



# City of Whitehorse

## MINUTES

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### Council Meeting

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

379 Whitehorse Road Nunawading

on

**Monday 13 December 2021**

at 7:00pm

**Members:** (Mayor) Cr Liu, Cr Barker, Cr Carr, Cr Cutts, Cr Davenport, Cr Lane, Cr McNeill, (Deputy Mayor) Cr Massoud, Cr Munroe, Cr Skilbeck, Cr Stennett

**Mr Simon McMillan**  
Chief Executive Officer

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## TABLE OF CONTENTS

<b>1</b>	<b>PRAYER .....</b>	<b>2</b>
<b>2</b>	<b>WELCOME AND APOLOGIES.....</b>	<b>2</b>
<b>3</b>	<b>DISCLOSURE OF CONFLICT OF INTERESTS .....</b>	<b>2</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....</b>	<b>2</b>
<b>5</b>	<b>RESPONSES TO QUESTIONS .....</b>	<b>3</b>
<b>6</b>	<b>NOTICES OF MOTION.....</b>	<b>3</b>
6.1	NOTICE OF MOTION NO.161 CR BARKER.....	3
<b>7</b>	<b>PETITIONS .....</b>	<b>3</b>
<b>8</b>	<b>URGENT BUSINESS.....</b>	<b>3</b>
<b>9</b>	<b>COUNCIL REPORTS.....</b>	<b>4</b>
<b>9.1</b>	<b>CITY DEVELOPMENT .....</b>	<b>4</b>
9.1.1	110 BLACKBURN ROAD, BLACKBURN (LOT 3 LP 6149) – REMOVAL OF PROTECTED TREES UNDER THE SIGNIFICANT LANDSCAPE OVERLAY, SCHEDULE 2.....	4
9.1.2	PROPOSED AMENDMENT C230 TO THE WHITEHORSE PLANNING SCHEME: REZONING OF 490-500 BURWOOD HIGHWAY, VERMONT SOUTH .....	17
9.1.3	SUBURBAN RAIL LOOP EAST: ENVIRONMENTAL EFFECTS STATEMENT SUBMISSION .....	47
<b>9.2</b>	<b>COMMUNITY SERVICES.....</b>	<b>52</b>
9.2.1	MONT ALBERT RESERVE ON DEMAND LIGHTING .....	52
<b>9.3</b>	<b>CORPORATE SERVICES .....</b>	<b>56</b>
9.3.1	QUARTERLY PERFORMANCE REPORT JULY TO SEPTEMBER 2021 .....	56
9.3.2	WHITEHORSE COMPLAINTS AND FEEDBACK POLICY .....	58
9.3.3	COUNCIL MEETING CYCLE 2022.....	59
9.3.4	CHIEF EXECUTIVE OFFICER (CEO) EMPLOYMENT AND REMUNERATION POLICY.....	62
<b>9.4</b>	<b>INFRASTRUCTURE.....</b>	<b>64</b>
9.4.1	MORTON PARK SUN SHELTER MODIFICATIONS.....	64
<b>10</b>	<b>REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS.....</b>	<b>68</b>
10.1	REPORTS BY DELEGATES .....	68
10.2	RECOMMENDATION FROM THE DELEGATED COMMITTEE OF COUNCIL MEETING OF 6 DECEMBER 2021 .....	69
10.3	RECORDS OF INFORMAL MEETINGS OF COUNCILLORS .....	69
<b>11</b>	<b>REPORTS ON CONFERENCES/SEMINARS ATTENDANCE.....</b>	<b>71</b>
<b>12</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>71</b>
12.1.	PERSONAL INFORMATION .....	
<b>13</b>	<b>CLOSE MEETING .....</b>	<b>72</b>

Meeting opened at 7:00pm

**Present:** Cr Liu (Mayor), Cr Barker, Cr Carr, Cr Cutts, Cr Davenport, Cr Lane, Cr McNeill, Cr Massoud (Deputy Mayor), Cr Munroe, Cr Skilbeck, Cr Stennett

S McMillan, J Green, L Letic, S Cann, S White, S Sullivan, V Ferlaine, J Russell, A McCarthy

## 1 PRAYER

### 1a 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.***

### 1b Aboriginal Reconciliation Statement

*"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 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

## 3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Council and Confidential Council Meeting 22 November 2021, and the Council and Confidential Council Meeting 25 November 2021 and Delegated Committee of Council 6 December 2021.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Lane

***That the minutes of the Council and Confidential Council Meeting 22 November 2021, and the Council and Confidential Council Meeting 25 November 2021 and Delegated Committee of Council 6 December 2021 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## **5 RESPONSES TO QUESTIONS**

None submitted.

## **6 NOTICES OF MOTION**

### **6.1 Notice of Motion No.161 Cr Barker**

#### **COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

#### ***That Council:***

- 1. Council affirms its commitment to high quality lived environment, including streets, parks and open spaces that are clean, orderly and free of rubbish;***
- 2. Council confirms its commitment to human centred and cost effective action on environmental matters;***
- 3. Council recognises the community knows tidy public places and streets improve home values and demonstrates pride in the place we call home.***

**CARRIED UNANIMOUSLY**

## **7 PETITIONS**

Cr Barker tabled a petition signed by 1278 signatories requesting that Council fund the feasibility, design and installation of outdoor netball courts at Springfield Park for the Whitehorse Colts Netball Club.

#### **COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

***That the petition be received and referred to the Director Community Services for appropriate action and response.***

**CARRIED UNANIMOUSLY**

## **8 URGENT BUSINESS**

None submitted.

## **9 COUNCIL REPORTS**

### **9.1 CITY DEVELOPMENT**

#### **9.1.1 110 Blackburn Road, BLACKBURN (LOT 3 LP 6149) – Removal of protected trees under the Significant Landscape Overlay, Schedule 2**

FILE NUMBER: WH/2021/130  
ATTACHMENT

#### **SUMMARY**

*This application was advertised, and a total of 46 objections were received. The objections raised issues with proposed removal of vegetation. A Consultation Forum was held online via zoom on 14 September 2021 chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.*

#### **RECOMMENDATION**

##### ***That Council:***

- A. *Being the Responsible Authority, having caused Application WH/2021/130 for 110 Blackburn Road, BLACKBURN (LOT 3 LP 6149) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Removal of protected trees under the Significant Landscape Overlay Schedule 2 is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 110 Blackburn Road, BLACKBURN (LOT 3 LP 6149) for the Removal of protected trees under the Significant Landscape Overlay Schedule 2, subject to the following conditions:***
  - 1. *Before trees or vegetation are removed, amended plans shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    - a) *The retention of Tree 3 (Eucalyptus melliodora – Yellow Box).***
    - b) *Landscape Plan in accordance with Condition 3.***

***All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.***
  - 2. *No vegetation, apart from trees 1, 2 and 4 (all Mealy Stringybark trees) as detailed within the Arborist Report prepared by Landscapes by Design dated 9 November 2020 and trees 1 and 2 (both Mealy Stringybark trees) as detailed within the submitted Arborist Report prepared by Landscapes by Design dated 25 January 2021, as shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.***
  - 3. *No trees or vegetation shall be removed until a landscape plan prepared by a suitably qualified and experienced landscape architect firm has been submitted to and endorsed by the Responsible Authority. This plan (when endorsed) shall form part of this permit. This plan shall show:***
    - a) *Any changes required by Condition 1.***
    - b) *Replacement Planting of a minimum of at least five (5) trees from the below list:***

### **9.1.1** (cont)

- o **Yellow Box (*Eucalyptus melliodora*);**
- o **Red Box (*Eucalyptus polyanthemus*);**
- o **Brown Stringybark (*Eucalyptus baxteri*);**
- o **Mealy Stringybark (*Eucalyptus cephalocarpa*);**
- o **White Stringybark (*Eucalyptus globoidea*);**
- o **Yellow Gum (*Eucalyptus leucoxylon*);**

**All new trees must be planted at a minimum height of 1.5 metres.**

- c) **A minimum of four (4) of the replacement trees required under Condition 3b must be planted within the Blackburn Road front setback of the site.**
- d) **All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).**
- e) **Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.**
- f) **A survey of all existing vegetation, abutting street trees, natural features and vegetation.**
- g) **A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.**
- h) **A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.**

**Once approved these plans become the endorsed plans of this permit.**

- 4. **Replacement planting as required by this permit must be completed within six (6) months of the permitted tree removal.**
- 5. **The applicant/property owner is required to contact Council's planning enforcement department in writing after the completion of both tree removal and replacement planting to arrange for an inspection.**
- 6. **The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.**
- 7. **The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.**
- 8. **No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.**
- 9. **This permit will expire if the tree removal is not completed within 12 months from the date of issue of this permit.**

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

**Permit Notes:**

- A. **This application was not assessed against ResCode.**
- B. **The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.**

**9.1.1**  
(cont)

**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Massoud

**That Council:**

- A. Being the Responsible Authority, having caused Application WH/2021/130 for 110 Blackburn Road, BLACKBURN (LOT 3 LP 6149) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Removal of protected trees under the Significant Landscape Overlay Schedule 2 is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 110 Blackburn Road, BLACKBURN (LOT 3 LP 6149) for the Removal of protected trees under the Significant Landscape Overlay Schedule 2, subject to the following conditions:**
- 1. Before trees or vegetation are removed, amended plans shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
    - a) The retention of Tree 3 (*Eucalyptus melliodora* – Yellow Box).**
    - b) Landscape Plan in accordance with Condition 3.**

**All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.**
  - 2. No vegetation, apart from trees 1, 2 and 4 (all Mealy Stringybark trees) as detailed within the Arborist Report prepared by Landscapes by Design dated 9 November 2020 and trees 1 and 2 (both Mealy Stringybark trees) as detailed within the submitted Arborist Report prepared by Landscapes by Design dated 25 January 2021, as shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.**
  - 3. No trees or vegetation shall be removed until a landscape plan prepared by a suitably qualified and experienced landscape architect firm has been submitted to and endorsed by the Responsible Authority. This plan (when endorsed) shall form part of this permit. This plan shall show:**
    - a) Any changes required by Condition 1.**
    - b) Replacement Planting of a minimum of at least five (5) trees from the below list:**
      - o Yellow Box (*Eucalyptus melliodora*);**
      - o Red Box (*Eucalyptus polyanthemus*);**
      - o Brown Stringybark (*Eucalyptus baxteri*);**
      - o Mealy Stringybark (*Eucalyptus cephalocarpa*);**
      - o White Stringybark (*Eucalyptus globoidea*);**
      - o Yellow Gum (*Eucalyptus leucoxylon*);**

**All new trees must be planted at a minimum height of 1.5 metres.**
    - c) A minimum of four (4) of the replacement trees required under Condition 3b must be planted within the Blackburn Road front setback of the site.**
    - d) All replacement trees are to be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).**
    - e) Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.**

### **9.1.1**

(cont)

- f) A survey of all existing vegetation, abutting street trees, natural features and vegetation.*
- g) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.*
- h) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.*

*Once approved these plans become the endorsed plans of this permit.*

- 4. Replacement planting as required by this permit must be completed within six (6) months of the permitted tree removal.*
- 5. The applicant/property owner is required to contact Council's planning enforcement department in writing after the completion of both tree removal and replacement planting to arrange for an inspection.*
- 6. The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.*
- 7. The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.*
- 8. No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.*
- 9. This permit will expire if the tree removal is not completed within 12 months from the date of issue of this permit.*

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

- 10. Prior to removal of any trees or vegetation on site, a report from a suitably qualified expert (in Zoology or similar) must be submitted to the Responsible Authority that assesses the trees for nesting hollows and areas of habitat, and provides recommendations for how to manage such nesting hollows/habitat and birds/mammals that are nesting or living in the trees. These recommendations could include methods to ensure birds/mammals are safely relocated, as well as timing for when trees should be removed to be post nesting season. This report once endorsed forms part of the permit.*

#### **Permit Notes:**

- A. This application was not assessed against ResCode.*
- B. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.*

**CARRIED**



### 9.1.1

(cont)

**A Division was called.**

#### **Division**

##### **For**

Cr Davenport  
Cr Lane  
Cr Liu  
Cr Massoud  
Cr McNeill  
Cr Munroe  
Cr Skilbeck

##### **Against**

Cr Barker  
Cr Carr  
Cr Cutts  
Cr Stennett

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

MELWAYS REFERENCE 48 A12

Zoning:	Neighbourhood Residential Zone – Schedule 1
Overlays:	Significant Landscape Overlay – Schedule 2
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 12.01-2S	Native Vegetation Management
Clause 12.05-2S	Landscapes
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone Schedule 1
Clause 42.03	Significant Landscape Overlay Schedule 2
Clause 65	Decision Guidelines
Ward:	Cootamundra



*Aerial image of subject site*

### **9.1.1**

(cont)

## **BACKGROUND**

### **History**

There are no other current or previous planning applications for the subject site.

### **The Site and Surrounds**

The subject site is located on the western side of Blackburn Road in Blackburn, located between the intersections of Eustace Street, and Walsham Road with Blackburn Road and approximately 400 metres north of the intersection of Blackburn Road and Canterbury Road. The subject site is irregular in shape and has total site area of 868m<sup>2</sup>. No easements are located on the site. The site comprises of a single storey timber weatherboard dwelling with a tiled pitched roof form. The site contains a number of canopy trees, with six (6) of these trees being identified under this application.

The surrounding properties are residential, comprising a mix of single and double storey dwellings. A number of canopy trees are located on the adjoining properties to the north, west and south adjacent to the subject site.

It is acknowledged that the site is located within a residential setting where there is a predominance of established and mature native canopy trees. The presence of these upper canopy trees and dense understorey vegetation contributes to the well-established 'bush environment' landscape character.

### **Planning Controls**

#### Significant Landscape Overlay – Schedule 2 (SLO2)

In accordance with Clause 42.03 of the Significant Landscape Overlay – Schedule 2, a Planning Permit is required to destroy, remove or lop a tree.

This does not apply to (inter alia):

- A tree having a single trunk circumference of 0.5 metre or less at a height of one metre above ground level.
- The pruning of a tree for regeneration or ornamental shaping.
- A tree which is dead or dying to the satisfaction of the responsible authority.

## **PROPOSAL**

It is proposed to remove five (5) indigenous trees located within the front setback of the site. These trees are all protected under SLO2 provisions in accordance with Clause 42.03 of the Planning Scheme. All five trees are Mealy Stringybark (*Eucalyptus cephalocarpa*) species.

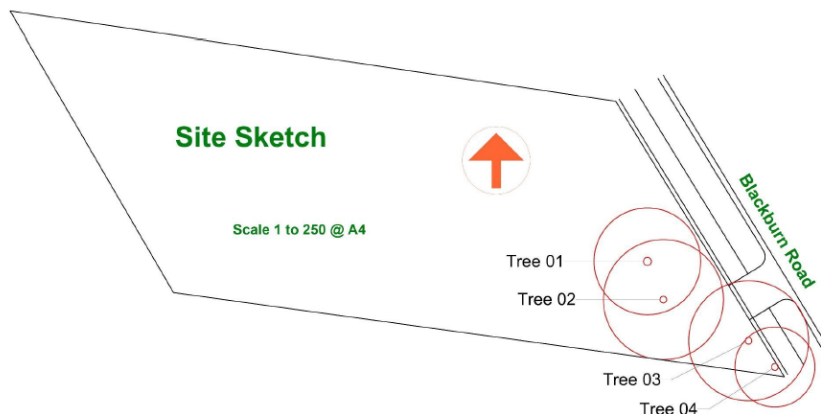
The applicant has provided two separate arborist reports as part of the application for a total of six trees assessed. It is noted there are two trees numbered Tree 1 (9 November 2020 & 25 January 2021) and Tree 2 (9 November 2020 & 25 January 2021) these are, however, different trees.

The plans below outline the six trees originally proposed for removal (tree number 3 is no longer included):

**9.1.1**  
(cont)

**LANDSCAPES BY DESIGN** ABN 67097422449  
Email: [darrell@landscapesbydesign.com.au](mailto:darrell@landscapesbydesign.com.au) Web: [www.landscapesbydesign.com.au](http://www.landscapesbydesign.com.au)  
LANDSCAPE DESIGN | TREE REPORTS | CONSULTATION | PROJECT MANAGEMENT  
Phone 9751 2822  
Mobile 0407478195  
5 Oakley St  
Mount Dandenong  
3767

Report 1 (9 November 2020)



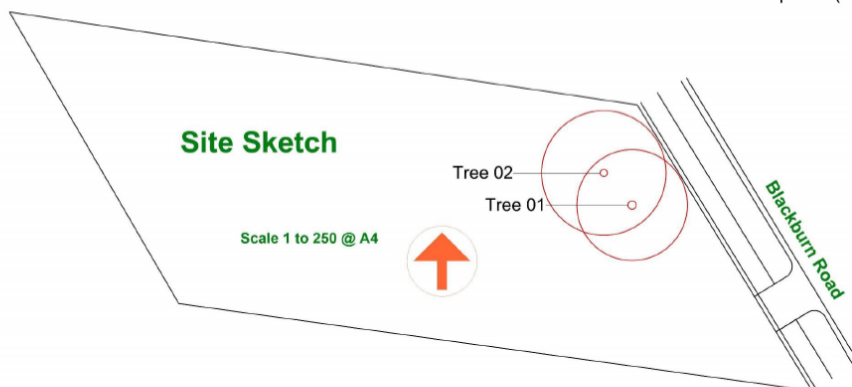
Darrell Mcleod - Diploma of Horticulture  
- Diploma of Horticulture - Arboriculture  
Member - Australian Institute of Landscape Designers and Managers - AILDM

7

Source - Landscapes by Design, November 2020

**LANDSCAPES BY DESIGN** ABN 67097422449  
Email: [darrell@landscapesbydesign.com.au](mailto:darrell@landscapesbydesign.com.au) Web: [www.landscapesbydesign.com.au](http://www.landscapesbydesign.com.au)  
LANDSCAPE DESIGN | TREE REPORTS | CONSULTATION | PROJECT MANAGEMENT  
Phone 9751 2822  
Mobile 0407478195  
5 Oakley St  
Mount Dandenong  
3767

Report 2 (25 January 2021)



Darrell Mcleod - Diploma of Horticulture  
- Diploma of Horticulture - Arboriculture  
Member - Australian Institute of Landscape Designers and Managers - AILDM

Source - Landscapes by Design, January 2021

### 9.1.1

(cont)

The size of the protected trees as depicted in the respective Arborist Reports dated 9 November 2020 and 25 January 2021 are set out below as follows:

#### Arborist Report dated 9 November 2020

Tree No.	Name	Species	Trunk Circumference (m)	Retention Value	Structure	Recommendation / Permit Required?
1	Mealy Stringybark	<i>Eucalyptus cephalocarpa</i>	1.88	Low	Poor	Removal. Triggers the need for a permit.
2	Mealy Stringybark	<i>Eucalyptus cephalocarpa</i>	1.38	Low	Poor	Removal. Triggers the need for a permit.
3	Yellow Box	<i>Eucalyptus melliodora</i>	1.6	Low	Poor	Removal. Triggers the need for a permit.
4	Mealy Stringybark	<i>Eucalyptus cephalocarpa</i>	1.88	Low	Poor	Removal. Triggers the need for a permit.

Source - Landscapes by Design, November 2020 Arborist Report dated 25 January 2021

Tree No.	Name	Species	Trunk Circumference (m)	Retention Value	Structure	Recommendation / Permit Required?
1	Mealy Stringybark	<i>Eucalyptus cephalocarpa</i>	1.7	Low	Poor	Removal. Triggers the need for a permit.
2	Mealy Stringybark	<i>Eucalyptus cephalocarpa</i>	0.82	Low	Poor	Removal. Triggers the need for a permit.

Source - Landscapes by Design, January 2021

According to the Arborist Reports and Cover Letter prepared by the applicant on 17 February 2021 a total of six (6) trees were proposed for removal. The applicant submitted an amended application form on 14 April 2021, however this did not change the extent of the proposed tree removal. The application was further amended on 29 April 2021. This amendment reduced the proposed number of trees for removal down to five (5). This amendment was made to retain a *Eucalyptus melliodora* – Yellow Box, located adjacent to the front boundary towards the south east corner of the lot, following initial referral advice from Council's consulting arborist that this tree could be retained.

### **9.1.1**

(cont)

## **CONSULTATION**

### **Public Notice**

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice on the Blackburn Road frontage.

Following the advertising period, 47 objections (46 objector properties) were received.

The issues raised are summarised as follows:

- Contravenes the provisions of the Whitehorse Planning Scheme, in particular the Significant Landscape Overlay 2 and Local Planning Policy Framework;
- Neighbourhood character concerns within the Bush Environment precinct;
- Credibility concerns regarding Arborist Report documents;
- Extent of the loss of vegetation (canopy tree cover), particularly at the same time;
- Inadequate replacement planting.

### **Consultation Forum**

A Consultation Forum was held online via Zoom on 14 September 2021. Approximately 20 objectors, the applicant and Council officers attended the meeting. The meeting was chaired by Councillor Munroe. At the start of the meeting, it was made clear to objectors that the applicant had amended the application to retain Tree 3 as this was recommended by Council's consulting Arborist and agreed to by Council officers.

Key points discussed during the forum meeting related to the removal of vegetation, the absence of a landscape plan and the merits of the submitted arborist reports. An action item from the Forum was for Council officers to have a further discussion with Council's consulting Arborist to investigate remedial measures as an alternative to removing the trees. This further discussion is addressed in detail later in this report. No resolution was reached between the parties during the meeting.

### **Referrals**

#### **External**

No external referral authorities were required as part of the application.

#### **Internal**

##### Planning Arborist

The application was referred to and reviewed by Council's consulting arborist, who responded as follows:

- The removal of tree 3 is not supported as the tree is in good health and structure making a contribution to the landscape character.
- The removal of SLO2 trees 1, 2, & 4 (as per arborist report dated 9 November 2020) along with trees 1 and 2 (as per arborist report 25 January 2021) are supported; as the trees are poor in health, structure and form which have come to the end of their useful life expectancy (ULE), and as such are no longer worthy of retention.
- The above trees are not considered to be dead or dying, however they were assessed to be in decline with structural issues contributing to the trees breaking apart and will ultimately die within the next few years.
- It is considered there are no remedial measures to retain the trees as this will cause epicormic growth to structurally poor trees which would eventually cause the trees to fail.
- It is recommended after all options were considered, that the removal of the trees is required.

### **9.1.1**

(cont)

#### **DISCUSSION**

The key considerations in the assessment of this application include the extent of the tree removal proposed and whether it is an acceptable outcome in the context of the planning scheme provisions. The primary planning control, being the SLO2 provisions require protection of landscape character attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity and high proportion of Australian native trees, which in turn contributes to valuable bird and wildlife habitat.

A further consideration, as outlined by the permit applicant in support of the tree removal, is the perception of safety risk associated with the trees potentially dropping their branches/failing.

In this context, the key considerations to be given weight in this assessment are:

- What is the policy framework for the vegetation removal?
- Can the extent of vegetation removal be justified?
- What is the role of replacement planting?

#### ***State and Local Planning Policy Framework***

Important to this application are the objectives of Clause 12.05-2S (Landscapes) which seek to protect and enhance significant landscapes that contribute to character, identity and sustainable environments. To achieve this objective, the policy has developed strategies that seek to ensure that development does not detract from the natural qualities of significant landscape areas and recognise the natural landscape for its aesthetic value and as a fully functioning system.

The retention of existing trees contributes to the landscape value of the site and surrounds and as recognised under Clause 12.05-2S and the Significant Landscape Overlay.

Under Clause 21.05 (Environment), this local policy makes the connection between natural, visual and built environment. This influences neighbourhood character, the landscape, the climate, and health and wellbeing for individuals in the area, including open space areas for passive and active recreation. The conservation and enhancement of trees and their canopy coverage is integral to maintaining and achieving the above-mentioned elements.

The Tree Conservation Policy at Clause 22.04 (Tree Conservation) in its objectives refer to minimising the loss of significant trees; and promoting the regeneration of established trees. Policy and performance standards in respect of tree retention and tree regeneration are provided within this clause and will be discussed within the assessment section of this report.

#### ***Significant Landscape Overlay, Schedule 2***

The site is subject to the Significant Landscape Overlay Schedule 2 (SLO2) requirements.

The SLO2 seeks to ensure that key objectives are achieved to protect the landscape character of those areas covered by the SLO2. These include retaining the dominance of vegetation cover, retention and regeneration of vegetation to protect habitat, ensuring sufficient space is provided and kept free of buildings for tall trees to be planted, and encouraging a tree-dominated landscape.

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines of this overlay.

#### **Tree Removal**

The proposal seeks to remove five trees protected under the SLO2. The applicant seeks to remove the trees due to safety and risk concerns should the trees fail.

### 9.1.1

(cont)

The main consideration in this element of the assessment relates to the proposed tree removal meeting the objectives of the SLO2 provisions, most relevant to this consideration include *'to retain the dominance of vegetation cover in keeping with the bush character environment'* and *'to encourage the retention and regeneration of native vegetation for the protection of wildlife habitat.'*

All the trees proposed for removal are protected under SLO2. As outlined earlier in this report the trees protected under SLO2 which are proposed for removal, have been assessed as being of poor health, structure and form. This is an arboricultural assessment of the trees. The overlay itself is a landscape overlay which protects significant landscapes. These trees have been assessed to be in significant decline, therefore having a reduced contribution to the landscape and tree canopy of the site.

Council's Arborist has outlined in his assessment all five trees have suffered multiple branch failures and have health/structure issues including thinning canopies, cavities (hollows) within the base, dead sections and bracket fungus as the main reasons leading to these issues.

Both the applicant's arborist reports and Council's Arborist concur that the trees proposed for removal have come to the end of their useful life. After further correspondence with Council's Arborist during the application process and following the consultation forum, it was confirmed the five trees could no longer be viable on the site and will break down over the next few years even if managed by lopping work.

The loss of 5 trees from one site is significant, and must be thoroughly considered in the context of the intent of the SLO2, the broader concerns of loss of urban forest canopy, incremental loss of native and indigenous vegetation from our urban areas, and the landscape impact that the removal of 5 trees at once will have. Given this context, the trees are currently in decline and are expected to continue to decline and likely die over the next few years. Once a tree is considered dead or dying within the SLO9 provisions, it is exempt from a planning assessment. In this context, capturing the opportunity at this time for replacement planting within the subject site, ensures this can be managed and protected into the future, and is a positive long term outcome which will continue to achieve the landscape character objectives of the overlay over time.

#### Maintenance of Trees, Tree Canopy and Replacement Planting

The removal of five trees would result in a cumulative loss to the landscape given the existing canopy cover within the front of the site. Therefore, it is the officer opinion that replacement trees must be planted within the front setback to ensure that the cumulative loss is reduced within the area, the site maintains a consistent tree canopy spread and to achieve a regenerated tree canopy within the Blackburn Road streetscape.

As stated above, the maintenance of all trees cannot be undertaken on the site due to their poor condition, however the retention of tree 3 as recommended would ensure a portion of established tree canopy can be preserved within the front setback.

By addressing the permitted tree removal as recommended, this assessment will require the replanting within close proximity to Blackburn Road to, over time, re-establish trees that provide a presence of vegetation within the subject site and streetscape. It is considered the property can accommodate appropriate replacement trees which meet decision guidelines of the overlay.

After the tree removal is completed, it will be a condition in the permit (should one be granted) for replacement planting to occur within six (6) months. Given the vegetation proposed to be removed, it is considered appropriate to require additional indigenous planting of local provenance to be planted within the subject site and be demonstrated on a professionally drawn landscape plan.

### **9.1.1**

(cont)

It is considered the subject site can accommodate this number and size of canopy tree with sufficient space for the trees to mature over time within the front area of the site. As the main three-phase powerline system is located across the road on the east side of Blackburn Road, any new trees within the subject site is not considered to be within direct conflict with existing infrastructure within the area, or at risk of future lopping from power line clearance.

A nominated list of appropriate species, similar to the trees proposed for removal, would be required to meet the guidelines of the Whitehorse Planning Scheme. This has been included as a condition of permit, should one be granted.

#### **Response to objections**

##### Tree Removal and Whitehorse Planning Scheme

In response to the concern around tree removal, conditions will be included within the recommended planning permit requiring the retention of Tree 3 in accordance with Council's Arborist recommendations and the amended application by the applicant.

All other trees considered for removal are acceptable due to their low retention values and reduced useful life expectancy.

Conditions will be included within the planning permit for tree removal and offset planting to occur within six (6) months of removal. This will mitigate the impact to the landscape character by allowing for replacement planting within the front setback of the site to become more established over time while retaining an acceptable level of tree canopy throughout the subject site.

The trees proposed to be planted will make a significant contribution to the existing and preferred landscape character to the subject site and surrounds over time compared to the trees recommended for removal.

The assessment above adequately demonstrates that the proposal, with conditions, meets the landscape character objectives within the Whitehorse Planning Scheme to retain and regenerate the established tree canopy in significant landscape areas.

##### Inadequate replacement planting

Concerns were raised by the objectors during the Consultation Forum regarding the type of trees proposed for replanting. Five semi-mature Japanese maple species were proposed to be planted by the applicant on the site. A condition will be placed on the proposed permit to replant five large sized indigenous species instead.

##### Tree retention measures and Arborist Report credibility

A request was received from objectors attending the Forum to investigate alternative tree management methods in an attempt to retain and remediate the five trees proposed for removal. Concerns were also raised regarding the quality of the arborist reports submitted with the application.

After the Consultation Forum, planning officers had a further conversation with Council's consulting arborist with respect to the above. Through their assessment, it was concluded that the overall poor condition of the five trees results in these trees to be no longer viable. Replanting new trees was found to be the best option to satisfy the relevant planning controls and require further replacement planting.



### **9.1.1**

(cont)

#### **CONCLUSION**

The proposal for tree removal is generally an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the SLO2.

A total of 47 objections (from 46 objector properties) were received as a result of public notice and all of the issues raised have been discussed in the report.

It is considered that the application should be approved subject to conditions.

#### **ATTACHMENT**

- 1 Tree Removal Plans 

#### **Attendance**

Cr Stennett left the Chamber at 7.37pm, returning at 7.38pm.

### **9.1.2 Proposed Amendment C230 to the Whitehorse Planning Scheme: Rezoning of 490-500 Burwood Highway, Vermont South**

FILE NUMBER: SF20/1010  
ATTACHMENT

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#### **SUMMARY**

*Council has received a request to consider an amendment to the Whitehorse Planning Scheme concerning the land at 490-500 Burwood Highway, Vermont South. The site is known as the former Australian Road and Research Board (ARRB) site, and was occupied by ARRB until 2017. The request seeks to rezone the site from Public Use Zone 4 to Residential Growth Zone and apply a Design and Development Overlay, Environmental Audit Overlay, and Significant Landscape Overlay to the land.*

*The report discusses the amendment request and recommends that the amendment also include an update to the Statement of Significance under the Heritage Overlay Schedule and application of the Vegetation Protection Overlay for three outstanding tree specimens. This report recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit the amendment in accordance with the draft amendment documentation in Attachment 1 to this report.*

#### **COUNCIL RESOLUTION**

Moved by Cr Carr, Seconded by Cr Skilbeck

##### ***That Council:***

- 1. That Council as Planning Authority and following receipt of written agreement to pay all costs associated with the proposed amendment, including any panel costs, seek authorisation from the Minister for Planning under Section 8 of the Planning and Environment Act 1987 to prepare and exhibit Amendment C230 to the Whitehorse Planning Scheme as shown in Attachment 1 for land at 490-500 Burwood Highway, Vermont South.***
- 2. Authorise the Director City Development to make changes to the amendment to meet any conditions of authorisation from the Department of Environment, Land, Water and Planning (DELWP), provided these are consistent with the intent of the amendment, prior to submitting the amendment to the Minister for Planning for exhibition.***

**CARRIED UNANIMOUSLY**

---

#### **BACKGROUND**

Tract Consultants, on behalf of the landowner Dandenong Views Pty Ltd, has submitted a request to amend the Whitehorse Planning Scheme by rezoning land at 490-500 Burwood Highway, Vermont South (refer Figure 1) from Public Use Zone 4 to Residential Growth Zone. The amendment request also includes the application of various overlay controls across the site. The site is known as the former Australian Road and Research Board (ARRB) site, and was used as its headquarters from the 1970's to 2017. The subject site was sold in 2017 to the current owners and is no longer used for a public purpose. The site has remained vacant since the change of ownership and a rezoning of the land is required to facilitate new use and development on the land.

## 9.1.2 (cont)

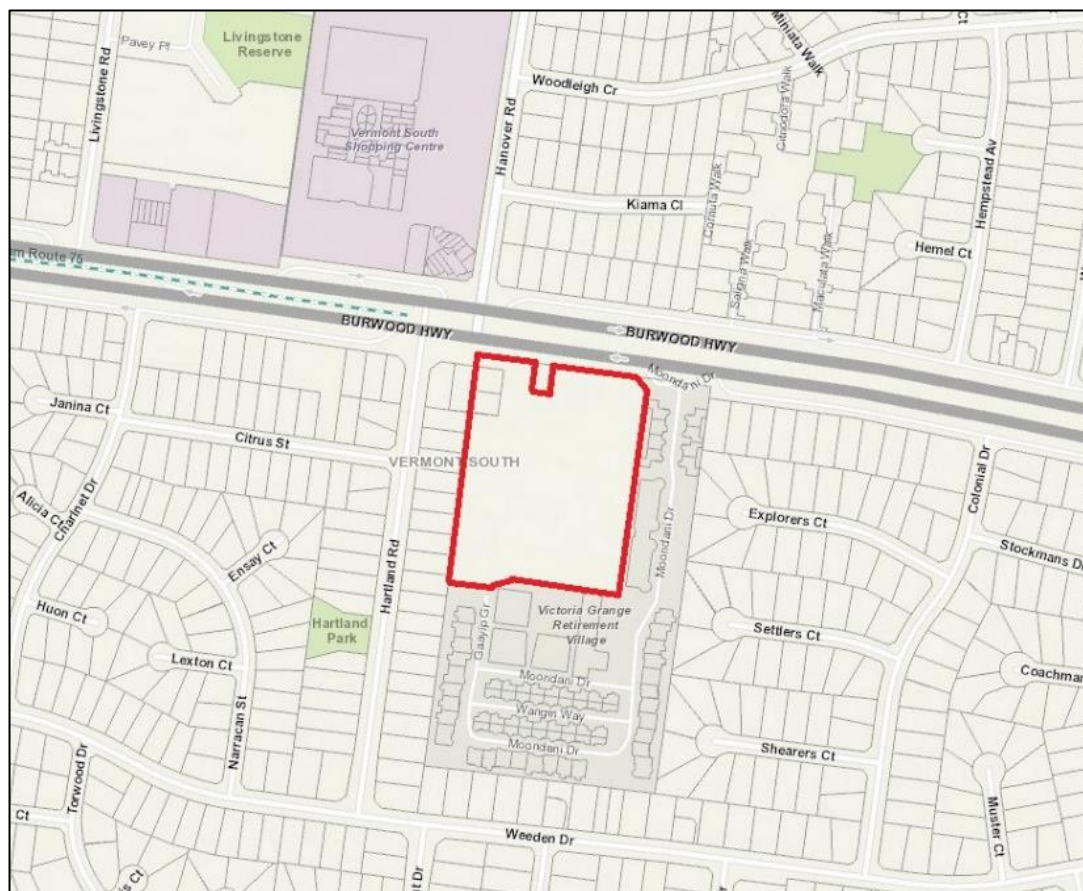


Figure 1: Location of Amendment land

### History

The subject site was first used as an apple orchard, but was then acquired in the late 1960's by ARRB for their new headquarters. Before moving to Vermont South, ARRB had been operating out of the Victoria Country Roads Board headquarters in Kew. Architects Mockridge, Stahle and Mitchell were appointed to design the new facility for ARRB.

In 1970, the architectural design for the complex was approved and a construction contract was awarded in 1971. The ARRB headquarters were opened in November 1972. The headquarters originally comprised a two and three storey administration building fronting Burwood Highway, a single storey publications room to the rear of the administration building and two research wings separated by large courtyards. Research Wing R2 was extended to the east in 1974 and a western extension to the Research Wing R1 later followed in 1975. Further works, including the construction of Research Wing R3 occurred in the 1980s. The existing building lay out is depicted in Figure 2 below.

The grounds surrounding the buildings were designed by renowned landscape architect Beryl Mann. The design included retention of several remnant eucalypts (one of which remains within the current lot boundaries) and the planting of dense stands of native trees along the side boundaries to function as wind breaks and provide a buffer along the site's interfaces. The Burwood Highway frontage features stands of native trees adjacent to the road frontage and east of the internal western accessway, as well as an expansive grassed area and row of carparking in front of the building.

In the late 1990s, four hectares of land to the east and south of the buildings was sold to fund the ongoing operations of the ARRB. The ARRB retained approximately 2.6 hectares of land.

### **9.1.2**

(cont)

A combined planning permit application and planning scheme amendment request was subsequently submitted to rezone the land to Residential 1 Zone and facilitate the development of the Victoria Grange Residential Community. Construction of this facility occurred in stages over a number of years approximately between 2005 and 2014.

In the early 2000s an area of approximately 258 square metres of land at the front of the property adjacent to the Burwood Highway frontage was excised for the construction of an electrical substation to service the Burwood Highway tram extension.

In 2017 the ARRB site was sold to the current land owners and ARRB relocated to a new office in Port Melbourne. The site has remained vacant since ARRB relocated to the new premises.

Discussions between the land owner and Council regarding the future use and development of the ARRB site commenced in 2017 and have been ongoing since. A formal request to amend the Whitehorse Planning Scheme was lodged by Tract on behalf of PAN Investment Australia on 21 May 2018.

The site was placed back on the market for a period of time during 2019. No sale of the land eventuated and the property was subsequently withdrawn from the market and remains in the same ownership.

Since the initial request for an amendment was lodged numerous meetings and discussions between the proponent and Council officers have occurred. In response to matters raised by Council officers, the amendment documentation was amended numerous times by the proponent. The most recent submission of revised documentation by the proponent was provided to Council on 15 October 2021 and 28 October 2021.

In late March 2021 the former ARRB administration building caught fire however was brought under control relatively quickly. While extensive damage has occurred, all buildings remain standing and the heritage significance of the site has not been diminished by the fire. Matters regarding making the buildings safe following this event are being managed by Council's Building Services unit.

#### **The Site and Surrounds**

The site is located on the south side of Burwood Highway, east of Hartland Road in Vermont South. It is formally described as Lot 1 on Plan of Subdivision 518296N. The site has an area of approximately 2.58 hectares and is bounded by Burwood Highway to the north, Victoria Grange Residential Community to the east and south, and the rear of residential properties that front Hartland Road to the west.

The site contains a powerline easement with a width of 10 metres extending south from the Burwood Highway frontage to approximately halfway through the site.

### 9.1.2 (cont)



Figure 2: Building layout

Topographically, the site slopes downwards from a high point in the northwest corner to the south boundary of the site, the change in level is almost 10 metres. The downward sloping topography continues south and east of the site and as a result the site is afforded expansive views over the surrounding area to the south and towards the Dandenong Ranges.

Access to the site is obtained via a wide crossover to Burwood Highway to the west of the substation in the western part of the frontage. A second entry/exit point is located in the eastern part of the frontage via a service road off Burwood Highway that is partially located in the Victoria Grange property. Both access points facilitate left in/left out movements only.

Two detached dwellings are situated in the northwest part of the site with independent access via a crossover off the left-turn slip lane from Burwood Highway into Hartland Road.

The landscape character of the subject site is a unique aspect of the land. The site contains a significant number of tall native canopy trees. The large front setback is particularly noteworthy comprising an expansive grass area and significant tree coverage at the interface with Burwood Highway. The strong presence of canopy vegetation continues throughout the site with clusters of trees along the west boundary, sections of the east boundary and between the buildings.



### 9.1.2

(cont)

Immediately abutting the site to the east and south is the Victoria Grange Residential Community which is located on land that was formerly part of the ARRB site. This development ranges in scale from single storey to three storey developments. Adjacent to the eastern interface with the Amendment land is a large two storey building sited relatively close to the shared boundary. To the south are a number of three storey pavilion buildings which overlook a bowling green and communal open space. The adjoining land to the south sits approximately 1.5 metres below the southern boundary of the Amendment land with retaining walls and battered garden beds within the Victoria Grange property. One building is sited on the south boundary of the Amendment land. This boundary wall has a length of approximately 15 metres.

To the west of the Amendment land are a series of conventional residential lots with frontage to Hartland Road and Burwood Highway. These properties are generally in the order of 650 square metres and contain single storey dwellings, with the exception of a double storey dwelling at 13 Hartland Road. Most of these properties contain an area of secluded private open space between the dwelling and shared boundary with the Amendment land.

The site is located within a predominantly residential area of Vermont South. Residential development is generally in the form of detached single or double storey dwellings on conventional sized lots. There are however, examples of higher density forms of housing in the area, including:

- A part 4 and part 6 storey aged care development at 39 Livingstone Road, Vermont known as BlueCross Livingstone Gardens;
- A five storey apartment development at 1 Charlnet Drive, Vermont South;
- A part 4, part 5 and part 6 storey development at 5 Stanley Street, Vermont South.

To the northwest of the site is the Vermont South Shopping Centre which is located on the northwest corner of Burwood Highway and Hanover Road. It comprises two supermarkets, food and drink premises and a range of specialty shops and services. Extensive at-grade car parking is provided.

Burwood Highway, to the north of the site, is a major arterial road through the municipality that extends generally in an east-west direction. Adjacent to the site, Burwood Highway has a road reservation width of approximately 57metres, providing 3 lanes of through traffic travel in each direction as well as left and right turn lanes on the westbound side of the road and a bus lane. A service road is located on the north side of the road reservation. East of the site, service roads provide access to the Victoria Grange Residential Community, the residential properties that front Burwood Highway and to local streets.

On Burwood Highway to the west of the site is the Vermont South tram line where the route 75 tram between Marvel Stadium and Vermont South Shopping Centre terminates. A bus interchange also operate from this tram terminus.

#### **Current Planning Controls**

The Amendment land is currently located in the Public Use Zone (PUZ) as shown in Figure 3 below, and is the only property in the immediate area affected by this zone. The PUZ is applied to land used for public utility and community services and facilities. It provides for uses consistent with the intent of the public land reservation or purpose.

The site is in PUZ4 where the purpose of the public land use is transport. Under the PUZ4 a planning permit is not required to use land, or construct a building or construct or carry out works for a transport related purpose, if carried out by or on behalf of the public land manager. The site was formerly occupied by ARRB in accordance with the PUZ4 however, since the departure of ARRB from the site and the sale of the property to a private owner, the PUZ4 has become redundant. It is not possible to develop the site for private residential or commercial uses under the current zoning.

## 9.1.2 (cont)

The surrounding residential area is predominantly located in the Neighbourhood Residential Zone (NRZ), with residential properties fronting Burwood Highway to the west of the site being located in the Residential Growth Zone (RGZ). The Vermont South Shopping Centre located diagonally opposite the Amendment land is within the Commercial 1 Zone (C1Z).

The surrounding residential area is located in the Garden Suburban 7 Precinct which is characterised by large lots containing spacious gardens and contemporary dwellings. Sites fronting the Burwood Highway tram route may transition to medium density housing with more compact siting.

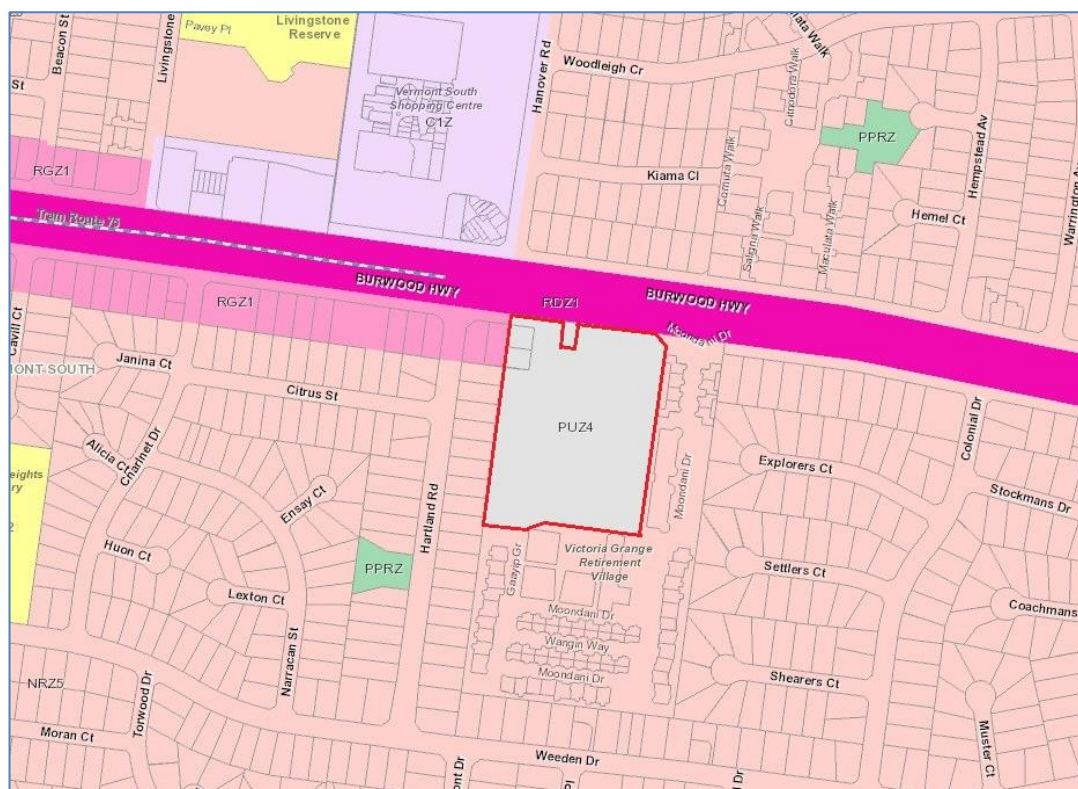


Figure 3: current zoning of Amendment land and surrounding area

The site is affected by Heritage Overlay 23 (HO23), as shown in Figure 4, which is a site specific control relating to the ARRB site. The purpose of the Heritage Overlay (HO) is to identify heritage places of natural or cultural significance that should be conserved and enhanced, and to ensure that future development does not adversely impact the significance of heritage places.

Under the HO, a planning permit is required to demolish or remove a building, subdivide land, and construct a building or construct or carry out works.

### 9.1.2 (cont)

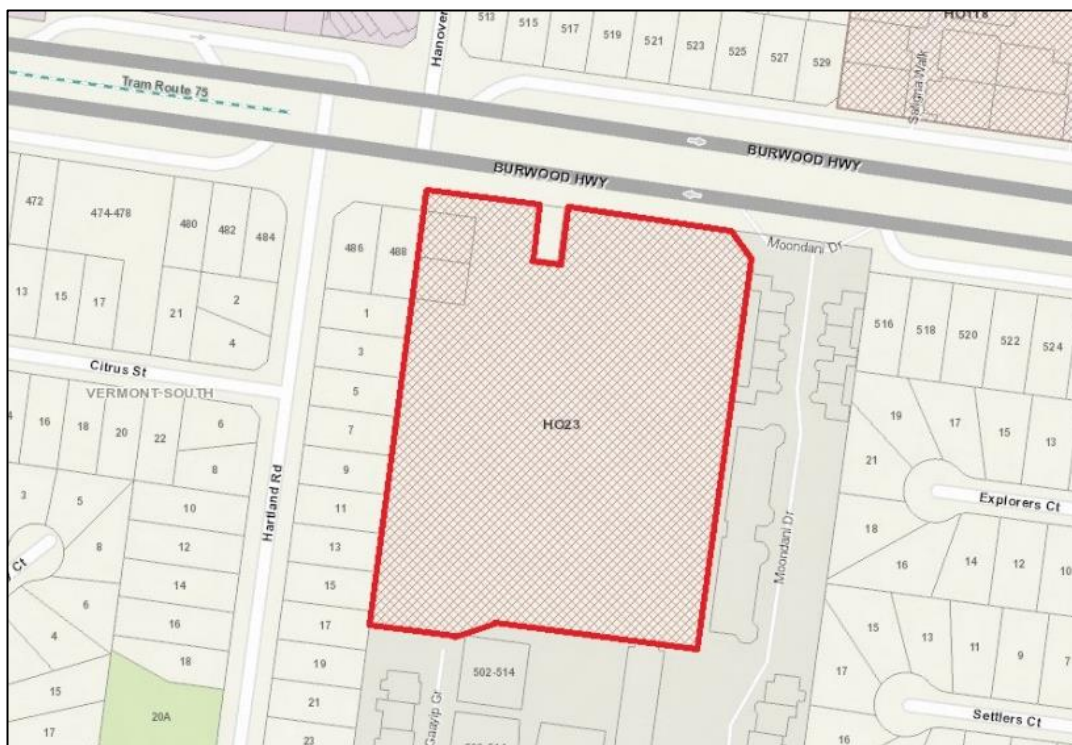


Figure 4: Heritage Overlay 23

HO23 refers specifically to the ARRB site, defined as the ARRB building and surrounds on Lot 1 on PS 518296N. The heritage citation (*City of Whitehorse Heritage Review: Building Citations Allom Lovell & Associates 1999*), states the following in relation to the significance of the site:

*“The Australian Road and Research Board is a building of aesthetic significance. It is a fine example of an office building designed by the important Melbourne firm of Mockridge, Stahle & Mitchell. Through its simple massing and composition, particularly the repetitive fenestration and assured use of face masonry, the building is a confident example of the type of building which typified institutional, and to a lesser extent commercial, architectural in the late 1960s and early 1970s. The building is enhanced by its large landscaped site, designed by important landscape architect Beryl Mann”.*

The site was one of the first properties to be included in the HO under the current Whitehorse Planning Scheme, reflecting its significance and importance locally to the municipality.

#### **Residential Corridors Built Form Study**

The Amendment land adjoins land included in the Residential Corridors Built Form Study (the Study). The Study focused on major east-west tram and road corridors of Burwood Highway and Whitehorse Road, where the RGZ along these corridors interfaces with General Residential Zone (GRZ) or NRZ to the rear or side. The Amendment land is situated at the eastern end of the Burwood Highway Study corridor, which ends at Hanover Road. The purpose of this Study was to establish built form controls to better guide development outcomes on RGZ land along these corridors.

The subject site is located in study area 4, which comprises the Burwood Highway corridor. The analysis identified emerging issues including, the importance of providing space for trees and other vegetation, that a lack of front and side setbacks contribute to visual bulk, poor streetscape integration and poor internal amenity, and the need to provide adequate rear setbacks for meaningful landscaping to lower density GRZ and NRZ land.



## 9.1.2 (cont)

The Study recommended the following built form controls for RGZ properties fronting Burwood Highway east of Springvale Road:

- A preferred maximum height of 4 storeys (13 metres);
- A mandatory maximum height of 6 storeys (19 metres);
- A mandatory front setback of 5 metres with an additional 3 metres to upper levels above 4 storeys;
- Mandatory 4.5 metres side setbacks with an additional 4.5 metres to levels above 4 storeys.

As the above built form controls would only apply to land in the RGZ, the proposed Design and Development Overlay Schedule would not apply to the Amendment site however, it does provide context for the preferred built form outcomes along this corridor.

The Study was adopted by Council at its meeting on 29 January 2019 and authorisation for Amendment C220 was sought from the Minister on 11 October 2019. Authorisation to commence the amendment was received in February 2021. However, the conditions of authorisation have been reviewed against the intent of the Study and a response to the conditions was considered by Council on 20 September 2021. Council resolved to submit a revised planning scheme amendment to the Minister for Planning for re-authorisation. Council has not yet received a decision on the re-authorisation request.

### **The Proposal**

The amendment request submitted by the proponent seeks to apply the following zone and overlay controls to the Amendment land:

- Rezone the land from Public Use Zone 4 (PUZ4) to the Residential Growth Zone (RGZ);
- Apply a Design and Development Overlay (DDO) and accompanying schedule;
- Apply an Environmental Audit Overlay (EAO);
- Apply the Significant Landscape Overlay (SLO) and accompanying schedule.

The Amendment request was submitted with supporting documents, including:

- Planning Scheme Amendment Report, prepared by Tract (dated October 2021) (Attachment 2);
- Conservation Management Plan prepared by Bryce Raworth (dated February 2021) (Attachment 3);
- Arborist Report prepared by Bluegum (dated August 2021) (Attachment 4);
- Transport Engineering Assessment, prepared by Traffix Group (dated October 2021);
- Stormwater Management Plan, prepared by Cardno (dated October 2021);
- Community Facilities and Open Space Technical Advice Note, prepared by Public Place (dated December 2020);
- Draft DDO schedule and explanatory report.
- Certificate of title.
- Boundary Re-establishment, Feature and Level Plan (dated June 2017).

Officers have reviewed the amendment request and are satisfied that the proposed rezoning of the land from PUZ4 to RGZ is justified. The current PUZ4 is redundant and a rezoning is required in order to facilitate the now private ownership and allow for new use and development to occur. In addition to the zoning change, various overlay controls are proposed to be applied to the land. The various aspects of the proposed Amendment and supporting documentation, and Council officers' assessment is discussed in further detail below.

It is noted that there are a few minor inconsistencies in the *Planning Scheme Amendment Report* that should be corrected prior to a request for authorisation being submitted to the Minister for Planning.

### **9.1.2** (cont)

#### Overarching Vision

The Planning Scheme Amendment Report (Attachment 2) sets out the following vision for the Amendment land:

*“The vision and design philosophy behind this planning scheme amendment has been informed by State and local planning policy, site opportunities and constraints and the desire to reflect the principles and characteristics of the 20-Minute Neighbourhood.*

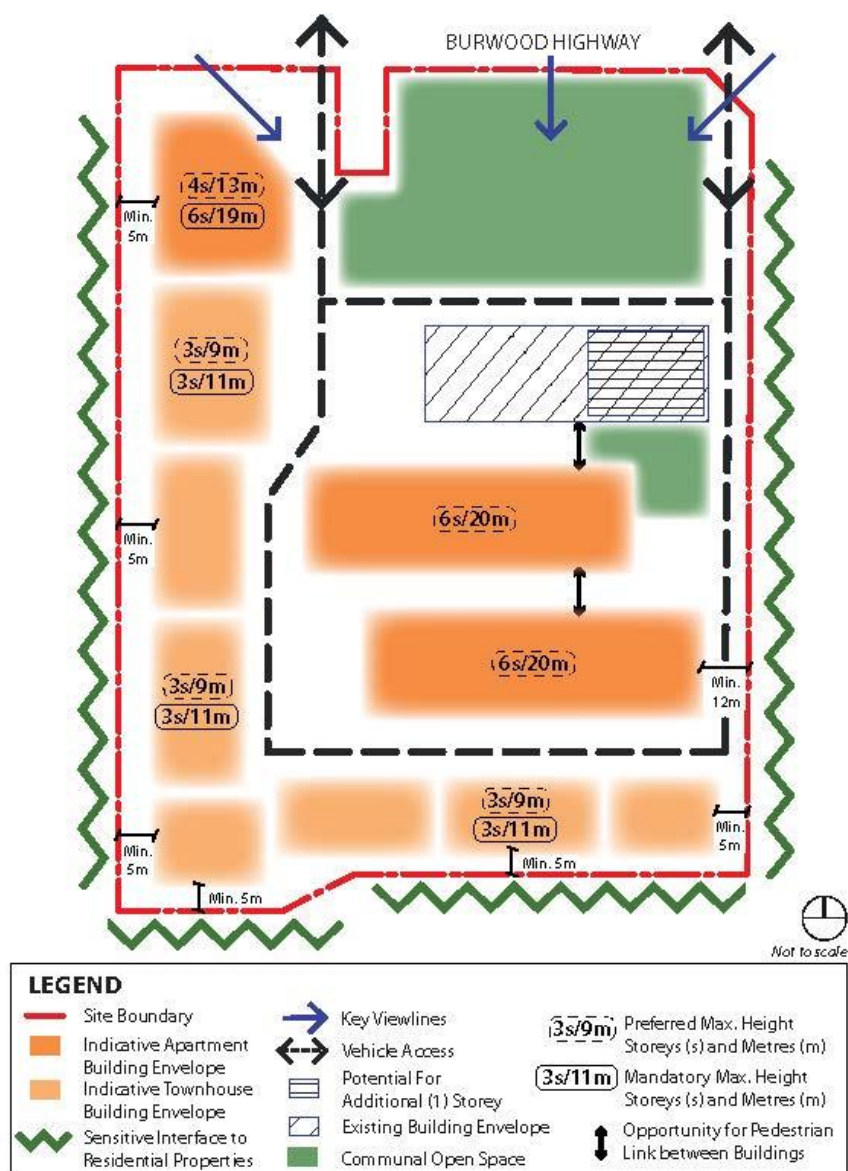
*As described, the 20-Minute Neighbourhood is a strategy within Plan Melbourne 2017-2050 which is guided by the principles of ‘living locally’ and giving people the ability to meet most of their daily needs within a 20-minute walk from home, with safe cycling and local transport options.*

*The vision also seeks to retain the overarching desire for buildings to be nestled within a garden landscape setting as well as providing for quality residential housing opportunities for future residents within the City of Whitehorse.”*

The above vision is reflected in the Concept Plan as submitted by Tract (Figure 5), which indicates the proponent’s built form and landscape response for the site.

It is anticipated that the Amendment land will be developed with approximately 290 dwellings. This indicative yield has been adopted for the purposes of the traffic generation estimates and community needs assessment. Future use of the former Administration Building has not been nominated at this stage.

## 9.1.2 (cont)



*Figure 5: Concept Plan as submitted by proponent*

### Residential Growth Zone (RGZ)

It is proposed to rezone the Amendment land from PUZ4 to RGZ in order to facilitate residential use and development on the land.

The purpose of the RGZ includes:

- To provide for housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

### 9.1.2

(cont)

The Amendment land is well situated, being located in proximity to the Vermont South Neighbourhood Activity Centre, route 75 tram stop, public open space reserves, local facilities and adjacent to a major arterial road. The adjoining land to the west that fronts Burwood Highway is also located in the RGZ and forms part of the Burwood Highway residential corridor that was identified for substantial growth under the *Whitehorse Housing Strategy 2014*. If the Amendment land had been located in a residential zone at the time of the *Whitehorse Housing Strategy 2014*, it is likely that the site would have been confirmed as a strategic site within the Substantial Change area, given its locational attributes and ability to accommodate a significant number of new dwellings.

The large size of the site enables higher density forms of housing to be established in the central part of the site and then transition down in scale towards the interfaces with lower scale established residential areas in the NRZ.

The RGZ is proposed in conjunction with a DDO schedule that outlines specific requirements to guide the design and built form of new development.

#### Heritage Overlay 23 (HO23)

In response to a recommendation from Council's Heritage Advisor following the initial amendment request, the applicant engaged Bryce Raworth Pty Ltd to prepare a Conservation Management Plan (CMP) (Attachment 3) for the site. The CMP is intended to inform the applicant and Council of the significance of the place and its component parts and provide guidance for any future proposal to develop the site and its environs. The CMP details the history of the site, its physical fabric, the significance of its site and sets out a conservation policy.

The CMP states that within the HO23 curtilage there is variation in the degree of significance of different elements. Of primary significance is the Administration Building *"to the extent of its original external form and fabric"* (CMP pg. 41). The elliptical main stair within the Administration Building is of secondary significance and a distinctive feature of the interior architecture. There are no other interior elements of any significance.

The CMP advises that Research Wings 1 and 2 and the West Wing are of secondary significance to the extent of their original external form. The CMP notes *"While they form part of the complex's initial stage of development, the Research Wings are utilitarian in appearance and do not exemplify the work of architects Mockridge, Stahle and Mitchell. The plain design of the Research Wings also renders them of limited interpretive potential in terms of understanding their original function"*. The CMP also confirms that all other buildings and structures on the ARRB site are considered of little or no significance.

The modular layout of the complex and the presence of courtyards throughout the site is also considered to be of contributory significance. The landscape design by prominent landscape architect Beryl Mann, involved dense canopy planting along the boundaries of the site to act as wind breaks and visual screening from adjoining properties and opportunities for testing of plants suitable for road medians and verges. The internal landscaping was generally open in character with areas of lawn and stands of trees.

The CMP supports the proposal to redevelop the site, including retention and adaptive reuse of the Mockridge Stahle and Mitchell Administration Building facing Burwood Highway. Furthermore the CMP states at page 48 *"In a very general sense, it would also be appropriate for new development fronting Burwood Highway and behind the Administration Building to be designed to create an architecturally neutral setting to the Administration Building. Similarly, upper level additions could be made to the Administration Building, provided they are setback from the façade and have a visually recessive architectural character"*.

The CMP suggests that in addition to a series of conservation works, a maintenance program should be prepared to guide the ongoing repair and maintenance of the ARRB site.

### **9.1.2**

(cont)

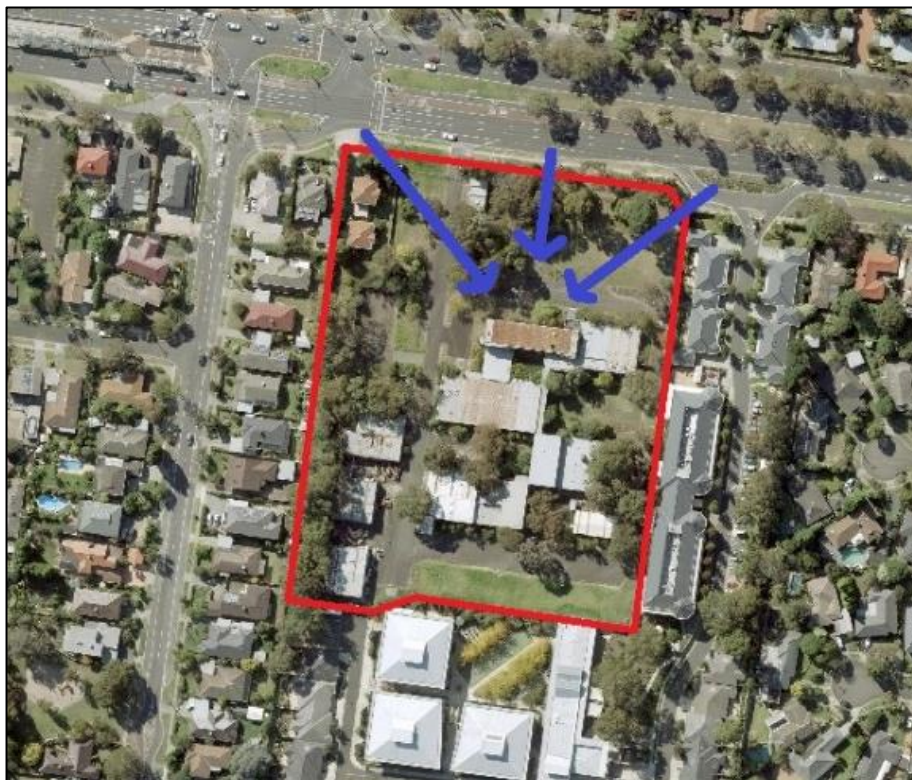
It is noted that the initial amendment request also sought to revise the extent of the Heritage Overlay 23 (HO23) curtilage to the former ARRB administration building and the front setback. Following advice from Council's Heritage Advisor and discussions with Tract, it was agreed that this element be removed from the Amendment request. Council's approach in similar situations has been to enable the revision to a HO curtilage following the completion of an approved development. This ensures that applications for new development are considered in the context of the heritage significance of the property and respond appropriately, including in the event that the property changes ownership and a different proposal arises.

While no change is proposed to the HO23 curtilage in the current amendment request, Council officers see this Amendment process as an opportunity to review the citation and statement of significance that applies to the ARRB site. The existing citation was prepared back in 1999 by Allom Lovell & Associates and is lacking in detail and clarity regarding the significant, contributory and non-contributory elements of the heritage property. This Amendment provides an opportunity to update the citation and statement of significance in accordance with new format requirements set out in *Planning Practice Note 1: Applying the Heritage Overlay*.

Council's Heritage Advisor has prepared an updated citation and statement of significance that draws on the extensive work undertaken as part of the CMP process, and provides a greater degree of clarity regarding the extent of significance for all components that comprise the heritage place. This updated citation and statement of significance form part of the proposed Amendment documentation included in Attachment 1.

Of key importance in any future development of the site, is retention of the key viewlines to the former Administration building that fronts Burwood Highway. While this building is well set back from the title boundary, it is still highly visible from the west bound lanes of Burwood Highway, particularly from northeast of the site as depicted in Figure 6. The viewline from the northeast corner of the site enables a full appreciation for the expansive width of the building, which is a defining feature of the heritage asset. Views to the building are also obtained from the northwest corner of the site however, the electrical substation and its surrounding vegetation does slightly interrupt this view.

### 9.1.2 (cont)



*Figure 6: key viewlines to the former Administration building*

The DDO schedule includes specific requirements relating to the heritage building as discussed below.

#### Design and Development Overlay – Schedule 6 (DDO6)

A DDO schedule specific to the site has been proposed to provide detailed guidance regarding the design and built form outcomes to be achieved in any new development (refer Attachment 1). The DDO schedule will set parameters relating to setback and height requirements, interfaces with sensitive residential areas, access and movement networks and other built form requirements.

It is proposed to apply DDO6 to the Amendment land, which has been tailored to guide the future development of the site.

Council officers have worked with Tract to refine the content of the DDO schedule and while there is general agreement between the two parties regarding most aspects of the control, there are some slight differences concerning particular aspects of the schedule that are discussed further below.

### **9.1.2**

(cont)

The concept plan included in the DDO6 at Attachment 1 is shown below at Figure 7. This plan is slightly different to the Concept Plan prepared by Tract (Figure 5) and submitted in the proponent's version of the DDO schedule. Council officers recommended Concept Plan for DDO6 is shown in Figure 7 and includes the following key built form elements:

- Building envelopes for townhouse type dwellings along the majority of the western and southern interfaces, with a preferred maximum building height of 9 metres and mandatory maximum building height of 11 metres (3 storeys).
- A building envelope for an apartment building in the northwest corner of the site that is angled at the northeast corner to retain views to the former Administration building from the northwest view into the site. This building envelope is proposed to have a preferred maximum building height of 13 metres (4 storeys) and a mandatory maximum building height of 19 metres (6 storeys), in accordance with the Residential Corridors Built Form Study.
- Two building envelopes for apartment buildings in the central region of the site, to the south of the former Administration building with a preferred maximum building height of 19 metres (approximately 6 storeys).
- The potential to accommodate a mandatory maximum one additional storey above the eastern section of the former Administration building.
- A 5 metres setback (mandatory) from the west and south boundaries and majority of the east boundary.
- A 12 metres setback (mandatory) from the north boundary in the western part of the frontage (to the west of the western crossover), and between the eastern boundary and the 19 metres high apartment building envelope.
- Indicative building breaks throughout the site that are intended to provide physical breaks in the built form, accommodate vegetation and provide viewlines between buildings.
- Opportunities for pedestrian links between buildings.
- Retention of the open space to the north of the former Administration building and preservation of key viewlines to this significant heritage building.
- An area of communal open space to the rear of the former Administration building in the same location as the existing courtyard.
- Retention of the existing vehicle accesses from Burwood Highway, which will facilitate left in/left out movements only.
- Internal two-way vehicle access via a loop road through the site and a road extending across the front of the former Administration building.



## 9.1.2 (cont)

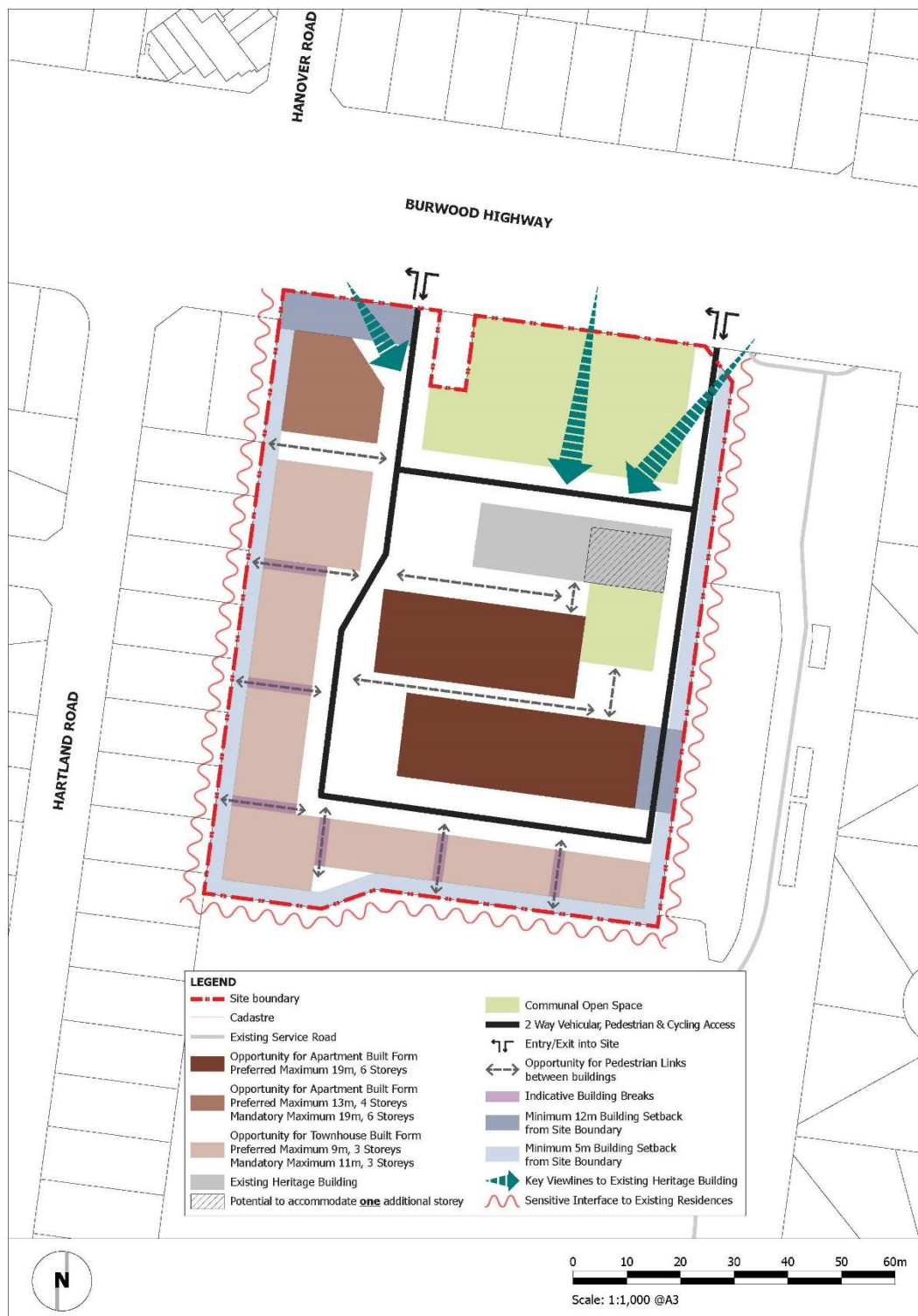


Figure 7: DDO6 concept plan



### 9.1.2

(cont)

The variation in building heights across the site seek to respond to the established nature of the adjoining residential land that is located in the Neighbourhood Residential Zone, while also acknowledging the development potential of a strategic redevelopment site. A preferred maximum height of 9 metres and mandatory maximum of 11 metres will assist in providing a transition at the interfaces with the western and southern boundaries. This is complemented by the 5 metres mandatory setback required along these boundaries and further requirements relating to separation in built form and recessive upper levels.

The heights applied to the building envelope in the northwest corner of the site are reflective of the outcomes of the Residential Corridors Built Form Study, applying a preferred maximum height of 13 metres (4 storeys)) and mandatory maximum height of 19 metres (6 storeys). This ensures consistency in the built form anticipated along the Burwood Highway RGZ corridor.

The highest built form is located in the central and eastern region of the site where a preferred maximum of 19 metres (approximately 6 storeys) has been applied and apartment buildings can be accommodated. It is noted that the draft DDO schedule prepared by Tract indicated a 20 metres preferred maximum height for these buildings, however Council officers recommend changing this preferred height limit to 19 metres to align with the *Residential Corridors Built Form Study* which applies a 19 metres height control to 6 storey buildings. The eastern building envelope is affected by a mandatory 12 metres setback from the east boundary which seeks to manage the interface with the tall two storey Victoria Grange building sited relatively close to the common boundary.

Additional design requirements are specified under the Built Form section of the DDO6 at clause 2.0. These requirements seek to ensure that future development responds and transitions to the lower scale of development in the surrounding Garden Suburban 7 precinct and achieves a high quality built form outcome.

Also of key importance is the requirement to ensure that buildings are *“sited and designed to maintain the prominence and significance of the heritage building and other key heritage characteristics of the site such as the courtyard structure.”* Further requirements are stipulated for the former Administration building to ensure that any additional development that extends the building is sensitively designed and does not overwhelm the heritage building. These requirements and decision guidelines have been drafted in consultation with Council's Heritage Advisor.

The concept plan shows an indicative road layout which connects to the two existing crossovers from Burwood Highway. The proponent has confirmed that the road network internal to the site will remain in private ownership and will be managed by the future owner's corporation. It has also been confirmed that waste collection will be undertaken by a private contractor. Further details on the proposed layout will be required as part of a future planning permit application however, Council's Transport Unit has advised that the future roads will need to comply with the requirements of Clause 56.06 (Access and Mobility Management) of the Whitehorse Planning Scheme and ensure safe and efficient access for all emergency vehicles.

The *Transport Engineering Assessment* estimates that the future development with approximately 290 dwellings will generate approximately 1,740 vehicle trips per day.



### 9.1.2

(cont)

The DDO schedule submitted to Council on behalf of the proponent seeks to exempt all applications for buildings and works that do not exceed the preferred maximum building heights (in storeys and metres) from the third party notice and decision requirements and the review rights of the *Planning and Environment Act 1987*. This would mean that any future planning permit application that did not exceed the heights shown in Figure 5 would not be advertised to nearby owners and occupiers. Furthermore, there would be no opportunity for a member of the community to seek a review of any notice of decision issued by Council for the site.

Council officers consider that a blanket exemption from notice, decision and review requirements of the Act is not warranted in this circumstance, particularly given that there are still a number of design elements to be worked through as part of planning permit application, and the sensitive context of the adjoining properties to the east, south and west. It is suggested that any planning permit application for building and works within 30 metres of the site boundaries should not be exempt from the notice, decision and review requirements. Any other planning permit applications for buildings and works situated greater than 30 metres from the site boundaries would be exempt provided the proposed buildings did not exceed the preferred maximum building heights specified in the concept plan to DDO6.

#### Landscape Character and Proposed Environmental and Landscape Overlays

The request is accompanied by a detailed Arborist report, prepared by Bluegum, dated August 2021 (Attachment 4). The arboricultural assessment examined a total 240 trees. Of these trees, 236 are located within the Amendment land, and a further 4 trees are within the adjacent electrical substation lot. The assessment found that the land contains a large number of mature trees, comprising mostly Australian native trees and some introduced species. The majority of trees were considered to be in good health and condition. In summary, the assessment concluded that:

- 49 trees have a high retention value.
- 81 trees have a moderate retention value.
- 99 trees have a low retention value.
- There are 7 trees that are either dead or in very poor health and/or condition and have no retention value.
- 4 trees are third party trees, located outside the site.

While there are a number of native trees on the site, the majority are of a similar age and are likely to have been planted as part of the Beryl Mann landscape design for the ARRB site. Historical imagery also confirms this assumption, with the exception of a small number of remnant trees, most of which are now located within the Victoria Grange development to the south and east. It is believed that one remnant tree (Tree 135) is the only remnant tree located on the Amendment land.

The most common tree species throughout the site are the Red Ironbark (*Eucalyptus sideroxylon*) and the Spotted Gum (*Corymbia maculata*). While a large number of trees achieve moderate to good health, it was noted in the Arborist Report that the health and condition of some trees has deteriorated over time due to minimal maintenance since the site became vacant.

Trees 1-12 and 17 in the Arborist report are situated along the Burwood Highway interface, within the boundaries of the site, and include a number of species that appear to have self-seeded. The Arborist report states that these trees have a moderate to high amenity value given their location and the partial screening they provide from Burwood Highway.



### 9.1.2 (cont)

A key aspect of the landscape character are the stands of trees that were part of the original landscape design and remain an integral feature today. The Arborist report notes “existing stands of trees were an original design feature of the site and provide significant amenity and environmental benefits to the sites their retention should be prioritised”. A significant stand of trees is located at the front of the site and mainly comprises Red Ironbark trees. Stands are also located along the west and east boundaries however, these stands of trees do not present the same consistency of species and are in poorer health and condition.

Council officers are of the view that a Vegetation Protection Overlay (VPO) should be applied to the site to protect three individual high value trees. In Whitehorse, the VPO is used to identify individual trees of outstanding quality that represent the best tree specimens in the municipality. Council's Arborist has identified three specific trees that warrant VPO protection in accordance with Council's criteria for inclusion in a VPO. Photos of the trees are included in the Incorporated Document (Statements of Tree Significance, 490-500 Burwood Highway Vermont South (Whitehorse City Council, September 2021)) at Attachment 1. The three trees are summarised below and identified in Figure 9:

- Tree 1 (Tree 111 in the Bluegum report): *Eucalyptus mannifera* (Brittle Gum) – a mature tree that is an outstanding example of the species and considered to be one of the best Brittle Gum trees in the municipality.
- Tree 2 (Tree 135 in the Bluegum report): *Eucalyptus melliodora* (Yellow Box) – a mature tree that is indigenous to Whitehorse and based on its size, is highly likely to be remnant.
- Tree 3 (Tree 183 in the Bluegum report): *Eucalyptus saligna* (Sydney Blue Gum) – a mature tree that is an outstanding example of this species and has a useful life expectancy of between 30 to 50 years, allowing it to continue to contribute to the character of the area for many years to come.



Figure 9 Trees proposed for inclusion in the VPO5.

### 9.1.2

(cont)

The *Planning Scheme Amendment Report* (Attachment 2) sets out a vision for the landscape character of the site, which includes a reference to Beryl Mann's landscape philosophy and a 'chain of courtyards' concept that will weave through the site.

Some of the key landscape objectives outlined in the Report include:

- *To provide a landscape that is a sensitive reinterpretation of the existing concept in context of new residential use and development as well as the establishment of new landscape and trees that applaud Beryl Mann's pragmatic approach to the existing site landscape.*
- *Existing semi-mature and mature trees and stands of trees (where specifically identified) should be retained where possible to maintain a sense of enclosure, privacy, scale and shade.*
- *Provide a robust, low maintenance, dry-tolerant and aesthetically pleasing landscape which is lush and inviting.*
- *Use soft landscaping, furniture and paving treatments to provide the development with a unique character that is easily recognisable in the context of Vermont South.*

In recognition of the valued landscape character, the amendment request proposes to apply SLO, schedule 9 to the Amendment land. While Council officers support the application of a SLO, the municipal-wide SLO9 is not considered appropriate given the exemptions for tree removal for land in the RGZ. Under section 3.0 of the SLO9, a permit is not required to remove, destroy or lop a tree that is outside the minimum street setback requirement in the RGZ. Given that the Amendment land is currently one lot and the maximum front setback that could be required is only 9 metres, the exemption of the SLO9 means that the majority of the vegetation within the site would not require a permit for removal under the SLO9, prior to the site being subdivided.

Council officers believe that a site specific SLO schedule that contains similar permit triggers (with the exception of the RGZ exemption) to the SLO9 and acknowledges and responds to the unique landscape character of the site is appropriate. The proposed SLO Schedule 10 (SLO10) is included in Attachment 1 and incorporates elements of the landscape vision and objectives included in the Planning Scheme Amendment Report.

The landscape character objectives to be achieved by the SLO10, are as follows:

- *To retain medium and high-value established native trees.*
- *To ensure that development responds to and maintains the landscape integrity and legacy of the original Beryl Mann native landscape design.*
- *To provide for the planting of new native trees and vegetation to enhance tree canopy across the site.*
- *To encourage continuation of the landscaped courtyard structure to complement the building layout.*
- *To ensure that development is compatible with the landscape character of the area.*

#### Environmental Audit Overlay (EAO)

The request proposes the application of an EAO to the entire Amendment site, as a result of the past use of the site by the ARRB. The former ARRB operations included bitumen testing and a concrete testing laboratory. There is potential that these uses could have contaminated the land and therefore application of an EAO is warranted given the anticipated future sensitive uses.

Table 1 in Planning Practice Note 30 lists land uses with the potential to contaminate land and these include uses that relate to bitumen, concrete and automotive vehicles. Under Clause 45.03-1 of the Planning Scheme, before a sensitive use (including residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) can commence, a preliminary risk screen assessment statement must be issued

## 9.1.2

(cont)

stating that an environmental audit is not required for the use, or an environmental audit statement must be issued stating that the land is suitable for the use of proposed use.

### Local Planning Policy Framework

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

It is necessary to amend Clause 21.06 (Housing) by designating the Amendment land as 'Substantial Change' under the Housing Framework Plan that forms part of this clause. The Substantial Change designation applies to residential land in the municipality that is located in the RGZ. As the Amendment proposes to rezone the land to RGZ, it is appropriate to include the land in a Substantial Change area at Clause 21.06.

It is also necessary to amend Clause 22.03 (Residential Development) by making a slight adjustment to Map 1: Neighbourhood Character Precincts to include the Amendment land within the residential area of the Garden Suburban 7 (GS7) neighbourhood character precinct.

The GS7 precinct applies to most of the Vermont South residential area, aside from a small area east and west of Bellbird Dell. While most of the residential area in GS7 is located in the Neighbourhood Residential Zone, residential land fronting Burwood Highway to the west of the Amendment site is zoned RGZ and classified as Substantial Change. The GS7 preferred future character statement includes the following statement regarding sites able to accommodate substantial change:

*"Areas within close proximity to trams along Burwood Highway will accommodate more dwellings with slightly more compact siting than the remaining residential areas with slightly more compact siting than the remaining residential areas, but with space for large trees and gardens."*

*Sites fronting the Burwood Highway tram route, or indicated as significant change areas within current adopted structure plans or urban design frameworks (Substantial Change areas) will undergo change to accommodate new medium density dwellings with more compact siting, while retaining space for landscaping including trees."*

The Planning Scheme Amendment Report (Tract, October 2021) (Attachment 2) notes that the design proposition is responsive to the existing character of the Garden Suburban 7 precinct by:

- *"Retaining significant trees and stands of trees.*
- *Requiring a Landscape Plan and Arborist Report at planning permit stage to nominate significant trees and stands of trees to be retained.*
- *Including excellent site permeability.*
- *Utilising existing crossovers (no new crossovers).*
- *Appropriately setting back buildings from surrounding property boundaries (and surrounding dwellings).*
- *Considering site topography in the location of buildings.*
- *Minimising site coverage and hard surfaces.*
- *Resulting in no front fence along Burwood Highway that will enhance the open space in front of the existing administration building."*

### 9.1.2 (cont)

#### Recommended Planning Scheme Amendment C230whse

Council officers consider that the amendment request has merit and that a request authorisation from the Minister for Planning to prepare and exhibit Amendment C230whse to the Whitehorse Planning Scheme is appropriate.

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

- Rezone the land to RGZ3;
- Apply the VPO5 and insert a new Incorporated Document with the Statements of Tree Significance relating to three (3) trees;
- Apply the SLO with a new schedule 10;
- Retention of the HO23 for the entire site;
- Apply the DDO and a new Schedule 6;
- Apply the EAO.

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

- Amend Clause 21.06 (Housing) by making slight changes to the Housing Framework Plan to include the Amendment land in a Substantial Change area;
- Amend Clause 22.03 (Residential Development) by making slight changes to the Neighbourhood Character Precincts map to include the Amendment land in the Garden Suburban 7 precinct;
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to reference a new incorporated document titled Former Australian Road and Research Board, 490-500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021).
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting the following two documents:
  - Former Australian Road and Research Board, 490-500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021).
  - Statements of Tree Significance, 490-500 Burwood Highway Vermont South (Whitehorse City Council, September 2021).

The proposed Planning Scheme Amendment C230whse documentation can be found at Attachment 1.

### **DISCUSSION**

In considering the proposed amendment Council must have regard to the Strategic Assessment Guidelines. This General Practice Note outlines issues that should be addressed in establishing the need for an amendment and whether the proposed provisions are appropriate for the purpose for which they have been developed. These issues are discussed below.

#### Why is the Amendment required?

The proposed Amendment rezones land in the PUZ4 that is no longer required for a public purpose. The land is now in private ownership and the PUZ4 has subsequently become redundant and does not enable use and development that is not in accordance with the transport purpose of the public land zone. Land in private ownership cannot remain in a PUZ. A change to the zoning of the Amendment land is therefore required and will enable its future use and development.

The proposed Amendment will facilitate the residential redevelopment of a strategic development site in a well serviced area of Vermont South that is close to an activity centre, public transport, public open space and the Tally Ho Business Park.

### 9.1.2

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The new suite of planning controls will guide the transition of the site from a redundant PUZ4 to a residential land use which better aligns with the surrounding residential land uses and the nearby activity centre context.

The DDO will ensure any future development of the site respects the existing neighbourhood character by providing an appropriate transition at the interfaces with the established adjacent residential area, while also responding to the opportunities and constraints presented by the site.

The unique landscape character of the land will be preserved and enhanced through the application of the SLO and VPO. The heritage features of the site will continue to be protected via an updated Statement of Significance that clearly outlines the significant and contributory elements of the heritage place.

The EAO is required to ensure any potential contamination on the land is identified and remediated prior to any sensitive use (including residential) occurring on the land.

#### How does the amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are outlined at Section 4(1) of the *Planning and Environment Act 1987*. They include:

- To provide for the fair, orderly, economic and sustainable use, and development of land (objective A).
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (objective C).
- To conserve and enhance those building, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise special cultural value (objective D).
- To balance the present and future interests of all Victorians (objective G).

The rezoning of the amendment area will replace a redundant zone with a new suite of planning controls that facilitate and guide the development of a residential community on the land (objective A). The proposed controls will ensure that any future development on the site appropriately responds to the surrounding established residential area, protects significant vegetation, ensures the continued conservation of the significant heritage elements, and facilitates safe and pleasant residential development (objectives C and D).

The proposed amendment will enable additional housing in a well-served area of the municipality, thereby contributing to the growing demand for housing in the City of Whitehorse. The proposed controls will ensure that future development responds to the existing site constraints and interfaces to preserve the amenity of adjoining and nearby residents (objective G).

#### How does the Amendment address any environmental, social and economic effects?

The proposed zone and overlay provisions will better align the planning controls with the environmental, landscape and heritage values of the site, ensuring that these attributes are given due regard in any future development proposal. The amendment will include application of the Environmental Audit Overlay (EAO), which will require remediation of any potential contamination prior to the commencement of sensitive uses on the site, including residential.

The proposed Amendment seeks to preserve the significant landscape and canopy tree characteristics of the site through the application of the Significant Landscape Overlay (SLO) and Vegetation Protection Overlay (VPO), to assist in the retention and incorporation of existing and new vegetation in any future development, and contribute to urban cooling and greening.



## 9.1.2

(cont)

The proposed Amendment is expected to have positive economic and social effects by removing a redundant PUZ and applying a new set of planning controls that enable residential use and development in a well-served location that is in proximity to the Vermont South Shopping Centre, the Principal Public Transport Network and various other facilities and services. In this manner, the proposed Amendment will contribute to the achievement of 20-minute neighbourhoods in the municipality. Employment opportunities will be generated during the construction of any future development and expenditure of the new residential community will contribute to the economic viability of the nearby shopping centre.

### How does the amendment address any relevant bushfire risk?

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The amendment land is not within a designated bushfire prone area. Bushfire risk is therefore not considered relevant to this amendment.

### Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

This proposed Amendment is consistent with the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

#### *Ministerial Direction No 1 – Potentially Contaminated Land*

This Direction requires the planning authority to be satisfied that any land proposed for sensitive uses is free from potential contamination. It is proposed that an EAO be applied to the site as part of the Amendment to ensure that potentially contaminated land issues are addressed before development for a sensitive use occurs.

#### *Ministerial Direction No. 9 Metropolitan Strategy*

This Direction outlines the requirements of planning scheme amendments considering relevant directions of policies in Plan Melbourne 2017-2050 being the relevant Metropolitan Planning Strategy. The proposed Amendment supports the following policy directions of Plan Melbourne:

- *Policy 2.1.1 - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.* The Amendment proposes to rezone redundant PUZ land for the potential supply of new housing close to existing infrastructure in an accessible urban location that is close to a large neighbourhood activity centre and public transport.
- *Policy 2.1.4 – provide certainty about the scale of growth in the suburbs.* The proposed rezoning and application of overlay controls that specify requirements for future development provide certainty around the extent and form of development envisaged for the Amendment land.
- *Policy 2.2.3 – support new housing in activity centres and other places that offer good access to jobs, services and public transport.* The proposed Amendment facilitates the delivery of additional housing that will add diversity to housing choice in a location close to public transport, an activity centre and an employment precinct.
- *Policy 2.4.2 – Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.* The proposed application of the EAO will ensure that any contaminated land is appropriately remediated prior to the commencement of residential development.
- *Policy 4.4.1 – Recognise the value of heritage when managing growth and change.* The proposed Amendment ensures the longevity of the heritage place by facilitating its adaptive reuse, and enabling future growth and change in a manner that respects the significance of the heritage asset.
- *Policy 5.1.1 – Create mixed-use neighbourhoods at varying densities.* The proposed Amendment will enable diversity in housing and opportunities for some non-residential uses in accordance with the RGZ.

## **9.1.2**

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### *Ministerial Direction No 11 – Strategic Assessment of Amendments*

This Direction requires a comprehensive strategic evaluation of a planning scheme amendment. The requirements of this Direction are satisfied by using the assessment contained in this report for the proposed amendment documentation.

#### How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The PPF supports land use and development that takes advantage of existing infrastructure in established areas of Melbourne. Relevant policies include:

#### *Clause 11.02-2 – Supply of urban land*

The proposed Amendment will increase the supply of housing in an existing urban area by rezoning underutilised land for higher density residential development.

#### *Clause 12.05-2S – Landscapes*

The Amendment seeks to protect and enhance the significant vegetation and landscape character of the ARRB site by identifying and protecting outstanding tree specimens via a VPO control and through the application of a SLO to ensure that the landscape character is maintained and enhanced as the site transitions to a residential use.

#### *Clause 13.04-1S – Contaminated and potentially contaminated land*

This policy seeks to ensure that contaminated and potentially contaminated land is used and developed safely and that any contamination is remediated before a site is used or developed for a sensitive use. Due to the nature of the past use of the site by ARRB and the various bitumen and concrete testing operations that occurred on the land, the Amendment proposes to apply the EAO to the site. This will ensure that remediation of any contaminated land occurs before the land is developed for residential use.

#### *Clause 15.01-1S – Urban design*

This policy requires development to consider and respond to the local context and contribute to functional, enjoyable and safe urban environments that improve amenity. The proposed controls, and particularly the DDO schedule will require development proposals to respond to the landscape, built form and cultural context and respect existing elements of heritage significance.

#### *Clause 15.01-3S – Subdivision design*

This clause supports the creation of liveable and sustainable residential areas that are safe, attractive and diverse. The Amendment will facilitate a range of lot sizes to suit a variety of dwelling and household types, catering for differing needs and aspirations. The location of the site in a well-serviced area of Vermont South promotes sustainable lifestyles through reduced car dependency.

#### *Clause 15.03-1S – Heritage conservation*

Clause 15.03-1S provides a list of strategies to ensure the conservation of places of heritage significance. The Amendment will ensure the conservation of the heritage place, while also enabling adaptive reuse of a heritage building where the former use has become redundant. The built form requirements and building envelopes in the DDO6 ensure that an appropriate setting and context for the heritage place is maintained.

#### *Clause 16.01-1R – Housing supply – Metropolitan Melbourne*

This regional policy encourages the supply of new housing in proximity to neighbourhood activity centres with good access to public transport that assist in the delivery of 20-minute neighbourhoods. The proposed rezoning will facilitate the delivery of higher density forms of housing close to existing shops, services and public transport.

## 9.1.2

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### *Clause 18.01-1S – Land use and transport planning*

This policy seeks to “create a safe and sustainable transport system by integrating land use and transport”. The Amendment site is located on a major road that is serviced by bus routes and a tram route which terminates approximately 120 metres from the site at the Vermont South shopping centre. This allows for access to the site by private vehicle, public transport and active transport and integrates future land use with the surrounding uses and transport modes.

Rezoning of the land and the application of overlay controls will support the above policies by facilitating residential development on a well-located site that benefits from close proximity to a variety of services and facilities. The overlay controls will ensure that future development addresses the constraints and opportunities of the site, including the heritage elements and environmental features.

### How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment gives effect to several objectives under Clause 21 of the Whitehorse Planning Scheme as outlined below.

### *Clause 21.05 – Environment*

This clause acknowledges the natural, visual and built environment features that are significant to the municipality. In particular, tree preservation is noted as being “*vitally important within the City*”. Key issues include the promotion of vegetation protection and regeneration, heritage protection, design excellence and visual amenity. As the site contains numerous large and significant canopy trees, it is important that the amendment promotes the protection and enhancement of this landscape quality. The proposed VPO recognises the three outstanding tree specimens on the site, while the SLO seeks to preserve and enhance the landscape character that is unique to this site.

### *Clause 21.06 – Housing*

- *Clause 21.06-1 – Overview*  
This clause recognises that the municipality is under increasing pressure to accommodate more people who are attracted to the area, while also retaining the valued high-quality residential environment. The proposed amendment nominates the site as a ‘substantial change’ area with opportunities for housing growth at increased densities on a site that can support a substantial number of new houses.
- *Clause 21.06-2 – Vision*  
The proposed Amendment seeks to meet the needs of future residents by promoting housing growth in locations within walking distance of public transport and local services such as shops, parks and education. The mix of townhouse and apartment style dwellings will increase the diversity of the housing mix, catering to a wide range of needs and lifestyle preferences. While the Amendment will facilitate new development, the overlay controls will ensure that the valued heritage character and landscape significance is preserved and sensitive interfaces appropriately managed.
- *Clause 21.06-3 – Housing location*  
The proposal aligns with substantial change area objectives and supports increased residential densities in a location with good access to public transport, services and facilities.
- *Clause 21.06-4 – Housing diversity*  
The amendment seeks to diversify the variety of housing types within Vermont South by providing opportunities for townhouse and apartment dwelling styles.
- *Clause 21.06-5 – Housing affordability*  
The amendment will facilitate a range of housing types and sizes that will provide housing opportunities at varying price points, for a diverse array of future residents.

## 9.1.2

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- *Clause 21.06 – Housing design*

The proposed overlay controls seek to facilitate an appropriate design response in a substantial change area that contributes to the neighbourhood character while supporting additional housing.

*Clause 22.01 – Heritage buildings and precincts*

The Amendment seeks to maintain and preserve the existing heritage place, allowing for its appropriate adaptive reuse, while also ensuring that new development on the site is sympathetic to the heritage fabric and context. The Amendment will update the Statement of Significance applying to the site, providing greater clarity on significant and contributory elements of the heritage place. Future planning permit applications will need to be supported by a Heritage Impact Assessment and management plan for the future conservation and reuse of the former administration building.

*Clause 22.03 – Residential development*

Clause 22.03-2 Objectives includes numerous objectives around residential development in the municipality. These include, to ensure development contributes to the preferred neighbourhood character where specified, to ensure that new development does not detract from the natural environment and ecological systems, and to recognise the potential for change as a result of new social and economic conditions, changing housing preferences and state and local planning policies. The proposed rezoning will ensure any future development contributes to the neighbourhood character of the established residential area to the west, south and east. The proposed application of the DDO6 identifies design objectives and lists requirements around built form, landscaping and traffic and transport.

*Clause 22.04 – Tree Conservation*

The proposal seeks to retain high and medium value trees on the site and incorporate these into the future design response. Three outstanding tree specimens will be individually recognised under the VPO5, and the broader landscape character of the site will be retained and enhanced via the SLO10.

*Clause 22.10 – Environmentally Sustainable Development*

The proposed Amendment supports Council's commitment to creating an environmentally sustainable city. The DDO6 requires the consideration of ESD principles and development that has the potential to attain a long-term, zero carbon outcome.

How does the amendment support or implement the Municipal Planning Strategy?

The Whitehorse Planning Scheme does not contain a Municipal Planning Strategy at Clause 02.

Does the Amendment make proper use of the Victorian Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions by utilising a zone (RGZ) that reflects the strategic redevelopment opportunity presented by the site. The current PUZ4 is no longer appropriate as the site is privately owned and the public use has ceased. Residential use and development cannot occur until the site has been rezoned.

The proposed rezoning to RGZ is consistent with Planning Practice Notes No. 90 *Planning for Housing* (PPN90) and No. 91 *Using the residential zones* (PPN91). The Amendment area is consistent with the substantial change characteristics outlined in PPN90 by virtue of its large size, proximity to activity centres, public transport and employment precincts, and its ability to create a new built form character. While the site does have special heritage and landscape qualities, these aspects can be appropriately managed through the overlay controls proposed. In accordance with PPN91, the RGZ is the most appropriate zone to apply to areas identified for substantial change.

### **9.1.2**

(cont)

The amendment makes consequential changes to the Housing Framework Plan in Clause 21.06 to include the amendment land in a substantial change area, and to the Neighbourhood Character Precincts map at Clause 22.03, to include the amendment land in the Garden Suburban 7 precinct.

The application of the DDO6 assists in tailoring the built form outcome to the specific opportunities and constraints presented by the site, including the sensitive residential interfaces. In particular, the DDO6 provisions consider the appropriate extent and form of any future development and its relationship with the heritage and landscape characteristics of the site. The DDO6 will allow for exemptions from notice and review of future applications for buildings and works that are located away from the sensitive site interfaces, provided the development does not exceed the preferred maximum building heights set out in DDO6.

The VPO and SLO controls recognise and manage the unique treed character of the site and original landscape themes of the former land use. This will ensure that significant trees and stands of trees are retained and incorporated into any future proposal, as well as guide new landscaping.

Application of the EAO over the entire site is appropriate given the former use of the site and the bitumen and concrete testing operations that were carried out on the land by ARRB.

How does the Amendment address the views of any relevant agency?

As part of the exhibition of the Amendment, the views of relevant agencies and public authorities will be sought.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is considered consistent with the objectives of the Transport Integration Act 2010. It is not expected that the proposed Amendment will have a discernible impact on the existing road network, nor will it compromise the safety or operation of the existing transport system.

The Amendment will be referred to the Department of Transport during the exhibition phase.

What impact will the new planning provisions have on the resource and administrative cost of the responsible authority?

In the long term, the new planning provisions will have minimal impact on the resource and administrative costs of the responsible authority. However, to the extent that the Amendment will encourage new residential development, it is anticipated that in the short term there will be an increase in applications for planning permits.

### **CONSULTATION**

If Council resolves to seek authorisation from the Minister for Planning to prepare and exhibit an amendment and authorisation is subsequently granted, the Amendment will be placed on public exhibition for a minimum of one (1) month.

The exhibition will include the advertising of the proposed amendment to the owners and occupiers of the subject site and surrounding properties. These requirements are in addition to the need to publish a notice in a newspaper circulating in the area and the Government Gazette, and to notify prescribed Ministers and relevant authorities.

In addition to the statutory process, and in accordance with Council's Community Engagement Policy, a project page will be created on the Whitehorse YourSay platform during the exhibition period. This will enable broaden the reach of the community engagement and facilitate online submissions.

## 9.1.2

(cont)

At the end of the exhibition period Council will have to consider any submissions and possibly refer these to an independent panel appointed by the Minister for Planning. Any panel will report back to Council, following a public hearing, and Council will then have to determine whether or not to adopt the amendment (with or without changes). If adopted, the Minister for Planning may then decide whether or not to approve the amendment.

Council officers have had informal liaison with officers at DELWP to discuss the proposed amendment and the suitability of the controls.

### FINANCIAL IMPLICATIONS

	Income	Expenditure
<b>Total Budget</b>		
Statutory fee to consider a request to amend the planning scheme	\$2,929.30	
Direct notification of amendment exhibition		\$1,370.00*
Government Gazette & The Age notice		\$4,500*
Fee for considering submissions (if received) and where necessary referring the submissions to a panel.	Between \$15,345.60 and \$40,986.80 (dependent on the number of submissions)**	
Council planning panel representation, if needed (includes expert witnesses, legal representation and advice)		Up to \$20,000**
Fee to adopt the amendment and submit the amendment for approval to the Minister for Planning	\$488.50	
<b>Total Expenditure</b>	<b>Up to \$44,404.60</b>	<b>Up to \$25,870</b>

\*It is noted that the costs associated with proposed Amendment C231whse will be passed onto the proponent, with the exception of any costs associated with Council's representation at the panel hearing, if needed. Any costs to Council are included within the Strategic Planning operational budget.

\*\* These figures will be clearer post exhibition and will be explained further in a future Council report if the amendment progresses

## 9.1.2

(cont)

### POLICY IMPLICATIONS

The Amendment supports Strategic Direction 4: Our Built Environment; Movement and Public Places of the Council Plan 2021-2025, and Strategic Direction 5: Sustainable Climate and Environmental Care. In particular it supports the following objectives of these strategic directions:

- Objective 4.1: Assets, facilities and urban design of a quality that provides the highest levels of utility and enhances the connection between the built, natural, heritage and social environments. The amendment implements this objective as it facilitates the retention of a valued heritage building while enabling redevelopment and use of a vacant site. The amendment will support and promote greater housing diversity and housing stock in an established urban area, in a manner that capitalises on the advantages of the site, while also ensuring an appropriate response to heritage, environmental and neighbourhood character values.
- Objective 4.2: Foster development that has access to a range of facilities, services and amenities to meet future community needs. The Amendment site is well located to accommodate additional housing. It is in proximity to an activity centre, public transport, schools, public open space, and a business park.
- Objective 5.2: Consider our natural environment when making decisions including creeks, wetlands, lakes, bushlands, flora and fauna. The substantial tree canopy coverage across the site has been considered as part of the Amendment request. The proposed SLO10 and VPO5 controls recognise the environmental and landscape features of the site and seek to preserve this character as part of any future development.





At a local level, the proposed Amendment responds to the objectives of the Whitehorse Housing Strategy 2014 which identifies areas for substantial, natural and limited growth throughout the municipality. As the site is not currently located in a residential zone, a change classification has been applied to the land under the Housing Framework Plan. Land to the north, east and south is located within a limited change area, while residential properties fronting Burwood Highway to the west of the site are within a substantial change area. The Amendment land is considered to meet the first two criteria for inclusion in a substantial change area that is outlined in Appendix C of the strategy as follows:

- Land abutting tram routes on main roads;
- Land within 400m walking distance of commercial zones in activity centres where no other restrictions apply;
- Land within 400m walking distance of train stations where no other restrictions apply;
- land within activity centres with an adopted Structure Plan or Urban Design Framework and identified for higher densities.

The amendment land is located approximately 120 metres from the Vermont South Shopping Centre/Burwood Highway tram stop for route 75. Furthermore, the amendment land is located less than 100 metres from the commercial zone of the Vermont South Shopping Centre to the northwest.

Proposed Amendment C230whse is consistent with the Council Plan 2021-2025 and Council's strategic land use policies and framework. The Amendment will support additional housing in an area that is well serviced by an activity centre, public transport, open space and other services and facilities. The proposed set of planning controls will effectively manage the transition of the site to a residential neighbourhood while preserving the valued characteristics of the land, and appropriately responding to the surrounding context, including the adjoining NRZ areas.

### ATTACHMENT

- 1 Proposed Amendment C230 - ARRB Site - Amendment Documentation 
- 2 Planning Scheme Amendment Report (Tract, October 2021) 
- 3 Conservation Management Plan (Bryce Raworth, February 2021) 
- 4 Arborist Report (Bluegum, August 2021) 



### **9.1.3 Suburban Rail Loop East: Environmental Effects Statement Submission**

ATTACHMENT

#### **SUMMARY**

*The Victorian Government recently placed the Environmental Effects Statement (EES) on public exhibition regarding Suburban Rail Loop East. The EES outlines the project's construction and operational benefits and impacts of the project and describes how the impacts will be managed. This report summarises Council's submission regarding the EES.*

#### **COUNCIL RESOLUTION**

Moved by Cr Barker, Seconded by Cr Davenport

#### **That Council:**

- 1. Endorse Council's written submission regarding the Suburban Rail Loop East Environmental Effects Statement.**
- 2. Authorise the Chief Executive Officer (or delegate) to make amendments to the draft submission in accordance with the direction of Council, and having appropriate regard to legal advice.**
- 3. Continue to strongly advocate through the Suburban Rail Loop East Inquiry and Advisory Committee hearing for the best project outcomes for the Whitehorse community.**

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Suburban Rail Loop (SRL) is currently being planned by the Victorian Government via the Suburban Rail Loop Authority (SRLA). The first stage of the project, SRL East (SRLE), includes 26km of twin underground rail tunnels and six new train stations between Cheltenham and Box Hill. Two new stations are proposed in the City of Whitehorse - Box Hill and Burwood. Pending project approval, construction is scheduled to commence in late 2022 with SRLE estimated to be operational by 2035.

As part of the planning approval process for the project, SRLA has prepared and publically exhibited the Environmental Effects Statement (EES) that outlines the benefits and the impacts of the project, as well as draft Planning Scheme Amendment GC197.

Written submissions regarding the EES have been invited from stakeholders and community members, and these submissions will be considered by an independent Inquiry and Advisory Committee (IAC). Council's written submission and subsequent presentations to the IAC will be critical elements of Council's advocacy activities to achieve the best possible project outcomes for the Whitehorse community.

#### **DISCUSSION**

The exhibition period for the Suburban Rail Loop East EES is 5 November 2021 to 16 December 2021. Council officers, consultants and legal advisors have considered the EES and prepared a draft submission (see Attachment 1). The submission identifies a number of issues that need to be addressed in order to minimise the effects of the project on the Whitehorse community. The issues outlined in the submission reflect the outcomes of Council's community engagement activities. Further details about the engagement activities are outlined in the 'Consultation' section below as well as in Attachment 2.

### **9.1.3**

(cont)

The key issues in Council's submission are listed below.

1. Council supports SRLE and the additional transport outcomes that will benefit the Whitehorse community.
2. Council is concerned about the incredibly stressful impacts on residents and workers caused by proposed acquisition of 121 residential properties and 54-64 businesses across the Box Hill and Burwood sites. This concern extends for the remaining community members who will live, work and study through significant disruption during the lengthy construction phase and the subsequent social, environmental, financial and health impacts.
3. One of the three main objectives of SRLE identified by the Victorian Government is connectivity, yet there are significant deficiencies in this aspect of the project within the City of Whitehorse. Council calls for the following items to be included in the SRLE works to address connectivity, as well as improving accessibility, safety and convenience:
  - 3.1. Provide a direct underground connection between the existing Metro Box Hill station and the new SRL Box Hill station.
  - 3.2. Redevelop and relocate the bus interchange that is currently above Box Hill Central shopping centre, in accordance with the findings of the Ministerial Advisory Committee regarding the Box Hill Transit Interchange, and the subsequent Box Hill Transit Interchange Steering Committee.
  - 3.3. Connect the proposed cycling path along Whitehorse Road Box Hill through the Box Hill Metropolitan Activity Centre with existing Box Hill to Ringwood Strategic Cycling Corridor and planned Box Hill to Hawthorn Strategic Cycling Corridor that are both in the immediate vicinity.
  - 3.4. Provide a safer, more direct and convenient connection to Deakin University by locating a station entrance on the northern side of Burwood Highway that is accessible from the underground Burwood station concourse level.
4. Council is very concerned about the loss of vegetation. 754 trees are planned to be removed or are at risk of being removed within Whitehorse to facilitate SRLE. The loss of these trees, together with the many thousands of trees anticipated to be removed in Whitehorse due to the North East Link project and the Mont Albert Road Level Crossing Removal project will have a devastating impact on the environment, amenity and community wellbeing, and is contrary to Council's significant efforts to increase the canopy cover in Whitehorse.
5. The open space impacts within Whitehorse are a significant concern to Council and the community. The key concerns include:
  - 5.1. SRLA propose to acquire Sinnott Street Reserve in Burwood to facilitate the construction of the Burwood station. The land is not required after construction however only a portion of it is proposed to be returned as open space, with the remaining land designated for unknown 'future development'. This is an unacceptable project outcome and Council calls for the entire Sinnott Street Reserve to be returned as public open space.
  - 5.2. Council is supportive of the proposal to naturalise a section of Gardiners Creek however strongly advocates for the full section of the creek from Highbury Road to Burwood Highway to be naturalised, rather than just the section between the existing Gardiners Creek footbridge and Burwood Highway.
  - 5.3. There is limited open space in Box Hill and Council has serious concerns about the impact of SRLE construction works on Box Hill Gardens, particularly:

### 9.1.3 (cont)

- 5.3.1. Loss of usability of approximately a third of the gardens
- 5.3.2. Visual amenity and environmental impacts during construction
- 5.3.3. Access to and connections through the gardens
- 5.3.4. Ongoing impacts when the next stage of SRL continues north of Box Hill towards Doncaster (estimated to be for a further 4 years).
- 5.4. To ensure the Box Hill community continues to have access to much needed open space, Council is seeking SRLA to:
  - 5.4.1. Minimise to the greatest extent, the amount of Box Hill Gardens needed for construction activities;
  - 5.4.2. Return to Council all surplus construction land for open space and civic infrastructure, e.g. land on Station Street between Whitehorse Road and Main Street, Box Hill; and
  - 5.4.3. Provide new local open spaces within close proximity to central Box Hill prior to the commencement of construction.
- 6. The management of noise, dust and vibration throughout an extremely long construction phase are substantial concerns for Council and community members. The reduced amenity in the vicinity of construction sites will significantly diminish the quality of life for community members who live, work, learn, visit and socialise in the areas.
- 7. SRLE will have a significant impact on businesses within and beyond the Box Hill and Burwood station areas. The City of Whitehorse will bear the greatest number of businesses to be acquired along the SRLE alignment. Construction timelines of 6-7 years is significant and will create an unattractive environment for businesses to operate in, employees to work in and customers to visit.
- 8. The use of land in both Box Hill and Burwood for the SRLE project has some inconsistencies with local and state planning policy. Key concerns for Council include:
  - 8.1. Years of planning and significant community engagement has fed into Council's Box Hill Integrated Transport Strategy, draft Box Hill Structure Plan and draft Urban Design Framework. Elements of SRLE are consistent with Council policies however, Council calls for further refinement of the project to ensure that all SRL works are consistent with the Council and community vision for the area.
  - 8.2. The majority of historical heritage impacts from SRLE will be felt within the City of Whitehorse. The locations selected by SRLA for the Box Hill and Burwood stations will result in the demolition of ten buildings in Box Hill and five structures in Burwood that have a current Heritage Overlay applied within the Whitehorse Planning Scheme.
  - 8.3. The EES expresses clear intent to develop precincts that could extend up to 1.6km around each SRL station. Council has serious concerns that the precinct planning process is being undertaken separately to the EES, resulting in the inability to assess the full impacts of the project. Deferred precinct planning together with the recent introduction of the mechanisms to manage the planning (via the *Suburban Rail Loop Act 2021*) without any prior consultation with local governments or communities is totally unacceptable.
- 9. The permanent loss of 147 on-street car parking spaces within Box Hill requires thorough investigation and consultation with community members, businesses and Council.

Council's full submission regarding the EES is contained in Attachment 1.

### **9.1.3**

(cont)

An independent Inquiry and Advisory Committee has been appointed to consider the written submissions regarding the EES and hear from interested submitters. The hearing is scheduled to commence on 28 February 2022 and run for approximately 10 weeks. Council will be represented at the IAC hearing to strongly advocate for the best project outcomes for the Whitehorse community.

#### **CONSULTATION**

Council has undertaken a number of community engagement activities regarding SRLE to understand the views of people who live and visit the City of Whitehorse. A summary of the activities and outcomes is below and the full community engagement report is provided as Attachment 2.

Council implemented a broad reaching campaign to encourage participation in the community engagement activities, including mailed and emailed information, web based information and social media posts. This advertising resulted in the following participation:

1. 152 community members attended a forum to hear general project information and contribute comments and questions about SRLE;
2. 23 community representatives were selected to participate in two workshops to delve deeper into the project issues and opportunities;
3. 114 surveys were completed that asked respondents their thoughts on Council's draft advocacy priorities.

Some of the themes that emerged regarding the benefits of SRLE are:

1. Easier and more convenient transport options;
2. Less traffic on roads; and
3. Faster travel times.

Some of the concerns that emerged from the participants include:

1. Environmental issues regarding loss of vegetation and impacts from noise, air quality and vibration;
2. Impacts to open space during the prolonged construction phase; and
3. Lack of integration between the two Box Hill train stations and bus services.

#### **FINANCIAL IMPLICATIONS**



At its meeting on 25 October 2021, Council approved funding to ensure Council has appropriate legal and technical advice to prepare the EES written submission and is well represented at the SRLE Inquiry and Advisory Committee.

#### **POLICY IMPLICATIONS**

SRLE has the potential to impact a number of Council strategies, including (but not limited to):

- Draft Box Hill Structure Plan and draft Urban Design Strategy
- Box Hill Integrated Transport Strategy
- Whitehorse Cycling Strategy
- Box Hill Gardens Master Plan
- Whitehorse Open Space Strategy
- Whitehorse Health and Wellbeing Plan

#### **ATTACHMENT**

- 1 Draft Whitehorse City Council submission regarding Suburban Rail Loop East Environmental Effects Statement 
- 2 Outcomes of Whitehorse City Council Community Engagement Activities regarding Suburban Rail Loop East 

**9.1.3**  
(cont)

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## **9.2 COMMUNITY SERVICES**

### **9.2.1 Mont Albert Reserve On Demand Lighting**

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#### **SUMMARY**

*An On Demand lighting trial was conducted at Mont Albert Reserve during the winter of 2021. The trial provided an opportunity for residents to engage in physical activity after daylight hours. The trial was well supported by the local community.*

#### **COUNCIL RESOLUTION**

Moved by Cr McNeill, Seconded by Cr Barker

#### **That Council:**

- 1. Note the community feedback on the On Demand lighting trial undertaken at Mont Albert Reserve.**
- 2. Support the ongoing use of On Demand lighting at Mont Albert Reserve from 1 April 2022 based on the hours and times outlined in this report.**
- 3. Engage with the community to understand the level of community support, as required, to roll out on demand lighting at other sporting reserves across the municipality.**

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

In April 2020 Council committed to conduct an On Demand sports field floodlighting trial at Mont Albert Reserve.

This conduct of the trial was postponed in an effort to maintain public health due to the COVID-19 virus. The trial commenced Friday 7 May 2021 until 30 September 2021.

The purpose of the trial was to provide the broader community access to a floodlit oval between 6.30pm – 8.30pm on Sunday, Wednesday and Friday evenings to undertake physical activity in particular walking / dog exercise. The days and times were chosen with consideration to the Surrey Park Lacrosse Club tenancy, twilight hours and consistent within the hours allowed for seasonal tenancy under Council's Sporting Facilities Guide.

Council invested approximately \$35,000 in infrastructure to support the trial in particular the provision of low level lighting to complement the low impact activity operated by a push button control.

#### **DISCUSSION**

The On Demand trial was well received by the community as demonstrated by conversations on social media and feedback received directly to Council.

The feedback can be summarised below:

- Overwhelming support for the initiative.
- Strong support throughout the trial to extend the operating hours from 5.30pm. Officers considered the community feedback and extended the trial operating hours to 5pm – 8.30pm. The expanded hours commenced on Friday 18 June 2021.
- Suggestions to have lights available in the morning for an hour.
- Not a lot of use after 7.30pm as temperatures are low in the middle of winter.

### 9.2.1

(cont)

- Requests for On Demand lighting at other sites across the municipality.
- Individual comment not supporting on demand lighting based on environmental concerns including greenhouse emissions, light pollution, disorientation of wildlife and residents unable to view night constellations.
- Technical concerns with brightness and light spillage. Any technical concerns were forwarded to the Parks and Natural Environment Department to investigate and action as required.

The On Demand lighting trial has proven to be very successful and well supported by the local community. A contributing factor to the level of community support is local residents commitment to maintaining an active lifestyle particularly during the COVID-19 lockdown restrictions.

The capacity to facilitate opportunities for the community to lead active lifestyles through initiatives such as On Demand lighting will need to be balanced with the requirements of sport clubs to access sports fields for organised training and competition activities.

A review of the twilight hours reveals daylight hours will vary across winter.

After reviewing the electricity consumption during the trial it is deemed the average utility operating cost is approximately \$5 per day (This daily cost can vary based on usage which can be influenced by weather and other factors). This equates to approximately \$350 for the trial period during 2021 and will be paid by Council. It is difficult to calculate a set figure for On Demand lighting as this will be determined by the tenancy of the sports club and available times for community use. It is suggested operating costs for other sites are calculated based on the figures used for Mont Albert Reserve.

#### **Mont Albert Reserve On Demand Lighting**

After considering the community feedback and the need to continue supporting organised sport it is recommended that the On Demand lighting at Mont Albert Reserve is supported to operate as an ongoing activity from 1 April 2022 based on the following principles:

- On Demand lighting is available for community use seven days a week when not occupied by the winter tenant club from 5pm – 8.30pm. The electronic timer can be programmed to energise the On Demand lighting during these set times between 1 April – 30 September. On Demand lighting would be deactivated from 1 October to 31 March each year at a call out fee of \$100 (and reactivated for 1 April at a further \$100 call out fee). Alternatively to install a new timer that would recognise daylight savings and prevent the need for call out fees would cost approximately \$500. It would be recommended to install a new timer to accommodate future on demand sites. Any other changes to the timer for e.g. should morning sessions be supported or a change in policy would require a contractor call out fee of \$100 per visit.
- Council will be responsible for the operating costs associated with On Demand lighting at Mont Albert Reserve. A cost of \$350 was allocated for the 2021 trial (May – September) and \$1,000 is allocated for 2022 and beyond as part of existing operating budgets.
- The suggestion for an early morning On Demand session from 6.30am – 7.30am is tested through consultation with the community surrounding Mont Albert Reserve.



## **9.2.1**

(cont)

### **On Demand Lighting Across Municipality**

Feedback from the Mont Albert Reserve On Demand lighting trial indicated community interest for the same initiative to be introduced at other sites across the municipality.

The demand for public use of sports fields for physical activity across the municipality has never been as evident during the recent COVID-19 lockdown restrictions.

The capacity to introduce On Demand lighting at sports fields will need to be balanced with the tenancy and growth of sports clubs. Aspects for consideration of On Demand lighting include:

- Audit the existing sports fields that currently have LED infrastructure that are compatible to provide On Demand lighting and are publicly accessible.
- The opportunity to create walking tracks around sports fields should be explored at sites where clubs, due to high participant numbers and demand, require the use of the sports fields to balance the needs of Clubs and the public.
- Rollout of On Demand lighting would require site specific community engagement to understand the level of support for the initiative at their local sports field. The community consultation process would be undertaken in line with the Capital Renewal Sportsfield Floodlighting Program and would involve:
  - Site specific community consultation with the surrounding residents of the proposed sports field;
  - Letterbox drop advising of the proposed capital works and seeking feedback on the introduction of on demand lighting;
  - Discussions with the sporting tenant clubs and other relevant stakeholders;
  - Onsite signage to capture park users;
  - Collection of feedback through Council's Your Say survey platform;
  - Assessment of feedback to brief Management and Ward Councillor, and;
  - If supported, implement On Demand Lighting initiative as part of the Capital Renewal Sportsfield Floodlighting Program.

The Operating Costs associated with the On Demand lighting is negligible however, these costs should be covered by Council to further encourage and support the community to lead a healthy and active lifestyle. An allowance of \$1,000 for operating costs for each site should be allowed based on the Mont Albert Reserve trial.

### **CONSULTATION**

The local tenant clubs were consulted about the trial in particular the Surrey Park Lacrosse Club who has winter tenancy.

The local community were engaged throughout the trial via direct mail out and social media posts between May and September 2021. Residents were encouraged to provide feedback which closed on 30 September 2021.

The social media campaign reached a total of 17,490 which is considered a successful campaign.

There has been a level of community interest to roll out On Demand lighting at other sites across Whitehorse in particular Surrey Park and ovals in Mitcham.

## 9.2.1

(cont)

### FINANCIAL IMPLICATIONS

The infrastructure costs for the Mont Albert Reserve On demand lighting trial was approximately \$35,000. Future infrastructure costs for a similar project at other sites would be subject to site specific conditions and would need to be accommodated under Council's Capital Works Program - *Renewal Program Sportsfield Floodlighting*)

	Budget
<b>Total Budget</b>	
Operating Cost (Mont Albert Reserve Trial 2021)	\$350
Estimated Operating Costs (ongoing utility costs approximately \$1,000 – based on 7 days per week, up to 3.5hrs per evening between April – September)	\$1,000
<b>Sub Total Expenditure</b>	
<b>Total Expenditure</b>	\$1,350

### POLICY IMPLICATIONS

One of the principles that embeds Council's Recreation Strategy acknowledges that Council will have a more significant focus on providing for the casual or unstructured recreation needs of the community than in past. Furthermore the Strategy recommends to enhance the use of sports fields with a focus on increasing lighting of sports fields and training areas where appropriate.

The Floodlighting Policy supports additional use of sports fields for additional activities such as public use for low intensity activities such as walking and exercising dogs.

### Attendance

Cr Stennett left the Chamber at 8.17pm, returning at 8.18pm.

## 9.3 CORPORATE SERVICES

### 9.3.1 Quarterly Performance Report July to September 2021

ATTACHMENT

#### **SUMMARY**

*The purpose of this report is to brief Council on the performance against the Council Plan 2021-2025 and the Annual Budget 2021/2022 for the quarter ended 30 September 2021.*

#### **COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Lane

#### ***That Council:***

- 1. Notes the Quarterly Performance Report for the quarter ended 30 September 2021, as attached, and***
- 2. Approves the adoption of new Aqualink personal training multi-visit pass fees for non-members priced at a 5% discount based on the single session fees. The fees for 2021/22 will be \$874.00 for the 60 minute session multi-visit pass and \$570.00 for 30 minute session multi-visit pass.***

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

Pursuant to section 97 of the *Local Government Act 2020*, the Quarterly Performance Report provides a quarterly budget report including details and commentary on Council's year to date performance compared to budget, year-end projection, cash and other key balance sheet items for the year to date ended 30 September 2021.

The Quarterly Performance Report also includes a high level summary of Council's performance against major initiatives, initiatives, and services identified in the Annual Plan, which is part of the *Adopted Budget 2021/2022*. These are significant projects that will directly contribute to the achievement of the *Council Plan 2021-2025* and have a major focus on the budget. They may include actions that are once-off in nature and/or lead to improvements in services.

#### **DISCUSSION**

##### **Performance against Council Plan**

Using a combination of the *Council Plan 2021-25*, and the *Adopted Budget 2021/2022*, 72 significant initiatives have been identified that contribute to the achievement of the strategic directions and goals of Council. Of the 72 initiatives being reported on this quarter, 1 is complete, 56 are on track, 2 are behind schedule, 11 are yet to be started and 2 have been deferred.

##### **Performance against Annual Budget**

The year to date financial result at 30 September was a surplus of \$105.20m, \$2.02m favourable to budget. Income was \$1.84m unfavourable to budget and expenditure was \$3.86m favourable to budget and these variances are primarily due to service closures and reduced demand as a result of the ongoing COVID-19 pandemic restrictions, as well as some impact from timing differences and vacant positions, and additional government funding. The year to date impact of the pandemic on Council's net result at 30 September was \$2.43m which brings the inception to date impact to \$15.80m.

### 9.3.1

(cont)

Council has reviewed its full year projection to take into account the impact of COVID-19 and other changes that have arisen since the Budget was adopted. The full year forecast is now showing a surplus of \$8.22m, \$8.39m unfavourable to budget. This is made up of a reduction in income of \$8.5m and a reduction in expenditure of \$117k. This forecast will be used as the new baseline for variance reporting for future reports presented during this financial year.



#### Amendment to 2020/2021 User Fees

Council adopted new fees and charges for the 2021/2022 financial year in the Adopted Budget 2021/2022. The introduction of two new multi-visit pass fees are now proposed for the Aqualink Leisure Centres to encourage continuity and retention of non-members undertaking personal training (PT) sessions. The proposed fees are 10 pass option for either a 30 minute or 60 minute PT session at a 5% discount based on the existing non-member single session fee. Multi-visit pass PT fees are already in place for Aqualink members and the proposed new fees are in line with the existing multi-visit pass fee structure. The new fees would be set at:

- \$874.00 for a 60 minute session multi-visit pass (10 sessions)
- \$570.00 for a for a 30 minute session multi-visit pass (10 sessions)

<b>Personal Training Fees</b>	<b>60min</b>	<b>30min</b>	
One-on-one single session (member)	\$73.50	\$46.50	Current Fee
Multipass (member) 5% discount	\$698.25	\$441.75	Current Fee
One-on-one single session (non-member)	\$92	\$60	Current Fee
<b>Multipass (non-member) 5% discount</b>	<b>\$874</b>	<b>\$570</b>	<b>NEW Fee</b>

#### ATTACHMENT

- 1 Quarterly Performance Report Q1 2021-22 
- 2 Aqualink Proposal: Non-member 10 Pack 

### 9.3.2 Whitehorse Complaints and Feedback Policy

ATTACHMENT

#### SUMMARY

*The Whitehorse City Council Complaints and Feedback Policy has been developed and refined after extensive community, Councillor and officer consultation.*

#### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Skilbeck

***That Council adopt the attached Whitehorse City Council Complaints and Feedback Policy.***

**CARRIED UNANIMOUSLY**

#### BACKGROUND

Section 107 of the *Local Government Act 2020* (the Act) requires Council to have a Complaints Policy by the end of 2021. Our existing Complaints Handling Policy has been updated to include the new requirements of the Act, and to broaden its scope to take into account suggestions, compliments and other kinds of feedback.

#### DISCUSSION

In developing the policy, Council drew on materials provided by the Victorian Ombudsman, our previous policy and feedback from community members, Councillors and officers.

Substantive updates to Council's previous policy have been to:

- Broaden the scope of the policy to include compliments and other forms of feedback
- Introduce an acknowledgement service standard of 2 business days
- Remove details of internal processes and procedures which are more appropriately included in internal procedural guidelines
- Update the methods by which complaints can be accepted to include orally and by digital technology
- Provide for a discretion not to handle certain matters, which are better dealt with under alternate processes
- Clarify the complaint management process, including the process of review
- Provide a process for handling complaints against the CEO
- Provide that the Mayor is the spokesperson to respond to complaints about decisions of the Council

#### CONSULTATION

Considerable consultation and engagement was undertaken. Consistent themes emerged from various stakeholder cohorts. It largely related to application of the policy and to Council processes.


#### FINANCIAL IMPLICATIONS

Not applicable.

#### POLICY IMPLICATIONS

This Whitehorse City Council Complaints and Feedback Policy would replace the current Complaints Management Policy.

#### ATTACHMENT

1 Whitehorse Complaints and Feedback Policy 2021 

### 9.3.3 Council Meeting Cycle 2022

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#### SUMMARY

*This report seeks Council's approval of Council meeting dates for the 2022 calendar year.*

*Earlier this year Council conducted a review of its meeting cycle, and undertook community consultation on the proposal to change the meeting cycle to fortnightly Council meetings, to dissolve its Delegated Committee meeting and make changes to its Governance Rules.*

*At its meeting held 22 November 2021 Council considered the feedback received on the recent community consultation, and resolved to:*

- *Adopt a fortnightly Council meeting cycle each calendar year commencing in 2022. Council meetings to be held on the second and fourth Mondays of the month (adjusted as required for Mondays impacted by public holidays), with the exception of January, June and December 2022 where the Council meetings will be held monthly;*
- *Adopt updated Governance Rules with effect from 1 January 2022, and*
- *Dissolve its Delegated Committee and revoke the Delegated Committee instrument of delegation effective 7 December 2021.*

#### COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

***That:***

- 1. Council receive and note the report.***
- 2. Council adopt the Council meeting dates for 2022 as detailed in Appendix A to this report which allows for Council meetings to be held on the second and fourth Mondays of the month, with the exception of January, June and December 2022 where the Council meetings will be held monthly.***
- 3. All Council meetings will commence at 7.00pm in the Council Chamber, Civic Centre, 379 Whitehorse Road, Nunawading.***
- 4. Public notice of Council's meeting schedule be given.***

**CARRIED UNANIMOUSLY**

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#### BACKGROUND

This report is to set meeting dates for the period January to December 2022 as listed in Appendix A to this report.

As resolved by Council at its meeting held 22 November 2021, meetings will be held fortnightly on the second and fourth Monday of the month, with the exception of January, June and December 2022 where the Council meetings will be held monthly as follows:

- January Council meeting will be held on Monday 31 January
- June Council meeting will be held on Tuesday 14 June; and
- December Council meeting will be held on Monday 12 December.

Council Meetings are held in the Council Chamber, 379 Whitehorse Road, Nunawading .and commence at 7.00pm. Where Monday is a public holiday the meeting will take place on the Tuesday night immediately following. All meetings will be conducted in accordance with the Council's Governance Rules 2022. Additional Council meetings may be called as required and will be advertised on Council's website.

### **9.3.3**

(cont)

#### **CONSULTATION**

Community consultation was undertaken on Council's meeting cycle and Governance Rules, with the community consultation launched on Council's website on Friday 13 August.

In addition an article promoting this specific community consultation appeared in the September 2021 Whitehorse News, which was distributed to Whitehorse households in the first week of September.

#### **FINANCIAL IMPLICATIONS**

Costs associated with the conduct of Council meetings is provided for within Council's Annual Operating Budget.

#### **POLICY IMPLICATIONS**

The conduct of Council's meetings is at Council's discretion (section 61(2) of the *Local Government Act 2020*). In accordance with Council's Governance Rules, it is Council's responsibility to fix the date, time and place of all Council meetings.



**9.3.3**  
(cont)

**Council Meeting Dates 2022**

**Appendix A**

Council meetings to be held at 7.00pm in the Council Chamber, Civic Centre, 379 Whitehorse Road Nunawading unless public health directions in place prevent attendance in person, in which case alternate arrangements will be made.

Meetings to be held on the dates listed below:

Month	Date (Monday unless otherwise stated)
January	31
February	14 28
March	15 ( <i>Tues</i> ) 28
April	11 26 ( <i>Tues</i> )
May	9 23
June	14 ( <i>Tues</i> )
July	11 25
August	8 22
September	12 26
October	10 24
November	9 ( <i>Wed</i> ) ( <i>Mayoral Election meeting</i> ) 14 28
December	12

- Where Monday is a public holiday the meeting will be held on the Tuesday immediately following.
- Additional meetings may be called as required and will be advertised via public notice on Council's website.
- Meetings will be open to the public, unless Council resolves to close the meeting to the public to consider an item 'in camera' as per the provisions of the Local Government Act 2020.

### **9.3.4 Chief Executive Officer (CEO) Employment and Remuneration Policy**

ATTACHMENT

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#### **SUMMARY**

*Section 45 of the Local Government Act 2020 (Act) outlines the requirement for councils to develop and adopt a Chief Executive Officer (CEO) Employment and Remuneration Policy. The first CEO Employment and Remuneration Policy must be adopted by 31 December 2021.*

*The policy sets out a process and framework for evaluating performance and determining the Chief Executive officer remuneration in accordance with the requirements of section 45 of the Act.*

*The requirements of the Act requires that Council obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy;*

#### **COUNCIL RESOLUTION**

Moved by Cr Lane, Seconded by Cr Massoud

#### ***That Council***

- 1. Adopt the Chief Executive Officer (CEO) Employment and Remuneration Policy.**
- 2. Note a Terms of reference for the Chief Executive Officer (CEO) Employment Matters Committee will be developed and referred to Council for adoption in March 2022.**

---

**CARRIED UNANIMOUSLY**

#### **BACKGROUND**

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- The recruitment and appointment of the Chief Executive Officer ensuring that
  - The recruitment decision is based on merit;
  - The recruitment processes support transparency in the recruitment process and the public advertising of the position; and
  - Regard is had to gender equity, diversity and inclusiveness.
- Approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- The appointment of an Acting Chief Executive Officer for periods in excess of 28 days;
- The provision of independent professional advice in relation to the matters dealt with in the Policy;
- The monitoring of the Chief Executive Officer's performance;
- An annual review of the Chief Executive Officer's performance; and
- Determining the Chief Executive Officer's remuneration.

The draft policy was presented to the Audit and Risk Committee in November 2021 for feedback and input.

The Policy is due to commence 1 January 2022.

### 9.3.4

(cont)

#### DISCUSSION

To give effect to the policy and legislative requirements independent advice is required for CEO employment matters such as the monitoring of the Chief Executive Officer's performance and annual review of the Chief Executive Officer's performance. To manage the process, a CEO Employment matters committee (current committee named Advisory Committee for the review of the Chief Executive Officer's development) will require the recruitment of an independent person to the committee. A terms of reference will be developed to be adopted by Council in early 2022.

#### FINANCIAL IMPLICATIONS

The requirement to obtain independent advice in relation will have some budget implications, this will include recruiting for an Independent member and remuneration for this role. This will need to be accommodated within Council's operating budget.

#### POLICY IMPLICATIONS

The CEO Employment and Remuneration Policy will support the Council to effectively manage the CEO employment lifecycle and employment related matters and meet its obligations under the *Local Government Act 2020*.

The Act (section 45(2)) outlines that a CEO Employment and Remuneration Policy must include:

- Provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
- Provide for the following—
  - The recruitment and appointment process;
  - Provisions to be included in the contract of employment;
  - Performance monitoring;
  - An annual review; and
  - Include any other matters prescribed by the regulations.
- A Council must have regard to—
  - Any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
  - Any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies in developing the Chief Executive Officer Employment and Remuneration Policy.

#### ATTACHMENT

- 1 CEO Employment and Remuneration Policy 

## **9.4 INFRASTRUCTURE**

### **9.4.1 Morton Park Sun Shelter Modifications**

---

#### **SUMMARY**

*This report recommends that Council consider modifications to the existing sun shelter recently completed as part of the Morton Park Pavilion redevelopment project. The modifications have been requested by the sporting club tenants to address visibility constraints for spectators and club volunteers.*

#### **RECOMMENDATION**

*That Council:*

- 1. Support the modification of the sun shelter at Morton Park in line with the preferred option by extending the supporting columns and constructing a new roof structure.*
- 2. Approve a funding allocation of \$71,000 in the 2021/22 capital works program to be funded by forecast savings in a number of projects.*

#### **MOTION**

Moved by Cr Massoud, Seconded by Cr Munroe

*That Council:*

- 1. Support the modification of the sun shelter at Morton Park in line with the preferred option by extending the supporting columns and constructing a new roof structure.*
- 2. Approve a funding allocation of \$71,000 in the 2021/22 capital works program to be funded by forecast savings in a number of projects.*

#### **AMENDMENT**

Moved by Cr Davenport, Seconded by Cr Barker

*That Council supports the modification of the sun shelter at Morton Park in line with the preferred option, by extending the supporting columns and constructing a new roof structure, subject to the tenant sporting clubs funding the \$71,000 project cost.*

**CARRIED**

#### **PROCEDURAL MOTION**

Moved by Cr Davenport, Seconded by Cr Stennett

*That the motion be put.*

**CARRIED**

#### **COUNCIL RESOLUTION**

**The motion moved by Cr Massoud, seconded by Cr Munroe, as amended by Cr Davenport and Cr Barker, was then put.**

---

### 9.4.1

(cont)

***That Council supports the modification of the sun shelter at Morton Park in line with the preferred option, by extending the supporting columns and constructing a new roof structure subject to the tenant sporting clubs funding the \$71,000 project cost.***

**CARRIED**

**A Division was called.**

#### **Division**

##### **For**

Cr Barker  
Cr Carr  
Cr Cutts  
Cr Davenport  
Cr Lane  
Cr Liu  
Cr McNeill  
Cr Skilbeck  
Cr Stennett

##### **Against**

Cr Massoud  
Cr Munroe

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

#### **BACKGROUND**

As part of the new Morton Park Pavilion redevelopment project, a sun shelter was designed and constructed next to the lower oval to provide shading during the summer period for spectators. The sun shelter was designed to maximise shading to the stepped viewing area. In order to achieve this, the sun shelter roof was angled downwards.

The key requirement from the club members at design stage, was to ensure clear visibility of the lower oval from the Multi-Purpose Room, the canteen and the time keeper's area. The positioning of the constructed sun shelter has resulted in restricted visibility towards the lower oval for spectators standing behind the structure and some restricted visibility for volunteers in the canteen. Visibility from the Multipurpose room and time keepers area is good.

#### **DISCUSSION**

Concerns have been raised by the Football and Cricket Clubs that since the pavilion has been completed the sun shelter impedes views from the canteen and that spectators standing behind the sun shelter do not have a clear view of the lower oval due to the angle of the structure's roof.

A number of options have been explored to address these concerns including:

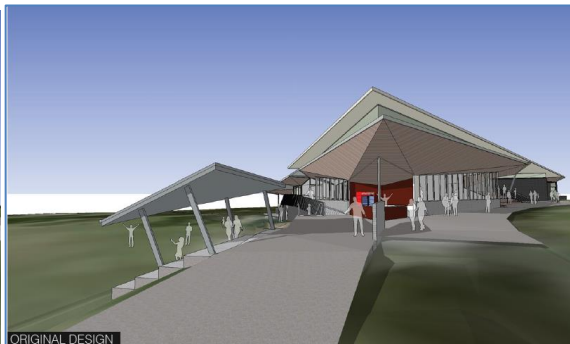
- Doing nothing and retaining the status quo;
- Increasing the height of the existing angled roof; and,
- Rebuilding the roof in a horizontal plane at a higher level.

Raising the roof height and levelling the plane of the roof offers the best option to address the restricted visibility issues. This will require rebuilding of the roof structure and columns.

Computer generated images of the existing sun shelter, and the proposed modifications illustrate the current visibility issues and how they are proposed to be addressed.

*Existing shelter*

### 9.4.1 (cont)



*Proposed shelter*



### CONSULTATION

Council officers have met representatives of the Blackburn Football Club and Cricket Club, along with the project architect to understand the concerns and to explore options to address them.

The architects have assessed the views from each of the critical locations which have been identified by the club representatives and produced 3D computer generated models of the current situation and a number of proposed options.

Following review of these options, the Clubs, Council officers and architect they have all confirmed that the preferred option to address the impeded views is to raise the roof height by 700mm and level the angled roof. This offers the best visibility to the lower oval while retaining appropriate shade provision.

## 9.4.1

(cont)

### FINANCIAL IMPLICATIONS

A Quantity Surveyors' estimate was obtained for the various options. The preferred option cost has been listed in the following table.

Capital Works Funding Account (Y575) Terrara Park Pavilion (surplus funds)	\$71,000	
<b>Total Budget</b>	<b>\$71,000</b>	
QS estimate		\$43,120
Less GST		-\$3,920
Net cost to Council		\$39,200
Construction Contingency (20%)		\$7,840
Architect, consultants and Building Permit Fees		\$15,410
Cost escalation (steel)		\$1,410
Project Management Costs		\$7,140
<b>Total Expenditure</b>		<b>\$71,000</b>

These works could be funded from surplus funding in Y575 Terrara Park Pavilion 2021/22 Capital Works Program budget allocation or alternately be put forward as a Capital Works bid for 2022/23 budget consideration.

Officers recommend that works should be completed as soon as possible and funded in the 2021/22 year.

### Attendance

The Council meeting adjourned at 9:12pm for a five minute break, resuming at 9:17pm.



## **10 REPORTS FROM DELEGATES, DELEGATED COMMITTEE RECOMMENDATIONS AND RECORDS OF INFORMAL MEETINGS OF COUNCILLORS**

### **10.1 Reports by Delegates**

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

10.1.1 Cr Munroe reported on his attendance at the following committees:

- Municipal Association Victoria (MAV) Representatives and Chief Executive Officer forum held on 26 November 2021, where he attended on behalf of the Mayor who was unable to attend. The forum also included a workshop on proposed MAV Rule review, with roundtable workshops to be held in December 2021 and February 2022.
- Metropolitan Transport Forum meeting held on 1 December 2021, with presentations by Andrew Newman Director Strategy and Policy, Freight Victoria, and Lauren Pollock Acting Manager Supply Chain Performance, Freight Victoria, who provided an update on freight planning and policy initiatives, including rail and freight around the ports.
- Metropolitan Waste and Resource Recovery Group (MWRRG) forum held on 9 December 2021. The MWRRG has been disbanded by the State Government however has two more meetings. At the forum a motion was passed to establish a state-wide Local Government and Resource Recovery Advisory Group. Speakers at the forum included Marianne Munroe from DELWP, Simon Crawford from Wyndham City Council and April Williams from Monash City Council.

10.1.2 Cr Skilbeck reported on her attendance as a delegate at Whitehorse Manningham Library Board meeting held on 8 December 2021, where she was re-elected Chair.

10.1.3 Cr Davenport reported on his attendance as a delegate of the Audit and Risk Committee at an introduction meeting with the new audit service provider RSD Audit held on 1 December 2021.

10.1.4 Cr Massoud reported on her attendance as a delegate at:

- The Audit and Risk Committee introduction meeting with the new external audit service provider RSD Audit held on 1 December 2021.
- The Whitehorse Disability Advisory Committee meeting held on 1 December 2021.

10.1.5 Cr Lane reported on his attendance as a delegate at the Whitehorse Manningham Library Board meeting held on 8 December 2021, and congratulated Cr Skilbeck on her re-appointment as Chair.

- 10.1.6 Cr Liu reported on her attendance at the Eastern Region Group meeting held on 10 December 2021, where Mayor of Manningham Cr Michelle Kleinert was appointed Chair and Cr Liu was elected as Deputy Chair for the year ahead.

Cr Carr sought the Mayor's indulgence, in congratulating the Mayor on her election as Deputy Chair to the Eastern Region Group.

### COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Lane

*That the reports from delegates be received and noted.*

**CARRIED UNANIMOUSLY**

## 10.2 Recommendation from the Delegated Committee of Council Meeting of 6 December 2021

None submitted

## 10.3 Records of Informal Meetings of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>25.10.21</b> 6:30-7:00pm	<b>Councillor Informal Briefing</b> <ul style="list-style-type: none"> <li>9.1.4 Suburban Rail Loop Update on Environmental Effects Statement Process</li> <li>9.3.1 Blackburn Cycling Club Pavilion Re-Development Proposal</li> </ul>	Cr Munroe (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green T Johnson S Cann S White J Russell C Altan R Johnson	Nil	Nil
<b>27.10.21</b> 4:30-6:00pm	<b>Heritage Steering Committee</b> <ul style="list-style-type: none"> <li>Heritage Assistance Fund (HAF) – advice on applications and allocation of funds</li> <li>Update on implementation of Heritage Framework Plan</li> </ul>	Cr Cutts Cr Stennett	A Egan I Coleman	Nil	Nil
<b>04.11.21</b> 6:30-8:30pm	<b>Budget and Annual Planning</b>	Cr Munroe Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr Liu Cr McNeill Cr Massoud Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White S Sullivan V Ferlano J Russell J Blythe R Johnston	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
<b>22.11.21</b> 6:30-7:00pm	<b>Councillor Informal Briefing Session</b> <ul style="list-style-type: none"> <li>Urgent Business</li> <li>9.1.1 Box Hill Metropolitan Activity Centre</li> <li>9.2.1 Whitehorse Manningham Library Annual Report</li> <li>9.4.1 Interim Climate Response Plan 2020-2022 Year One Progress</li> <li>9.4.4 Aqualink Box Hill Tile Rectification Project</li> </ul>	Cr Liu (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr McNeill Cr Massoud (Deputy Mayor) Cr Munroe Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White S Sullivan V Ferlaine J Russell A McCarthy C Altan	Nil	Nil
<b>29.11.21</b> 6:30-9:00pm	<b>Key Strategic Sites Workshop</b>	Cr Liu (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Lane Cr McNeill Cr Massoud (Deputy Mayor) Cr Munroe Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White S Sullivan T Peak J Paoletti	Nil	Nil
<b>6.12.21</b> <b>5.00- 7.00pm</b> <b>7.30 – 9.30pm</b>	<b>Councillor Briefing</b> <ul style="list-style-type: none"> <li>Community Engagement Handbook</li> <li>Suburban Rail Loop East - Environmental Effects Statement submission</li> <li>Major Projects Councillor Reference Group: Major Projects Progress Update</li> <li>Quarterly Performance Report July to September 2021 and Financial Report as at 31 October 2021</li> <li>Quarter One Capital Works Update</li> <li>2022/23 Capital Work Discussions</li> <li>Draft Council Agenda 13 December 2021</li> </ul>	Cr Liu (Mayor & Chair) Cr Barker Cr Carr Cr Cutts Cr Davenport Cr Lane Cr McNeill Cr Massoud (Deputy Mayor) Cr Munroe Cr Skilbeck Cr Stennett	S McMillan J Green L Letic S Cann S White V Ferlaine J Russell C Altan S Belmore N Brown  <b>Virtual</b> D Seddon R Andresson L McGuinness I Kostopoulos D Power K Marriott J Hansen A Egan T Bond	Nil	Nil

## COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

*That the record of Informal Meetings of Councillors be received and noted.*

**CARRIED UNANIMOUSLY**

## 11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Cutts reported on her attendance at the Celebrating Resilience: Whitehorse Churches Care Forum held on 25 November 2021, where Council's Manager Health and Family Services was one of the speakers.
- 11.2 Cr Massoud reported on her attendance at the Aged Care in Council Webinar: Statewide Conversation on Challenges and Opportunities held on 8 December 2021.
- 11.3 Cr McNeill reported on her attendance at the Aged Care in Council Webinar: Statewide Conversation on Challenges and Opportunities held on 8 December 2021.
- 11.4 Cr Liu reported on her attendance at the following conference and seminars:
- Aged Care in Council Webinar: Statewide Conversation on Challenges and Opportunities held on 8 December 2021.
  - Municipal Association of Victoria Mayoral Welcome and Induction 2-Day Program which was held on 9 and 10 December 2021.

### COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr McNeill

***That the record of reports on conferences/seminars attendance be received and noted.***

**CARRIED UNANIMOUSLY**

## 12 CONFIDENTIAL REPORTS

### COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Massoud

***That in accordance with Section 61 (1) and 66 (2)(a) of the Local Government Act 2020 the Council should resolve to go into camera and close the meeting for the consideration of this item, as the matter to be discussed is confidential information for the purposes of section 3 (1) 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 ( Section 3(1)(f) ).***

***This ground applies because the matter concerns the personal information of individuals.***

**CARRIED UNANIMOUSLY**

The meeting moved into camera at 9:35pm.

**COUNCIL RESOLUTION**

Moved by Cr Cutts, Seconded by Cr Carr

***That the meeting move out of camera and be reopened to the public.***

**CARRIED UNANIMOUSLY**

The meeting was reopened to the public at 9:37pm.

**13 CLOSE MEETING**

Meeting closed at 9:37pm

**Confirmed this 31<sup>st</sup> day of January 2022**

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**CHAIRPERSON**