



WHITEHORSE  
CITY COUNCIL

# Whitehorse City Council

## AGENDA

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### **Council Meeting**

on

**Monday 11 May 2026 at 7:00 PM**

**To be held in the  
Council Chamber  
Nunawading Civic Centre**

**Members:** 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

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## AGENDA

### 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

### 3 Disclosure of Conflicts of Interest

### 4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 20 April 2026

#### **RECOMMENDATION**

That the minutes of the Council Meeting 20 April 2026 be confirmed.

### 5 Urgent Business

### 6 Requests to Speak

### 7 Public Question Time

### 8 Petitions

## 9 Notices of Motion

### 9.1 Notice of Motion - Heritage Potential Aqualink Nunawading

*Submitted by Cr Andrew Davenport*

That Council:

1. Refers Aqualink Nunawading (Fraser Place, Forest Hill) to the Whitehorse Heritage Advisor, for a preliminary investigation of the place's heritage potential against the *Victorian Heritage Register Criteria and Threshold Guidelines 2022* as adapted for Local Government significance.
2. If following the preliminary investigation Aqualink Nunawading is deemed to be of potential heritage significance:
  - a. undertake a full heritage investigation of Aqualink Nunawading
  - b. consider the impacts of the proposed Aqualink Nunawading redevelopment on its heritage significance.

## 10 Council Reports

## 10.1 Contract 30700 - Provision of Laptops and Hardware

**Department** Futures & Technology  
Executive Manager Future Strategy & Technology

Attachment

### SUMMARY

To maintain reliable IT services and ensure staff productivity, Council follows a structured equipment refresh program. Laptops and desktop computers typically have an operational lifespan with the oldest devices being replaced every 4-5 years. This is to ensure Council staff consistently use secure, reliable and efficient technology that meets current application and security requirements.

Council has previously utilised the Victorian State Government panel contract for the Supply of End User Computing Equipment to leverage aggregated government purchasing power to achieve competitive pricing and favourable commercial terms, which would be difficult to obtain through an independent tender process. This strategy balances value for money, probity, efficiency and risk management.

This report recommends commencing a new contract utilising the Victorian State Government panel contract for the Supply of End User Computing Equipment. Council maintains a standardised fleet of Dell laptops which enables productive support, maintenance and streamlined deployment of change.

The current geopolitical and global events have significantly influenced the cost of end-user computing through various channels. Trade tensions and tariffs between major economic powers have increased the price of imported components and finished goods. Supply chain disruptions in key manufacturing have led to shortages and inflated prices for items such as microchips and rare earth minerals. Furthermore, currency fluctuations have impacted the cost of international transactions, making imported technology more expensive. This will result in the cost of individual devices increasing over the term of the contract and Council will review its device refresh frequency to manage cost increases within budget.

### RECOMMENDATION

That Council:

1. Accept the offer and activate the State Government Panel for Contract 30700, Supply of End User Computing Equipment Contract (Dept of Govt Services DGS - ICT - 04 - 2024) DELL Technologies (ABN 46 003 855 561), of L1-5, Tower A, Zenith Centre, 821-843 Pacific Hwy, Chatswood NSW 2067 on a schedule of prices for \$1,701,000 (excluding GST) for a period of three (3) years and with an additional option to extend for a further two (2) years at Council's discretion.

## 10.1 (cont)

2. Authorise the Chief Executive Officer to award an extension of this contract aligned with Council budget, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three-year contract term.

**KEY MATTERS**

Council services rely on the provision and support of IT services across 24 Council sites, including the procurement, deployment and lifecycle management of end-user hardware. This contract will provide for the supply of laptops, desktop computers, monitors, keyboards and associated IT equipment required to support Council operations.

Given rapid technological advancement and increasing application, security and performance requirements, standard PC workstations and laptops have a limited operational lifespan. Once devices fall outside warranty and become more susceptible to failure, they are deemed no longer fit for purpose. To maintain system reliability, optimise performance and minimise disruption to business operations, Council currently undertakes a structured refresh program. The current forecast for this contract is to refresh 17% of laptops each financial year and will be managed according to the device price and budget. This approach ensures staff are equipped with secure, reliable and fit-for-purpose technology to effectively deliver Council services. This will be reviewed as the current geopolitical and global events have significantly influenced the cost of end-user computing through various channels. Trade tensions and tariffs between major economic powers have increased the price of imported components and finished goods. Supply chain disruptions in key manufacturing have led to shortages and inflated prices for items such as microchips and rare earth minerals. Furthermore, currency fluctuations have impacted the cost of international transactions, making imported technology more expensive. The contract for the supply of End User Computing Equipment will be established on a Schedule of Rates basis.

Whitehorse's corporate laptop procurement strategy is being shaped by sustained demand for remote and hybrid work models. This has increased the need for lightweight, portable devices with extended battery life, high-performance processors and seamless remote collaboration capability, including integrated high-quality cameras, microphones and wireless connectivity. Security remains a critical priority. The market is increasingly focused on enterprise-grade devices equipped with advanced security features such as biometric authentication (e.g. fingerprint readers and facial recognition), hardware-based encryption, remote management tools and emerging AI-enabled capabilities that enhance threat detection and device optimisation. These features support Council's broader cybersecurity posture and remote device management requirements.

Sustainability is also a key consideration in current procurement practices. There is a growing preference for environmentally responsible models that are energy efficient, incorporate recycled materials, offer low-carbon manufacturing credentials and support end-of-life recycling programs.

## 10.1 (cont)

**KEY PROCUREMENT CONSIDERATIONS****Supporting Modern Work Environments**

The specifications considered the increased demand for hybrid work which meant prioritising lightweight, portable devices with extended battery life, high-performance processors and seamless remote collaboration capabilities, including integrated cameras and microphones.

**Enhanced Security**

Security remains a critical priority. The market is increasingly offering enterprise-grade devices with advanced security features such as biometric authentication, hardware-based encryption and remote management tools. These features will strengthen Council's cybersecurity posture and remote device management.

**Environmental Sustainability**

Sustainability is a key consideration in this procurement. Council seeks environmentally responsible models that are energy efficient, incorporate recycled materials, offer low-carbon manufacturing credentials and support end-of-life recycling programs.

**Future Readiness**

A key objective is to secure robust, fit-for-purpose laptops capable of supporting organisational requirements over the next three years. This includes considering devices with AI-enabled processing capability for future readiness and mandatory compatibility with the Windows 11 operating system.

**DISCUSSION, OPTIONS AND ANALYSIS**

Council will utilise the State Government Panel, "Buying for Victoria," to leverage aggregated government purchasing power to achieve competitive pricing and favourable commercial terms, which would be difficult to obtain through an independent tender process. This strategy balances value for money, probity, efficiency and risk management. The contract for the supply of End User Computing Equipment will be established on a Schedule of Rates basis, with rates subject to annual adjustment in line with the Consumer Price Index (CPI) on each contract anniversary. It is noted that current global market conditions have materially impacted the pricing of laptop hardware. This is primarily driven by increased costs of key components and sustained demand for devices. In particular, Random Access Memory (RAM) and Solid-State Drives (SSD) have experienced significant price increases, typically ranging from approximately 20 to 50 per cent depending on capacity and timing within the market cycle. Furthermore, the integration of emerging technologies, including artificial intelligence capabilities to future-proof devices, is contributing to additional price volatility and upward pressure on procurement costs.

A structured and transparent vendor engagement process was undertaken in accordance with Council's procurement requirements. Vendors were

## 10.1 (cont)

identified through the approved Buying for Victoria State Purchase Contracts and Registers panel (DGSICT-04-2024) and invited to participate in a Request for Quotation (RFQ) process.

While the IT hardware market includes a broad range of laptop manufacturers, Council has strategically limited its consideration to vendors that demonstrate best value for money, fitness for purpose, competitive pricing, maintenance efficiency, strong performance, and the ability to provide value-added services. These services include consolidated packaging, pre-staging configuration, asset tagging, Autopilot registration, and streamlined delivery options. Priority was given to leading business-grade manufacturers with proven build quality and corporate warranty support, including onsite repairs, such as HP and Dell Australia.

Following evaluation, Dell products have been identified as the preferred solution. This is based on their strong compatibility with Council's existing ICT environment, including established monitor configurations, integrated power connectivity through Dell docking monitors, and alignment with current security patch management frameworks. Maintaining a single-vendor environment supports a high level of standardisation across hardware and software platforms, reducing compatibility risks and simplifying deployment, support and lifecycle management. This approach also enables more efficient procurement processes, a consistent user experience, streamlined troubleshooting, and clear vendor accountability for ongoing maintenance and support.

Councils Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy. Based on the projected expenditure for the total contract value over the full year term will be \$1,701,000 plus GST. Funding for this contract will be drawn directly from three capital works budgets allocated for technology renewals outlined in the table below. The contract is managed under the delegation of the Manager Organisational Technology. The budgets include funding for other technology equipment which cannot be purchased through this contract.

Capital Works Budget	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30
End User Devices Renewal Program	\$636,000	\$655,000	\$675,000	\$695,000
IT Infrastructure Upgrade Program	\$608,000	\$665,000	\$353,000	\$363,000
Mobile Devices Renewal Program	\$206,000	\$212,000	\$219,000	\$225,000
Total	\$1,450,000	\$1,532,000	\$1,247,000	\$1,283,000

## 10.1 (cont)

**Overarching Governance Principles and Supporting Report Details**

<b>Strategic Alignment</b>	Strategic Direction 5 - Governance Objective 5.2 A Council that delivers core services that are fit for purpose and good value This hardware supports Council to deliver core services and manage customer requests. It is essential that this system is stable and supported.
<b>Financial and Resource Implications</b>	This funding is aligned with the expenditure approved in the Finance Plan, Budget and Asset Plan.
<b>Legislative and Risk Implications</b>	There are no new 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>	Innovation and continuous improvement are constantly reshaping the landscape of end-user devices, driven by rapid technological advancements and evolving user needs. Manufacturers are consistently integrating more powerful processors, extended battery life, enhanced security features like biometric authentication, and seamless connectivity options into devices. This ongoing evolution not only improves user experience through greater efficiency and reliability but also supports emerging work models, enables more sophisticated software applications and contributes to a more sustainable technology ecosystem through energy-efficient designs and better recycling programs.
<b>Collaboration</b>	Collaboration was considered for this report. Due to the timing of the negotiations required by the vendor driven timeline, collaboration was not possible.  This is a schedule of rates contract and Council will explore shared aggregated procurement with the Eastern Region Councils.

## 10.1 (cont)

<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 any direct or indirect interest in a matter to which the advice relates.  Council officers involved in the preparation of this report have no conflict of interest in this matter.
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**ATTACHMENT**

- 1 Contract 30765 Provision of End-User Devices and Hardware Computer Equipment (State Govt DGS-ICT-04-2024 Council Report Att Signed

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

## 10.2 Contract 30737 - After Hours Parking Services

**Department** Community Safety  
Director City Development

Attachment

### SUMMARY

This report considers tenders received for Contract 30737 After Hours Parking Services and seeks approval for the appointment of Orikan Australia Pty Ltd (ABN 075 154 755) for a three-year term with an option to extend for a further two years at Council's discretion.

The purpose of this tender is to ensure the ongoing delivery of the after-hours parking enforcement service to support safety, compliance and access across Whitehorse. The Tender Evaluation Report is provided in Confidential Attachment 1 'Contract 30737 After Hours Parking Services'.

### RECOMMENDATION

That Council:

1. Accept the tender and sign the formal contract document for Contract 30737 for the After-Hours Parking Services received from Orikan Australia Pty Ltd (ABN 075 154 755), of Level 6,30 Convention Centre Place, South Wharf, VIC 3006, for the tendered amount of \$1,852,028 excluding GST and up to a total of \$3,173,154 excluding GST if the option to extend is awarded.
2. Authorises the Chief Executive Officer or delegate to execute the formal contract documents on behalf of the Council with the above-named provider, to undertake all actions necessary to give effect to this resolution and to exercise the extension of two further years subject to a review of the Contractor's performance and Council's business needs at the conclusion of the initial contract term

### KEY MATTERS

Since 2023, Whitehorse City Council has operated an after-hours parking enforcement service using a hybrid delivery model, combining in-house services with contracted support outside standard business hours. This model was introduced to address increased demand and support compliance across the municipality during evenings and weekends.

During the contract period, the after-hours service has responded to more than 700 service requests relating to parking issues occurring outside standard operating hours.

The current after-hours service operates in a two-person team between 2:00pm to 9:00pm Monday to Saturday and 10:00am to 4:00pm every

## 10.2 (cont)

second Sunday to address accessibility, non compliance and complaint management.

The new contract is proposed to continue the service with an enhanced approach with the Sunday provision increasing to a weekly schedule and extending through to 8:00pm.

This increase will address the continual rising demand for parking enforcement and will address the need for accessible parking due to longer operating hours across the City of Whitehorse.

Following a competitive tender process and with the current contract expiring on 30 June 2026, it is proposed that the service continue with an enhanced delivery model. The proposed approach includes expanded Sunday coverage and extended evening operating hours to enhance the effectiveness of parking enforcement and community safety during peak non-standard hours.

Council received three tender submissions, which were evaluated in accordance with the following criteria:

Cost to council – 50%

Capability to provide the service – 20%

Experience in the provision of Parking Enforcement Services – 20%

Local Content -5%

Social and Environmental Sustainability – 5%

The preferred respondent, Orikan, achieved the highest overall evaluation score, demonstrating a strong value for money outcome alongside a clear capability to deliver the required after-hours parking enforcement service.

The submission evidenced relevant experience in delivering comparable services, supported by established systems and operational expertise. The respondent also met requirements relating to local content and demonstrated a commitment to social and environmental sustainability outcomes.

## **DISCUSSION, OPTIONS AND ANALYSIS**

### **Options and Implications**

#### **Option 1 – Appoint Orikan Australia Pty Ltd (Preferred Option)**

Appoint the preferred respondent following the competitive tender process to deliver the after-hours parking enforcement service in line with Council's operational requirements.

This option provides service continuity and minimises implementation risk, supported by the respondent's demonstrated capability and relevant experience. It enables a seamless transition with limited disruption to current operations. Orikan has also provided several add-value options and has

## 10.2 (cont)

provided a competitive financial outcome realising circa \$210,000 in identified savings.

### **Option 2 – Do Not Award a Contract**

If Council does not proceed with awarding this contract for the after-hours parking enforcement service.

This option would result in the cessation of after-hours enforcement, limiting Council's ability to manage parking compliance outside standard business hours and potentially impacting safety and access across the municipality. It would also have financial and operational implications, including loss of enforcement capability and associated revenue impacts, as outlined in Attachment 1.

### **Operational and Community Impacts**

After-hours parking enforcement supports the management of parking demand and addresses non-compliance, particularly in high activity areas. Illegal parking can create serious safety risks, restrict access to businesses, and contribute to congestion in activity centres and residential streets.

Continuation of after-hours enforcement enables Council to maintain safe, accessible public spaces and supports timely response to parking issues outside standard business hours, consistent with community expectations.

### **Assessment**

The preferred option delivers a balanced outcome across service continuity, cost-effectiveness, and risk management, building on an established service model with demonstrated performance. It enables Council to maintain a stable and scalable after-hours enforcement service aligned with current operational requirements.

Not proceeding with the recommendation would result in the cessation of after-hours parking enforcement, reducing service coverage and increasing operational and compliance risks, with limited identifiable benefit to Council or the community.

### **Service Model**

The current hybrid service model has been very successful and effective in delivering a responsive after-hours parking enforcement service to the community. In reviewing future delivery options, a comprehensive assessment was undertaken to ensure value for money, continuity of service, and operational efficiency, including consideration of both in-house and fully outsourced models.

An expanded in-house model, incorporating additional staffing and/or casual resourcing, was assessed but would result in increased labour costs, higher administrative and operational overheads, and challenges in recruiting and retaining staff for after-hours coverage and impacts to service consistency. A

## 10.2 (cont)

fully outsourced model was also considered but was not assessed as financially viable due to higher overall delivery costs.

Based on this assessment, neither alternative model was supported, as both were identified as more expensive and less effective from an operational perspective. Continuing with a hybrid contracted model remains the most appropriate and cost-effective approach to meeting Council's service requirements.

**Consultation**

Councils Procurement team have been consulted extensively to ensure that the procurement is compliant with the Procurement Policy.

**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>The after-hours parking contract supports this direction by ensuring parking enforcement contributes to a safe community environment.</p>
<b>Financial and Resource Implications</b>	<p>The preferred submission represents a value for money outcome, with the service model optimising resource allocation while maintaining required service levels and coverage.</p> <p>There are significant financial and resource implications if the tender is not accepted.</p> <p>Please refer to Confidential Attachment 1.</p>
<b>Legislative and Risk Implications</b>	<p>It is considered that the subject matter does not raise any human rights issues. The service will be delivered in a fair, consistent, and impartial manner, ensuring equitable enforcement of parking regulations across the municipality.</p>
<b>Equity, Inclusion, and Human Rights Considerations</b>	<p>No community engagement was required for this report. However, ongoing community feedback consistently highlights the need for increased parking enforcement services.</p>
<b>Community Engagement</b>	<p>The procurement could not be undertaken as a collaborative tender due to the service being tailored to Council's specific operational requirements, including local laws, enforcement priorities, and service delivery timeframes, which are not readily standardised across councils</p>

## 10.2 (cont)

<p><b>Innovation and Continuous Improvement</b></p>	<p>The service will be delivered in accordance with relevant legislation and Council policies, with appropriate controls in place to mitigate operational, compliance, and reputational risks.</p> <p>If the proposed after-hours parking enforcement service is not endorsed, Council may experience reduced compliance outside standard operating hours, leading to increased safety risks, diminished amenity, and potential community dissatisfaction. In addition, the absence of a contracted service may expose Council to operational gaps and reputational risk associated with an inability to effectively enforce parking regulations.</p> <p>In addition, Council has an ongoing statutory role in enforcing parking restrictions under the <i>Road Safety Road Rules 2017</i> and associated legislation. A reduction in after-hours enforcement capacity would constrain Council's ability to meet these obligations consistently, particularly where restrictions apply during evenings and weekends, and may lead to reduced compliance with legislated parking controls.</p>
<p><b>Collaboration</b></p>	<p>The proposed approach incorporates established systems and practices, with a demonstrated capacity to support continuous improvement and adapt to evolving operational requirements.</p>
<p><b>Conflict of Interest</b></p>	<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 Contract 30737 After Hours Parking Service Contract

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

**10.3 3/6 Redland Drive, Mitcham (Lot 3 PS 417841)– Use the land for the purpose of an indoor recreational facility**

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

WH/2025/881  
Attachment

**SUMMARY**

This application seeks permission to use the existing building for the purpose of an indoor recreation facility, and has been 'called in' by the Ward Councillor to be heard at a Council Meeting. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme. It is recommended that the application be refused, subject to the grounds outlined below:

**RECOMMENDATION**

That Council:

1. Being the Responsible Authority, having caused Application WH/2025/881 for 3/6 Redland Drive, Mitcham (Lot 3 PS 417841) to be advertised and having received and noted any objections, is of the opinion that the application to 'Use the land for the purpose an indoor recreational facility' does not appropriately respond to the relevant provision of the Whitehorse Planning Scheme and should be refused.
2. Issue a Notice of Refusal under the Whitehorse Planning Scheme to the land described as 3/6 Redland Drive, Mitcham (Lot 3 PS 417841) for Use the land for the purpose an indoor recreational facility, subject to the following grounds:
  - a. The proposal is inconsistent with the objectives and strategies of the following clauses of the Whitehorse Planning Scheme:
    - i. Clause 17.03-1S Industrial land supply
    - ii. Clause 17.03-2S Sustainable Industry
    - iii. Clause 17.03-3R Regionally significant industrial land.
  - b. The use is not consistent with the purpose of the Industrial 3 Zone at Clause 33.03.
3. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the *Planning and Environment Act 1987*.

10.3 (cont)

Applicant:	Canter Town Planning Pty Ltd
Zoning:	Industrial 3 Zone
Overlays:	None
Relevant Clauses:	
Clause 11	Settlement
Clause 13	Environmental Risks and Amenity
Clause 15	Built Environment and Heritage
Clause 17	Economic Development
Clause 19	Community Infrastructure
Clause 33.03	Industrial 3 Zone
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 65	Decision Guidelines
Ward:	Walker Ward



Figure 1 – Aerial Image of Subject Site (Nearmap)

10.3 (cont)



Figure 2 – Zoning Map of Subject Site (VicPlan)



Figure 3 – Photo of car park and northern elevation of the subject site.

## 10.3 (cont)

**BACKGROUND****History**

The following planning applications are applicable to the subject site:

- WH/8038J – To develop and use the land for the purpose of subdivision into 29 lots and to use and develop the land for light industrial, warehouse, storage and research and development purposes.
- WH/9591B – Development and use of the land for a warehouse and associated car parking.
- WH/9879K – To develop and use the land for the purpose of subdivision into three lots with common property.
- WH/2002/12844 – Buildings and works for a mezzanine floor for the purpose of a warehouse and dispensation for car parking.

**The Site and Surrounds**

The site is located on the southern side of Redland Drive in Mitcham approximately 150 metres west of the intersection with Mitcham Road.

The subject site is the rear (southernmost) warehouse of 3/6 Redland Drive. The subject site is 542 square metres in size and includes the warehouse and eight (8) car parking spaces allocated to the tenancy.

The subject site is currently a warehouse with an open storage area, packing room, commercial display suite and toilet at ground floor. At first floor there is a mezzanine and associated office. Access to the site is provided by a roller door to the accessway and two (2) pedestrian access doors. The site utilises a common property area as an accessway shared with the two (2) other warehouses on site. There is a total of 14 car parking spaces across the site.

The site is designated as 'Regionally Significant Industrial Land – Existing' for the Eastern Region as elected by the State Government within the Melbourne Industrial and Commercial Land Use Plan. It forms part of the Redland Estate.

Adjacent properties include a Terracotta Plant and Distribution Centre to the south; warehouses; manufacturing and light industrial uses. There are a limited number of non-industrial uses within the surrounding area, however the predominant land uses are industrial or logistical in nature, and this is discussed further below.

**Planning Controls****Industrial 3 Zone (Clause 33.03)**

Pursuant to Clause 33.03-1 an indoor recreation facility is a Section 2 use (not specified in Section 1 or 3) and as such requires a planning permit.

10.3 (cont)

### **Clause 52.06 'Car Parking'**

Clause 52.06-5 (Car parking) does not provide a statutory car parking rate for the proposed use. Clause 52.06-6 states that car parking must be provided to the satisfaction of the Responsible Authority (Council).

### **Bicycle Facilities (Clause 52.34)**

Clause 52.34-2 requires a Planning Permit to be sought for any waiver of bicycle facilities requirements set out in this provision. A rate of 1 space per 4 employees is required and 1 space per 200 metres of net floor area (minor sports and recreation facility).

Four staff are proposed to be on site at any one time and there is 513 square metres of floor space. The provision states that if in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

As such the proposal generates a requirement of 1 employee space and 3 additional spaces for visitors. Four spaces have been provided meeting the requirement. Clause 52.34-5 'Required bicycle facilities' requires that any employee space must be either in a bicycle locker or at a bicycle rail in a lockable compound. This is discussed in the assessment section below.

### **PROPOSAL**

The applicant proposes use of the land for the purpose of an Indoor Recreation Facility. Details provided regarding the proposed use include:

- The business would offer classes and movement-based programs to develop children's physical literacy, confidence and resilience in a 'controlled' indoor environment. This includes interactive activity zones, climbing and agility areas and obstacle-based training. This is intended to cater for children and families.
- Session lengths are generally proposed to be 90 minutes to 2 hours with 15-minute buffers.
- Spectator attendance would be limited to introductory sessions or special events. Otherwise parents would pick up and drop off children at beginning and end of sessions.
- Hours of operation would be Monday to Friday 9am to 12pm and 4.30pm to 10pm. Weekends from 9am to 6pm.
- Four (4) staff on site at any one time.
- Patron numbers of 20 participants (including children and staff) on weekday morning (9am to 12pm). Up to 32 participants on weekday evenings (4.30pm to 10pm) and weekends.
- Eight on-site car parking spaces directly in front of the premises. The applicant has advised that there is a separate agreement with another tenancy for an additional six spaces to be used outside that

## 10.3 (cont)

business' ordinary trading hours (this would allow use of these car parks from 4.30pm onwards on weekdays and on weekends). The applicant has not applied for this under the Whitehorse Planning Scheme, nor included the tenancy on which these additional spaces are provided within this application, and as such it cannot be considered (this is discussed further below).

- No signage has been applied for or any buildings or works.

The applicant has also advised there is no increase in floor area only reconfiguration of internal floor areas. This includes creation of a lobby / reception area, a storage room and workout area at ground floor level and an administration area at first floor level (existing mezzanine).

**CONSULTATION****Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice to the Redland Drive frontage. Following the advertising period no objections were received.

**REFERRALS****External**

No external referrals are required under the Whitehorse Planning Scheme.

**Internal**

Department	Response
Transport	The application is supported, subject to permit conditions, most notably a formal agreement for additional parking.
Waste	The submitted Waste Management Plan was not supported as no turning circles for trucks were provided.

Councill's Transport team has stated they support the proposal subject to a Section 173 Agreement being implemented for the use of the other allotments car spaces on the site (allowing 14 spaces total).

The applicant has not applied for this under Clause 52.06-3 the Whitehorse Planning Scheme and as such only the eight (8) spaces associated with the site are assessed below under the car parking assessment.

Should the operator of the use wish to seek to formalise the utilisation of the other land owner's car parking, this will be at their discretion and separate to Councils consideration.

## 10.3 (cont)

**DISCUSSION****Industrial 3 Zone, Consistency with State and Local Planning Policies**

The purpose of the Industrial 3 Zone includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Clause 17.03-1S of the Planning Policy Framework seeks to 'avoid non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use'. It also seeks to 'preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.'

Clause 17.03-2S of the Planning Policy Framework seeks to protect industrial activity from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry availability'.

As outlined in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) the Redlands Estate is a key industrial precinct within Whitehorse. It performs an important role in providing locations for small and medium sized businesses in the region.

These areas have become more significant, as industrial businesses in the inner city have been displaced as a result of rezoning industrial land for alternative uses. It also plays an important role in meeting strong demand for businesses which serve industry in Melbourne's outer eastern region. The MICLUP documents outline that the region is losing industrial land with limited scope for any additional industrial land to be added into the future. As such industrial areas need to be carefully planned for.

It is also noted that Whitehorse municipality is likely to lose a sizeable area of the industrial zoned land within the Burwood SRL precinct (McIntyre Neighbourhood) with current SRL structure plans outlining that the industrial area would evolve to become a high amenity area for new businesses to establish, including preferred maximum buildings heights of 25 metres. This would further limit industrial land supply within Whitehorse, and prejudice future industrial land uses from establishing within this area.

## 10.3 (cont)

Clause 71.03-2 regarding 'Section 2 Uses' and the operation of zones, states that because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

It is considered that the proposed use does not align with these local policies. It seeks to introduce a sensitive use, whose main clientele is children and families, into this industrially zoned site.

The site is directly adjacent to a heavy industrial use being the Terracotta Plant and Distribution Centre to the south. Additionally, the site is shared with two other warehouses located in the Industrial 3 Zone with a shared accessway and car parking, and is used by larger vehicles that service industrial and warehouse operations.

This is contrary to planning policy which seeks to avoid introducing sensitive commercial uses into industrial areas, and creating conflict. Policies also seek to ensure sustainable industry, which is compromised with the introduction of a more sensitive land use. Whilst children and families should be afforded with a high level of safety through the appropriate siting of a new business, equally, industrial uses should be able to operate without unreasonable constraint of their activity or concern for future land use conflicts.

The site more broadly is designed to accommodate trucks (as evidenced by the warehouses and roller doors) and warehouse related functions such as loading and unloading of vehicles. The estate could also support other industrial type uses into the future (as encouraged by the zone) which could further create conflict with the proposed use. Given the estate was established to accommodate industrial land uses, it is unreasonable to expect existing and potential future businesses to temper their operations in response to the introduction of a use more suited to another location.

The zone specifically seeks to allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations or industry and associated uses compatible with, and complementary to, the nearby community. The proposal does not meet these purposes and conflicts with planning policy for sustainable industry and industrial land supply. Further, the existence of industrial parks such as the Redlands precinct are intended to bring opportunities for 'like' uses that are not permitted to establish within other zones.

The increasing pressure on industrially zoned land to accommodate non-industrial uses serves to drive out those businesses that have limited options to establish elsewhere. Industrial land as a proportion, is significantly less than commercial and residential zoned land, yet businesses continue to seek to establish in these areas because land prices are less than in a commercial zone or are not permitted and/or restricted within residential zones. The availability of land within an industrial estate in and of itself is

## 10.3 (cont)

insufficient justification to enable the establishment of a use that is not strategically supported, nor practically suitable.

It is acknowledged that there are a limited number of non-industrial uses in the surrounding area, such as:

- 28B Redland Drive Mitcham (Permit WH/2016/409) approved for change of use to Dancing School (indoor recreation facility)
- 3/5 Redland Drive (Permit WH/2019/1154) approved for change of use to Education Centre
- 21/634-644 Mitcham Road (Permit WH/2021/136) approved for the use of land for the purposed of an Education Centre.

It is also acknowledged that these uses were established prior to the outcomes of the industrial land review report (MICLUP), and may not now be approved in the context of the findings of that report. These are isolated uses and should not be relied upon to allow further erosion of industrially zoned land. The Redlands Estate is otherwise generally well preserved as an industrial estate with sites predominately used for industrial or logistical related purposes.

These permits pre-date Amendment VC215 (gazetted on 3 March 2023) which implemented the Melbourne Industrial and Land Use Plan (MICLUP) in the Planning Policy Framework as well as planning policies to place a greater emphasis on protecting and planning for industrial land supply and to better inform decision making. As discussed above, the Redlands Drive Estate is acknowledged as playing an important role within the region in providing locations for small to medium size industrial businesses. Crucially industrial businesses require land to be specifically zoned to accommodate them, limiting their supply and potential operating sites. Further restricting potential sites for these small to medium sized industrial uses by allowing non-industrial uses in their place must be carefully considered.

The proposed use is not an industrial related use and can be accommodated within a range of other zones within the municipality. Small to medium size industrial businesses do not have this option. Additionally introducing children and families within the context of this site places further restrictions on the potential operation of industrial business within the adjoining tenancies.

Since the approval of the non-industrial uses listed above there has been increasing pressure on the supply of industrial land within the municipality and the eastern region more broadly. These are highlighted in the MICLUP document and include the rezoning of industrial land for alternate uses and there being limited scope to introduce new industrial land to the region. As also discussed above Whitehorse may potentially lose a sizeable area of industrial zoned land within the Burwood SRL precinct, placing further pressure on the existing industrial land supply.

As such the planning policy on which this decision is to be made has changed and is now better informed. MICLUP and the changes to the

## 10.3 (cont)

planning policy framework highlight that the industrial land supply within the outer east region is being reduced with limited additional supply able to be planned for into the future. As such industrial land within the municipality must be carefully planned for and protected, particularly in areas such as the Redlands Estate, to ensure the small to medium sized industrial related businesses can be catered for and needs of the municipality and state can be met into the future. The proposal is not an industrial related use, with options to locate elsewhere, and as such in this context it is considered the proposal does not align with the Zone and Planning Policy Framework.

**Clause 52.06 Car Parking**

The proposed land use is not listed within table 1 of 52.06-5 and as such the number of car spaces required is to the satisfaction of the responsible authority (Council). Council's Traffic Department has assessed that a rate of 0.3 spaces per patron is considered satisfactory as such the proposal would result in the following car parking demands:

Days	Time	Patrons	0.3 spaces per patron	Spaces	Balance
Weekdays	9am to 12 Noon	20	6 spaces	8	+2
All other times		32	10	8	-2

As noted above the applicant has not applied under the Whitehorse Planning Scheme to use car parking space on another site and as such only the allocated eight car parking spaces to the tenancy can be assessed (and not the additional 6 spaces associated with another site outlined in the application).

It is noted the site is within an industrial area where businesses predominately operate within regular business hours, being Monday to Friday 9am to 5pm with a limited number of businesses operating outside of these hours. This does practically mean that car parking will become available outside of normal business hours.

The applicant has provided a car parking demand assessment (undertaken on Friday 10 October 2025 and Saturday 11 October 2025) which concluded the following:

- Parking along Redland Drive consists of mix of
  - 4 spaces which are 30-minute parking from 8am to 6pm Monday to Friday and 8am to 1pm Saturday
  - 24 for spaces which are 2-hour parking between 8am to 6pm Monday to Friday and 8am to 1pm Saturday
  - 41 unrestricted parking spaces. This makes a total of 69 spaces.
- Of particular note, car parking spaces increased in availability from 1.30pm (28 vacant spaces) to 5pm (53 spaces available) on weekdays and between 55 and 65 vacant spaces on Saturdays.

## 10.3 (cont)

As such it is considered there will be adequate on street car parking supply for those times when patron numbers are not limited (past 5pm on weekdays and on weekends). It is considered there is sufficient space in the locality to accommodate a shortfall of 2 spaces during those times when 32 patrons would be allowed. Subject to conditions enforcing these patron numbers it is considered the proposal adequately responds to the car parking demand requirements of Clause 52.06.

**Clause 52.34 'Bicycle Parking'**

As outlined above Clause 52.34-2 requires that 1 employee space is provided and 3 additional spaces for visitors. It is considered a variation would be acceptable as the bicycle racks are located to the rear of the lot and immediately in front of the accessway on the northern building elevation. In this position, it is considered the bicycle spaces would be acceptable, safe, secure and convenient for any employees.

It is considered the proposal is inconsistent with the relevant planning controls and policies, including the State and Local Planning Policies and purpose of the Industrial 3 Zone. The application has been advertised and despite no objections having been received, the minimal policy support for the use, coupled with overarching strategic emphasis on the protection of industrial land, the application should not be supported.

**ATTACHMENT**

- 1 WH/2025/881 - 3/6 Redland Drive, Mitcham VIC 3132 - Plans

## 10.4 Council Owned Land - 37 Bennett Street, Forest Hill & 25 Mountainview Road, Nunawading

**Department** Futures and Technology  
Executive Manager Futures and Technology

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Attachment

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### SUMMARY

This report seeks Council's consideration of the proposed sales of 37 Bennett Street, Forest Hill and 25 Mountainview Road, Nunawading. Both properties have been assessed under the *Strategic Property Framework (SPF)* as no longer required for current service delivery needs. The proposed sales are intended to release value from surplus assets and support reinvestment in other community priorities.

In accordance with *Section 114 of the Local Government Act 2020*, Council published a notice of intention to sell the properties and undertook separate but parallel community consultations for each site between 29 October and 28 November 2025. A total of 177 responses were received, with significantly higher participation for 25 Mountainview Road than for 37 Bennett Street.

The engagement showed a clear difference between the two sites. Feedback on 37 Bennett Street was mixed but slightly supportive of sale, although many respondents also expressed interest in alternative community outcomes. By contrast, feedback on 25 Mountainview Road showed stronger and more concentrated opposition. The most significant issue raised for that site was the accommodation needs of local community groups, together with concerns about neighbourhood character, future development outcomes, the timing of any sale relative to Nunawading Activity Centre planning, and the heritage value of "Mountainview Cottage".

This report recommends that Council proceed with the sale of both properties, consistent with the SPF assessment. If adopted, the recommendation would enable Council to proceed in accordance with statutory requirements, and through a competitive public sale process. At the same time, the engagement findings highlight the importance of continuing to work on suitable alternative accommodation pathways for affected community groups, particularly in relation to 25 Mountainview Road.

## 10.4 (cont)

**RECOMMENDATION**

That Council:

1. Notes that:
  - a. At its meeting on 27 October 2025, Council resolved to commence the statutory process under section 114 of the Local Government Act 2020 in relation to the proposed sales of:
    - i. 37 Bennett Street, Forest Hill; and
    - ii. 25 Mountainview Road, Nunawading.
  - b. An independent valuation has been obtained for each property.
  - c. Public notice was given and community engagement undertaken in accordance with the Act and Council's Community Engagement Policy; and
  - d. 177 responses were received (61 relating to 37 Bennett Street and 116 relating to 25 Mountainview Road) and have been considered by Council.
2. Resolves to sell the property known as 37 Bennett Street, Forest Hill, with the title description of Lot 86 on Plan of Subdivision 023849, Volume 07877 Folio 020.
3. Resolves to sell the property known as 25 Mountainview Road, Nunawading, with the title description of Lot 51 on Plan of Subdivision 044180, Volume 08389 Folio 659.
4. Authorises the sale of any property approved for sale under this resolution by a public sale process for an amount not less than the relevant independent valuation.
5. Authorises the Chief Executive Officer, or delegate, to finalise and execute all documents required to give effect to the sale of any property approved for sale under this resolution.

**KEY MATTERS****Properties Proposed for Sale**

The properties proposed for sale are:


- 37 Bennett Street, Forest Hill and
- 25 Mountainview Road, Nunawading.

## 10.4 (cont)

Details of the properties are outlined in the table below.

Attribute	Properties	
	Bennett Street	Mountainview Road
<b>Address</b>	37 Bennett Street, Forest Hill VIC 3131	25 Mountainview Road, Nunawading VIC 3131
<b>Land Area</b>	627 sqm (approximately)	1,556 sqm (approximately)
<b>Land Description</b>	Lot 86 on Plan of Subdivision 023849.  Volume 07877 Folio 020	Lot 51 on Plan of Subdivision 044180.  Volume 08389 Folio 659
<b>Current Use/Status</b>	<p>Vacant; a detached single-storey weatherboard dwelling, previously leased to an organisation that used the property for emergency housing, lease surrendered in 2023. Assessed as surplus to service needs.</p> <p>The subject land is zoned General Residential Zone – Schedule 1 (GRZ1), consistent with the zoning of surrounding residential properties. Given its location within an established residential area, the continued use of the site for residential purposes is considered to represent its highest and best use. Accordingly, the current zoning is appropriate and supports the proposed disposal of the property.</p> <p>Applicable Planning Overlays include:  Development Contributions Overlay – Schedule 1, and Significant Landscape Overlay – Schedule 9.</p>	<p>Vacant; formerly “Mountainview Cottage” community facility for older adults’ services, unoccupied since 2024. Assessed as surplus to service needs</p> <p>The property is zoned Neighbourhood Residential Zone 4 (NRZ4), consistent with the zoning of surrounding residential properties, but directly adjacent to a Commercially zoned shopping strip. The current residential zoning is considered to represent the highest and best use of the site given its location within an established residential area, its suitability for future housing development. Accordingly, the current zoning is appropriate and supports the proposed disposal of the property.</p> <p>Applicable Planning Overlays include: Development Contributions Overlay Plan Overlay – Schedule 1, and Significant Landscape Overlay Schedule 9.</p>

10.4 (cont)

<p><b>Zoning Map</b></p>	 <p>© 2025 Whitehorse City Council</p>	 <p>© 2025 Whitehorse City Council</p>
<p><b>Aerial View</b></p>	 <p>© 2025 Whitehorse City Council</p>	 <p>© 2025 Whitehorse City Council</p>

**Strategic Context**

Whitehorse City Council owns and manages a diverse property portfolio that supports service delivery, community activity and a liveable city.

In August 2025, Council adopted the *Strategic Property Framework (SPF)*, which sets out the principles and criteria that guide decisions on acquisitions, disposals, and developments.

37 Bennett Street and 25 Mountainview Road were assessed through the *SPF* as no longer required for Council’s service delivery needs due to Council having no current or future service need for the site, and it does not form part of any adopted service plan or the Community Infrastructure Plan. The facilities are not well aligned for current identified service needs and are not ideally located particularly given the near proximity Nunawading Community Hub (approximately 3km), which a purpose-built facility developed to facilitate connected community services. Their proposed sale is therefore being considered as part of Council’s broader approach to managing its property portfolio efficiently and sustainably.

Repurposing the sites for alternative Council (or community) services would require significant reconfiguration and investment, with no demonstrated need.

Retention of the sites would result in ongoing holding costs (maintenance, insurance, rates) without service benefit. Disposal would release value from surplus assets and enable reinvestment of value into priority services aligned to delivery of Council Plan.

## 10.4 (cont)

**Alignment with Strategic Property Framework and Council Plan Objectives**

The proposed sale of the unused community facilities is consistent with the objectives of the Strategic Property Framework (SPF), which provides a structured and evidence-based approach to managing and optimising Council's property portfolio. The SPF supports the disposal of assets that no longer contribute to current or future service delivery, allowing resources to be redirected toward higher-priority community outcomes.

The properties have been assessed through Council's portfolio review processes and determined to have minimal utilisation and limited strategic value. Accordingly, both properties meet the SPF criteria for disposal as an underutilised and non-essential asset.

**Community Engagement Overview**

On 29 October 2025, Council published its Notice of Intention to sell the properties in The Age newspaper and on Council's corporate website, and undertook a community engagement process in accordance with its Community Engagement Policy 2025-29 (the Policy).

The Community engagement process, which was run separately but in parallel for each site, included a Your Say Whitehorse online platform, which providing interested community members an opportunity to provide their views via an online survey and written submissions.

In total, 177 responses were received, comprising 61 responses relating to 37 Bennett Street and 116 responses relating to 25 Mountainview Road. Participation was higher for the Nunawading site, indicating a higher level of community interest in the future of that property.

The participant profile showed strong local connections, with respondents largely identifying as Whitehorse residents, volunteers, users of local facilities or members of local clubs/groups.

Suburb data showed concentrated engagement from suburbs around the sites (Nunawading/Forest Hill, Blackburn/Blackburn North/Blackburn South, Vermont/Vermont South), indicating feedback largely reflected those who identified as locally affected.

Vebatim community comments are provided as an attachment to this report.

**Community Feedback Outcomes**

The engagement outcomes showed a clear difference in community sentiment between the two sites.

Feedback on 37 Bennett Street was mixed but slightly supportive of sale, although many respondents also expressed interest in retaining community benefit through social or crisis housing, community group accommodation, or other local uses. Concerns were also raised about the permanent loss of public land and uncertainty about future private development outcomes.

## 10.4 (cont)

By contrast, feedback on 25 Mountainview Road showed stronger and more concentrated opposition. The most significant issue raised for that site was the accommodation and facility needs of local community groups. Other concerns related to neighbourhood character, future development outcomes, the timing of any sale relative to Nunawading Activity Centre planning, and the heritage value of “Mountainview Cottage”.

Across both sites, common themes included expectations that Council-owned land should continue to deliver visible community benefit, concern about the permanent loss of public land, and strong interest in transparent sale processes and reinvestment of proceeds into community priorities.

### Community Feedback Key Themes and Officer Response

#### 25 Mountainview Road

Key Themes	Officer Response
<p><b>The property should be repurposed for accommodate alternative community uses</b></p>	<p>This property has not been identified in any current Council policy or strategy as being required to meet an existing or future service need. As a result, there is limited strategic justification for Council to retain ownership of the property for the purpose of upgrading or repurposing it for an alternative use. Disposal of the property can therefore be considered appropriate, with funds generated from the sale able to be redirected to support alternative community programs, services or priorities that more closely align with Council’s strategic objectives and deliver broader community benefit.</p>
<p><b>The property could meet alternative Community Group accommodation needs</b></p>	<p>Adapting the site for an alternative community use would likely require substantial upgrade works, including improvements to the building fabric and compliance with current safety and accessibility standards. With such upgrades involving significant investment, retaining the property for potential community use, either as a temporary or permanent measure, would not represent a practical or cost-effective option for Council.</p>

## 10.4 (cont)

<p><b>Future density and development concerns</b></p>	<p>If the property were to be sold, any future use or development would still be subject to the standard planning system. This means the same planning controls, zoning requirements, overlays and assessment processes that apply to all privately owned land would continue to apply to this site. Consideration would be given to neighbourhood character, the scale and design of any development, impacts on nearby properties, and relevant planning policies. The sale of the property does not in itself enable high-density development, with any future proposal still needing to comply with planning controls and be assessed through the usual approval processes.</p>
<p><b>Heritage considerations - Historical properties should be preserved</b></p>	<p>This property was originally identified as being of potential heritage interest in the City of Whitehorse Heritage Review 2001: Part 1. However, as part of the Whitehorse Heritage Review 2012, the property was reviewed and was noted as being altered and that no further assessment was required. Though the general form of the original Federation period (1890's-1910) building is apparent, a number of changes since 1945 have reduced its integrity and its ability to clearly demonstrate its original layout and farming use. The main frontage, which originally faced south towards Springfield Road, has been substantially affected by subdivision and the later development of the Springfield Road shops. Other changes include rear extensions that have altered the original roof form, removal of the original front door and replacement of original windows with later period examples, removal of the western chimney, replacement of the original wrap-around verandah with a modern structure, and the addition</p>

## 10.4 (cont)

	<p>of modern full-length windows to the east elevation.</p> <p>Feedback from a more recent assessment by the Heritage Advisor engaged by Whitehorse Council has reaffirms the 2012 position that no further assessment of the property is required.</p>
<b>Strategic and Financial Considerations</b>	<p>The proposed sale will be conducted through a transparent public process.</p> <p>Council through its budgeting process considers funding of high priority community initiatives that support delivery of the Council Plan objectives. The sale of site will contribute to reducing the ongoing financial burden associated with holding and maintaining vacant properties.</p>

**37 Bennett Street**

<b>Key Themes</b>	<b>Officer Response</b>
<b>The property should be repurposed for accommodate alternative community uses</b>	<p>Repurposing the site for an alternative community use would likely require extensive upgrade works, including improvements to the building fabric and achieving compliance with current safety, accessibility and service standards. Given the level of investment that would be required, retaining the property for potential community use, whether on a temporary or permanent basis, is not considered to be a practical or cost-effective option for Council.</p>
<b>The property could meet alternative Community Group accommodation needs, most notably Men's Shed and/or Wood-turning activities.</b>	<p>The existing layout configuration of the building which was designed for residential occupation is not compatible with activities such as a men's shed or wood-turning, particularly in built up residential area with direct adjacency to other residences where which typically require open floor space, workshop areas, appropriate storage, and enhanced safety provisions.</p>

## 10.4 (cont)

	<p>Adapting the building to accommodate any alternate types of uses would likely require significant modification and upgrades, including alterations to internal layouts, improved access, and the provision of suitable safety measures. As a result, repurposing the property for community use would require substantial investment which is not recommended as a viable option in this case.</p>
<p><b>Concerns about the method of disposal</b></p>	<p>Council property sales are undertaken in accordance with the requirements of the Local Government Act 2020 and consistent with Local Government best practice guidelines for the sale and exchange of land. In line with these obligations, Council would seek to dispose of the property through a competitive public process, such as an expression of interest or public auction. This approach is intended to ensure an open and transparent process, provide equal opportunity to the market, and support the achievement of best value for Council and the community.</p>
<p><b>Financial Transparency and Reinvestment</b></p>	<p>The proposed sale will be conducted through a transparent public process. Council through its budgeting process considers funding of high priority community initiatives that support delivery of the Council Plan objectives. The sale of site will contribute to reducing the ongoing financial burden associated with holding and maintaining vacant properties.</p>
<p><b>The property should be retained to deliver Social Housing and Crisis Accommodation</b></p>	<p>Whitehorse City Council's Affordable Housing Policy 2023 describes Council's role in affordable and social housing as being primarily focused on advocacy, facilitation, planning and regulation, rather than the direct</p>

## 10.4 (cont)

	ownership and delivery of social housing facilities. Opportunities to support social and affordable housing are to be pursued through partnerships with State and Federal governments, registered housing agencies and the private sector. As the property has not been identified by this policy as necessary to meet an identified social housing need, retention for that purpose is not recommended.
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**DISCUSSION, OPTIONS AND ANALYSIS****Options for Consideration**

The table below provides a summary of the main options available for each property.

<b>Option</b>	<b>37 Bennett Street</b>	<b>25 Mountainview Road</b>	<b>Key Considerations</b>
<b>Option A</b> <b>Proceed with sale</b> <i>(recommended option)</i>	Sell in line with the SPF assessment.	Sell in line with the SPF assessment.	Supports financial stewardship and reinvestment. Requires clear rationale and transparent communication. Also requires supported accommodation pathway for affected groups.
<b>Option B</b> <b>Sale with heritage protections</b>	N/A	Sell with heritage protections considered for "Mountainview Cottage".	Responds to heritage concerns but may affect timing and sale process.
<b>Option C</b> <b>Community group accommodation</b>	Consider interim community group use.	Assess feasibility of community group accommodation.	Responds to the main community concern but would require further assessment and may delay sale.
<b>Option D</b> <b>Alternative community use</b>	Retain for other community or public uses.	Retain for longer-term community use.	Would retain community benefit on-site but requires further investment and creates an opportunity cost.

## 10.4 (cont)

Option	37 Bennett Street	25 Mountainview Road	Key Considerations
<b>Option E Social/crisis housing</b>	Explore feasibility of social or crisis housing.	N/A	Responds to a specific issue raised through engagement but would require further assessment and partnerships.
<b>Option F Defer decision</b>	N/A	Defer sale pending further strategic work	Responds to timing concerns but extends uncertainty and holding costs.

**Recommended Option**

The recommended option is to proceed with the sale of 37 Bennett Street, Forest Hill and 25 Mountainview Road, Nunawading, consistent with the Strategic Property Framework (SPF) assessment that neither site is required for current service delivery needs.

This approach would release value from surplus assets for reinvestment in higher community priorities and reduce the ongoing costs associated with holding and maintaining vacant properties.

At the same time, it recognises the issues raised through community engagement and the importance of continuing to work on suitable alternative accommodation pathways for affected community groups, particularly in relation to 25 Mountainview Road.

**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>The proposed disposals align with the <i>Strategic Property Framework (SPF)</i> and Strategic Direction 5: Governance of the <i>Integrated Council Plan 2025–2029</i> (as described above).</p> <p>Identifying and disposing of surplus assets that are no longer required for service delivery supports more efficient portfolio management and enables reinvestment in higher community priorities.</p> <p>Property disposal procedures are undertaken in line with the Local Government Best Practice Guidelines for the Sale and Exchange of Land.</p>
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## 10.4 (cont)

<p><b>Financial and Resource Implications</b></p>	<p>Disposal of the two surplus properties would release funds for Council's future use. Reinvestment in higher community priorities and reduce the ongoing costs associated with holding and maintaining vacant assets.</p> <p>By contrast, retaining either site for ongoing community or alternative use would require further investment, including potential refurbishment and ongoing asset management costs.</p>
<p><b>Legislative and Risk Implications</b></p>	<p>Any decision to sell Council land must comply with <i>Section 114 of the Local Government Act 2020</i> and Council's <i>Community Engagement Policy</i>. Sales procedures would be undertaken in line with the Local Government Best Practice Guidelines for the Sale and Exchange of Land.</p> <p>Key risks include delay, additional holding costs, and uncertainty where decisions are deferred, as well as implementation risks associated with identifying suitable accommodation pathways for affected community groups.</p>
<p><b>Equity, Inclusion, and Human Rights Considerations</b></p>	<p>It is considered that the subject matter does not raise any human rights issues.</p> <p>The engagement process has, however, highlighted the importance of considering how property decisions may affect access to community facilities and services, particularly for groups that rely on spaces for social connection and participation. These impacts will continue to be considered as future decisions and implementation pathways are developed.</p>
<p><b>Community Engagement</b></p>	<p>Whitehorse City Council's Community Engagement Policy 2025-29 specifies a 'Participatory' engagement (Consult) process as being the suitable level of engagement for the selling of Council property.</p> <p>Accordingly, Council's engagement processes in relation to the properties included:</p> <ul style="list-style-type: none"> <li>• Publishing Council's Notice of Intention to Sell the land in The Age newspaper and on Council's website on 29th October 2025</li> <li>• Publishing a 'Your Say' page on Council's website which provided information regarding the proposal and allowed interested parties to</li> </ul>

## 10.4 (cont)

	<p>respond to a survey and provide written feedback for a period of 28 days.</p> <p>By the conclusion of the feedback period at 11:59 pm on 28th November 2025, a total of 177 written responses were received.</p> <p>Community engagement has provided important insight into local priorities, concerns and expectations in relation to both properties. The feedback has informed the understanding of site-specific impacts, particularly in relation to community group accommodation, future development concerns, expectations regarding transparency and reinvestment, and the implementation considerations associated with any final decision.</p>
<b>Innovation and Continuous Improvement</b>	<p>Application of the <i>SPF</i> reflects a more structured approach to property decision-making. Using a consistent framework, supported by community engagement and options analysis, improves transparency, consistency and long-term portfolio management.</p>
<b>Collaboration</b>	<p>Council is working with affected community groups to better understand accommodation needs and support appropriate transition planning. This work, together with internal collaboration across relevant service areas, will help inform the next stage of implementation planning.</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>

**ATTACHMENT**

- 1 Valuation Report - 37 Bennett Street, Forest Hill 3131

**Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns valuation advice and other commercially sensitive information relating to the proposed sale of Council land, the disclosure of which would be likely to prejudice Council's commercial position.**

10.4 (cont)

- 2 Valuation Report - 25 Mountainview Road, Nunawading 3131

**Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns valuation advice and other commercially sensitive information relating to the proposed sale of Council land, the disclosure of which would be likely to prejudice Council's commercial position.**

- 3 Community Feedback and Officer Response

## 10.5 Sale of Land - Part Former Laneway Adjacent 28 Merton Street, Box Hill

**Department** Commercial  
Acting Director Corporate Services

Attachment

### SUMMARY

At its meeting on 23 February 2026, Council resolved to publish notice of its intention to sell a section of former roadway (Lot 6 on PS614956K) to the owners of the adjacent property at 28 Merton Street, Box Hill, for \$50,000 plus GST, and to commence a community engagement process in accordance with section 114 of the *Local Government Act 2020*.

By the close of the 28-day community engagement period on 8 April 2026, no submissions or comments had been received in relation to the proposal.

The subject land, measuring 15.24m long x 2.24 metres wide and having an area of approximately 34m<sup>2</sup>, is located to the rear of the applicant's property, so has no frontage to Merton Street or connection to other parts of the public road network. Given its limited size, isolated location, and lack of current or foreseeable community use, the land is not considered suitable for retention by Council. Officers are therefore of the view that the most appropriate outcome is for the land to be sold and consolidated with the adjoining property, with any proceeds from the sale directed toward initiatives that deliver a greater benefit to the broader community.

With all required statutory processes pursuant to section 114 of the *Local Government Act 2020* having been completed, and with no community feedback received, it is recommended that Council proceed with the sale of the land to 28 Merton Street, Box Hill on the terms outlined in this report.

### RECOMMENDATION

That Council:

1. Having complied with the requirements of the *Local Government Act 2020* determines that the 34m<sup>2</sup> section of former laneway known as Lot 6 on PS614956K (the Land) is no longer reasonably required for Council purposes;
2. Resolves to sell the Land for the amount of \$50,000 + GST by private treaty to the adjacent owner at 28 Merton Street, Box Hill, and;
3. Authorises the Director Corporate Services or delegate to finalise and execute the Contract of Sale and any associated documentation and undertake all actions to complete the sale.

10.5 (cont)

## **KEY MATTERS**

At its meeting on 23 February 2026, Council resolved the following:

*That Council:*

- 1. Being of the opinion that the section of former road known as Lot 6 on PS614956K is not required for municipal or community use, resolves to publish notice of its intention to sell the land to the adjacent owner of (Lot 27 on LP2914) for a price of \$50,000 +GST, and commence a community engagement process pursuant to Section 114 of the Local Government Act 2020.*
- 2. Authorises the CEO to sign a Heads of Agreement in relation to the proposed sale.*
- 3. At the conclusion of the engagement process, receive a further report which incorporates Community feedback received, to consider whether the land should or should not be sold.*

Now, having acted upon the resolution by completing its obligations under section 114 of the Act, Council is in a position to determine the proposed sale.

### **The Land**

In October 2008, Council resolved to discontinue and sell land comprising a former laneway and two former linear reserves bound by Merton, Combarton, and Maple Streets, Box Hill in accordance with section 189 of the *Local Government Act*. The former laneway component, part of which is the subject of this proposal, was previously discontinued as a road by notice published in the Government Gazette on 28 August 2008 following Council's determination that the land was not reasonably required for public use as a road.

Following the discontinuance of the laneway, the intended sale of the subject land (known as Lot 6 on PS614956K - Certificate of Title Volume 11102 Folio 116) was not finalised with the adjacent owners at the time, resulting in the land remaining vested in Council.

The subject land, measuring approximately 15.24 metres in length and 2.24 metres in width, with a total area of approximately 34 square metres, is entirely contained within the fenced boundary of 28 Merton Street. It is currently maintained by the adjoining property owner and functions as part of the property's rear yard. The land is zoned General Residential Zone 1, in line with neighbouring residential properties.

In recent months, the current owners of the adjacent property at 28 Merton Street have expressed interest in acquiring the section of former road, agreeing in-principle to purchase the land at the market value as determined by independent valuation, and subject to Council completing all statutory community engagement requirements and passing resolution to sell the land.

## 10.5 (cont)

As the subject land is effectively landlocked and inaccessible to the community and is not considered reasonably required for current or future public use, officers consider that the most practical and appropriate outcome is for the land to be sold and incorporated into the adjoining property. The value held in the land could then be used for more effective community benefit.

**Heads of Agreement**

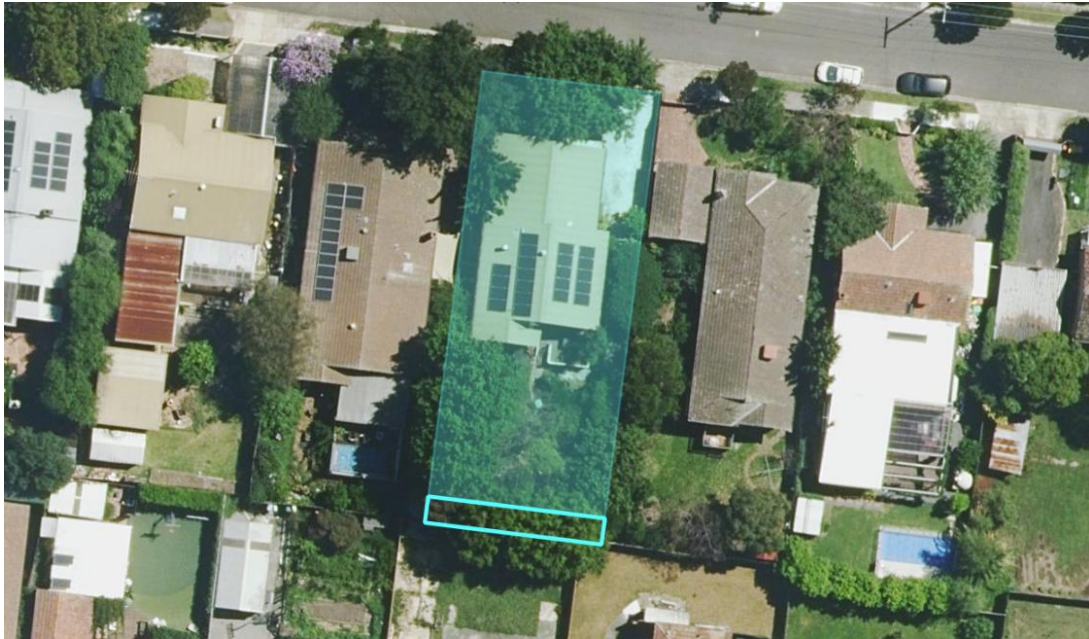
In line with Council's resolution on 23 February, officers have entered into a Heads of Agreement with the applicant property owner to clearly set out the main terms of the proposed arrangement and ensure both parties have a shared understanding of the transaction, subject to Council's completion of required statutory processes in relation to the proposed sale.

**Plan #1 – Location Plan**

The subject land is bound in blue line.

10.5 (cont)

## Plan #2 – Aerial Plan



The subject land is bound in blue line.

### **DISCUSSION, OPTIONS AND ANALYSIS**

Having fulfilled its obligations under section 114 of the Local Government Act 2020, Council now has a range of options available to it in relation to the future of the land:

#### 1) Sell the land

As a narrow section of the former laneway, the land is not of sufficient size nor is it appropriately located for community access or use. Sale of the land to the adjacent owner would allow proceeds realised from the sale to be directed for more effective community benefit.

This option would reaffirm Council's resolution of 2008.

#### 2) Retain the land

As the registered titleholder, Council has the authority to retain possession of the land. However, given its small size and lack of access from existing public road networks, the land offers very limited opportunities for alternative community uses, making this option an unfavourable outcome.

As an alternative to sale, Council could consider retaining the land and offering it to the current occupier under a long-term lease arrangement. However, this option does not align with the objectives of the applicant purchaser and is not considered to represent the optimal outcome for Council as it would limit Council's ability to realise the full capital value of the asset and prolong Council's ongoing administrative and management responsibilities.

## 10.5 (cont)

**Alignment to Best Practice Guidelines**

Council land sales are undertaken in line with the Local Government Best Practice Guidelines for the Sale or Exchange of Land (the Guidelines).

Though the Guidelines generally require local government land sales be undertaken by competitive process (such as auction, public tender or expressions of interest) there are a number of circumstances under which it is acceptable and more appropriate to sell by private treaty, including:

- rear laneways and rights-of-way;
- disused/closed roads; and
- allotments in inappropriate subdivisions.

Under such circumstances, prospective purchasers of this type of land may include owners of adjacent properties, as is the case with this proposal.

**Feedback received during the community engagement period**

On 11 March 2026, Council commenced advertising its intention to sell the land and invited community feedback in accordance with the provisions of the *Local Government Act*. Details of this process are outlined in the Community Engagement section of this report

By the conclusion of the community engagement period on 8 April 2026, Council had received zero (0) community comments to the Your Say page on the Whitehorse City Council website.

Given the absence of any opposition to the proposal, it is recommended that Council, having satisfied its obligations under the *Local Government Act* 2020, resolve to proceed with the sale on the terms outlined in this report.

**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>The proposed land sale aligns with Strategic Direction <i>Governance</i> in the Council Plan, with the following objectives applying to this proposal:</p> <p>Objective 5.1: An open, transparent, accountable and responsible Council – Deliver clear and transparent reporting and communications.</p> <p>Objective 5.3: A Council that actively engages with the community for genuine feedback and input – Provide tailored approaches to community engagement to listen and respond to a variety of community voices.</p> <p>This proposal, which seeks to realise the most effective community benefit through the sale of the</p>
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## 10.5 (cont)

	<p>subject land, demonstrates a commitment to responsible and sustainable financial management and strong advocacy, facilitating Council's ability to secure the resources for today and the future, needed to fulfil community priorities.</p>
<p><b>Financial and Resource Implications</b></p>	<p>The <i>Local Government Act 2020</i> requires that selling land Council must obtain from an appropriately qualified property valuer a valuation of the land which is made not more than 6 months prior to its sale.</p> <p>Herron Todd White Property Valuers have valued the land at Fifty Thousand Dollars (\$50,000) excluding GST. It is proposed that the land be sold for that price accordingly.</p> <p>Refer Attachment 2: Confidential Valuation Report dated 15 December 2025.</p> <p>All expenses related to the statutory process will be borne by the Property &amp; Leasing 2025-2026 Recurrent Budget and these expenses are estimated to total approximately \$7,500 + GST.</p>
<p><b>Legislative and Risk Implications</b></p>	<p>There are no legal or risk implications arising from the recommendation contained in this report as the process has been undertaken in accordance with all statutory requirements.</p>
<p><b>Equity, Inclusion, and Human Rights Considerations</b></p>	<p>In developing this report to Council, the subject matter has been considered in accordance with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006</i>. It is considered that the subject matter does not raise any human rights issues.</p>
<p><b>Community Engagement</b></p>	<p>Section 114 of the <i>Local Government Act 2020</i> includes a requirement that when considering the sale of land, Council publish notice of its intent to do so and undertake a community engagement process in accordance with its Community Engagement Policy.</p> <p>Whitehorse City Council's Community Engagement Policy 2025-29 specifies a 'Participatory' engagement (Consult) process as being the suitable level of engagement for the selling of Council land.</p> <p>Accordingly, Council's engagement process included:</p>

## 10.5 (cont)

	<ul style="list-style-type: none"> <li>• Publishing a Notice of Intention to Sell the land in The Age newspaper and on Council's website on 11th March 2026, which provided detail of the proposal and opportunity to provide feedback.</li> <li>• Direct mail to nearby property owners.</li> <li>• Publishing a 'Have Your Say' page on Council's website which provided information regarding the proposal and allowed interested parties to provide feedback for a period of 28 days.</li> </ul> <p>By the conclusion of the feedback period at 11:59 pm on 8 April 2026, Council had received zero (0) comments in relation to the proposal on its Have Your Say webpage.</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>	No collaboration was required for this report.
<b>Conflict of Interest</b>	Council officers involved in the preparation of this report have no conflict of interest in this matter.

**ATTACHMENT**

- 1 Valuation Report dated 15 December 2025

**Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) (a) of the *Local Government Act 2020*. This ground applies because the matter concerns Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

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**10.6 Forest Hill Activity Centre (69-79 Mahoneys Road, Forest Hill and adjoining car park) - request for planning scheme amendment**

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

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Attachment

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**SUMMARY**

A request for a planning scheme amendment has been prepared by Urbis on behalf of Haben, the owners of Forest Hill Chase Shopping Centre.

The amendment seeks to facilitate the future redevelopment of two sites on the east side of Mahoneys Road, Forest Hill at 69-79 Mahoneys Road (office building) and the development of the at-grade carpark site (carpark) immediately south of the office building. These sites are owned by Haben, the owners of Forest Hill Chase Shopping Centre.

It is proposed that both sites remain in a Commercial 1 zoning and that the existing Development Plan Overlay (DPO) be removed from the sites. Future development is proposed to be controlled through a new Design and Development Overlay (DDO).

The planning scheme amendment also seeks to change Schedule 1 to the DPO (Forest Hill Activity Centre) to remove a requirement for the development plan to provide “at least 130 car spaces to the east of Mahoneys Road.” This is a longstanding planning requirement for the Forest Hill centre.

This report seeks Council’s approval to submit a request to the Minister for Planning to authorise the preparation and exhibition of a proposed amendment to the Whitehorse Planning Scheme.

This amendment deals specifically with the office building and carpark sites however the approved Development Plans for Forest Hill Chase Shopping Centre and the Mahoneys Road shops are due for review to better support the future development of the land within the centre.

## 10.6 (cont)

**RECOMMENDATION**

That Council:

1. As Planning Authority, seek authorisation from the Minister for Planning under section 16F (1) of the *Planning and Environment Act 1987* (the Act) to prepare and exhibit an amendment to the Whitehorse Planning Scheme, as shown in Attachment 2, to:
  - a. Amend Schedule 1 to the Development Plan Overlay to remove reference to “at least 130 car space to the east of Mahoneys Road”,
  - b. Remove the Development Plan Overlay from 69-79 Mahoneys Road, Forest Hill (office building) and carpark on the east side of Mahoneys Road, and
  - c. Apply a new Design and Development Overlay to 69-79 Mahoneys Road, Forest Hill and carpark on east side of Mahoneys Road, Forest Hill.
2. Authorise the Director, City Development, to update the amendment to meet any conditions of authorisation from the Minister for Planning and to make minor changes, provided these are consistent with the intent of the amendment, prior to submitting the amendment to the Minister for exhibition.
3. Note that an alternative acceptable arrangement for the provision of a community space within the Forest Hill Activity Centre is required to be provided by the owners of the Forest Hill Chase Shopping Centre.

**KEY MATTERS**

The proposed planning scheme amendment will remove 69-79 Mahoneys Road and the adjacent at-grade carpark in the southeast corner of the Forest Hill Activity Centre from the requirements of the existing Development Plan Overlay (DPO1) that applies to land in the activity centre and introduce new built form controls for these sites to facilitate their future development.

Specifically, the amendment proposes the following:

- Amend Schedule 1 to the Development Plan Overlay to remove reference to “at least 130 car space to the east of Mahoneys Road”,
- Remove the Development Plan Overlay from 69-79 Mahoneys Road, Forest Hill (office building) and carpark on the east side of Mahoneys Road, and
- Apply a new Design and Development Overlay to 69-79 Mahoneys Road, Forest Hill and carpark on east side of Mahoneys Road, Forest Hill.

The existing Commercial 1 Zone is proposed to be retained.

## 10.6 (cont)

Both sites are owned by Haben, the owners of Forest Hill Chase Shopping Centre. Figure 1 shows the location of the sites (in red), in relation to the Forest Hill Chase Shopping Centre.



Figure 1 – Subject sites (in red)

The amendment will unlock development opportunities for the office and carpark sites allowing these sites to be developed for commercial or residential uses. The approved development plans recognise the existing conditions of both sites and do not provide guidance on future development beyond their existing use and development.

The new DDO will set out appropriate built form requirements for any future development of the sites which abut existing residential areas to the east and south. The overlay will also address pedestrian and vehicular access and carparking, and implications for existing trees and landscaping. The amendment request also raises the issue of the provision of a community space in Forest Hill Shopping Centre as part of a previous planning permit condition relating to Forest Hill Chase.

The amendment is site specific and recognises that the DPO is no longer appropriate for the office and carpark sites. It is proposed that the broader issue of the aging DPO and approved Development Plans as they apply to Forest Hill Chase Shopping Centre and the shops on the east side of Mahoneys Road, be dealt with as a separate process.

The amendment is strategically justified, consistent with the Victoria Planning Provisions and Ministerial Directions, and aligns with state and local planning policy relating to place making, activation of activity centres, and increasing the supply of housing in highly accessible locations.

If the amendment is approved, the existing approved Development Plans for Forest Hill Chase Shopping Centre and the shops on the east side of Mahoneys Road will be amended to remove reference to the subject properties.

## 10.6 (cont)

**DISCUSSION, OPTIONS AND ANALYSIS**

Forest Hill Activity Centre is generally bound by Canterbury Road to the north, Pacific Way to the east and south and the strip of shops and at-grade carpark on the east side of Mahoneys Road. Residential properties largely surround the activity centre.

The core of the activity centre is Forest Hill Chase Shopping Centre which has evolved into a major retail and entertainment centre in Melbourne's eastern suburbs. Forest Hill is identified as an "Activity Centre – Housing Choice and Station" in *Plan for Victoria* however is not one of the 60 activity centres identified for state-led planning through the Activity Centres Program.

The Planning Report prepared by Urbis contains a brief history of the development of the Forest Hill Activity Centre including the office and car park (see Attachment 1). The car park has existed since prior to 1970 and part of Barter Crescent was closed and included in the car park around 1987 as part of a land swap with Council. The planning scheme requirement for at least 130 car spaces on the east side of Mahoneys Road was added to the planning scheme around 1983 and has been retained through various changes to planning controls for the centre since then, including in the current DPO1 and approved Development Plans. The car park has remained in private ownership over this time and has provided a publicly accessible car park catering for various uses over the years including the shops on the east side of Mahoneys Road (which were at one time, under the same ownership as Forest Hill Chase Shopping Centre) and the former school prior to its closure.

**Subject sites – existing conditions**

The planning scheme amendment affects two sites – the office and car park.

The office site has an area of approximately 1297 sqm and contains a three-level office building with frontage to Mahoneys Road. The office building has frontages to Council laneways to the north, east and south. The building covers 100% of the site and there is no vegetation on the site. The site contains two titles that have no covenants, agreements or other encumbrances.

The carpark has an area of 5759 sqm and comprises 177 at-grade car spaces and a pedestrian path along the southern boundary of the site connecting Mahoneys Road and Barter Crescent. The carpark is covered by eight titles and an easement relating to an historic road link in the benefit of the City of Nunawading (now the City of Whitehorse). It is noted that part of the existing footpath and nature strip along Mahoney's Road are located within the boundary of the existing car park titles. The car park includes existing vegetation and 35 mature trees varying in species and sizes. There are no vegetation protection controls such as the Vegetation Protection Overlay (VPO) or Significant Landscape Overlay (SLO) affecting site.

Both sites are zoned Commercial 1 (C1Z) and are covered by the municipal-wide Development Contributions Plan Overlay (DCPO1). No change is proposed to these controls. The C1Z is one of the most flexible zones in the

## 10.6 (cont)

Victoria Planning Provisions and permits a wide variety of land uses including retail, office and residential uses which are generally as of right. A permit is required to use land for accommodation (including a Dwelling) where the frontage exceeds 2m at ground level. A permit is also required for buildings and works.

**The proposed amendment**

The proposed amendment seeks to excise the office and carpark sites from the existing DPO and apply a new DDO to both sites to provide guidance on their future development.

Attachment 2 contains the draft amendment documentation including the Explanatory Report, Instruction Sheet, and draft DDO and DPO schedules.

*Removal of requirement for car spaces*

A Transport Impact Assessment by Eukai consultants (Attachment 3) for Urbis concludes that the removal of the DPO from the subject sites will not result in unreasonable outcomes in relation to car parking. The report contains a breakdown of carparking spaces for the shopping centre (Page 9 of the report) and plans showing each of the car parking levels in Appendix A.

The removal of the requirement for 130 car spaces on the east side of Mahoneys Road provided by the subject carpark, will result in a shortfall of car spaces for the centre when assessed against the current DPO car parking requirements. It should be noted that the DPO car parking requirements are significantly higher than recently revised state-wide car parking requirements at Clause 52.06 of the planning scheme.

As at the date of the Eukai report (Attachment 3) there were 3,114 car spaces associated with the shopping centre. This was split between 2,937 car spaces on the shopping centre site (west of Mahoneys Road) and 177 car spaces in the subject carpark. However, the development of the basketball stadium on level 3 has reduced the available parking for the shopping centre by 144 spaces resulting in 2,793 on the shopping centre site (west of Mahoneys Road). This is reflected in Table 1 below.

## 10.6 (cont)

**Table 1 – Statutory car parking requirements and assessment against supply (comparison between DPO and Clause 52.06 - Car parking)**

Statutory car parking requirement	Calculation of no. of car spaces (based on land use, floor area and statutory parking rate) *	Existing supply of car spaces (a) Supply (Main centre and Mahoneys Road) (b) Future supply (Main centre only)	Balance
<b>Development Plan Overlay</b>	2947 spaces	2970 spaces (a)	23 (surplus)
		2793 spaces (b)	-154 (shortfall)
<b>Clause 52.06 Carparking</b>	1309 spaces	2970 spaces (a)	1661 (surplus)
		2793 spaces (b)	1484 (surplus)

\*See **Attachment 3** (page 16-18)

On 18 December 2025, Amendment VC277 introduced new state-wide car parking requirements at Clause 52.06 of the planning scheme to align car parking rates with demand and reduce the number of car parks required in locations well-served by public transport. The resulting statutory car parking requirement if applied to the overall centre based on land use, is 1,309 car spaces. Under the current DPO1, the rate is 2,947 car spaces, which results in a shortfall of 154 car spaces with removal of the Mahoneys Road carpark.

The DPO rates are at least 5 car spaces per 100 sqm for leasable floor area for a shop and 4 spaces to each 100 sqm of leasable floor area for all other uses, or a lesser figure to the satisfaction of the responsible authority. This compares to 2 car spaces per 100 sqm for shop under the new statutory car parking rates

A permit was issued on 11 July 2025 for a basketball stadium (WH/2025/71) on the roof of the shopping centre. This involved the removal of 144 car spaces from the third level of the shopping centre to accommodate the development and was approved on the basis that the DPO rates were met by the development and prior to the introduction of the new Clause 52.06 rates. The report's calculations take into account this development.

Car parking demand surveys conducted by the consultant in August 2024 indicate there are ample vacancies in the Forest Hill Chase Shopping Centre and Mahoneys Road carparks and that they are operating well below their effective capacities. The report concluded that the parking demand for the at grade car park is likely to be generated by the office building at 69-79 Mahoneys Road and the Mahoneys Road shops rather than being

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## 10.6 (cont)

associated with the shopping centre. The report also determined that the bulk of the vacancies in the shopping centre car park were observed in the multi-deck car park at the northern end of the shopping centre site near the Mahoneys Road shops.

The report concludes that given the vacancy rates of parking across the shopping centre, and that an assessment against the new standard statutory car parking requirements at Clause 52.06 indicates a surplus of car parking for the centre, the proposed car parking arrangements without the subject car park are appropriate. This conclusion is supported by Council officers. While there is concern that there may be a spillover of car parking into surrounding residential streets, restrictions are currently in place as well as parking sensors for the on-street parking along Mahoneys Road. Any redevelopment of the office and car park sites will attract their own car parking requirements.

### *Proposed planning controls*

The proposal is to include the sites within a DDO to provide bespoke built form requirements to respond to their specific context.

The proposed planning controls have been developed based on an analysis of the existing conditions on the site and their surrounds, similar planning controls within the City of Whitehorse such as the built form controls applying to neighbourhood activity centres (DDO4) and testing of built form envelopes for overshadowing and massing. The analysis also recognises the C1Z zoning of the properties which will remain unchanged.

The proposed planning controls require future development proposals to be designed with appropriate consideration of the adjacent residential areas while providing the opportunity for the sites to be developed to a scale appropriate for an activity centre location. The amendment seeks to revitalise underutilised land and provide for commercial and/or housing growth opportunities in an established activity centre.

The proposed DDO sets out specific building heights and setbacks for both sites including setback requirements from Barter Crescent, which abuts the rear boundary of the carpark site. The proposed DDO allows for preferred maximum building heights of up to 17 metres (4 commercial storeys) for the 69-79 Mahoneys Road site, and up to 21 metres (6 storeys) on the carpark site. Commercial storeys have a higher floor to ceiling height than residential storeys.

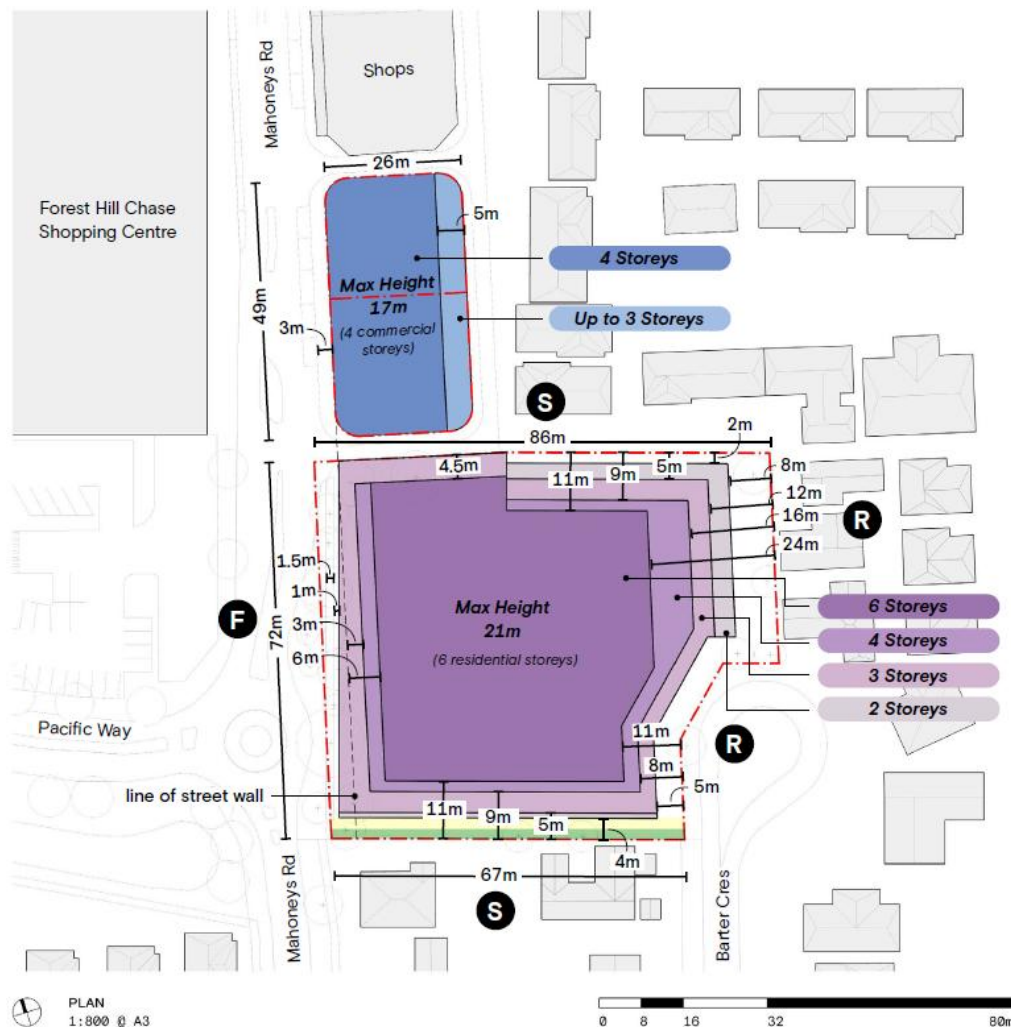
Front, rear and side setbacks respond to the scale of adjacent residential properties and streets and graduate the built form envelope back from the site boundaries to mitigate overshadowing impacts. The ground level setbacks also allow for landscaping to residential properties and for the east-west pedestrian link along the southern property boundary of the car park to be retained.

The setbacks to Mahoneys Road also take into account the existing footpath that is within the title boundary of the existing car park, by providing a 1m setback from the east side of the footpath. However, the "line of street wall"

10.6 (cont)

shown on Map 1 is intended to be a reference point for upper-level setbacks only. The line of street wall is reflective generally of the alignment of development occurring to the north and south of the sites along Mahoneys Road. Officers are concerned that this could potentially result in a street wall that protrudes and is visually intrusive to the Mahoneys Road streetscape and adjoining properties to the south of the car park site. There is scope to review the proposed controls and potential outcomes through the amendment process.

Map 1 illustrates the proposed building heights and building envelope setbacks.



Map 1 Proposed building heights and setbacks

No exemptions to notice and review are proposed within this specific DDO schedule ensuring neighbouring residents are provided with an opportunity to review and make submissions on any future planning permit applications for buildings and works or subdivision of land.

An application in the Commercial 1 Zone to subdivide land or construct a building or construct or carry out works is exempt from notice requirements, however this exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, meaning neighbouring residents will

## 10.6 (cont)

still retain the opportunity to review and make submissions on any future planning permit applications.

### **Pedestrian link**

The proposed amendment seeks to retain the east-west pedestrian connection along the southern property boundary between Mahoneys Road and Barter Crescent as part of any redevelopment of the car park site by requiring a s173 agreement under the Act to retain the connection to the satisfaction of the Council.

### **Environmental implications of the amendment**

1. The office site is generally devoid of vegetation. Vegetation on the car park site mostly consists of mature Gums within concrete islands scattered throughout, and a mix of smaller native and exotic species within garden beds along the southern and eastern boundaries.
2. The arboricultural report submitted by Urbis identified that *“the larger spotted Gums scattered throughout the carpark contribute to the landscape, providing amenity value and canopy shade. They are generally of good health and structure with medium to high arboricultural value. The smaller trees around the site boundaries are unremarkable and, in some cases considered weed species. They are generally of low arboricultural value”* (page 17)
3. Any redevelopment of the car park site will likely result in the removal of the existing mature trees. However, the proposed DDO will require landscaped setbacks from boundaries abutting the adjacent residential areas. This should include the provision of canopy trees.

### **Community space**

The original planning permit for Forest Hill Chase in the 1970s provided for a community space to be part of the shopping centre development. This is an ongoing requirement that Council has sought to maintain over many years.

The community space was transferred from the enclosed shopping centre to 69-79 Mahoneys Road some years ago and was the subject of a heads of agreement between Council and the previous owners applying to Level 2 of 79 Mahoneys Road. An alternate acceptable occupancy within the centre therefore needs to be provided for the community space or Council's ongoing interest in 69-79 Mahoneys Road will not have been maintained. It is proposed to liaise with the owners to secure a location for a community space.

In summary, the proposed amendment supports the redevelopment of underutilised sites within the centre supporting its revitalisation. The proposed planning controls have been developed with careful consideration of the specific conditions of the site and its surrounds. The retention of a pedestrian link as part of any future development and minimising the impact of any development on Barter Crescent either through appropriate building heights and setbacks, and minimising vehicular access, will provide public benefits.

## 10.6 (cont)

**Overarching Governance Principles and Supporting Report Details**

<b>Strategic Alignment</b>	This report aligns with the following strategic directions in the Integrated Council Plan 2025-2029: Built – Objective 2.3 Sustainable planning and infrastructure to respond to population change.
<b>Financial and Resource Implications</b>	There are no immediate financial or resource implications to Council arising from the recommendation contained in this report.  The proponent will be required to pay for any future planning panel hearing, as well as all statutory fees for exhibition, assessment and adoption of the amendment by Council and for the approval by the Minister for Planning. The proponent has provided written agreement regarding the payment of fees and the panel hearing.
<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>	As part of the future planning scheme amendment process, all community members will have the opportunity to engage with Council and provide submissions as part of the statutory process.
<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.
<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 any direct or indirect interest in a matter to which the advice relates.  Council officers involved in the preparation of this report have no conflict of interest in this matter.

**ATTACHMENT**

- 1 Planning Report
- 2 Explanatory Report, instruction sheet, draft DPO1 and DDO12
- 3 Traffic Report

## 10.7 Records of Informal Meetings of Councillors

**Department** Integrity & Performance  
Manager Integrity & Performance

Attachment

### SUMMARY

This report presents the Records of Informal Meetings of Councillors held since the last Council Meeting. In line with the *Local Government Act 2020* and Council's Governance Rules, noting these Records promotes transparency, supports informed decision-making and ensures any conflicts of interest are publicly disclosed.

Records of Informal Meetings of Councillors are non-decision-making briefings used to share information and discuss matters that may later come before Council. Reporting these Records is standard governance practice and forms part of Council's public accountability framework.

### RECOMMENDATION

That Council notes the Records of Informal Meetings of Councillors attached to the report.

### ATTACHMENT

- 1 Pre Council Meeting Briefing - 20 April 2026
- 2 Strategy Meeting - 27 April 2026
- 3 Strategy Meeting - 4 May 2026

**11 Councillor Delegate and Conference / Seminar Reports****11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance**

**Department** Integrity & Performance  
Manager Integrity & Performance

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

**RECOMMENDATION**

That Council receives and notes the:

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

**CLOSURE OF THE MEETING TO THE PUBLIC****12 Confidential Reports****RECOMMENDATION**

That in accordance with Section 61(1) and 66(2)(a) of the *Local Government Act 2020*, Council closes the Meeting to members of the public and adjourns for five minutes to consider the following items:

**12.1 Domestic Animal Management Committee, Disability Advisory Committee and the Reconciliation Advisory Committee Membership Endorsement**

*This report is designated as Confidential Information in accordance with Section 3(1)(f) of the Local Government Act 2020, because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This ground applies because the matter concerns disclosure of personal information.*

**12.2 Possible Acquisition of Land**

*This report is designated as Confidential Information in accordance with section 3 (1) (a) of the Local Government Act 2020, as it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. This ground applies because the matter concerns Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*

**13 Close Meeting**