the zone, pursuant to Clause 34.02-8 outlines which category signage requirements fall within under Clause 52.05 (Advertising Signs).

Signs within Commercial 2 Zone fall under Category 1 of Clause 52.05.

### Clause 52.05 – Signs

The purpose of Clause 52.05 (Signs) is:

- *To regulate the development of land for signs and associated structures*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment*

Under Clause 52.05-11, in category 1, a permit is required for both a floodlit sign (defined as a sign illuminated by external lighting) and a Pylon Sign (defined as a sign on a pole or pylon that is not part of a building/other structure).

### Clause 52.06 – Car Parking

The purpose of Clause 52.06 (Car parking) is to:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

## 10.1 (cont)

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The use of the site as a Place of Assembly attracts a parking rate of 0.3 parking spaces per patron permitted. With a proposal for 80 patrons, this triggers a requirement for 24 parking spaces to be provided on site.

Within the existing building 14 existing car parking spaces are provided, resulting in a shortfall of 10 car parking spaces.

Pursuant to Clause 52.06-3 however, a permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- *The building is in the Commercial 2 Zone*
- *The gross floor area of the building is not being increased.*
- *The reduction does not exceed 10 car parking spaces.*
- *The building is not in a parking overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces.*

As the existing building is located within the Commercial 2 Zone, and meets the other criteria above, a permit is not triggered for the reduction in car parking in this instance.

#### Clause 52.34 – Bicycle Parking

Clause 52.34 requires 1 bike parking space to each 1500sqm of net floor area for employee parking and 2 bike spaces plus 1 additional per each 1500sqm of net floor area for visitor parking which equates to a total of 4 bicycle parking spaces being required.

2 'bike rails' have been shown on the plans, however it is not clear on the type of these and if they are a 'dual bike park' (i.e. can park 2 per rail for a total of 4). This can be conditioned to be shown on the plans to show the type of bike rail and providing a minimum of 4 spaces to be indicated on the plans.

### **PROPOSAL**

The application proposes the use of the land for a Place of Assembly (Pool Hall) within the existing building. The specifics of the use are detailed below:

- The proposed pool hall will have a minimum of 1 staff member and a maximum of 80 patrons at any given time.

## 10.1 (cont)

- The hours of operation (as stated in the application lodgement documents) are proposed to be 12:00noon-1:00am the following day 7 days a week.
- 14 car carparking spaces (inclusive of one DDA space) are located on the ground level in the undercroft garage and out the front of the site.
- The pool hall will consist of 12 pool tables, as well as a darts area and video game area for alternate activities.
- Food such as pizzas, pies, fries and nuggets will be available for patrons while the site is operating.
- Alcoholic drinks would also be sold on site, however this does not form part of this planning consideration and is subject to license requirements under the Victorian Commission for Gambling and Liquor Regulation (VCGLR) process.
- Buildings and works include internal alterations and the installation of a lift from the under-croft car parking to the first floor level with the main pool hall use (internal works are exempt from a permit).
- Signage is proposed as follows:
  - A 1.27m X 3.6m (4.5m<sup>2</sup>) floodlit/externally illuminated sign on the front façade of the building fronting Burwood Highway stating 'EDEN BILLIARDS CLUB'
  - A 2.1m high X 870mm wide double sided non illuminated pylon sign consisting of:
    - A 445mm X 790mm (0.350m<sup>2</sup> X 2 sides = 0.7m<sup>2</sup>) logo of 'EDEN BILLIARDS CLUB'.
    - A 300mm X 790mm (0.237m<sup>2</sup> X 2 sides = 0.47m<sup>2</sup>) sign stating '121' (street number of the site).

**CONSULTATION****Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Burwood Highway frontage. Following the advertising period 53 objections were received.

The issues raised are summarised as follows:

- Safety concerns pertaining to alcohol affected patrons.
- Noise and antisocial behaviour from patrons.
- Lack of on-site parking and overflow into residential streets.
- The proposed use is generally incompatible with surrounding uses (residential, school and childcare venues).
- Excessive operating hours proposed.
- Increased vehicle traffic.

| Objection | Planning Response |
|-----------|-------------------|
|-----------|-------------------|

## 10.1 (cont)

|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Safety concerns pertaining to alcohol affected patrons                                                         | <p>As outlined previously, matters relating to the sale and consumption of liquor are no longer a planning matter and would be addressed through the Liquor Licence application process.</p> <p>While this may be the case, patron behaviour will be discussed in relation to the proposed pool hall land use and its management through condition for a Noise and Amenity Action Plan.</p>  |
| Noise and antisocial behaviour from patrons                                                                    | <p>This is discussed in further detail below. Antisocial behaviour can be addressed by way of permit conditions through a Noise and Amenity Action Plan in conjunction with conditions for reduced hours of operation which have been agreed to by the permit applicant in response to resident concerns.</p>                                                                                |
| Lack of on-site parking and overflow into residential streets                                                  | <p>Whilst the number of parking spaces is less than that required by the planning scheme, the reduction is less than 10 spaces and therefore does not trigger a planning permit under the requirements of clause 52.06 of the Whitehorse Planning Scheme.</p>                                                                                                                                |
| The proposed use being incompatible with surrounding uses, including residential, schools and childcare venues | <p>The use of the site for the proposed pool hall, being a commercial use, is generally appropriate for the commercial context of the area along Burwood Highway, and the Commercial 2 Zone of the site. Noting that there are more sensitive uses within the area, such as residential, schools and childcare, the use in this context will be assessed in detail later in this report.</p> |
| Excessive operating hours proposed                                                                             | <p>The proposed hours of operation are discussed in the assessment section of this report below. The applicant has proposed reduced hours following the public consultation meeting which are</p>                                                                                                                                                                                            |

## 10.1 (cont)

|                           |                                                                                                                                                                                                                                                                                                                 |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | satisfactory in the context of the area and for the nature of the proposed use.                                                                                                                                                                                                                                 |
| Increased vehicle traffic | Given the relatively modest scale of the proposed use, being for a pool hall with associated bar, and the sites' location, it is unlikely that any increase in traffic movements would be readily discernible when measured against the existing traffic levels along Burwood Highway as a major arterial road. |

The points of objection are discussed in further detail within the assessment section of this report below. As noted in this report above, the sale and consumption of alcohol and associated considerations does not form part of the assessment of this application.

### Consultation Forum

A Public Consultation Forum was held on 2<sup>nd</sup> July, 2025, chaired by Mayor Davenport and attended by planning officers, the applicant and forty objectors. At the consultation forum, the issues were discussed including the applicant committing to consider revised hours of operation, however no substantive resolution was reached. All objections remain outstanding.

Following the forum, the application was not subject to a formal amendment, however the applicant proposed to reduce the hours in response to objector concerns as per the below:

| Days                        | Original proposed hours           | New/proposed hours                 |
|-----------------------------|-----------------------------------|------------------------------------|
| Monday-Thursday (inclusive) | 12noon-1:00am (the following day) | 2:00pm-11:00pm                     |
| Friday                      |                                   | 2:00pm-1:00am (the following day)  |
| Saturday                    |                                   | 12:00pm-1:00am (the following day) |
| Sunday                      |                                   | 12:00pm-11:00pm                    |

Further discussion on the change in hours requested by the applicant is undertaken in the assessment section of this report below.

### Referrals

#### Internal

Transport Engineer

### 10.1 (cont)

The application was referred to Council's Transport Engineer who are supportive of the application and does not require any conditions or changes to be included.

#### Waste Engineer

The application was referred to Council's Waste Officer who has no objection subject to conditions for the waste management plan to be endorsed under the application.

### **DISCUSSION**

In assessing the application for the proposed use, it is important to consider a range of matters, including the use in the context of the Commercial 2 Zone and immediate surrounding area, planning policy and the support for a mixed range of businesses/uses, as well as matters raised in the objections including amenity impacts through noise, car parking, patron behavior and hours of operation. The below discussion is an assessment of these matters in justifying support for the proposal.

#### Commercial 2 Zone

The purpose of the Commercial 2 Zone is to provide for retail including bulky goods, other retail and commercial services. It also includes the purpose of ensuring that uses do not affect the safety and amenity of adjacent, more sensitive uses such as the residential properties located to the north of the subject site.

Under the zoning, the proposed use is Section 2 (permit required), which is a permissible use, subject to consideration against the relevant decision guidelines. The proposal is generally suitable for this area, particularly given the policy expectations of Clause 17 discussed earlier and it being demonstrated that unreasonable impacts to residential properties can be managed to an acceptable standard.

Whilst the site interfaces directly with residential zones to the north, the proposed use is contained entirely within the existing building ensuring that any potential impacts from patron or vehicular noise can be managed and minimised. Further to this, the vehicular entrance and parking area of the site is orientated south to Burwood Highway, away from these residential properties, and onto a busy arterial road.

With regards to existing commercial uses on neighbouring sites, the proposed use will not unreasonably impact upon their ability to function under their existing arrangements. The proposed use is self-contained within an existing building and does not constitute a 'sensitive' interface that will impede upon the ability of existing uses to operate that would cause undue impact on the proposed use. As discussed throughout this report, the overall use is not dissimilar to other uses within this commercial area, including hours of operation and/or function. The commercial zoning nature of the site, with surrounding sites being mixed use/commercial land shows the site being an ideal location for the proposal within the context of the planning scheme.

### 10.1 (cont)

In terms of traffic, the use is not expected to provide for a substantial increase in traffic that would cause an impact on the surrounding road network. Given the site's location on and access point from Burwood Highway, it is expected that any increase of traffic will utilise Burwood Highway in an east or west direction to access the site, which being an arterial road, can handle any increase in traffic as a result of the proposed use. Other increase in traffic along the local surrounding road network is expected to be minimal.

In terms of connection to services, the consideration of a commercial use and services required, the site provides for connection to Public Transport with the Route 75 tram down Burwood Highway providing connection between Vermont South and the Melbourne CBD, as well as other transport options further afield, including Burwood Train Station and Camberwell Junction. The tram offers an expansive timetable including late night/early morning services. Further to this, the site's location on the edge of the Burwood Activity Centre, will ensure other services for patrons and staff, including food and drink premises and public car park options, ensuring that the use is appropriate within the context of its setting.

It is to be noted that amenity impacts will be discussed in more detail within the following section of this report.

As such, due the above, it is considered that the proposed use is appropriate in the context of the Commercial 2 Zone.

#### *Hours of operation*

The hours proposed within the application are 12:00pm to 1:00am (the following day) 7 days a week.

As outlined earlier in this report, following the consultation meeting, the applicant proposed alternate hours of:

- *2:00pm to 11:00pm Monday-Thursday (Inclusive)*
- *2:00pm to 1:00am (the following day) Friday*
- *12:00pm to 1:00am (the following day) Saturday*
- *12:00pm to 11:00pm Sunday.*

These proposed hours have not been formally amended into the application, however can be introduced through conditions which have been given in-principle support from the applicant as a direct response to objector concerns.

A review of Council's records has found other 'pool halls' within the municipality operate under the following hours:

- *Legend Billiards Club (3/321 Middleborough Road, Box Hill South): 1:00pm-1:00am Sunday to Thursday and 1:00pm-1:30am Friday-Saturday*
- *Mr Cue Ball (973 Whitehorse Road): 2:00pm-12:00am Monday-Thursday and 1:00pm-1:00am Friday-Sunday*
- *519 Club (15-17 Prospect Street, Box Hill): 24 Hours 7 days a week*

## 10.1 (cont)

While the proposed hours under this application appear generally consistent with similar existing venues, the subject site has a more sensitive context to consider. The consideration of hours for the proposed use of land must have regard to the residential uses immediately north, the park to the east, that this site is on the edge of the commercial area and there is a school further east. Its context is relevant in recognising the need to reduce the operating hours.

With regards to hours of operation found for the subject site as part of an existing commercial strip along Burwood Highway, the proposed new hours are generally compatible with the operation found in the surrounding area as follows:

- Alladins Lounge (29 Burwood Highway – 395m west of the subject site), 7:00pm-12:00am 7 days a week.
- Burwood Shisha Lounge (28 Burwood Highway – 410m west of the subject site) 6:00pm-2:00am Friday-Sunday and 6:00pm-12:00am Monday-Thursday.
- Snap Fitness (41-51 Burwood Highway – 345m west of the subject site) 24/7 operation.
- Anytime Fitness (1/85 Burwood Highway – 109m west of the subject site) 24/7 operation.

While the proposed use will include the sale and consumption of alcohol, and some of the above uses do not, as evidenced above, the surrounding area already contains multiple venues which operate during evening hours along Burwood Highway for a variety of recreation and entertainment purposes. In addition to the above list of venues, restaurants and food and drink premises have been excluded but are prominent along the Highway, including McDonalds 24-hour restaurant and multiple other dining venues which offer evening trade. These existing uses have a similar 'profile' to the proposed use with respect to level of noise and operation (i.e. all internal, similar levels of noise emission through music etc and two being licenced venues). Further to this, the locations of these premises are similar in their proximity to residential uses and are compatible with adjoining residential land while contributing to the activity and vibrancy of the commercial strip adjacent to Burwood Highway.

As such, the proposed hours of operation would be compatible with the broader operation of commercial uses along Burwood Highway with the reduced hours proposed by the applicant to be included through condition.

Planning Policy Framework

Clause 13.05-1S (Noise Management) seeks to assist the management of noise effects on sensitive land uses which in this case includes residential properties adjoining the site (and those further north). To support the proposed use, and address this policy, the application has been accompanied by an acoustic assessment, the details of which are further discussed later within this report. Whilst there are some shortcomings associated with the acoustic report itself, the nature of the proposed use would result in relatively limited noise impacts, the nature of which can be

### 10.1 (cont)

readily addressed through conditions of any permit issued. This will be discussed in more detail under the 'Amenity Impacts' heading of this report.

Clause 13.07-1S (Land Use Compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

With regards to the residential properties adjoining the site to the north, the proposed land use itself (pool/snooker etc.) is unlikely to result in unreasonable offsite impacts to these nearby sensitive land uses. It nonetheless remains important to ensure the proposed use has appropriate mechanisms to manage patron behavior and mitigate offsite impacts, which is also discussed in the assessment section of this report.

Clause 17 (Economic Development) outlines Council's plans to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Clause 17.01 (Employment) seeks to strengthen and diversify the economy, while Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

These policies reinforce Council's desire to ensure that there are a range of opportunities for development in the municipality to meet market demand for vibrant areas which support a range of commercial activities. The proposed pool hall would introduce a new use that supports the local community and economy through additional entertainment, and activity.

### Amenity impacts

#### *Noise*

The application was accompanied by an acoustic report (Prepared by Acoustic Compliance Australia and dated October 2024) which included a noise modelling survey that undertook assessments on noise impacts on immediately surrounding residential properties.

The results of the assessment, as outlined within the report, determined that music noise from the venue had a very low potential to result in elevated noise levels above *EPA Noise Protocol Part 2* noise limits. It also determined that noise levels from the internal patron noise have a very low potential to result in elevated noise levels above *EPA Noise Protocol Part 1* noise limits.

In terms of noise from patrons entering and exiting the venue, the Acoustic Compliance Australia report identifies a moderate risk of impact arising from patron use of the east-facing side door, which is considered as an unacceptable impact in its current form. As such, the following recommendations were made in the report to assist in reducing the potential impact of patron noise on noise sensitive receivers:

1. *If the side entrance is required to be used after 10pm, it is recommended to install a solid fence, 2.2m high just north of the eastern entry door to mitigate patron noise to the northern residential dwellings. The fence is to be constructed of a solid material and have no air-gaps. It is to have a density of 15 to 20kg/m<sup>2</sup>. Special care should be given to eliminating air-gaps between palings and at footings of the fence where it intersects*

## 10.1 (cont)

*with the ground. A gate or door is permitted to be installed within the fence, provided air gaps are minimised as far as is practicable.*

*The fence is to be installed between the venue building façade and the garden bed. The fence is to be installed no further than 2m north of the side entrance door. The fence will provide an approximate noise reduction of 8 dB and lower the risk of patron noise impacting on human health and the environment,*

2. *The impact of the air conditioning units are currently an unknown due to the lack of measurement data. Developing recommendations for the units should be delayed until the venue is operating and measurements can be obtained to verify their noise level. down to low.*

The acoustic report will be endorsed to form part of the permit with the above recommendations to ensure compliance, including further testing to be undertaken. With regards to changes to plans, both east-facing doors will be included with the above treatments acknowledging the door to the north is at a lower gradient and likely to pose substantially less risk in terms of noise generation.

This northern, east-facing door which leads directly from the basement car parking area being closer to the rear boundary which interfaces with residential properties will be required to contain signage which prohibits access other than for emergency egress to encourage patrons to utilise the Burwood Highway frontage and access.

A condition will be included for a further acoustic assessment within three months after the use commences to demonstrate that the recommendations have achieved appropriate attenuation levels and if required, further works to be implemented.

With regards to the existing air condensers located on the roof of the building, the Acoustic Compliance Australia report outlines that the previous use of the office being during the day, it is unlikely that air conditioners were running during nighttime and therefore impact on residences is unknown. The acoustic report therefore recommended that the units be measured to quantify the noise emissions once the premises is operational to establish potential impacts. This can be addressed by way of permit conditions.

The submitted acoustic report indicates that noise from the proposed venue can be dealt with, as per the recommendations above. Planning Officers are satisfied that with the recommendations and conditions outlined above, internal noise from the proposed venue can be managed through conditions.

The noise attenuation measures proposed ensure that the use can meet the objectives of Clause 13.05-1S (Noise management) by assisting in the management of noise effects on sensitive land uses and the purpose of the Commercial 2 Zone by ensuring that the use will not affect the safety and amenity of adjacent, more sensitive uses. Conditions are proposed to retest the impact of the measures in the context of the active site, with requirements to implement further measures if needed.

*Patron Behaviour*

### 10.1 (cont)

A number of the objections received to the proposed development relate to concerns that the pool hall would attract undesirable or even criminal behaviours to the subject site and/or adjoining areas. Acknowledging these as concerns raised, the WPS though the zone, particular provisions or the policy context do not provide scope to consider the 'type of people' who may frequent a pool hall. The planning process can direct through permit conditions how a use ought be managed, but any actual patron behaviour that is criminal in nature is subject to action from Victoria Police.

Through a condition requiring a 'Noise and Amenity Action Plan' matters of antisocial behaviour and patron behaviour can be managed to the extent possible within the 'planning' context. Such a plan would include a section on 'managing patrons exiting the venue' to ensure that the site (and its management) understands its role in managing how patrons depart the site and the immediate area once they vacate the premises, which will act to reduce potential impact to nearby residences.

Further to this, Burwood Highway, being an arterial road, is one which is subject to heavy amounts of vehicular traffic, including cars, buses and trams. It is likely that any noise emitted from patrons will be drowned out by noise emitting from vehicles along Burwood Highway.

As such, of the imposition of a Noise and Amenity Action Plan, can minimise impact to the surrounding area.

#### Car parking

As discussed above, the site provides for 14 car parks within the ground level parking area, As further outlined in the report above, the site and use benefits from the exemption of Clause 52.06-3 and a permit for parking reduction is not required. While an assessment of parking is not required, given a high number of objections received, it is warranted that a discussion on the appropriateness of parking is undertaken.

The site, given its location within the Burwood shopping strip, provides for access to public transport, with the route 75 tram running along Burwood Highway with a stop located adjacent to the site, allowing for patrons to utilise public transport when accessing the site. Further to this, as the use will also include the sale and consumption of alcohol, it is considered reasonable to assume that patrons accessing the site will likely not drive, and access via alternative modes of transport including public transport and taxi or Uber.

Lastly, for any overflow parking, the location of the site provides for a level of on street parking, including on Edwards and Roslyn streets, and across Burwood Highway on Evans and Gilmour Streets to accommodate for any parking overflow. Carparking on these streets is allowable within any on-street stipulated parking signage. Given the above, the parking arrangement for the site is considered satisfactory.

#### Signage

The site is located within the Commercial 2 Zone with signage controls being within Category 1 – Commercial Areas.

### 10.1 (cont)

The proposed signage is orientated towards Burwood Highway which is a non-sensitive interface. Across Burwood Highway are more commercial zones, including Car Sales and larger retail commercial uses, which are also non-sensitive uses with regards to the presentation of the proposed signs. As such, the signage will not directly front any sensitive residential uses within the area.

Other signage within the area consists of similar type, including Pylon Signs and on building signs including at Reece Plumbing, Beacon Lighting and various car dealerships, ensuring that the sign will be in accordance with the character of the area, the streetscape and in proportion to the building type on site.

Lastly, when considering the operation of Burwood Highway, the pylon sign is located entirely on site, and not adjacent to any vehicular intersection and will not provide an impediment to drivers using the road. The illuminated part of the sign is located on the building, with the pylon sign adjacent to the road not illuminated, meaning that there will be no distraction or dazzling of users of motor vehicles of Burwood Highway.

#### Objector concerns

The concerns raised from the 53 objections received, relating to parking, patron behaviour, noise and amenity impact and hours of operation have been assessed and addressed throughout this report, with conditions having been added where necessary to mitigate offsite amenity impact in addressing these concerns.

### **CONCLUSION**

The proposed use is consistent with the relevant planning controls and policies, including the Planning Policy Framework and Local Planning Policy Framework, as well as the provisions of the Commercial 2 Zone.

The proposal for Change of Use from Office to Place of Assembly and External Signage is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Commercial 2 Zone, Clause 52.06 and Clause 52.34.

The proposed use will provide for an alternate commercial use in an existing underutilised office development which will provide minimal impact onto sensitive surrounding land uses as detailed throughout this report.

A total of 53 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved.

### **ATTACHMENT**

- 1 Plans 
- 2 Noise and amenity action plan 

## 10.2 Activity Centres Program Update - Phase 1 Consultation on Blackburn, Nunawading and Mitcham Activity Centres

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

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Attachment

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### SUMMARY

The aim of this report is to provide an overview of the Victorian Government's Activity Centre Program (ACP) and for Council to endorse a submission to the state government on the Phase 1 community consultation for the Blackburn, Nunawading, and Mitcham Train and Tram Zone Activity Centres. The Phase 1 consultation runs from 20 October to 30 November 2025.

The community have been engaging in a variety of ways, including online surveys, drop-in sessions, pop-up events, and an online information session. Council supported the process by distributing flyers, promoting engagement through digital channels, and hosting three pop-up sessions at key community locations.

The community have shown a strong passion for their local areas. Feedback highlighted widespread concern about protecting tree canopy, Significant Landscape Overlays (SLOs), Vegetation Protection Overlays (VPOs), and heritage precincts. Residents value the leafy, low-density character of these suburbs (specifically in Blackburn and Mitcham) and are worried that new planning controls could undermine these environmental and heritage protections.

Key issues raised included building height, overshadowing, parking, congestion, public transport capacity, flooding, and climate-responsive design. There was strong support for retention of neighbourhood character and promotion of sustainability in any future development.

Following Phase 1, a Community Reference Group (CRG) will be formed for the Blackburn to Mitcham "Cluster" and is expected to meet in early 2026 to review feedback and help refine the understanding of each centre. Draft maps and planning controls for the three centres are proposed to be released by the State government for Phase 2 consultation in early 2026. Throughout the process, Council will continue advocating for the protection of local character, the environment, heritage, and essential infrastructure.

This report seeks endorsement of a submission to State Government in response to the Phase 1 engagement and to reflect feedback from the community and assessment by officers.

## 10.2 (cont)

**COUNCIL RESOLUTION**

Moved by Cr Weller, Seconded by Cr Cutts

That Council:

1. Endorse the submission to State Government for the Phase 1 engagement for the Blackburn, Nunawading and Mitcham activity centres as shown in Attachment 1.
2. Continue to advocate for the importance of the permanent Significant Landscape Overlays, Vegetation Protection Overlays and the Neighbourhood Character Overlays in the State Government's Planning Investigation Areas (PIA) for each activity centre.
3. Advocate to the Minister for Planning (the Minister) to relocate the boundary of the PIA to exclude the permanent SLOs from the future catchment for the Housing Choice and Transport Zone.
4. Advocate to the Minister to include Nunawading Reserve in Silver Grove, Nunawading as a large redevelopment site when determining the future core of the activity centre and to rezone the land in consultation with Council.
5. Request that Ward Councillors and nominated officers be permitted to attend the Community Reference Group meetings as observers.
6. Advocate for an infrastructure contributions mechanism to support housing growth in Blackburn, Nunawading, and Mitcham, and seek clarification on its alignment with Council's Development Contributions Plan and overall infrastructure planning for these centres.
7. Seek that the Department of Transport and Planning share the Phase 1 Community Consultation Report for the Blackburn–Mitcham cluster with both Council and the community ahead of the Phase 2 draft plan release.
8. Request that the Minister appoint an Advisory Committee to hear submissions on the draft plans following the Phase 2 consultation.
9. Congratulates the local community in Whitehorse for raising awareness about the State Government's planning for the Blackburn, Nunawading and Mitcham activity centres and in providing feedback to State Government to ensure community perspectives are considered.

**CARRIED UNANIMOUSLY**

**Spoke to item:** Cr Weller, Cr Cutts, Cr Stennett, Cr Simpson, Cr Allan (5)

**KEY MATTERS**

The Activity Centres Program (ACP) is a Victorian Government initiative to increase housing supply near public transport. The Program is part of the Victoria's Housing Statement and Plan for Victoria. Blackburn, Nunawading, and Mitcham are nominated as Train and Tram Zone Activity Centres under the Program

## 10.2 (cont)

Phase 1 community consultation for the Blackburn, Nunawading, and Mitcham is in progress and closes on 30 November 2025. Council has been undertaking community engagement in parallel with the State Government's consultation program to raise awareness about this important planning work which has potential to significantly change the activity centres and their character, environmental values, infrastructure capacity and liveability.

Key themes in community feedback to date include:

- protecting tree canopy and existing vegetation overlays
- protection of valued neighbourhood character in each centre
- building height and impacts
- querying the demand for more apartments
- transport concerns - parking, congestion, public transport capacity
- other environmental concerns such as flooding and sustainably designed development
- infrastructure capacity, provision and funding
- the planning process, the diminished role of Council and loss of resident objection rights

The attached submission aims to capture these key themes plus officer feedback

Officers will continue to engage with State government representatives to advocate on key matters and provide relevant information into the process.

The Community Reference Groups and the Phase 2 consultation with the broader community on Draft Plans in early 2026 are the next opportunities to influence planning for the centres before planning controls are gazetted by June 2026.

## **DISCUSSION, OPTIONS AND ANALYSIS**

### **Background**

The Victorian Government announced the Activity Centre Program (ACP) in September 2023 as part of *Victoria's Housing Statement, the Decade Ahead 2024–2034* and *Plan for Victoria*, aimed at increasing housing supply in locations well-served by public transport. The pilot phase of the program included 10 initial activity centres, one of which was Ringwood. Community engagement on the pilot activity centres commenced in March 2024 and new planning controls came into effect in April 2025.

In October 2024 and February 2025, the State Government expanded the program to include an additional 50 Train and Tram Zone Activity Centres across metropolitan Melbourne (refer to Figure 1). These centres are being progressed in two tranches, with Tranche 1 plans already released and the public consultation period now closed. Blackburn, Nunawading, and Mitcham, located within the City of Whitehorse, form part of the second tranche.

## 10.2 (cont)

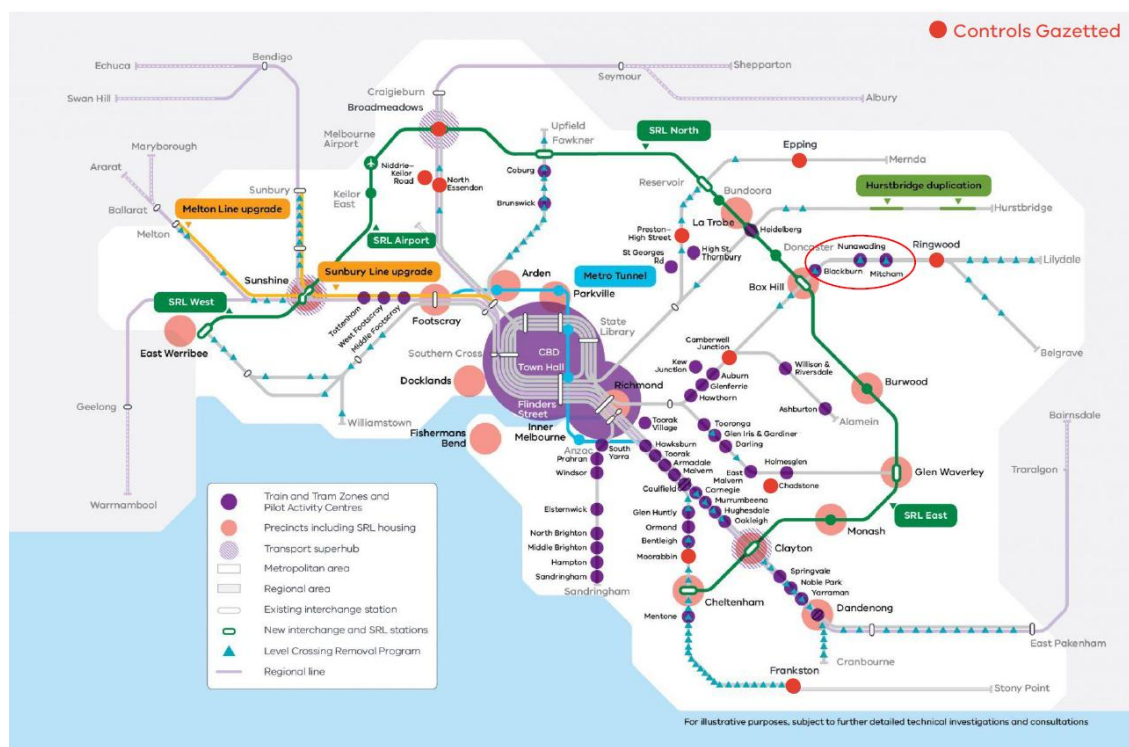


Figure 1 – Train and Tram Zone Activity Centres Program Expansion

The release of final housing targets in February 2025 established Whitehorse's role in accommodating substantial growth, with the council required to provide capacity for 76,500 new dwellings by 2051, more than double its 2023 dwelling stock of approximately 74,900. The Train and Tram Zone Activity Centres identified under the ACP are in areas that are well-served by public transport and the Department of Transport and Planning (DTP) considers these centres as being suitable for increased housing and activity.

State planning reforms, including Amendment VC257 (gazetted on 25 February 2025), introduced Clause 32.10 Housing Choice and Transport Zone and Clause 43.06 Built Form Overlay to support housing growth in and around activity centres and well-served locations. The ACP proposes a Built Form Overlay (BFO) for the "core area" of activity centres and rezoning of the surrounding inner and outer "catchment" to the Housing Choice and Transport Zone (HCTZ). These controls are intended to guide future development and residential densities and manage impacts on local character and the environment (refer to Figure 2).

## 10.2 (cont)

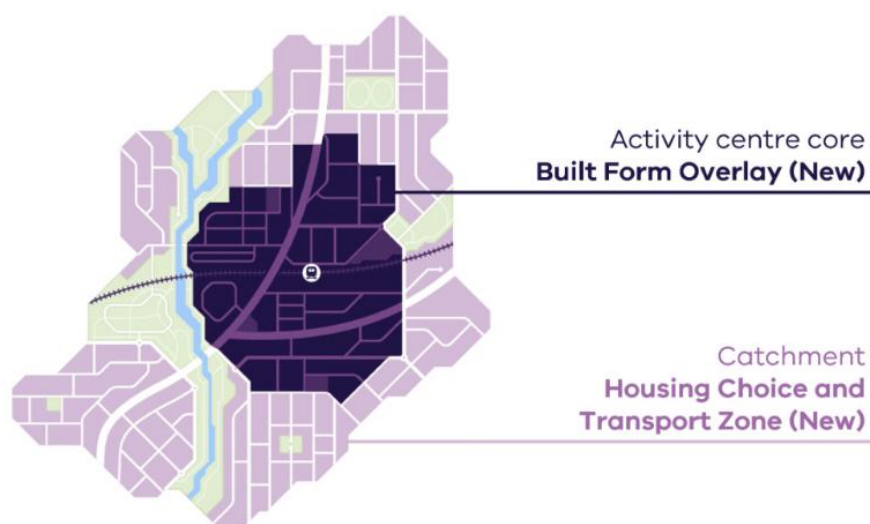


Figure 2 – Concept for the new planning controls

(**Source:** DTP, New planning tools, last updated 20 October 2025)

According to information published on the Victorian Government’s website (Engage Victoria), the “core areas” of activity centres, being those closest to stations, shops, and employment, can accommodate buildings ranging from 3 to 12 storeys, and up to 20 storeys in the largest centres.

Adjoining the core area, the “inner catchment” allows up to 4 storeys, rising to 6 storeys on larger blocks, while the “outer catchment” is generally limited to 3 storeys, increasing to 4 storeys on larger blocks. This hierarchy is intended to provide a gradual transition in scale, supporting growth while maintaining local character (refer to Figure 3).

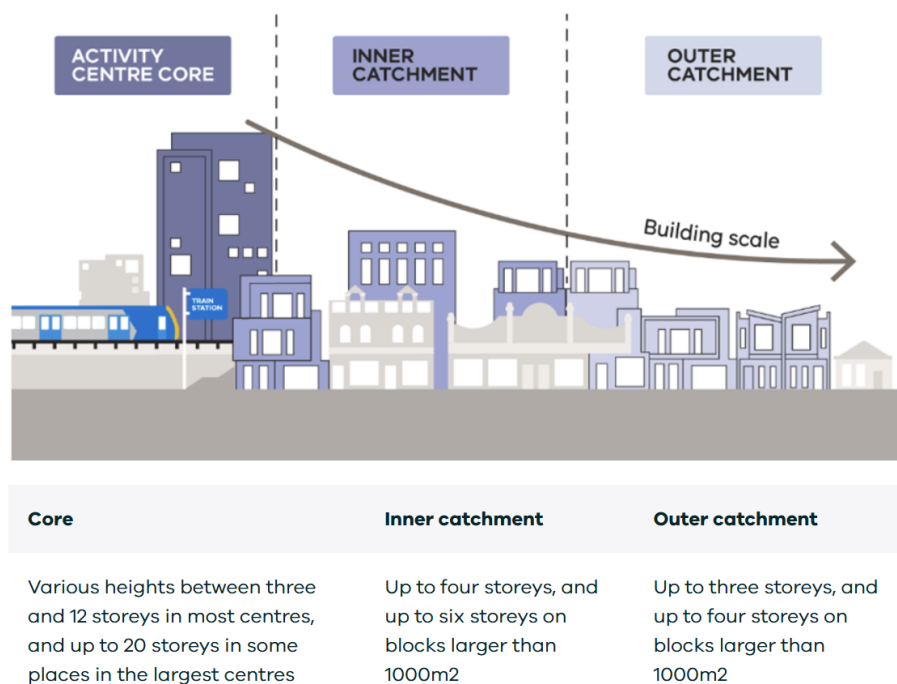


Figure 3 – Building Scale within Activity Centre Core and Catchment Areas under New Planning Controls (**Source:** DTP, Train and Tram Zone Activity Centres, last updated 20 October 2025)

## 10.2 (cont)

**Community Consultation Process**

Phase 1 consultation for Blackburn, Nunawading, and Mitcham commenced on Monday, 20 October 2025, and runs through to Sunday, 30 November 2025.

Phase 1 of the State Government's consultation aims to raise community awareness of the project and gain insights into what residents value most about their local areas. The consultation encourages community participation and feedback on priorities for the future planning of Train and Tram Zone Activity Centres.

The State Government has provided several engagement opportunities for the community to "Have Your Say", including:

- Online survey open until 30 November 2025.
- Expressions of Interest for a Community Reference Groups (CRG).
- Blackburn to Mitcham online information session – 28 October 2025 (6:30–7:30 PM).
- Drop-in information sessions:
  - Nunawading Community Hub – Saturday, 22 November 2025 (3:00–5:00 PM).
  - Field Naturalists Club of Victoria, Blackburn – Thursday, 27 November 2025 (4:30–6:30 PM).

On 20 October 2025 the Executive Director of Activity Centres and the Director of Program Delivery from DTP presented an overview of the Activity Centres Program to Whitehorse Councillors.

Council continues to work in parallel with the Department of Transport and Planning (DTP) to ensure that local residents are informed and engaged throughout the process. Flyers prepared by Council outlining the purpose of the ACP and upcoming Council-led engagement opportunities were distributed in early October to properties within a 1,200-metre radius of each activity centre.

To support State-led consultation, Council also hosted pop-up engagement sessions at key community locations, including:

- Spring Festival, Nunawading – Sunday 19 October 2025, 10am – 4pm
- Blackburn Station – Saturday 25 October 2025, 10am – 12 noon
- Britannia Mall, Mitcham – Sunday 26 October 2025, 10am – 12 noon

The Council also promoted the Victorian Government's Phase 1 consultation through its own digital channels to raise awareness and encourage community participation.

## 10.2 (cont)

**Community Engagement Feedback**

Across the three Council-hosted pop-up sessions, community interest and participation was high, with approximately 200 attendees engaging directly with Council officers and Councillors. Attendees were provided with information on the ACP, consultation opportunities, and ways to provide feedback directly to the State Government. The community had many questions about the ACP and how it might affect their local area.

The main themes raised by community members at the Council pop-ups included:

- A strong concern about **tree canopy loss and environmental impacts**, particularly in Blackburn and Mitcham. Residents emphasised the importance of protecting mature trees, Significant Landscape Overlays (especially SLO1 and SLO2), and sensitive landscapes such as the Bellbird National Trust areas. The leafy, low-density character of these suburbs was seen as central to their identity and liveability, with fears that new planning controls could override existing environmental protections.
- The need to **preserve local character, heritage streetscapes**, and the “village” feel of areas like Blackburn. They supported the retention of heritage controls and protection of precincts such as the Walker Estate and the Gillies Street–Ormond Avenue–Mitcham Road area, calling for development that respects established character.
- Concerns about the intensity and form of new development, particularly **building height, overshadowing, and overlooking**. While moderate increases near activity centres were accepted in principle, most preferred maximum building heights be limited to four to six storeys with upper-level setbacks and high-quality, walkable street design.
- Concerns about **infrastructure capacity and environmental constraints**. Residents cited pressure on schools, roads, drainage, open space, hospitals, and public transport, as well as flooding issues and steep topography in parts of Mitcham, which they viewed as unsuitable for higher density development.
- Parking and congestion concerns, particularly near train stations and local streets in Blackburn.
- Frustration with the **planning process and governance**, including the reduced role of Council, loss of resident objection rights, and the perception that “streamlined” approvals favour developers. There was scepticism about Council’s ability to influence planning outcomes, and requests for clearer communication on Council’s role.
- On housing, residents **opposed high-rise towers and large site amalgamations**, preferring lower-scale development and the retention of detached housing. They were also sceptical about claims of improved affordability and concerned about poor-quality, visually intrusive buildings. Many acknowledged the need for more, affordable

## 10.2 (cont)

housing, but not at the expense of neighbourhood character impact and amenity intrusion on existing dwellings.

- **Public transport and accessibility issues**, including limited public transport capacity, walking distances that are unrealistic for older residents or those with mobility challenges, and the steep topography in Mitcham (particularly north-east and south-east of the core) making a 10-minute walk to the train station difficult.
- **Climate and sustainability** as a priority, with calls for stronger ESD standards, tree canopy protection, and better management of flooding and urban heat.

DTP's online session information session held on 28 October 2025 was well attended, with over 100 participants. Based on the questions and comments put forward by the community, some of the key themes and concerns were as follows:

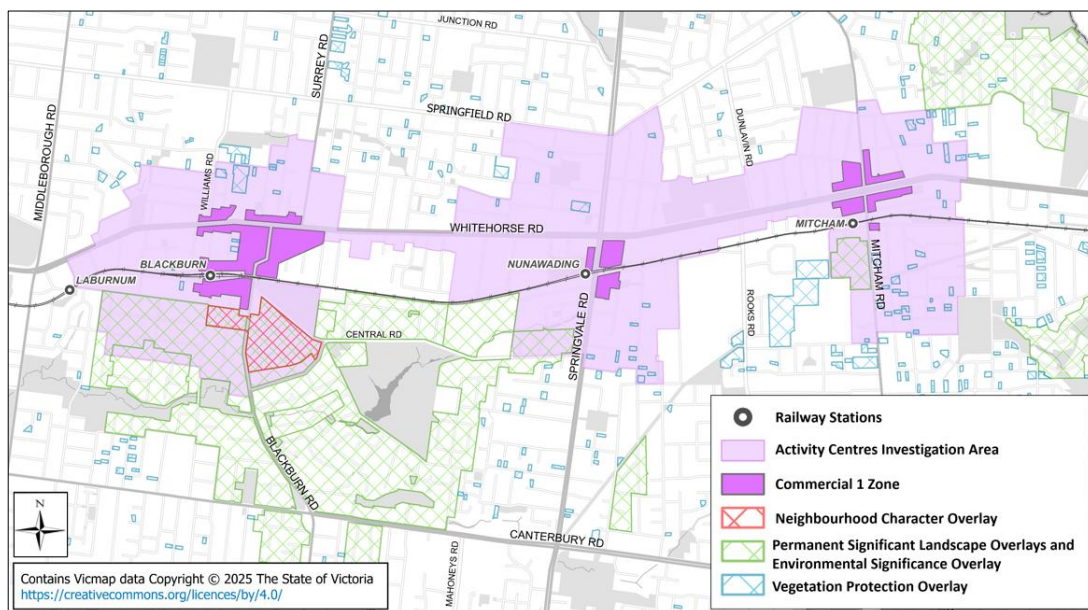
- **Environmental & vegetation protection:** Concerns that new planning controls could override SLOs, VPOs and impact on established tree canopy, particularly in Blackburn / Bellbird area (Linum Street, Fushia Street, Laurel Grove, Myrtle Grove, The Avenue) and mature trees in places like Laburnum streets.
- **Character, heritage & amenity:** Desire to preserve leafy streetscapes, heritage character, and village-scale amenity, particularly in Blackburn Village, Bellbird area, other Blackburn streets, areas near Whitehorse Road, and established residential streets in Mitcham.
- **Infrastructure & services:** Concerns about capacity of schools, roads, stormwater, open space, hospitals, and public transport, notably at Morton Park (Blackburn), Blackburn and Mitcham community facilities, and infrastructure in Nunawading.
- **Parking, traffic & congestion:** Increased on-street parking and traffic congestion around Blackburn and Mitcham stations, Queen Street (Blackburn), Laburnum Street, and Whitehorse Road.
- **Planning process & governance:** Frustration about reduced council involvement, limited resident objection rights and streamlined approvals for developers, and concerns that the outcomes are already predetermined.
- **Housing type, density & building height:** Opposition to high-rise (4–20 storeys) and increased apartment development with preference to retain detached housing. Querying the need for more apartments when there seems to be an oversupply (e.g.: based on vacancies in Box Hill apartments).

### **Key Considerations for Whitehorse's Train and Tram Zone Activity Centres**

Whitehorse's activity centres are diverse, vibrant hubs that support housing, employment, retail, transport, and community services. Planning for these

## 10.2 (cont)

centres must balance growth with preservation of local character, environmental values, and heritage.



Map 1 – State Government Activity centres in Whitehorse

The following considerations reflect the key issues and priorities for Whitehorse in its submission to the Phase 1 engagement period:

#### 1. Urban Tree Canopy and Environmental Planning Controls

Whitehorse is strongly committed to protecting and enhancing its urban tree canopy through the *Urban Forest Strategy 2021-2031* for a host of reasons: biodiversity and habitat benefits, climate change mitigation such as urban heat island impacts and water retention, aesthetics and neighbourhood character, for example. As established commercial areas offer limited opportunities for additional planting other than in the public realm, surrounding residential areas play a critical role in achieving the municipality's canopy target of 30% by 2050.

Planning controls such as Significant Landscape Overlays (SLOs) and Vegetation Protection Overlays (VPOs) are essential for safeguarding existing vegetation and ensuring that new development does not compromise environmental values. Council has applied these overlays to protect the unique bushland environments of Whitehorse and significant trees. It will be important that these environmental planning controls and their effectiveness are retained, like the way Heritage Overlays are proposed to be maintained through the Program. Refer Map 1.

#### Significant Landscape Overlays (SLOs)

SLO schedules 1, 2 and 4 in Blackburn are affected by the Program. It is recommended that these areas be excluded from the future catchment area. SLO3, which relates to the Walker Estate near Mitcham station, should also be retained.

## 10.2 (cont)

The SLO areas are the product of many years of community effort and strategic planning work by Council. The SLOs in Blackburn protect the Bellbird National Trust landscape and wider hinterland. They have been in place for decades and have strategic support. Aside from the unique residential character elements these SLOs protect, these areas are uncommon in the metropolitan context and provide critical biodiversity and ecological values, as well as cultural identity (both the indigenous history and in terms of post settlement connections to the artists' movement). There is considerable community commitment to and passion for these environmental values.

Complementing SLO4 is the Neighbourhood Character Overlay (NCO2) generally around the Gordon Crescent, Wolseley Crescent and eastern end of The Avenue. Together the provisions in these overlays protect the early settlement of Blackburn where the built form pattern and landscape elements combine to reflect the early inter-war historical development of Blackburn and the dominant treed landscape setting that Blackburn provided.

### **Vegetation Protection Overlay**

VPO schedules 1, 3 and 5 have been applied to individual properties to protect particularly significant tree specimens. The VPOs are critical to the place identity and environment that is valued by the community and should be retained. The VPOs feature strongly in parts of the Mitcham Planning Investigation Area.

Council has recently written to the Minister for Planning seeking retention of the above SLOs and VPOs, as well as the associated NCO2. It appears that the Engage Victoria web site has been updated to indicate that in addition to heritage overlays, that "landscape protections" will also be retained. Clarification on this positive update is being sought regarding the exact overlays being referred to and how they are proposed to be retained in the planning process, including the interaction between the overlays and the new planning controls.

## 2. Local Identity and Context-Sensitive Planning

Each activity centre in Whitehorse, including Blackburn, Mitcham, and Nunawading, has a unique identity and character, land use profile, and potential for change. Planning must recognise these differences and treat each centre individually while considering their interconnections as one cluster, ensuring outcomes are context-sensitive and support the ongoing vibrancy of each centre.

There is concern that a generic set of controls applied to each of the 50 centres will result in a significant loss of local identity for those communities. Council supports greater housing diversity but seeks a more nuanced approach to increased housing for the activity centres that values and respects the existing neighbourhood character.

For the Blackburn, Nunawading and Mitcham Activity Centres, there is concern that a disproportionate level of growth relative to the level of supporting services available could occur in these locations and may detract

## 10.2 (cont)

from the growth and investment envisaged for Box Hill which is pitched as a key component of the business case supporting the SRL East project.

### 3. Infrastructure and Liveability

Housing growth must be accompanied by infrastructure investment, including public and active transport, community facilities, open space, and streetscape improvements, to support increased population and maintain liveability and accessibility within activity centres.

The SRL precinct planning, for example, has considered matters such as the location of additional pedestrian/bicycle links needed to improve accessibility through the precinct. Proposed links, plans for improvement of the public realm and other strategies for investment seem to be absent from the State Government's activity centre planning process.

Based on the outcome for the 10 pilot activity centres it is understood that an infrastructure contributions mechanism may be applied to the additional 50 activity centres. While this is supported, Whitehorse is keen to understand how this will interact with our existing Development Contributions Plan and what community and development infrastructure planning is being done by DTP to support the growth in these centres.

### 4. Flood mitigation

The Melbourne Water flood modelling of catchments across metropolitan councils to provide updated flood mapping is critical in the planning of the activity centres. It is important that the community and Council understand how the flood mapping will affect locations in each activity centre.

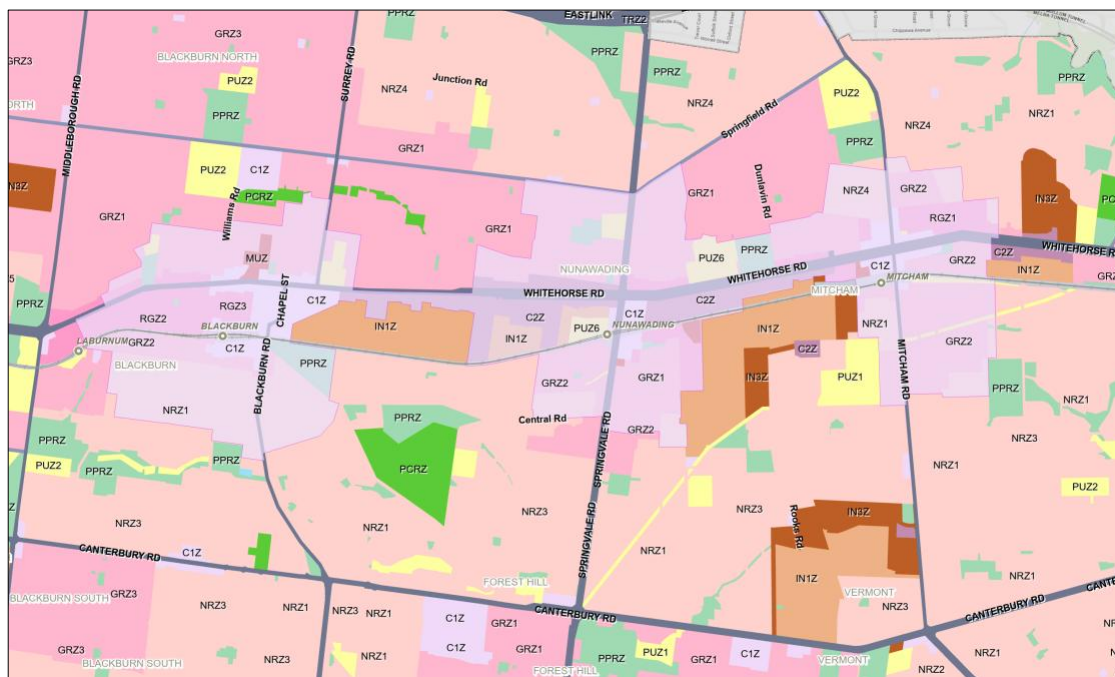
### 5. Integrated Role of Activity Centres

Activity centres are critical hubs for employment, services, retail, and public transport. A concern is that focusing solely on housing growth risks undermining these broader economic and social roles. Integrated planning is needed to maintain centres as functional, accessible, and active urban places, and to ensure economic viability and growth.

The importance of the "Megamile" bulky goods corridor and the industrial area between Blackburn and Mitcham is acknowledged and is referenced in the State Government's *Melbourne Commercial and Industrial Land Use Plan*. Council seeks clarification of the ACP's intention regarding the inclusion of the Commercial 2 Zoned land (which generally precludes development for housing).

It is understood that defining the boundary of the "core area" in each activity centre is to be based largely on the existing Commercial 1 Zoned land. Rezoning of land in the core is not envisaged. While this principle is generally supported, in Nunawading, the Council-owned Public Use Zone (PUZ6) land immediately north of the station (known as Nunawading Reserve in Silver Grove) is now vacant, with the former Nunawading Recreation Centre and a range of community groups now located at the new Nunawading Hub. This land should be considered for rezoning to facilitate its redevelopment.

## 10.2 (cont)



Map 2 –Planning Zones within Activity Centres Investigation Area

## 6. Heritage Protection and Built Form Management

Residential catchments around major centres contain streetscapes and buildings of heritage significance or with local characteristics. The integrity of existing Heritage Overlays (HOs) and the NCO2 needs to be maintained, including consideration of development outcomes on adjoining lots to preserve these valued features.

Careful consideration needs to be given to achieving a sensitive transition in height to residential areas, particularly between the future core and catchment areas and within the catchment areas, to ensure that overlooking, overshadowing and visual bulk in these sensitive neighbourhoods is managed. In addition, access to sunlight in the public realm during critical hours is vital to the activity centres and their liveability and should be mandated.

## 7. Affordable and Inclusive Housing

Planning reforms should actively promote affordable housing, beyond simply increasing supply. Inclusionary zoning, use of government-owned sites, and requiring a proportion of new developments to include affordable or social housing can help address housing needs while supporting diverse and inclusive communities.

Mechanisms to require affordable housing are within the remit of the State Government and should be included in the ACP's planning controls. Further, in Nunawading and Mitcham for example, there are large areas of State Government / VicTrack land used for at-grade car parking that could be redeveloped for housing, including affordable housing.

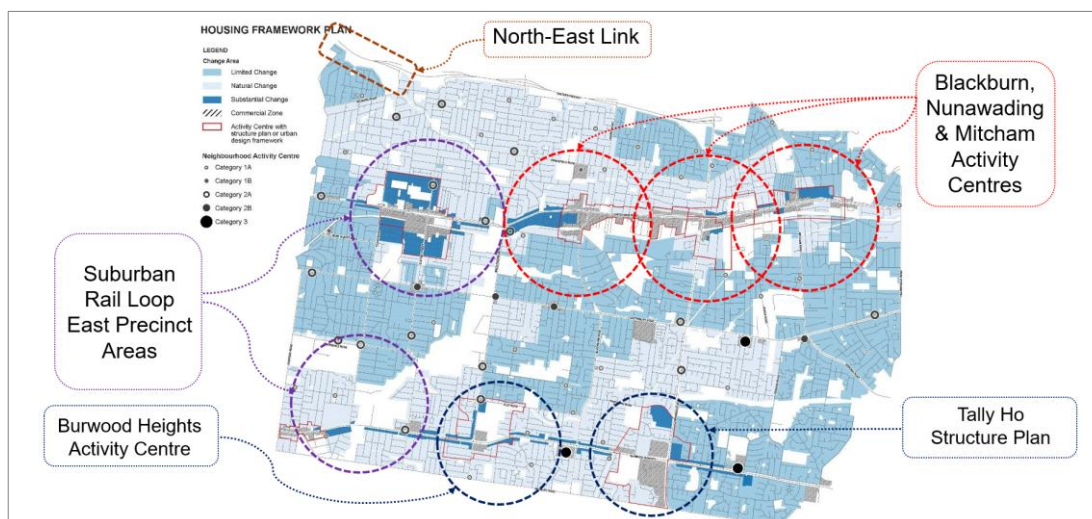
## 10.2 (cont)

## 8. Council's Strategic Capability

Concurrent with these State reforms, Whitehorse City Council is actively undertaking local projects that complement the Housing Statement and the Activity Centres Program in planning capacity for additional housing. This includes the recently adopted Tally Ho Structure Plan and commencement of a review of the 2014 Housing Strategy. Implementation of previous strategic work for the Box Hill Metropolitan Activity Centre in particular, and for the Burwood Heights Activity Centre and the Residential Corridors, has resulted in significant housing delivery in Whitehorse.

The SRL East project further reinforces the strategic importance of the Box Hill and Burwood precincts. The Council is advocating to the State Government to ensure that local planning objectives, community priorities and infrastructure needs are integrated into precinct planning and delivery (refer to Map 3).

Together, these initiatives demonstrate how the Council's plans and projects are aligned with State reforms in supporting the delivery of high-quality, accessible and vibrant activity centres while advancing the community's long-term vision.



Map 3 – Growth Areas in Whitehorse

**Next Steps / Process Overview**

Phase 2 consultation on plans for the first 25 activity centres (Tranche 1) was completed on 19 October 2025. DTP is expected to follow the same process of engagement, feedback analysis, and plan refinement for the next 25 centres (Tranche 2), including Blackburn, Nunawading, and Mitcham. The work completed in Tranche 1 provides an indication of the methodology and outcomes that Whitehorse can anticipate for these centres, demonstrating that DTP is applying a consistent approach across all 50 activity centres. Planning controls under the Train and Tram Zone Activity Centres Program for Tranche 1 are scheduled to be implemented in early 2026.

## 10.2 (cont)

In line with the State government's timeline for the Tranche 2 activity centres, following consideration of this report, it is proposed that the submission at Attachment 1 be finalised and lodged with the Minister for Planning by 30 November 2025.

Following Phase 1 consultation the Community Reference Groups (CRGs) will convene in February 2026 for each cluster of train and tram zone activity centres. These CRGs are being established to support planning processes and will comprise a diverse cross-section of people who live, work, visit, or operate businesses within each activity centre.

The CRGs will provide feedback on Phase 1 consultation outcomes and assist in refining the understanding of each area to ensure draft plans accurately reflect local conditions and priorities.

Completion of draft plans for the Tranche 2 activity centres and the Phase 2 consultation are scheduled for early 2026. It is understood that there will be no formal planning scheme amendment exhibition process for the proposed planning controls and it is possible that an Advisory Committee will not be appointed by the Minister to hear submissions. Therefore, the Phase 2 consultation is the opportunity for the public to review and provide input on the draft plans prior to the Minister for Planning introducing the planning controls by June 2026.

Throughout this process, Council will continue to advocate for the protection of local character, environmental values, and infrastructure capacity, ensuring these matters are considered in the future planning outcomes.

**Overarching Governance Principles and Supporting Report Details**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Alignment</b> | <p>Community, We aim to foster a connected, inclusive, safe and active community where everyone feels a sense of belonging.</p> <p>Built, We aspire to develop safe, accessible, and attractive public spaces and infrastructure that meet community needs and adapt to growth.</p> <p>The Council's strategic framework, the Whitehorse 2040 Community Vision and the Integrated Council Plan 2025-2029, sets the long-term direction for the municipality, reflecting community aspirations for a healthy, sustainable and vibrant city.</p> <p>Local planning policies and statutory controls covering housing, built form, heritage and environmental management are key instruments in delivering on those commitments.</p> <p>The State's planning reforms including the housing-targets, the Suburban Rail Loop (SRL) East project and expanded activity-centre initiatives, will impact</p> |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 10.2 (cont)

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | <p>on key themes in Council's strategic objectives including:</p> <ul style="list-style-type: none"> <li>• Neighbourhood character and housing choice</li> <li>• Environment and sustainability</li> <li>• Local economy and activity centres</li> <li>• Movement and accessibility</li> <li>• Community wellbeing and inclusion</li> <li>• Governance and engagement</li> </ul> |
| <b>Financial and Resource Implications</b>                | The project requires significant officer time and modest budget for communications materials to support engagement and delivery.                                                                                                                                                                                                                                                 |
| <b>Legislative and Risk Implications</b>                  | Insufficient community consultation or failure to adequately consider community feedback may undermine public trust in both Council and the State Government, compromise Council's role as a community advocate, and pose reputational risks.                                                                                                                                    |
| <b>Equity, Inclusion, and Human Rights Considerations</b> | Opportunities were provided for all community members to engage, ensuring inclusive participation and consideration of diverse perspectives.                                                                                                                                                                                                                                     |
| <b>Community Engagement</b>                               | <p>The State Government initiated Phase One of the community engagement, with the Council's role and input outlined in the report.</p> <p>It is critical that engagement is genuine throughout this process and that community and stakeholder views are considered. As such, an Advisory Committee should be appointed to hear submissions following Phase 2 consultation.</p>  |
| <b>Innovation and Continuous Improvement</b>              | There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.                                                                                                                                                                                                                                                             |
| <b>Collaboration</b>                                      | The project involved collaboration between internal teams, including Strategic and Statutory Planners and the Communications team, to coordinate planning, engagement, and reporting activities.                                                                                                                                                                                 |
| <b>Conflict of Interest</b>                               | The <i>Local Government Act 2020</i> requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose                                                                                                                                                                                                                             |

## 10.2 (cont)

|  |                                                                                                                                                                                                 |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>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 Submission on the Activity Centres Program - Phase 1 consultation on Blackburn, Nunawading and Mitcham 

### 10.3 State Government Planning Reforms - Update

**Department**

City Planning and Development

Director City Development

Attachment

**SUMMARY**

The purpose of this report is to update Council and the community about the State Government planning reforms.

There have been a series of changes to all planning schemes in Victoria originating from 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, and the release of *Plan for Victoria* on 28 February 2025.

This report follows the update to Council on 2 December 2024. It sets out the reforms during 2025, discusses the implications for Council and the community and makes further advocacy recommendations to Council.

**COUNCIL RESOLUTION**

Moved by Cr Weller, Seconded by Cr Simpson

That Council:

1. Note the update on the recent State Government's planning reforms and various planning scheme amendments.
2. Write to the Minister for Planning seeking:
  - a) Urgent release of the Housing Capacity Assessment Platform (HCAP) and ahead of any further planning reforms to residential development
  - b) Release of accurate housing supply data similar to the discontinued Housing Development Data program
  - c) Clarification of the designation of Tally Ho, Forest Hill Chase and Burwood Heights in Plan for Victoria and the expectations of State Government regarding planning for housing for these locations
  - d) Confirmation that industrial zoned land and Commercial 2 Zone land will be excluded from housing capacity calculations to meet the housing target
  - e) Updated Practice Note guidance on planning for housing in line with recent policy changes, to inform the review of its local housing strategy
  - f) Public release of the Suburban Rail Loop East Standing Advisory Committee report once it is received

## 10.3 (cont)

- g) Clarification from State Government about the interaction of a reformed infrastructure contribution mechanism with Council's existing DCP and assurance that there will be no financial disadvantage to local government in providing local infrastructure for its communities.

## 3. Advocate to State Government for:

- a) Improved engagement with local government on planning reform
- b) Monitoring and a review of the performance of the recent suite of reforms to the residential development provisions by the State Government.
- c) Reinstatement of third-party appeal rights for residential development as this is central to transparency and good decision making on local issues.
- d) Retention of Council's decision-making powers as planning and responsible authority in matters affecting its local community.
- e) Retention of the Significant Landscape Overlay (Schedule 9) as a permanent planning control alongside the new tree canopy controls at Clause 52.37.
- f) Retention of existing heritage, landscape and character overlays and their primacy as part of the Activity Centres Program work, noting Council has already written to the Minister for Planning in relation to this matter.

**CARRIED UNANIMOUSLY****Spoke to item:** Cr Weller, Cr Simpson, Cr Barker (3)**KEY MATTERS**

in September 2023 flagged the introduction of a series of major reforms to the planning system, many of which have now been implemented, or are substantially progressed.

The proposed reforms overwhelmingly focus on the provision of new housing and higher density living not just around key existing activity centres, but across other parts of the municipality. The changes discussed in this report are as follows:

- *Plan for Victoria* including the final housing targets (Amendment VC283)
- Areas for major growth:
  - The State Government's Activity Centres Program identifying 50 'Train and Tram Zone Activity Centres' and introducing new planning controls relating to activity centres (Amendment VC257)
  - New planning controls to facilitate substantial change, public benefits and a new urban form proposed to be applied to Suburban Rail Loop (SRL) precincts (Amendment VC274)

## 10.3 (cont)

- Changes to the residential development provisions:
  - The new Townhouse and Low-Rise Code (Clause 55) (Amendment VC267) and consequential changes to residential zone schedules (Amendment VC276). Council lodged a submission to State Government in September 2024.
  - Proposed Mid-rise standards - draft controls in progress and reported to Council on 22 September 2025
  - New fast track pathway (VicSmart) for approval of 2 dwellings on a lot and 2 lot residential subdivisions (Amendment VC288)
  - Further updates proposed to the Better Apartment Design Standards
- The environment:
  - Tree canopy protection and climate change considerations through new particular provision at Clause 52.37 (Amendment VC289)
- Proposed reforms to the infrastructure contributions system
- The State Government's Development Facilitation Program
  - An expanded Development Facilitation Program including improving the process for significant residential development with affordable housing (Amendment VC258)
  - Introduction of the Great Design Fast Track (Amendment VC280)
- *Planning and Environment Act 1987* review – in progress, and reported separately to Council on 10 November 2025

The reforms and their implications are summarised in (Attachment 1).

**DISCUSSION, OPTIONS AND ANALYSIS**

Since the report considered at the 2 December 2024 meeting, further reforms have been implemented that directly impact Whitehorse and its community. More reforms will likely follow.

The December 2024 report stated that Council recognises the need for more housing however had significant concerns about the implications of the reforms, including:

- Lack of engagement with councils about the proposed changes
- Impact on Council's decision-making ability and role as 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

## 10.3 (cont)

- Negative effect on neighbourhood and landscape character and liveability.

An update on the actions from that meeting is provided later in this report.

These concerns remain and are the core issues that Council has raised in various representations in 2025 including:

- Submission to the Legislative Council Select Committee on Victoria Planning Provisions (VPP) Amendments VC257, VC267 and VC274 (May 2025)
- Submission in response to exhibition of draft structure plans and draft planning scheme amendments for the Suburban Rail Loop (SRL) precincts in April 2025 and subsequent submissions to the SRL Standing Advisory Committee hearings (currently underway)
- Submission to the Department of Transport and Planning on the draft Mid-rise standards (September 2025).

A submission on Phase 1 of the Activity Centre Program Tranche 2 (Blackburn – Mitcham Cluster) is the subject of separate report to Council.

An update on the actions from the 2 December 2024 resolution is provided in **Attachment 2**.

**Plan for Victoria**

The Victorian Government's Plan for Victoria released in February this year sets out final housing targets for each municipality in the State including a housing target for Whitehorse of 76,500 by 2051. It also contains a new activity centre hierarchy which will inform further planning for each of these centres and their contribution to the housing target.

A key Plan for Victoria action for local government is to review its planning scheme to ensure it is creating enough housing capacity in the right locations to meet the housing target. The State Government will be providing updated guidance and supporting tools to undertake this review.

**Implications for Whitehorse**

The State Government's Housing Capacity Assessment Platform (HCAP) is yet to be released. This will assist councils to understand how the housing targets were generated and the expected allocation of dwellings across its municipality. This has implications for Council's ability to deliver on its responsibilities for Action 1 of Plan for Victoria. It may also have implications for the completion of Council's housing strategy review and the review of the planning scheme which is a statutory requirement.

It is unclear if the HCAP will be effective in monitoring housing supply, noting that the previous Housing Development Data program is no longer in operation.

HCAP should be released as a priority including the assumptions underpinning the tool to assist councils with their housing strategy reviews and the acquittal of their responsibilities for Action 1. Instead, reforms to

### 10.3 (cont)

residential development provisions and activity centre planning is preceding this housing assessment, without apparent regard to orderly planning by councils, and without giving councils the opportunity to program necessary strategic work to respond to housing capacity targets.

Whitehorse is confident that there is sufficient housing capacity within its existing zones. Reforms to the residential development provisions (discussed below) are increasing this capacity and undermining the strategic work undertaken by councils. In order to demonstrate the ability for Whitehorse to accommodate its housing target, Council has also commenced an update to its Housing Strategy; phase 1 being preparation of a State of Play report including reflection on the current 2014 Housing Strategy.

Significant further growth is being planned around the SRL Box Hill and Burwood precincts, and the Train and Tram Zone activity centres (Mitcham, Nunawading and Blackburn). This will be accompanied by anticipated further changes to planning controls within these precincts.

Council is also actively planning for housing growth balanced with the employment priorities in Tally Ho by reviewing strategic work for this activity centre. However, identification of activity centres in Plan for Victoria is ambiguous and needs to be improved; the mapping is unclear and there is no listing of activity centres including those without train stations.

There is concern about the potential impact of policy changes on Council-led planning scheme amendments such as Tally Ho Activity Centre Structure Plan recently adopted by Council (27th October 2025). Tally Ho, Burwood Heights and Forest Hill Chase are not included in the 60 activity centres for State-led planning. It is therefore important that Council seek clarity on the designation of these centres and the expectations of the State Government regarding the approach to planning for housing at these locations.

#### Plan for Victoria actions

Plan for Victoria contains 22 actions (Attachment 3), some of which have been delivered through recent amendments or are currently underway. It is understood that most of the actions are to be delivered by mid-2026, prior to the State Election.

#### **Implications for Whitehorse**

The roll out of the reforms will continue to put significant demands on Council and its officers to keep up with the pace of the changes and provide input within relatively short timeframes, in addition to adapting to the planning system changes in day-to-day decision-making.

Many of the actions will result in updates to the Victoria Planning Provisions (VPPs) and planning schemes, guidelines and other planning mechanisms, and they may or may not have a direct impact on Whitehorse. Councils are responsible for delivering specific actions with State Government, such as the housing targets. Other actions may involve targeted engagement with Councils but are being predominantly actioned by State Government with limited opportunity for Council input due to project deadlines.

### 10.3 (cont)

Council officers will be alert to any issues arising from the implementation of these actions that may impact on Whitehorse.

### **Areas for major growth**

#### Activity centre planning

The Activity Centre Program (ACP) was expanded from the initial 10 pilot activity centres to include an additional 50 activity centres (now called Train and Tram Zone Activity Centres). The first group (Tranche 1) of 25 centres were announced in October 2024 and the remainder (Tranche 2) in February 2025 including Blackburn, Nunawading and Mitcham Activity Centres. It should be noted that the commercial areas around Blackburn and Mitcham stations have for many years been planned as Neighbourhood Activity Centres and to be of a more local scale. Both have adopted Structure Plans and specific planning controls to guide their future development. The State Government has changed these designations with the introduction of Plan for Victoria and will replace the existing planning controls to enable greater development densities in the centre as well as within a designated walkable catchment, a level of change not previously undertaken in Council's strategic planning.

The new planning tools for the activity centres were introduced to the Victoria Planning Provisions in February 2025 (Amendment VC257) and subsequently applied to the 10 pilot activity centres in April 2025 (Amendment GC252)

Phase 1 consultation on the Whitehorse "cluster" of activity centres is in progress and seeks to raise awareness of the project, and to understand how people use and what they value about each place. Phase 2 of consultation on draft plans for the Tranche 1 activity centres closed on 19 October 2025.

### **Implications for Whitehorse**

Implementation of the planning controls for the first pilot activity centres and planning for the 25 Tranche 1 activity centres demonstrates the process and likely outcome for the ACP for the Blackburn to Mitcham cluster.

The formulaic planning approach being taken with the activity centres in the program across the metropolitan area poses concerns about the ability for Council and the community to genuinely influence the process, particularly when nothing of substance from the ACP is available for each activity centre until draft plans appear in Phase 2 of the consultation.

At this stage therefore, the extent of the proposed Built Form Overlay (BFO) in the core of the activity centres and the Housing Choice and Transport Zone (HCTZ) likely to be applied to the surrounding catchment of the activity centres is unknown, including how these might affect existing controls such as the permanent Significant Landscape and Neighbourhood Character Overlays.

Many of the valued characteristics of these centres and the surrounding catchments may be eroded through the State's quickly implemented plans

### 10.3 (cont)

that focus on significant housing growth in and around the nominated centres and with potentially limited regard to locally nuanced planning.

There is concern that some of Council's strategic work (e.g.: older strategies supporting longstanding existing overlays plus work in progress that is yet to be adopted by Council) may be disregarded in the ACP process.

Whitehorse's important landscape and character overlays may be impacted or have diminished effectiveness through the ACP process unless the strong voice of the community and Council shifts the view of State Government to retain the integrity of the planning controls to protect these areas.

A separate report has been prepared on the activity centre planning and Phase 1 engagement to form the basis of Council's advocacy.

#### *Suburban Rail Loop (SRL) East draft planning scheme amendments and draft structure plans*

The draft planning scheme amendments and draft structure plans for the SRL East precincts were on display for comment in March/April 2025 and Council made a submission. Council is appearing in support of its submission before the Standing Advisory Committee (SAC) hearings which commenced on 27 August and will conclude in mid-December 2025.

The core planning provisions that would give effect to the SRL precinct draft structure plans and draft planning scheme amendments (if approved) were introduced to the Victoria Planning Provisions in February 2025 (Amendments VC274 for the Precinct Zone and VC257 for the BFO). Both amendments plus Amendment VC267 were the subject of the Parliamentary Select Committee Inquiry into the VPP.

#### **Implications for Whitehorse**

Implications of the proposed planning controls for the SRL precincts around the proposed Box Hill and Burwood stations have been explored in great detail through the SAC hearings.

The SAC's report is due to the Minister for Planning in early 2026. Given the level of public interest and commitment by the affected councils in representations to the SAC hearing process it would be appropriate to immediately release the SAC report once it is received by the Minister.

#### **Residential development provisions**

There has been a succession of major amendments to the residential development provisions:

- Replacing ResCode at Clause 55 in March 2025 with a new 'code' for medium density housing up to three storeys incorporating 'deemed to comply' standards – if all the standards are met, a permit must be issued. Deemed to comply standards were subsequently extended to single dwelling developments by replacing Clause 54 in August 2025.
- In line with the 'deemed to comply'/code-assess process above, most of the local schedule variations in the residential zones applying to

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10.3 (cont)

single and multiple dwelling developments (Clauses 54 and 55) were consequentially removed in April 2025. These local variations were previously introduced by councils through strategic work such as neighbourhood character studies.

- Removal of third party appeal rights in many circumstances, and most notably where an application under Clause 54 or Clause 55 of the planning scheme meets all codified standards (i.e.. Deemed to comply).
- VicSmart applications (10 business day processing) for construction of two dwellings on a lot and for subdivision of vacant land into 2 lots.
- New four storey residential building provisions in March 2025 (Clause 57).
- Draft Mid-rise standards (released in August 2025) proposing to introduce 'deemed to comply' standards for multi-dwelling applications of 4 to 6 storeys across most residential zones, including removal of third party rights where an application meets these standards. A submission to the draft Mid-rise standards was considered by Council on 22 September 2025.
- Further updates to the Better Apartment Design Standards (Clause 58) for apartment buildings of 5 or more storeys are anticipated in 2026.

Other changes that may impact on residential development include:

- Expansion of the State Government's Development Facilitation, including programs such as the Great Design Fast Track will provide more options for apartment buildings to be approved without third party review. Further details are below.
- Canopy tree provisions have been introduced (discussed below), but as these are not linked with other landscaping requirements in the planning scheme, such as at Clauses 54 and 55, there is ambiguity in how the provisions interact.

### **Implications for Whitehorse**

The importance of neighbourhood character in assessment of residential applications has been significantly reduced. It is anticipated that the valued character of many areas of Whitehorse may change, particularly where standards have been reduced (e.g.: private open space and building setbacks) compared to Council's previous local variations.

The community's ability to appeal residential proposals is now limited.

The changes for residential development and the relative assessment pathways are transformative and the timeframes for local government to adjust work processes for each amendment have been unreasonable.

The interaction between the Housing Choice and Transport Zone for catchments around activity centres and the Draft Mid-rise standards seem unclear and unintended consequences may occur if this results in potentially

### 10.3 (cont)

greater building height and intensity beyond the outer catchment of activity centres.

The changes in relation to residential development provisions, raise concerns for the mandatory height limits that apply in the Neighbourhood Residential Zone of 2 storeys / 9 metres. The implications of this can be explored through the Housing Strategy review.

It is unclear whether the amendments by State Government will bring about the intended housing growth and change. It is important that the impact of the changes is monitored and reviewed.

### **Environmental matters**

#### *Tree canopy and vegetation*

Canopy Tree provisions were introduced on 11 September 2025 and reported to Council on 22 September. The provisions primarily relate to larger trees located within 6 metres of the frontage and within 4.5 metres of the rear boundary of a property. Applications for tree removal are exempt from third party notice and review.

The Canopy Tree provisions are in place together with the landscaping requirements in other parts of the planning scheme (such as Clause 54 and 55) and vegetation overlays.

*Guidelines for the removal, destruction or lopping of native vegetation* (DEECA, August 2025) have just been released replacing the 2017 guidelines, and included in planning schemes as an incorporated document.

### **Implications for Whitehorse**

The interaction between vegetation controls, particularly in residential areas is unclear.

The state-wide changes to vegetation controls raises questions about the long-term retention of the SLO9 and other tree controls in Whitehorse which are stronger than what has been gazetted State-wide. There has been a 4.2% increase in tree canopy since SLO9 was introduced in 2018 and Council will continue to advocate for the retention of SLO9 as a permanent planning control alongside the new tree canopy controls at Clause 52.37.

Officers are currently reviewing the *Guidelines for the removal, destruction or lopping of native vegetation* to understand its implications for Whitehorse.

#### *Climate change considerations*

The new requirements arise from a new objective in the *Planning and Environment Act* requiring consideration of climate change in decision-making.

The requirements apply when land is rezoned from a non-urban zone to an urban zone, an amendment involving significant change or intensification of urban land, and use and development of land that may be exposed to natural hazards. Climate change matters to be considered include minimising greenhouse gas emissions and the impact on natural hazard

### 10.3 (cont)

risks such as bushfire, flooding, coastal inundation and erosion, landslip and landslide, heatwave and drought.

#### **Implications for Whitehorse**

A new Ministerial Direction 22 sets out the requirements for planning authorities, including using a State Government report template to assess climate change considerations when preparing amendments. The report supports the strategic assessment of proposed amendments and is an additional component that needs to accompany the amendment documentation.

The new requirements are noted and are generally supported.

#### **Reforms to the infrastructure contributions system**

Proposed reforms to streamline the infrastructure contributions system have been flagged for several years. In March 2025, the State Government announced there would be an infrastructure contributions system for the 10 pilot activity centres, with a standardised system to come into effect in January 2027. Details of the contribution mechanism are not yet known, but may be applied more widely to activity centres in the Activity Centres Program and across the SRL precincts and may include capture of funding for State Government purposes.

Contributions could fund necessary local infrastructure like open space improvements, road and path upgrades, and community facilities.

Council will continue to advocate for a review of open space contribution process and progress a change to public open space contributions rates in the Whitehorse Planning Scheme (28 July 2025 Council resolution). This relates to the Plan for Victoria action relating to open space (Action 13).

#### **Implications for Whitehorse**

It is unclear how a new infrastructure contributions mechanism would interact with the existing Whitehorse DCP and the proportion of any new infrastructure funds to be directed to delivery of State-provided infrastructure.

There is a risk that local government could be financially disadvantaged in providing local infrastructure to its communities if contributions are also used to fund State provided infrastructure.

#### **State Government facilitation**

Recent changes to increase the reach of State Government facilitation of planning approvals includes the Great Design Fast Track (Am VC280) and the expanded Development Facilitation Program (VC258). These changes add to the increasing number of application types where permits can be lodged with and determined by State Government instead of by councils and without third party appeal rights.

Council is provided with a monthly report from the Ministerial Permit Register for matters relating to Whitehorse.

## 10.3 (cont)

**Implications for Whitehorse**

There are clear concerns about the erosion of council powers and community participation in permit applications and planning scheme amendments facilitated by the State and determined by the Minister for Planning, be it through the Development Facilitation Program (DFP) or by direct Ministerial intervention.

There are significant concerns about the continued draw on council resources resulting from State Government seeking 'stakeholder' input into planning applications lodged through the DFP. Such requests for input are the only opportunity given to Council to review and comment on large applications, and require officers to supply information and an assessment of these applications (including expert advice in some cases) and input of local knowledge with no fee for that service. These requests are given short turnaround times for feedback to the Department of Transport and Planning. There is also a lack of transparency in the assessment process and matters that are missed include considerations around urban design, traffic impacts and environmentally sustainable design as well as lack of genuine community input.

It is apparent from developments like the Vicinity Box Hill North proposal in the core of Box Hill, that the State Government pathway is not necessarily quicker than planning permits assessed and determined by Council, noting also that the planning permit approvals granted by Council for the Vicinity land in Box Hill has not progressed past permit issue stage.

**Overarching Governance Principles and Supporting Report Details**

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Alignment</b>                 | <p>Built, We aspire to develop safe, accessible, and attractive public spaces and infrastructure that meet community needs and adapt to growth.</p> <p>The planning reforms by the State Government outlined in this report likely to impact all aspects of the Integrated Council Plan themes, particularly the <b>built</b> environment and structure of our urban areas, as well as consequent impacts on the local <b>community</b> – their neighbourhoods and sense of local identity.</p>                  |
| <b>Financial and Resource Implications</b> | <p>There are likely implications from the reforms which are being assessed for impact on resources and budget.</p> <p>For example the change of a second dwelling to a VicSmart application has significantly reduced the fee for this type of application; however resourcing input remains similar.</p> <p>Changes proposed by the <i>Planning Amendment (Better Decisions Made Faster) Bill 2025</i> increase the resourcing required at the start of an application; and put legislative requirements in</p> |

## 10.3 (cont)

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | place to assess applications faster. There is also a high focus on housing applications. There may be increased enforcement resourcing requirements due to a re-focusing of the process.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Legislative and Risk Implications</b>                  | The reforms lead to increased legislative frameworks and pressure on Council to ensure these are met.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Equity, Inclusion, and Human Rights Considerations</b> | The reforms discussed in this report have equity and inclusion implications by removing third party appeal rights and the ability for communities to have a say in developments affecting their local areas which is central to transparency and good decision. Equally, councils' power to assess and determine applications according to local conditions is being increasingly restrained.                                                                                                                                                                                                                            |
| <b>Community Engagement</b>                               | <p>Council held a Community Forum at The Round on 27 February 2025 raising awareness of the State Government planning reforms at that time.</p> <p>Council's website includes a summary of the key Victorian government planning reforms.</p> <p>Council has issued flyers to local residents about major State Government-led initiatives such as the Suburban Rail Loop (affecting the Box Hill and Burwood station precincts) and Activity Centres Program (affecting Mitcham, Nunawading and Blackburn activity centres).</p> <p>Officers have attended several community group meetings to discuss the reforms.</p> |
| <b>Innovation and Continuous Improvement</b>              | There will likely be new technology/systems required to implement components of the reform to ensure efficiencies are achieved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Collaboration</b>                                      | Collaboration on the reforms has occurred at many levels across the planning profession and the community. This has included presentations to community groups, meetings between local government directors and CEOs across the region and with the Municipal Association of Victoria, advocacy to the Minister for Planning, other relevant Ministers and the Department of Transport and Planning. The collaborations have mainly involved sharing feedback, developing advocacy positions, making submissions and awareness raising.                                                                                  |
| <b>Conflict of Interest</b>                               | The <i>Local Government Act 2020</i> requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## 10.3 (cont)

|  |                                                                                                                                                                                                 |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>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 Summary of key State Government planning reforms in 2025 
- 2 Update on 2 December 2024 Council Resolution 
- 3 Plan for Victoria actions status 

## 10.4 2025/26 Quarter 1 Quarterly Performance Report

### Department

Corporate Planning and Performance

Director Community Services

Attachment

### SUMMARY

This report provides the first formal update on the Integrated Council Plan 2025-2029, Council's strategic roadmap for the four-year term, covering the period July–September 2025. The Plan fulfils the core planning requirements of section 90 of the *Local Government Act 2020* and marks a significant new direction for Whitehorse. For the first time, it incorporates the Municipal Public Health and Wellbeing Plan (MPHWP), as permitted under section 27 of the *Public Health and Wellbeing Act 2008 (Vic)*. This integration ensures that community health and wellbeing are embedded across all Council priorities and decision-making.

The Plan sets out five Strategic Directions: Community, Built, Economy, Natural, and Governance.

Progress against the Plan is reported to the community through the Whitehorse Quarterly Performance Report (QPR). Q1 and Q3 QPRs provide status updates on Council Plan actions, while the more detailed Q2 QPR includes all actions, supporting commentary, and results for both Strategic Indicators and Local Government Performance Reporting Framework (LGPRF) indicators.

### COUNCIL RESOLUTION

Moved by Cr Griffiths, Seconded by Cr Stennett

That Council notes the 2025/26 Quarter 1 Quarterly Performance Report including the capital works budget forecast changes.

**CARRIED UNANIMOUSLY**

**Spoke to item:** Cr Griffiths, Cr Stennett, Cr Simpson (3)

### KEY MATTERS

- This report covers Quarterly highlights – July to September 2025
- Progress toward Integrated Council Plan 2025-2029 – Year 1 including the Municipal Public Health & Wellbeing Plan
- Transformation program
- Capital Works program highlights
- Performance against 2025/26 Annual Budget

## 10.4 (cont)

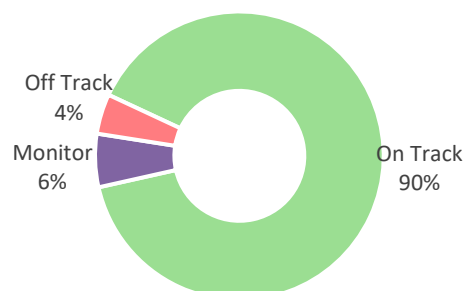
**DISCUSSION, OPTIONS AND ANALYSIS****2025/26 Integrated Council Plan (2025–2029) – Action Status for Quarter 1**

Of the 67 actions in year 1:

- 60 are On Track
- 4 are on Monitor
- 3 are Off Track

These action totals include the 11 Municipal Public Health and Wellbeing actions, all of which are on track.

2025/26 Quarter 1 Council Plan  
Action Progress

**Transformation Program**

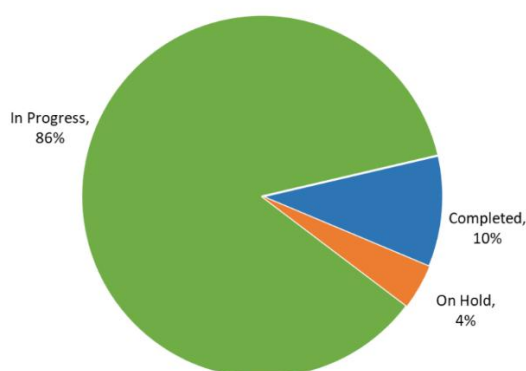
A Q1 summary of the Transformation program with overviews of improvements in Customer Experience, process and financial benefits.

**Capital Works Program**

The 2025/26 Capital Works Program includes 151 projects and programs to be delivered over the financial year with an adopted budget of \$53.12M. As at 30 September, the forecast capital expenditure for 2025/26 has been adjusted to \$57.23M following the inclusion of funding from 2024/25 carry forward projects (\$3.25M), increased grants and contributions (\$690k), funding brought forward from 2026/27 (\$183k), partly offset by surplus funds that have been identified as no longer required (\$13k)

The status of the Capital Works Program at the end of Quarter One was as follows:

Progress status of actions

**Capital Works Snapshot:**

|              |     |
|--------------|-----|
| Completed:   | 15  |
| In Progress: | 130 |
| On Hold:     | 6   |

**Performance against 2025/26 Annual Budget**

The year to date (YTD) financial result as of 30 September 2025 was a surplus of \$119.02m, \$5.73m favourable to the YTD Adopted Budget surplus of \$113.29m. Income was \$2.93m higher than budget primarily reflecting

## 10.4 (cont)

higher than budgeted capital grants (\$1.17m), net gain on disposal of assets (\$710k), interest income (\$654k) and operating grant income (\$314k). Expenditure was \$2.80m lower than budget primarily reflecting lower materials and services expenditure (\$2.09m), employee costs (\$587k) and other expenses (\$348k), partially offset by higher than budgeted depreciation and amortisation (\$297k). Further explanations of significant variances are detailed in this report.

In August 2025, Council updated its financial forecast for 2025/26 to reflect the approved carry forward of unspent funds from 2024/25 into 2025/26. The revised forecast now anticipates a surplus result of \$17.98m, \$2.16m lower than the Adopted Budget of \$20.14m. The difference is largely due to the early payment of 50% of the Victorian Local Government Grants Commission allocation, which was received in the 2024/25 financial year.

A subsequent review of the annual forecast was completed in September 2025, projecting a year end surplus result of \$16.84m, \$1.14m lower than the August forecast and \$3.30m below the 2025/26 Adopted Budget. The key variances compared to the August full year forecast include higher depreciation expense (\$1.71m) based on revaluation of building assets in 2024-25, and increased legal costs (\$1.00m) in relation to the Suburban Rail Loop (SRL) project. These impacts were partially offset by increased interest on investments income (\$900k) and higher net gains from asset disposals (\$550k, predominately related to vehicle sales).

**Overarching Governance Principles and Supporting Report Details**

|                                                           |                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Alignment</b>                                | Governance, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.<br><br>Integrated Council Plan 2025-2029 and Community Vision 2040. |
| <b>Financial and Resource Implications</b>                | There are no financial or resource implications arising from the recommendation contained in this report.                                                                                                                                        |
| <b>Legislative and Risk Implications</b>                  | There are no legal or risk implications arising from the recommendation contained in this report.                                                                                                                                                |
| <b>Equity, Inclusion, and Human Rights Considerations</b> | It is considered that the subject matter does not raise any human rights issues.                                                                                                                                                                 |
| <b>Community Engagement</b>                               | No community engagement was required for this report.                                                                                                                                                                                            |
| <b>Innovation and Continuous Improvement</b>              | There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.                                                                                                                             |

## 10.4 (cont)

|                             |                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Collaboration</b>        | No collaboration was required for this report.                                                                                                                                                                                                                                                                                                       |
| <b>Conflict of Interest</b> | <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 2025-26 - Q1 2025-26 Quarterly Performance Report 

## 10.5 Appointment of Authorised Officers S11A and S11B

**Department** Governance and Integrity  
Director Corporate Services

Attachment

### SUMMARY

The appointment of authorised officers enables appropriately qualified staff within Council to administer and enforce a range of Acts, Regulations, and local laws in accordance with legislative powers.

These appointments are formalised through Instruments of Delegations and Instruments of Appointment and Authorisation, prepared in accordance with advice from Maddocks (Lawyers) Authorisations and Delegations Service, which Council subscribes to.

While most authorised officer appointments are executed by the Chief Executive Officer under delegation, officers administering the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* need to be authorised by Council resolution.

- **S11A Appointment of Authorised Officers under the *Planning and Environment Act 1987***

Council is required to appoint individuals as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987*.

- **S11B Appointment of Authorised Officers under the *Environment Protection Act 2017***

Powers delegated under the *Environment Protection Act 2017* (S18 above) can only be delegated to staff who are also authorised under section 242(2).

These two instruments have been reviewed and updated to reflect staff changes since last adopted on 14 July 2025. No additional powers have been introduced.

### COUNCIL RESOLUTION

Moved by Cr Simpson, Seconded by Cr Martin

That Council:

1. In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolves that:
  - a) The members of Council staff referred to in the instrument S11A (Attachment 1) be appointed and authorised as set out in the instrument.
  - b) The S11A instrument comes into force following the adoption of this Resolution and the subsequent signing by Council's Chief Executive

## 10.5 (cont)

Officer. It remains in force until Council determines to vary or revoke it.

2. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:

- a) The members of Council staff referred to in the Instrument S11B (Attachment 2) be appointed and authorised as set out in the instrument.
- b) The S11B Instrument comes into force immediately upon this resolution being made and is to be signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

**CARRIED UNANIMOUSLY**

**Spoke to item:** Cr Simpson (1)

## KEY MATTERS

This report seeks Council approval for the updated S11A and S11B Instruments of Appointment and Authorisation, to reflect recent staff changes.

These instruments ensure individuals (other than Councillors) appointed as authorised officers can perform their statutory compliance and enforcement duties effectively. While delegations are position-based, authorisations apply to named individuals.

No new powers are being introduced. The proposed updates support the efficient and consistent delivery of Council's statutory responsibilities and day-to-day operations.

## DISCUSSION, OPTIONS AND ANALYSIS

### S11A Instrument of Authorisation

A review of authorised officers has been conducted in response to staff changes. The revised S11A Instrument (Attachment 1) is presented for Council's consideration.

### S11B Instrument of Authorisation

A review of authorised officers has been conducted in response to staff changes. The revised S11B Instrument (Attachment 2) is presented for Council's consideration.

## 10.5 (cont)

**Overarching Governance Principles and Supporting Report Details**

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Alignment</b>                                | <p>Governance, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.</p> <p>Objective 5.1: An open, transparent, accountable and responsible Council</p> <p>Objective 5.4: A Council that is well governed, efficient and financially sustainable</p>                                                                                                     |
| <b>Financial and Resource Implications</b>                | <p>There are no financial or resource implications arising from the recommendation contained in this report.</p>                                                                                                                                                                                                                                                                                                                                                     |
| <b>Legislative and Risk Implications</b>                  | <p>The report complies with Council's obligations under the:</p> <ul style="list-style-type: none"> <li>• <i>Planning and Environment Act 1987</i></li> <li>• <i>Local Government Act 2020</i></li> <li>• <i>Environment Protection Act 2017</i></li> <li>• <i>Environment Protection Regulations 2021.</i></li> </ul> <p>Failure to adopt and update these authorisations will impact the ability of the organisation to fulfil its statutory responsibilities.</p> |
| <b>Equity, Inclusion, and Human Rights Considerations</b> | <p>It is considered that the subject matter does not raise any human rights issues.</p>                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Community Engagement</b>                               | <p>No community engagement was required for this report.</p>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Innovation and Continuous Improvement</b>              | <p>There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.</p>                                                                                                                                                                                                                                                                                                                                          |
| <b>Collaboration</b>                                      | <p>This Instrument of Appointment and Authorisation has been prepared following feedback from relevant departments within Council.</p>                                                                                                                                                                                                                                                                                                                               |
| <b>Conflict of Interest</b>                               | <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>                                                                                                                 |

10.5 (cont)

**ATTACHMENT**

- 1 S11A Instrument of Appointment and Authorisation - Planning and Environment 
- 2 S11B Instrument of Appointment and Authorisation under the Environment Protection Act 2017 

## 10.6 Statutory Planning Report October 2025

### Department

City Development

Director City Development

Attachment

### SUMMARY

At the 25 August 2025 Council Meeting, Council adopted a Motion which requires:

*That Council:*

*2. Receives a noting report each month at Council Meetings on town planning applications lodged, dealt with under delegation by Council officers and under consideration by VCAT (or other authority i.e. State Planning Minister)*

This report includes the following for noting by Council:

| Report                                                                      | Number of Applications |
|-----------------------------------------------------------------------------|------------------------|
| Applications lodged (for the month)                                         | 113                    |
| Applications determined under officer delegation (for the month)            | 112                    |
| Matters currently under consideration by VCAT                               | 11                     |
| Other Matters under consideration by the state government within Whitehorse | 1                      |

### COUNCIL RESOLUTION

Moved by Cr Allan, Seconded by Cr Barker

That Council receives and notes the Statutory Planning report for the month of October 2025.

**CARRIED UNANIMOUSLY**

**Spoke to item:** Cr Allan (1)

### KEY ISSUES

Officers note that there could be omissions in the reports on State Government matters due to the way these matters are communicated with Council by the state government.

### ATTACHMENT

- 1 Councillor Reporting Lodgements - October 
- 2 Councillor Reporting Delegated Decisions - October 
- 3 Councillor Reporting VCAT - October 
- 4 Councillor Reporting Ministerial Permits - October 

## 10.7 Councillor Appointment to Committees, Organisations and Community Bodies

**Department** Governance and Integrity  
Director Corporate Services

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Attachment

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### SUMMARY

Council appoints delegates to internal and external committees, organisations, and community bodies (committees) annually.

Committees at Whitehorse City Council, operate with adopted Terms of Reference and an Advisory Committee Framework and are advisory in nature. Their role is to report on important matters or issues impacting the municipality. These appointments provide Councillors with the opportunity to engage with the community and bodies specific to municipality and for Councillors to report back on matters arising.

Currently, Council is involved in 18 different committees, encompassing both external and internal groups. Of these, seven (7) are external, and eleven (11) are internal. Each group has specific criteria for Councillor representation, including the required number of Councillors and the length of appointments.

At its meeting on 2 December 2024, Council resolved in the annual appointment to the committees, organisations and other bodies, that all Councillor appointments were for a 12-month term and that a review of all committee occur and report back to Council, this occurred on 27 October 2025.

To align with other annual appointments, it is recommended to update the previously adopted Multicultural Advisory Committee Terms of Reference to appoint Councillors for a one-year term rather than two years.

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

## 10.7 (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:

| <b>External</b>                                                                                                                      |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Committee</b>                                                                                                                     | <b>Councillor Delegate 2025/26</b>  |
| <b>Eastern Alliance for Greenhouse Action (EAGA)</b><br>(One Councillor)                                                             | Cr Davenport                        |
| <b>Eastern Region Group of Councils (ERG)</b><br>(Current Mayor and one other Councillor for the Council term as per the Agreement.) | Cr Langford (Mayor)<br>Cr Simpson   |
| <b>Local Government Working Group on Gambling (VLGA)</b><br>(One Councillor and one substitute Councillor)                           | Cr Martin<br>Substitute Cr Allan    |
| <b>Metropolitan Transport Forum (MTF)</b><br>(One Councillor and one substitute Councillor)                                          | Cr Griffiths<br>Substitute Cr Allan |
| <b>Municipal Association of Victoria (MAV)</b><br>(One Councillor and one substitute Councillor)                                     | Cr Simpson<br>Substitute Cr Allan   |
| <b>Whitehorse Business Group</b><br>(Two Councillors)                                                                                | Cr Langford<br>Cr Martin            |
| <b>Whitehorse Manningham Regional Library Corporation</b><br>(Two Councillors)                                                       | Cr Weller<br>Cr Davenport           |

| <b>Internal</b>                                      |                                        |
|------------------------------------------------------|----------------------------------------|
| <b>Committee</b>                                     | <b>Councillor Delegate 2025/26</b>     |
| <b>Arts &amp; Cultural Advisory Committee</b>        | Chair Cr Cutts<br>Substitute Cr Martin |
| <b>Audit and Risk Committee</b><br>(Two Councillors) | Cr Gunn<br>Cr Griffiths                |

## 10.7 (cont)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                            |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------|-------------|---------|--------------------------------------------|---------|-----------|---------|-----------|---------|-------------|-----|----------------------------------------|
| <b>CEO Employment Matters Committee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | All Councillors                            |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| <b>Community Safety Crime Prevention Committee</b><br>A vote was conducted for the chair. The following votes were cast. <table border="1"> <tr> <td>Cr Cutts</td><td>6 Votes</td></tr> <tr> <td>Cr Barker</td><td>0 Votes</td></tr> <tr> <td>Cr Stennett</td><td>4 Votes</td></tr> <tr> <td>Cr Martin</td><td>2 Votes</td></tr> </table> <p>Cr Cutts with the majority of votes was appointed.</p> <p>A vote was conducted for the substitute. The following votes were cast.</p> <table border="1"> <tr> <td>Cr Martin</td><td>9 Votes</td></tr> <tr> <td>Cr Stennett</td><td>N/A</td></tr> </table> <p>Cr Martin with the majority of votes was appointed.</p> | Cr Cutts                                   | 6 Votes | Cr Barker   | 0 Votes | Cr Stennett                                | 4 Votes | Cr Martin | 2 Votes | Cr Martin | 9 Votes | Cr Stennett | N/A | Chair Cr Cutts<br>Substitute Cr Martin |
| Cr Cutts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Barker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Stennett                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Martin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Martin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Stennett                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                        |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| <b>Disability Advisory Committee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Chair Cr Weller<br>Substitute Cr Griffiths |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| <b>Domestic Animal Management Advisory Committee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Chair Cr Barker<br>Substitute Cr Weller    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| <b>Environment and Sustainability Advisory Committee</b><br>A vote was conducted for the chair. The following votes were cast. <table border="1"> <tr> <td>Cr Simpson</td><td>5 Votes</td></tr> <tr> <td>Cr Stennett</td><td>6 Votes</td></tr> </table> <p>Cr Stennett with the majority of votes was appointed</p>                                                                                                                                                                                                                                                                                                                                               | Cr Simpson                                 | 5 Votes | Cr Stennett | 6 Votes | Chair Cr Stennett<br>Substitute Cr Simpson |         |           |         |           |         |             |     |                                        |
| Cr Simpson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |
| Cr Stennett                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 6 Votes                                    |         |             |         |                                            |         |           |         |           |         |             |     |                                        |

## 10.7 (cont)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                          |         |          |         |              |         |          |         |              |         |                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------|----------|---------|--------------|---------|----------|---------|--------------|---------|----------------------------------------------|
| <b>Municipal Public Health and Wellbeing Plan (MPHWP) Steering Committee</b><br>(up to two Councillors)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Cr Cutts<br>Cr Griffiths                 |         |          |         |              |         |          |         |              |         |                                              |
| <b>Multicultural Advisory Committee</b><br>A vote was conducted for the chair. As the vote involved the Mayor the Deputy Mayor chaired the vote. The following votes were cast. <table border="1"> <tr> <td>Cr Langford</td><td>3 Votes</td></tr> <tr> <td>Cr Allan</td><td>4 Votes</td></tr> <tr> <td>Cr Davenport</td><td>4 Votes</td></tr> </table> <p>Cr Langford had the lowest number of votes and was defeated.</p> <table border="1"> <tr> <td>Cr Allan</td><td>5 Votes</td></tr> <tr> <td>Cr Davenport</td><td>6 Votes</td></tr> </table> <p>Cr Davenport with the majority of votes was appointed.</p> | Cr Langford                              | 3 Votes | Cr Allan | 4 Votes | Cr Davenport | 4 Votes | Cr Allan | 5 Votes | Cr Davenport | 6 Votes | Chair Cr Davenport<br>Substitute Cr Langford |
| Cr Langford                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3 Votes                                  |         |          |         |              |         |          |         |              |         |                                              |
| Cr Allan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4 Votes                                  |         |          |         |              |         |          |         |              |         |                                              |
| Cr Davenport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4 Votes                                  |         |          |         |              |         |          |         |              |         |                                              |
| Cr Allan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5 Votes                                  |         |          |         |              |         |          |         |              |         |                                              |
| Cr Davenport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 6 Votes                                  |         |          |         |              |         |          |         |              |         |                                              |
| <b>Reconciliation Advisory Committee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Chair Cr Gunn<br>Substitute Cr Griffiths |         |          |         |              |         |          |         |              |         |                                              |
| <b>Sports and Recreation Advisory Committee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Chair Cr Stennett<br>Substitute Cr Allan |         |          |         |              |         |          |         |              |         |                                              |

**COUNCIL RESOLUTION**

Moved by Cr Gunn, Seconded by Cr Martin

That Council:

1. Appoints Councillor Representatives outlined in this report to committees, organisations and other bodies for the 2025-2026 term, noting Councillor appointment to the Eastern Region Group of Councils is for the entire Council term concluding 2028.
2. Update the Multicultural Advisory Committee Terms of Reference to amend the Councillor appointment term to be 1 year.
3. Notifies the committees, organisations and other bodies of the Councillor Representative Appointments.

**CARRIED UNANIMOUSLY**

## 10.7 (cont)

**KEY MATTERS**

At the Council Meeting on 2 December 2024, Council resolved that officers complete a full review of all internal Councillor-appointed committees, with the findings presented to Council on 27 October 2025.

The review introduced changes designed to enhance governance, improve efficiency and align with current organisational priorities for all Council established committees that Councillors are appointed to. It excluded committees required under legislation.

As a result of the review:

- Council endorsed the Advisory Committee Framework to help support the governance structure of the committees.
- Council established the Community Safety Crime Prevention Committee and confirmed the Municipal Public Health and Wellbeing Plan (MPHWP) Steering Committee, both with Councillor appointments.
- Councillor appointments were removed from the Heritage Advisory Committee.
- Council confirmed withdrawal from the Eastern Affordable Housing Alliance (EAHA) and the Eastern Transport Coalition (ETC).
- The Visual Arts Advisory Committee was renamed to the Arts and Cultural Advisory Committee to broaden the scope.
- Changes made to the Eastern Region Group of Councils' Agreement have impacted the appointment and term of Councillors to the Group as outlined below.

As the Municipal Public Health and Wellbeing Plan (MPHWP) Steering Committee is a newly established Committee, a transition period is required to accommodate the appointment of Councillors to the Committee, and a terms of reference will be presented to Council mid-2026.

In September 2025, the Eastern Region Group of Councils — comprising Knox, Manningham, Maroondah, Whitehorse and Yarra Ranges — amended its Agreement to improve continuity in the Group's activities through revised representation arrangements. The updated representation provisions are as follows:

*'Each Member shall appoint its Mayor annually and one other Councillor for the 4-year Council term to act as representatives of The Group.'*

*'If an appointed Councillor becomes Mayor, the Council shall appoint the Deputy Mayor or another Councillor for that Mayoral period.'*

Noting that, the 4-year Council term commenced in 2024, this is in transition and the appointment of the other Councillor this year should be for a 3-year period, ending at the conclusion of the current Council term in 2028.

## 10.7 (cont)

**DISCUSSION, OPTIONS AND ANALYSIS****Background**

Under the *Local Government Act 1989*, Councils could establish advisory committees to provide specialist advice and community input on specific issues. While these committees provided advice to Council to supported decision-making without holding formal powers, they were recognised under the Act.

Since the introduction of the *Local Government Act 2020*, advisory committees are no longer statutory bodies but continue to hold value as an important mechanism for community engagement and to inform decision-making.

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

Internal Advisory Committees have all adopted Terms of Reference that outline their purpose and how the meetings are governed. They are advisory in nature and provide advice to 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.

The tables below display the committee appointments available to Councillors.

| <b>EXTERNAL</b> |                                                                                                                                      |                                            |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>No.</b>      | <b>Committee/Organisation</b>                                                                                                        | <b>Councillor Delegate/s<br/>2025/2026</b> |
| 1.              | <b>Eastern Alliance for Greenhouse Action (EAGA)</b><br>(One Councillor)                                                             | Cr _____                                   |
| 2.              | <b>Eastern Region Group of Councils (ERG)</b><br>(Current Mayor and one other Councillor for the Council term as per the Agreement.) | Mayor<br>Cr _____                          |
| 3.              | <b>Local Government Working Group on Gambling (VLGA)</b><br>(One Councillor and one substitute Councillor)                           | Cr _____<br>Substitute Cr _____            |
| 4.              | <b>Metropolitan Transport Forum (MTF)</b><br>(One Councillor and one substitute Councillor)                                          | Cr _____<br>Substitute Cr _____            |
| 5.              | <b>Municipal Association of Victoria (MAV)</b><br>(One Councillor and one substitute Councillor)                                     | Cr _____<br>Substitute Cr _____            |

## 10.7 (cont)

|    |                                                                                |                      |
|----|--------------------------------------------------------------------------------|----------------------|
| 6. | <b>Whitehorse Business Group</b><br>(Two Councillors)                          | Cr _____<br>Cr _____ |
| 7. | <b>Whitehorse Manningham Regional Library Corporation</b><br>(Two Councillors) | Cr _____<br>Cr _____ |

In line with the review and adopted Terms of Reference for each Advisory Committee, most Advisory Committees now conform to the model of one Councillor appointed as Chair and one Councillor appointed as Substitute for a 1-year term unless otherwise outlined below. The review excluded committees required under legislation.

For consistency and to align with the annual appointments, it is recommended to update the previously adopted Multicultural Advisory Committee Terms of Reference to appoint Councillors for a one-year term rather than two years.

| INTERNAL |                                                                                                         |                                       |
|----------|---------------------------------------------------------------------------------------------------------|---------------------------------------|
| No.      | Committee/Group                                                                                         | Councillor Delegate/s<br>2025/2026    |
| 8.       | <b>Arts &amp; Cultural Advisory Committee</b>                                                           | Chair Cr _____<br>Substitute Cr _____ |
| 9.       | <b>Audit and Risk Committee</b><br>(Two Councillors)                                                    | Cr _____<br>Cr _____                  |
| 10.      | <b>CEO Employment Matters Committee</b><br>All Councillors                                              | All Councillors                       |
| 11.      | <b>Community Safety Crime Prevention Committee</b>                                                      | Chair Cr _____<br>Substitute Cr _____ |
| 12.      | <b>Disability Advisory Committee</b>                                                                    | Chair Cr _____<br>Substitute Cr _____ |
| 13.      | <b>Domestic Animal Management Advisory Committee</b>                                                    | Chair Cr _____<br>Substitute Cr _____ |
| 14.      | <b>Environment and Sustainability Advisory Committee</b>                                                | Chair Cr _____<br>Substitute Cr _____ |
| 15.      | <b>Municipal Public Health and Wellbeing Plan (MPHWP) Steering Committee</b><br>(up to two Councillors) | Cr _____<br>Cr _____                  |
| 16.      | <b>Multicultural Advisory Committee</b>                                                                 | Chair Cr _____<br>Substitute Cr _____ |

## 10.7 (cont)

|     |                                                 |                                       |
|-----|-------------------------------------------------|---------------------------------------|
| 17. | <b>Reconciliation Advisory Committee</b>        | Chair Cr _____<br>Substitute Cr _____ |
| 18. | <b>Sports and Recreation Advisory Committee</b> | Chair Cr _____<br>Substitute Cr _____ |

**Overarching Governance Principles and Supporting Report Details**

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategic Alignment</b>                                | <p>Governance, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.</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>                                                                                                           |
| <b>Financial and Resource Implications</b>                | There are no financial or resource implications arising from the recommendation contained in this report.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Legislative and Risk Implications</b>                  | <p>The <i>Local Government (Governance and Integrity) Regulations 2020</i> (regulation 7(1) (a) and (b)) 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"> <li>• The nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated.</li> <li>• The nomination or appointment by the Council of a Councillor to a position in the Municipality.</li> </ul> |
| <b>Equity, Inclusion, and Human Rights Considerations</b> | It is considered that the subject matter does not raise any human rights issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Community Engagement</b>                               | No community engagement was required for this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Innovation and Continuous Improvement</b>              | There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Collaboration</b>                                      | No collaboration was required for this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## 10.7 (cont)

|                             |                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conflict of Interest</b> | <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 Appointment of Advisory Committees and Other Bodies 2026 

## 10.8 Records of Informal Meetings of Councillors

### Department

Governance

Director Corporate Services

### COUNCIL RESOLUTION

Moved by Cr Martin, Seconded by Cr Weller

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

**CARRIED UNANIMOUSLY**

### Pre Meeting Briefing – 10 November 2025 – 6.34pm to 6.43pm

| Matter/s Discussed:                                                                             | Councillors Present          | Officers Present |
|-------------------------------------------------------------------------------------------------|------------------------------|------------------|
| <ul style="list-style-type: none"> <li>10 November 2025 Council Meeting Agenda Items</li> </ul> | Cr Andrew Davenport (Mayor)  | S McMillan       |
|                                                                                                 |                              | S Cann           |
|                                                                                                 | Cr Prue Cutts (Deputy Mayor) | S Day            |
|                                                                                                 |                              | L Letic          |
|                                                                                                 | Cr Hayley Weller             | J Green          |
|                                                                                                 | Cr Blair Barker              | A Ghastine       |
|                                                                                                 | Cr Jarrod Gunn               | V Ferlano        |
|                                                                                                 | Cr Daniel Griffiths          | S Candeland      |
|                                                                                                 | Cr Kirsten Langford          | A Wintle         |
|                                                                                                 | Cr Jason Martin              |                  |
|                                                                                                 | Cr Kieran Simpson            |                  |
|                                                                                                 | Cr Peter Allan               |                  |
|                                                                                                 | Cr Ben Stennett              |                  |
| <b>Others Present:</b> N/A                                                                      |                              |                  |
| <b>Disclosures of Conflict of Interest:</b> Nil                                                 |                              |                  |
| <b>Councillor /Officer attendance following disclosure:</b> N/A                                 |                              |                  |

## 10.8 (cont)

| Pre Meeting Briefing – 12 November 2025 – 6.30pm to 6.39pm                   |                                                                                                                                                                                                                          |                                                                                                                       |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Matter/s Discussed:                                                          | Councillors Present                                                                                                                                                                                                      | Officers Present                                                                                                      |
| <ul style="list-style-type: none"> <li>Mayor Election Proceedings</li> </ul> | Cr Andrew Davenport<br>Cr Hayley Weller<br>Cr Prue Cutts<br>Cr Blair Barker<br>Cr Jarrod Gunn<br>Cr Daniel Griffiths<br>Cr Kirsten Langford<br>Cr Jason Martin<br>Cr Kieran Simpson<br>Cr Peter Allan<br>Cr Ben Stennett | S McMillan<br>S Cann<br>S Day<br>L Letic<br>J Green<br>A Ghastine<br>V Ferlaino<br>F Nolan<br>S Candeland<br>A Wintle |
| <b>Others Present:</b> N/A                                                   |                                                                                                                                                                                                                          |                                                                                                                       |
| <b>Disclosures of Conflict of Interest:</b> Nil                              |                                                                                                                                                                                                                          |                                                                                                                       |
| <b>Councillor /Officer attendance following disclosure:</b> N/A              |                                                                                                                                                                                                                          |                                                                                                                       |

| Councillor Briefing – 17 November 2025 – 6.30pm – 9.30pm                                                                                                                                                                                                                               |                                                                                                                                                                                                                                               |                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Matter/s Discussed:                                                                                                                                                                                                                                                                    | Councillors Present                                                                                                                                                                                                                           | Officers Present                                                                                                                        |
| <ul style="list-style-type: none"> <li>Draft Fenced Dog Park</li> <li>Draft Indoor Sports Plan</li> <li>Mahoney's Reserve Draft Masterplan</li> <li>Budget Assumptions</li> <li>Waste Management Strategy Briefing 3</li> <li>Draft Council Meeting Agenda 24 November 2025</li> </ul> | Cr Kirsten Langford (Mayor)<br>Cr Kieran Simpson (Deputy Mayor)<br>Cr Peter Allan<br>Cr Blair Barker<br>Cr Prue Cutts<br>Cr Andrew Davenport<br>Cr Daniel Griffiths (arrived 6.52pm)<br>Cr Jarrod Gunn<br>Cr Jason Martin<br>Cr Hayley Weller | S McMillan<br>L Letic<br>S Cann<br>J Green<br>A Ghastine<br>V Ferlaino<br>S White<br>S Candeland<br>A Acklin<br>D Pascolo<br>T Gledhill |
| <b>Others Present:</b> Anna O'Sullivan (Fitzgerald Frisby Landscape Architecture), Kate Maddock (Virtual) (Otium Planning Group)                                                                                                                                                       |                                                                                                                                                                                                                                               |                                                                                                                                         |
| <b>Disclosures of Conflict of Interest:</b> Nil                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                               |                                                                                                                                         |
| <b>Councillor /Officer attendance following disclosure:</b> Nil                                                                                                                                                                                                                        |                                                                                                                                                                                                                                               |                                                                                                                                         |

## 11 Councillor Delegate and Conference / Seminar Reports

### 11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance

**Department** Governance  
Manager Governance

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

#### **COUNCIL RESOLUTION**

Moved by Cr Weller, Seconded by Cr Simpson

That Council receives and notes the:

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

**CARRIED UNANIMOUSLY**

| Councillor           | Organisation/<br>Committee/Group                       | Date of Attendance  |
|----------------------|--------------------------------------------------------|---------------------|
| Councillor Davenport | Eastern Alliance for Greenhouse Action                 | 13 November 2025    |
| Councillor Gunn      | Reconciliation Advisory Committee                      | 13 November 2025    |
|                      | Sports and Recreation Advisory Committee               | 20 November 2025    |
| Councillor Griffiths | Whitehorse Audit & Risk Committee Meeting              | 19 November 2025    |
|                      | Australian Local Government Association Road Congress  | 10-12 November 2025 |
| Councillor Allan     | 19 November: Whitehorse Audit & Risk Committee Meeting | 19 November 2025    |
| Councillor Martin    | Whitehorse Business Group                              | 18 November 2025    |
|                      | Local Government Working Group on Gambling (VLGA)      | 19 November 2025    |

## 11.1 (cont)

|                     |                                             |                  |
|---------------------|---------------------------------------------|------------------|
| Councillor Stennett | Sports and Recreation<br>Advisory Committee | 20 November 2025 |
| Mayor Langford      | Whitehorse Business Group                   | 18 November 2025 |

**12 Confidential Reports**

Nil

**13 Close Meeting**

The Council Meeting was closed at 10.38pm.

*These minutes are circulated subject to confirmation by Council  
at the next Council Meeting to be held on 8 December 2025.*