



**WHITEHORSE
CITY COUNCIL**

Date: 31/01/2022

**Amendment C231 to the
Whitehorse Planning Scheme**
34-40, 37-43 and 42-50 Moore Road, Vermont

Council Submission
Part A

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PRELIMINARY INFORMATION

Proponent: Whitehorse City Council

Responsible Authority: Whitehorse City Council

Authorisation: 6 July 2021

Exhibition dates: 19 August 2021 to 20 September 2021

Gazette Notice: 19 August 2021

The Age Newspaper: 16 August 2021

Number of submissions: Six

Council consideration of submissions: 22 November 2021

Directions Hearing: 17 December 2021

Panel Hearing: 8 February and 9 February 2022

Council representative: Tessa Bond (Strategic Planner)

INTRODUCTION

1. Tessa Bond, Strategic Planner, represents Whitehorse City Council (Council) as the Planning Authority at this Panel hearing to consider Amendment C231 (the Amendment) to the Whitehorse Planning Scheme (Scheme) and the submissions made to it. Council has prepared the Amendment.
2. The Panel has been provided with the relevant Amendment documentation, including relevant Council reports, the details of the proposed Amendment and a copy of all the submissions to the Amendment which have been referred to it for its consideration.
3. The Amendment applies to land at 34-40, 37-43 and 42-50 Moore Road, Vermont.
4. The Amendment seeks to:
 - 4.1. Rezone the land at 34-40, 37-43 and 42-50 Moore Road, Vermont from the General Residential Zone Schedule 5 (GRZ5) to the Neighbourhood Residential Zone Schedule 3 (NRZ3).
 - 4.2. Amend the Local Planning Policy Framework at Clause 21.06 Housing by making slight adjustments to the Housing Framework Plan to include the entire Amendment area within a Limited Change Area.
 - 4.3. Amends the Local Planning Policy Framework at Clause 22.03 Residential Development to make slight adjustments to Map 1: Neighbourhood Character Precincts to include the entire Amendment area within the Bush Suburban 9 precinct.
5. The Amendment was authorised on 6 July 2021 and placed on public exhibition between 19 August 2021 and 20 September 2021.

THE AMENDMENT LAND AND SURROUNDING AREA (Panel direction 6. a)

6. The three lots which comprise the Amendment land are located at the southern end of Moore Road in proximity to the suburb boundary between Vermont and Vermont South (refer *Figure 1*).
7. Moore Road extends south from Boronia Road at its northern end to its southern termination point, adjacent to 42-50 Moore Road. Moore Road changes from a sealed road to an unsealed gravel surface adjacent to the southern boundary of 24 Moore Road. The road reservation continues south of 42-50 Moore Road to the intersection of Winswood Close and Livermore Close, however this section of the road reservation remains unmade and there is currently no intention to construct this section of the road reserve.



Figure 1: Aerial image of the Amendment area and surrounding context.

The Amendment Properties

8. The Amendment land comprises three properties, each of which are described in detail below. Photographs of the Amendment properties and surrounding area are also provided at Appendix A.
9. 34-40 Moore Road, Vermont is located on the west side of Moore Road and has an area of approximately 8,905 square metres. This property contains a single storey dwelling that is situated in the rear (west) part of the site, approximately 113 metres from the Moore Road boundary. The dwelling is known as Mirrabooka and was constructed in 1958 to a design by architectural firm, Grounds, Romberg and Boyd. It has heritage significance and is considered to be of “outstanding historical and aesthetic significance” (*City of Whitehorse Heritage Review: Building Citations, Allom Lovell & Associates*). Refer to Appendix B for a full copy of the citation.
10. Vehicle access is obtained via a crossover in the southern part of the frontage to Moore Road and a driveway that extends along the southern boundary.
11. The site contains clusters of canopy vegetation along the frontage to Moore Road, adjacent to the north boundary and surrounding the dwelling. The remaining area of the site is open grassland, which was previously used for horse agistment.
12. The land slopes downwards from the northwest corner to the southeast.
13. 37-43 Moore Road, Vermont is located on the east side of Moore Road, with an area of approximately 9,303 square metres. It contains a single storey dwelling located in the central region of the site, approximately 50 metres from the Moore Road frontage.
14. Vehicle access is provided via a crossover in the central part of the frontage to Moore Road.

15. The lot previously contained substantial vegetation cover, including numerous canopy trees along the perimeter of the site, within the front setback of the dwelling and rear garden. In October 2021 a large number of trees were illegally removed from the site and this has dramatically altered the treed landscape character of the property. This matter is separate to this Amendment process and is being investigated by the Planning Enforcement Unit at Council.
16. The land slopes down from the west (Moore Road frontage) to the east (rear boundary).
17. 42-50 Moore Road is located on the west side of Moore Road and has an area of approximately 8,860 square metres.
18. The site contains a modest single dwelling situated in the rear (west) part of the site, approximately 148 metres from the Moore Road frontage. Vehicle access is obtained via a driveway that extends almost the full length of the property. The site also contains sections of timber fencing to the north of the driveway that was formerly used for horse agistment.
19. The lot previously contained clusters of canopy vegetation adjacent to the north boundary and surrounding the dwelling. In October 2021 a number of trees were illegally removed from the site, which has significantly changed the canopy tree character of the property. The matter of the illegal tree removal is separate to the Amendment process and is being investigated by the Planning Enforcement Unit at Council.

The Surrounding Area

20. The area is characterised by a bushy landscape that is dominated by canopy trees within the road reserve and on private property. Tall canopy trees and established gardens often obscure views to dwellings and other buildings. Dwellings are generally detached or semi-detached, and heights vary, but include single storey, double storey and split level designs.
21. Most dwellings in Moore Road are setback between 6 and 10 metres from the street and are generally setback from at least one side boundary. Most dwellings contain tiled pitched roofs and are finished in brick or render.
22. There are two properties in Moore Road that are affected by Heritage Overlays being, 34-40 Moore Road (Mirrabooka) which forms part of the Amendment area, and 29-35 Moore Road, immediately to the north of the Amendment land. The adjoining property at 29-35 Moore Road is known as 'Willowbank' and according to the heritage citation, is a "*typical single-storey, double-fronted Victorian weatherboard house*". The house, built in 1958, features a hipped roof clad in galvanised steel and a verandah supported by timber posts and featuring cast iron lacework.
23. While most development in Moore Road comprises single detached dwellings on conventional sized lots, there are two multi-dwelling developments to the north of the Amendment land on the east side of Moore Road and a further unit development at 134-140 Boronia Road in proximity (refer *Figure 2*). The development at 13-17 Moore Road comprises 13 dwellings over a site area of approximately 3,850 square metres. This development was approved at the direction of VCAT in May 2012, where Council's decision to refuse the application was set aside. This development does contain two dwellings that are three storeys in height. It is important to note that this site is affected by a significant slope, with the road level being substantially higher than the majority of the property, such that these dwellings appear double storey from the streetscape.

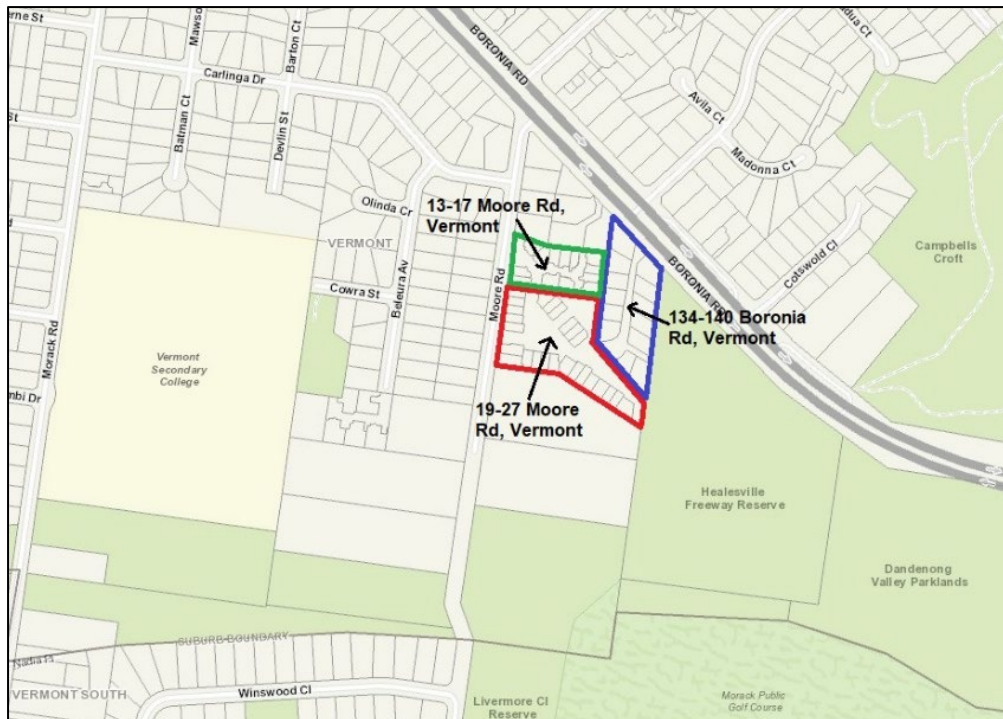


Figure 2: location of multi-unit development in the surrounding area.

24. The multi-unit development at 19-27 Moore Road was approved in 1997 and contains 25 dwellings over an area of approximately 8,658 square metres. While this development is of a higher density than the majority of properties in Moore Road, it provides considerable communal landscaping areas that feature a generous offering of canopy trees and other vegetation. This development features single and double storey dwellings with groups of attached dwellings interspersed with landscaped areas.
25. The property at 134-140 Boronia Road to the northeast of the Amendment land was completed in 2010 and contains 13 double storey dwellings that are mostly detached across a total site area of approximately 7,004 square metres. The permit (WH2004/14637) for this development was approved by Council however, an earlier proposal (WH/12953) that was lodged in February 2002 was refused by Council with this decision being upheld by VCAT.
26. Moore Road presents an informal streetscape character where the canopy vegetation within the road reserve and front gardens of residential properties dominates, partly due to a general absence of front fencing. A footpath is only provided on the west side of the road carriageway. The nearby Dandenong Creek corridor, approximately 400 metres to the east, adds to the bush suburban context of the area and is a significant public open space asset for this locality.
27. The undulating topography of the area (refer *Figure 3*) is a defining characteristic of this locality with particular areas benefitting from expansive views over the surrounding area. In the vicinity of the amendment area, the land generally falls away from a high point just north of Vermont Secondary College down towards Dandenong Creek. Land to the north of the amendment area is affected by a steeper slope, with a particularly sharp fall away from Moore Road to the east.

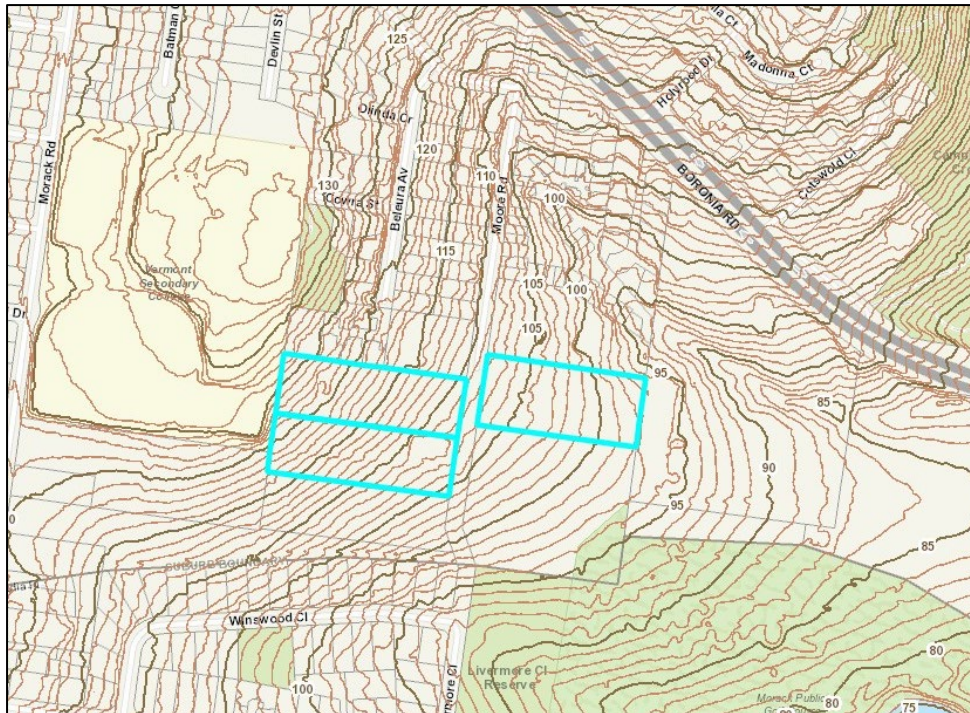


Figure 3: Topography of the Amendment area and surrounding land.

28. The surrounding area features large areas of public open space, including the Dandenong Creek and associated linear trail to the east, Campbells Croft Reserve to the northeast, as well as smaller reserves at Cobradah Reserve which adjoins the east boundary of Vermont Secondary College, and Winswood Close Reserve to the southwest, and Livermore Close Reserve to the south. The public open space offering in the area will be further enhanced by the future delivery of a 35 hectare park along the former Healesville Freeway Corridor between Springvale Road and Boronia Road and which will be immediately to the south of the amendment land.
29. Other services and facilities in the area include the Vermont Secondary College to the northeast, the Vermont Village Neighbourhood Activity Centre which is approximately 1.4 kilometres walking distance from the Amendment land, Nadrasca Farm, approximately 400 metres to the west, and Morack Golf Course which is southeast of the Amendment land. These facilities are shown in the map below.

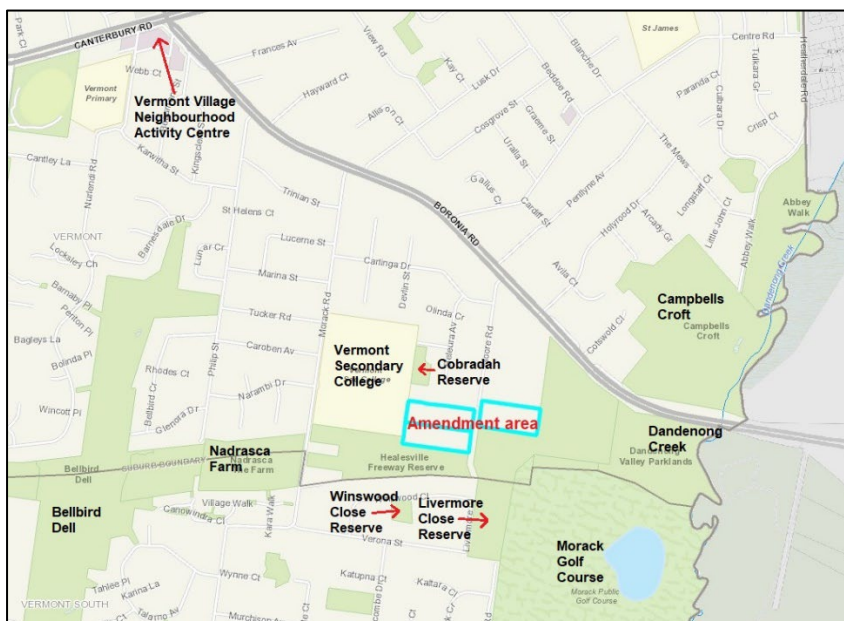


Figure 4: Services and facilities in the surrounding area

BACKGROUND TO THE AMENDMENT

30. The Amendment land is within a linear corridor that was known as the Healesville Freeway Reservation (HFR). The HFR originally encompassed land from near Riversdale Road / Station Street in Box Hill to Healesville, affecting numerous local government areas. The section of this corridor that is within the City of Whitehorse was first included in the Box Hill and Nunawading (now Whitehorse) Planning Schemes in 1969.
31. During the 1980s, the west part of the HFR between Riversdale Road / Station Street to Springvale Road was removed from the corridor and was subsequently developed for a variety of uses, including parkland and residential.
32. In 2009, VicRoads identified the HFR land between Springvale Road and Boronia Road as surplus to the road network requirements.

Chronology of Events (Panel direction 6. b)

The following provides a timeline of events relevant to the Amendment land following the 2009 statement by VicRoads.

2011

33. At a Council Meeting on 21 February 2011 Council carried a Notice of Motion seeking for the corridor to become public open space, stating that Council *"Request and lobby the Victorian Government to provide all of the Healesville Freeway land as Open Space for the community in accordance with Council's preferred option..."*. The resolution also included that Council intended to maintain *"an active role in the development of a master plan for the reservation..."*.

2012

34. In 2012, under the former Liberal State Government, VicRoads commenced a structure planning process known as the Healesville Freeway Reserve Renewal Project. This process assumed substantial housing provision in parts of the HFR.

2013

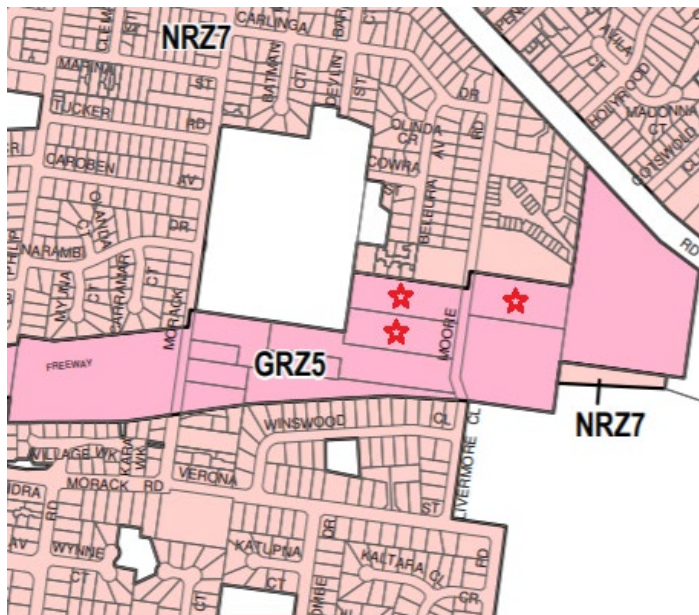
35. In November 2013, VicRoads released three concept options for the HFR for Council and public comment (refer Appendix C). All options included a substantial area for housing development, particularly for land east of Terrara Road (including the amendment land). Land identified for housing to the west of Terrara Road was identified for medium density housing, while land east of Terrara Road was intended to be of a lower density. In addition to the concept drawings, VicRoads also set out the proposed planning controls for the reserve, which were informed by feedback from Council and Council's draft Neighbourhood Character Precincts. Of particular note, is the following statement on page 6 of the VicRoads document, *"[i]t is recommended that the Whitehorse Planning Scheme be amended to apply a....Neighbourhood Residential Zone to the east of Terrara Road and a Development Plan Overlay across all residential areas"*.

2014

36. At a Council meeting on 28 January 2014, Council resolved to release an alternative vision for the HFR for public comment over a two week period in February 2014. The alternative vision was intended to form the basis of Council's submission to the VicRoads' proposed concept plans for the HFR. This report to Council also highlighted that further consideration of Council's Housing and Neighbourhood Character Review (which was in draft form at the time) was needed by VicRoads to ensure that the Structure Plan for the HFR was consistent with the surrounding residential context and preferred outcomes of the Housing and Neighbourhood Character Review.
37. On 25 February 2014, and while in opposition, the current Labor State Government made a 2014 State Election commitment to, *"...preserve the Healesville Freeway Reserve between Boronia Road and Springvale Road as public open space"*.
38. Early in 2014 Council considered its alternative vision for the HFR, which was adopted by Council at a meeting on 24 March 2014 and subsequently submitted to VicRoads. This report made reference to the Housing and Neighbourhood Character Review that was currently underway, but which excluded the HFR as the corridor was subject to a separate planning process driven at State

government level by VicRoads. Despite this, the report notes that it “*is envisaged that future rezoning of the corridor will take the context of adjoining land into account*”. The adjoining land outside of the HFR in the vicinity of the amendment land was identified for limited change and proposed in the draft Housing and Neighbourhood Character Review for rezoning to NRZ. This approach was consistent with the proposed planning controls made available to the community as part of the VicRoads concepts.

39. Council adopted the [Whitehorse Housing Strategy 2014](#) and [Neighbourhood Character Study 2014](#) on 28 April 2014. This strategic work underpinned the application of the three reformed residential zones (Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone) across the municipality as required of Victorian councils by the Minister for Planning. However, as noted, the HFR was excluded from Council’s studies as the structure planning process was being progressed for the corridor under a separate process that was driven by VicRoads at State government level.
40. In May of 2014 a meeting was held between VicRoads and Council to discuss the proposed planning controls for the HFR. While the meeting and follow-up written correspondence from Council (on 14 May 2014) primarily focused on the details of the overlay control, reference was also made to the appropriate zone and schedules for the HFR land. Specifically, this correspondence from Council recommended that NRZ with either Schedule 2 or Schedule 3 be applied to proposed residential land from Bellbird Dell to Boronia Road in order to facilitate meaningful canopy vegetation in this important corridor of land that links Bellbird Dell to Dandenong Creek.
41. On 14 October 2014, Amendment C160 applied the new residential zones to the residential areas of the City of Whitehorse. As part of amendment C160, the Minister for Planning also rezoned the Healesville Freeway corridor, including the three lots that are the subject of the current amendment, from the Residential 1 Zone (R1Z) to the General Residential Zone Schedule 5 (GRZ5) as a neutral translation (refer to *Figure 5* below). Adjacent land outside of the HFR was rezoned to NRZ7 as per Council’s *Housing Strategy* and *Neighbourhood Character Study* and empty schedule 7 applied while Council’s NRZ schedules 1 to 5 were subsequently exhibited by DELWP and reviewed by the Residential Zones Standing Advisory Committee.



42. Ministerial Amendment C200 was gazetted on 27 November 2014 and applied the Public Park and Recreation Zone (PPRZ) to two large parcels of land within the HFR (refer *Figure 6*). This amendment was an initiative of the former Liberal State Government and was approved by their Minister for Planning, but was not formerly gazetted until after the 2014 State election in which a Labor State Government was formed. Amendment C200 did not affect the land that is the subject of Amendment C231.

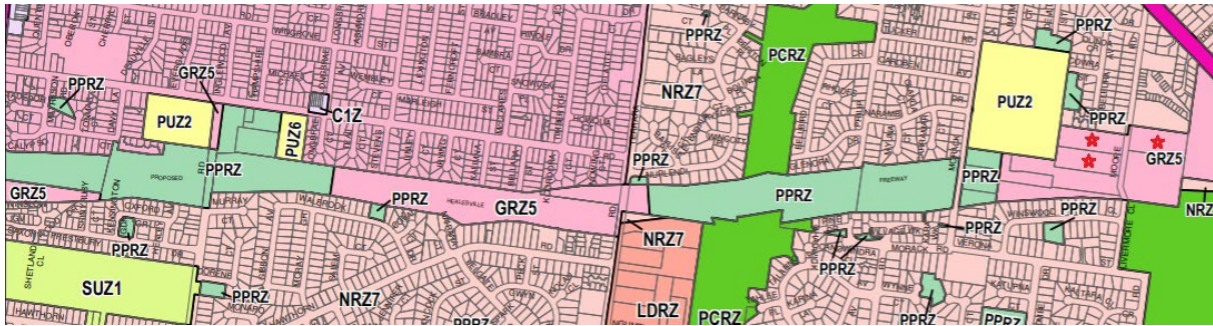


Figure 6: Amendment C200 – Extract of Map 06ZN (27 November 2014).

2015

43. Amendment C174 was gazetted on 12 November 2015 and introduced schedules 1 to 5 to the NRZ. This amendment did not revisit the application of the NRZ, but rather considered further built form guidance in areas identified for limited change. The amendment process for C174 included public exhibition and a review by the Residential Zones Standing Advisory Committee. This amendment applied Schedule 3 to the NRZ to the residential land immediately to the north of the Amendment C231 land and Schedule 5 to the residential land south of the HFR (refer Figure 7).

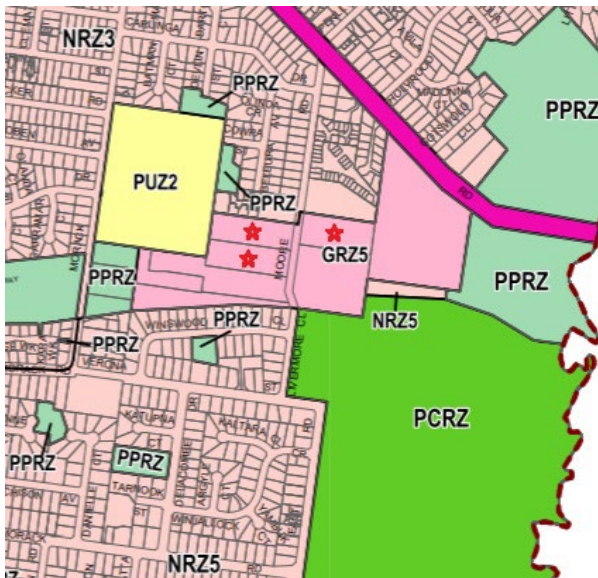


Figure 7: Amendment C174 – Extract of Map 06ZN (12 November 2015) current land use zones.

2016-2017

44. During 2016 and 2017, VicRoads began the extensive process of surrendering land titles in the HFR to the Crown, in order to enable the conversion of this land to public open space.
45. The property at 34-40 Moore Road, Vermont was placed on the market in 2017 and was subsequently sold to new owners. As part of this process, Council's Heritage Advisor prepared written heritage advice to assist Council officers (refer to Appendix D) in responding to any queries from prospective purchasers. This advice acknowledged the potential for modest additional development and subdivision to the east of the existing dwelling. It recommended that any future development in the east part of the lot should be of low density and scale, being generally limited to single storey but with potential for a two-storey component at the east end.

2018

46. On 26 February 2018, the Department of Environment, Land, Water and Planning (DELWP) advised Council that four further VicRoads landholdings in Vermont (79 and 79A Morack Road, 42-60 Moore Road and 37-43 Moore Road) were surplus to government land requirements, and were being prepared for sale. It is noted that at that time 42-60 Moore Road comprised two allotments, and VicRoads advised that the southern lot was to be surrendered to the Crown and converted to

public open space, and the northern lot (now known as 42-50 Moore Road) would be sold for residential use. Council was given an opportunity to purchase the land for public or community purposes. At the time of this notification, the Public Acquisition Overlay 3 (PAO3) still applied to the whole corridor east of Springvale Road including three of these parcels (79A Morack Road was outside of the HFR area and PAO3). Council considered that these three landholdings could not be regarded as surplus as they were integral to the creation of the linear reserve to be administered by Parks Victoria that was promised in the 2014 State Election campaign. As a result, Council did not seek to purchase the land.

2019

47. Amendment C224 to the Whitehorse Planning Scheme was gazetted on 26 July 2019 and removed the PAO3 from the HFR for land located between Springvale Road, Forest Hill and Boronia Road, Vermont South (refer *Figure 8*). As the land was not required for road purposes, the PAO3 was redundant and therefore required removal.

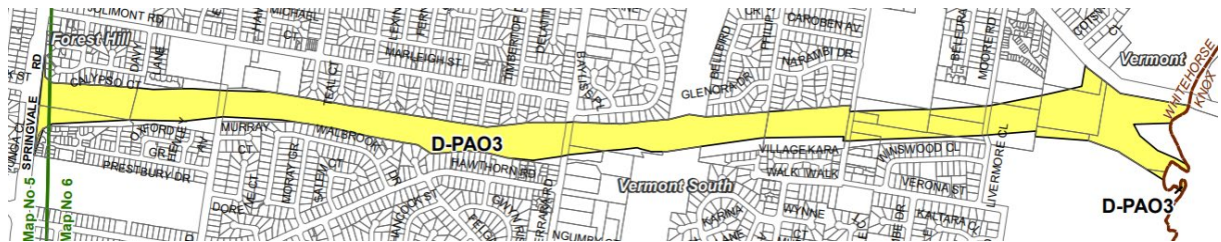


Figure 8: Amendment C224 – Extract of Maps 05 and 06 D-PAO3.

2020

48. Two of the lots that are affected by Amendment C231 (42-50 Moore Road and 37-43 Moore Road, Vermont) were publicly advertised for sale in April 2020 and were subsequently sold in June 2020.
49. On 25 May 2020 a Council resolution (refer Appendix E) was passed to progress a number of actions in relation to the HFR land. In particular, item 3b requested that the Minister proceed to 'rezone any residual land parcels east of Terrara Road, Vermont obtained for the Healesville Freeway project from General Residential Zone, Schedule 5 to Neighbourhood Residential Zone, Schedule 3'. Furthermore, item 4 sought to "request that properties at 42-50 and 37-43 Moore Road, Vermont be removed from public sale under the land use zoning in item 3 is resolved" and at item 5 "request that 42-50 Moore Road, Vermont be included in the future park for the community". In the event that the Minister did not action item 3b, item 6 states that Council will seek authorisation from the Minister for Planning to prepare and exhibit an amendment to rezone the land as per item 3b.
50. Following the Council resolution described above, Cr Sharon Ellis (Mayor) wrote to The Hon. Richard Wynne, MP, Minister for Planning (with a copy to the Minister for Roads) on 5 June 2020 requesting various actions for sections of the HFR in line with Council's resolution of 25 May 2020.
51. As the Minister did not proceed to action item 3b, Council has prepared a planning scheme amendment to rezone these land parcels. The response from the Minister for Planning dated 6 September 2020 (Appendix F) acknowledged Council's interest in the rezoning of the amendment area. The Minister for Planning advised that he had requested that the Department of Transport (DoT) work with DELWP to consider whether the current zoning of the properties would require change, but confirmed that DoT did not support a rezoning. As the GRZ applied at the time of the Minister's response, the Minister advised that, "Council will need to work with the purchasers of the properties at the planning permit stage to ensure appropriate levels of development, within the parameters of the *General Residential Zone*".

2021

52. A request for authorisation to prepare and exhibit Amendment C231 was submitted to DELWP on 5 March 2021. Authorisation was granted on 6 July 2021 and exhibition of the Amendment began on 19 August 2021 and concluded on 20 September 2021.
53. In September 2021, Parks Victoria was appointed as the land manager for the Healesville Freeway Reserve open space project. The park is expected to be completed in 2024.

STRATEGIC CONTEXT AND ASSESSMENT (Panel direction 6. c)

State Planning Policy

54. The State and regional policies in the Planning Policy Framework of the Whitehorse Planning Scheme that are of relevance to the Amendment are summarised below.
- 54.1. Clause 11.02-1S (Supply of urban land) seeks to ensure that there is sufficient supply of land for various uses, including residential. Furthermore, it recognises that planning for urban growth should give consideration to neighbourhood character and the landscape.
 - 54.2. The rezoning of the amendment land to NRZ will facilitate development that gives due regard to the valued character attributes of the area and is consistent with the established nature of the locality. It will not affect the municipality's ability to meet the forecast demand for housing as set out in Council's *Housing Strategy 2014*. Areas identified for substantial and natural change will accommodate the majority of new housing across the municipality.
 - 54.3. Clause 12.05-2S (Landscapes) seeks to "*ensure important natural features are protected and enhanced*" and that development is managed in a manner that does not detract from the landscape features.
 - 54.4. The proposed rezoning to NRZ achieves the right balance between facilitating development in a residential neighbourhood, while protecting the natural features of the sites and broader neighbourhood, which are highly valued by the community.
 - 54.5. Clause 15.03-1S (Heritage conservation) emphasises the need to maintain an appropriate setting and context for places of heritage significance and to provide for the conservation and enhancement of those places. In this regard, the most appropriate policy setting to achieve this outcome on land that is within a Heritage Overlay, is through the limited change designation and application of the NRZ.
 - 54.6. Clause 16.01-1R (Housing supply – Metropolitan Melbourne) highlights a need to provide certainty about the level of change expected in residential areas by allowing "*for a range of minimal, incremental and high change residential areas that balance the need to protect the valued areas with the need to ensure choice and growth in housing*". New housing and mixed use development opportunities are encouraged in urban renewal precincts and sites, greyfield renewal, activity centres and areas near railway stations.
 - 54.7. The proposed rezoning will provide certainty regarding the level of housing growth for this residential area, in a manner that is consistent with the adopted *Whitehorse Housing Strategy 2014*.

Local Planning Policy

55. The Local Planning Policy Framework (LPPF) of the Scheme, includes the following clauses of relevance to this Amendment.
- 55.1. Clause 21.01 (Municipal profile) discusses the integral component of trees in the residential areas of the municipality and how this aspect is a key determinant of neighbourhood character. Strong housing growth has contributed to a more diversity in housing choice, but change needs to be carefully managed to respect the character of established neighbourhoods.
 - 55.2. Clause 21.05 (Environment) emphasises the importance of tree preservation and regeneration and its contribution to neighbourhood character, amenity, wildlife, local climate, and health and wellbeing. Objectives in Clause 21.05 include to protect and enhance the treed canopy of residential areas and protect and enhance the preferred neighbourhood character and liveability of these areas. New development should be of a high quality that is compatible with the character and appearance of the locality.
 - 55.3. The proposed rezoning and designation of the entire Amendment area as the Bush Suburban 9 character type will further protect the valued landscape and environmental characteristics of this area and reinforce it as an integral component in the consideration of any future development.

- 55.4. Clause 21.06 (Housing) acknowledges the high amenity residential areas throughout the municipality and the community desire to maintain this and preserve heritage and other special character attributes. It establishes areas of housing change (substantial, natural and limited change) and identifies character precincts (Garden Suburban, Bush Suburban and Bush Environment) across the residential areas of the municipality, in accordance with the Housing Strategy 2014 and the Neighbourhood Character Study 2014.
- 55.5. Of particular relevance to this amendment is the Vision (Clause 21.06-2) which refers to *“preserving areas of valued character and vegetation or landscape significance”*, and the Key Housing Principles, which include *“Limit residential growth in areas of valued landscape or built form character, and/or with infrastructure limitations”*.
- 55.6. Under the Housing Framework Plan, the Amendment land is partially within a Limited Change Area. In addition, the property at 34-40 Moore Road is affected by a Heritage Overlay (HO) where the heritage significance is to be preserved in any new development. The objectives of Limited Change Areas are:
- *Conserve and enhance those elements which contribute to the valued environmental, heritage and neighbourhood character of the place;*
 - *Ensure that new development protects and reinforces the environmental, heritage values and / or preferred future character of the area;*
 - *Ensure new development mainly takes the form of renovations to existing houses, replacement of single dwellings with new dwellings and some limited medium density development.*
- 55.7. Clause 21.06-3 confirms that the Neighbourhood Residential Zone should be applied to Limited Change Areas and the General Residential should be applied to Natural Change Areas.
- 55.8. This Amendment gives effect to the implementation aspect of Clause 21.06 by rezoning the land in accordance with this direction.
- 55.9. Clause 22.01 (Heritage Buildings and Precincts) applies to all heritage places that are affected by a HO and to development on properties adjacent to HOs. This policy is therefore relevant to all three lots that comprise the Amendment land: 34-40 Moore Road HO63 - Mirrabooka); the adjoining property at 42-50 Moore Road, and 37-43 Moore Road which adjoins 29-35 Moore Road (HO62 - Willowbank). Clause 22.01 seeks to preserve and maintain buildings and features of historical significance and *“ensure that new land use, development, buildings and works in and around properties and precincts subject to a Heritage Overlay is sympathetic to their significance, character, scale, design, setbacks, form and colour scheme”*.
- 55.10. In relation to subdivision, Clause 22.01-3 includes the following policies:
- *“Subdivision of a property supporting a heritage place should not adversely affect the significance of the heritage place or other features protected by the Heritage Overlay;*
 - *The subdivision layout should maintain the original setting of the heritage place, including the retention of original garden areas and or other such features that create a setting for the heritage building.*
 - *Subdivision of land supporting a heritage places should conserve and enhance the heritage place.”*
- 55.11. In relation to new buildings and works, Clause 22.01-3 states that new buildings or works should conserve and be sympathetic to the heritage building in a manner that *“relates to the original features and form of the building”*. A development on a site adjacent to a HO protected property should also be sympathetic to the form, scale, setbacks and materials of the adjoining heritage place.
- 55.12. Clause 22.01-4 sets out a series of performance measures that would be applicable to future development at 34-40 Moore Road and 42-50 Moore Road. These measures relate to

subdivision, demolition or removal of a building, new buildings and works, external alterations, external painting, and trees and hedges.

- 55.13. Clause 22.03 (Residential Development) builds on the content of Clause 21.06 and seeks to ensure that residential development is consistent with the three categories of housing change that have been identified in the Municipal Strategic Statement. In Limited Change Areas development should predominantly be in the form of detached and semi-detached housing that “*respects the appearance of surrounding development and the environmental, heritage, and neighbourhood character values of the area*”.
- 55.14. Map 1 of Clause 22.03 comprises the Neighbourhood Character Precincts map and includes the amendment land within and adjacent to the Bush Suburban 9 (BS9) precinct. The BS9 preferred character statement reads as follows:

The bushy landscape character afforded by substantial native shrubs and tall canopy trees will remain a key characteristic of the area. Modest dwellings will continue to be partially hidden behind vegetation, and adhere to the regular setback patterns of the street. Buildings will be absorbed into the vegetation-dominated landscape and reflect the topography by being designed to step down the site and follow the contours.

The streetscape will retain an informal character due to the lack of front fencing and dominant landscape surroundings. The tall, native eucalypts in streets and private gardens will continue to provide a significant contribution to the tree canopy across the precinct. Properties abutting and close to the Dandenong Creek corridor will contribute to the bushy landscape character of the public realm, incorporating large canopy trees and native vegetation.

The openness of the streetscape will be enhanced by the absence of front fencing, or low open style front fences, allowing views into private gardens.

The areas within this Precinct will be investigated for possible inclusion in the Bush Environment character type.

- 55.15. This amendment proposes to include the entire Amendment area within the BS9 precinct residential area.
- 55.16. Clause 22.04 (Tree Conservation) reinforces the integral element that trees provide to the neighbourhood character of an area, and seeks to ensure the retention of existing trees and provision of sufficient space to accommodate new planning and regeneration. Under Clause 22.04 it is policy that “*all trees that are sound in health, reasonable in structure, of an appropriate species, and are in a location that can be reasonably designed around be retained*”.

Existing Zones and Overlay Controls

General Residential Zone

56. The three properties are currently located in the GRZ and are affected by its Schedule 5. The adjoining land to the south is also currently zoned GRZ5 but is proposed to be rezoned to PPRZ to create a regional park along the former HFR. Council understands that DELWP is managing the rezoning of the land to the south of the amendment area (this is discussed further below).
57. Schedule 5 is an empty schedule with no variations to the standards of Clause 54 and Clause 55 specified.
58. The purpose of the GRZ is:
- *“To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage development that respects the neighbourhood character of the area.*
 - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”.*

Heritage Overlay

59. 34-40 Moore Road, Vermont is affected by Heritage Overlay 63 (HO63). HO63 is a site specific Heritage Overlay that applies to the 'Mirrabooka' residence. HO63 was applied under Amendment C3 (Part1) to the Whitehorse Planning Scheme, which was gazetted on 7 June 2001. HO63 is therefore one of the earlier Heritage Overlay controls to be implemented following the amalgamation of local government areas.
60. The dwelling was designed by architectural firm, Grounds, Romberg and Boyd, and was constructed in 1958. It is considered to be of historical and aesthetic significance, with the house and rear garden being a fine example of contemporary architecture in the late 1950s (*City of Whitehorse Heritage Review: Building Citations, Allom Lovell & Associates*). The dwelling graded 'A' for its significance, the highest grading possible for a building at that time, and which indicated that the building may be of State significance.
61. The heritage citation provides the following statement of significance:

Mirrabooka... is of outstanding historical and aesthetic significance. The form of the house, the use of materials, and the rear garden typify contemporary architecture of the late 1950s. It is an extremely fine example of the domestic work of the renowned architectural firm of Grounds, Romberg & Boyd, and of particular note for the way in which the individual design input of both Robin Boyd and Roy Grounds is clearly discernible. It is also of note for its association with important designers Grant Featherstone (furniture) and John Stevens (landscape).

62. It is noted that no additional controls apply to the property under the schedule to the Heritage Overlay.

Significant Landscape Overlay

63. All three properties are affected by the Significant Landscape Overlay (SLO) Schedule 9 (SLO9). The SLO9 is a 'blanket' tree control that was first introduced in 2018 and relates to neighbourhood character areas not affected by Schedules 1 to 8 of the SLO. The SLO9 has been applied on an interim basis until 24 June 2022 while the State Government completes a review of the Significant Landscape Overlay (SLO) in the Victoria Planning Provisions as part of the urban cooling and greening initiative. The SLO9 expiry date has been extended on numerous occasions.
64. The landscape objectives of the SLO9 include to retain and enhance the canopy tree cover of the Garden and Bush Suburban Character Areas and ensure that development is compatible with the landscape character of the area.
65. In relation to Bush Suburban Neighbourhood Character Areas, the SLO9 provides the following statement of nature and key elements in the landscape:

The Bush Suburban Neighbourhood Character Area generally has a mix of formal and informal streetscapes with wide nature strips and streets are dominated by vegetation with buildings partially hidden behind tall trees and established planting.

Gardens are less formal, consisting of many canopy trees and property boundary definition can be non-existent or fenced. Buildings appear detached along the street and generally comprise pitched rooftops, with simple forms and articulated facades.

Whitehorse Housing and Neighbourhood Character Study

66. The *Whitehorse Housing Strategy 2014* provides a framework to guide the provision of housing throughout the municipality and was adopted by Council on 28 April 2014. It is referenced in the Whitehorse Planning Scheme, notably at Clause 21.06 (Housing) and Clause 22.03 (Residential Development).
67. At the time that the *Whitehorse Housing Strategy 2014* was being prepared, the Department of Transport (formerly VicRoads) still owned the HFR land located between Springvale Road and Boronia Road and a Public Acquisition Overlay (PAO) still applied to the HFR corridor. A Structure Plan was being prepared by State Government for the future use of the land. The HFR was therefore excluded from the *Whitehorse Housing Strategy and Neighbourhood Character Review* due to the State Government driven structure planning process that was already underway.

68. Despite the HFR being excluded from the Housing Strategy, it is relevant to consider the strategies and directions outlined for the land immediately adjacent to the HFR. As indicated on the Housing Framework Plan below (*Figure 9*), the Amendment properties (indicated by the larger red dot) are surrounded by land to the north and south, where beyond the former HFR reservation, is within a Limited Change Area.

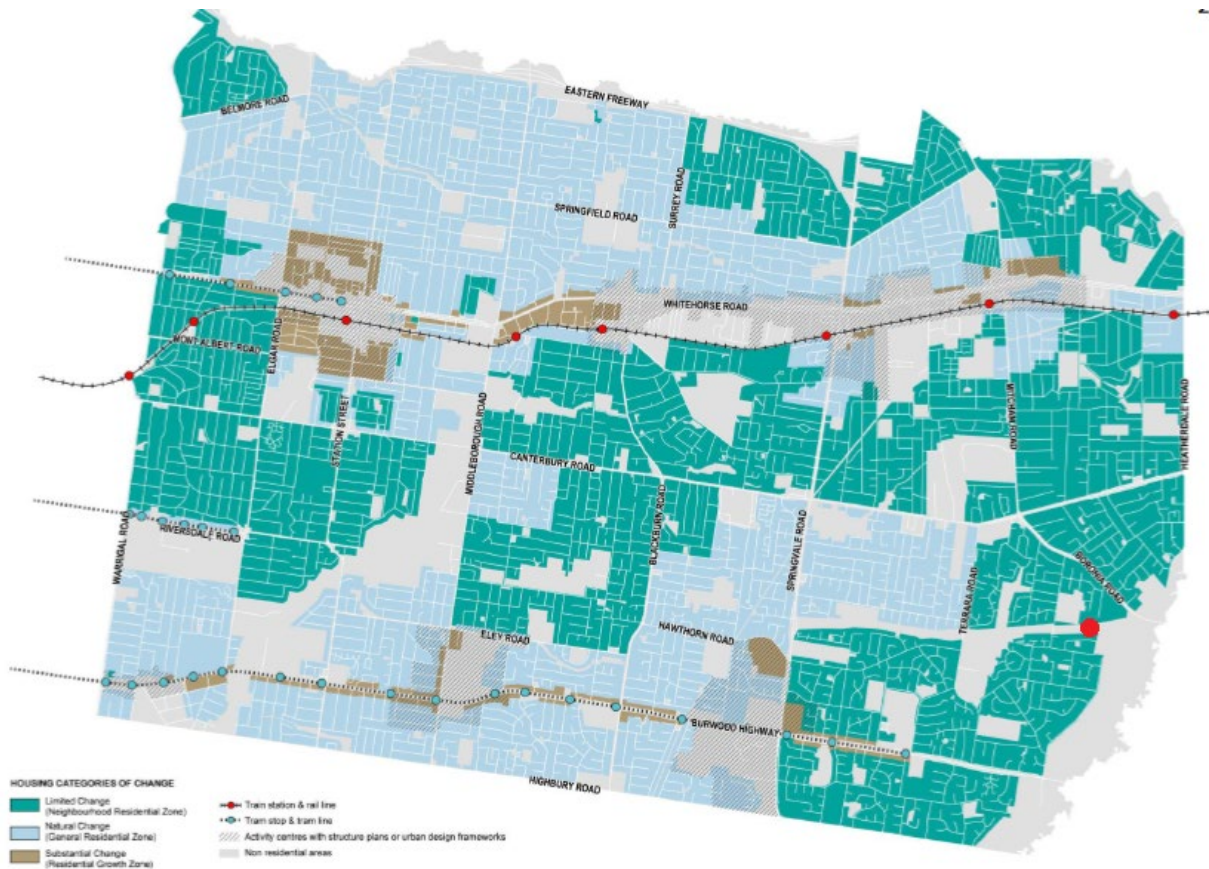


Figure 9: Housing Framework Plan (Whitehorse Housing Strategy 2014).

69. As outlined under Section 5.3 of the *Whitehorse Housing Strategy* 2014, the areas classified as Limited Change comprise areas that have significant and established neighbourhood character, heritage, environmental, landscape values. This includes areas nominated as Bush Suburban Character Areas and all individual sites within a HO.
70. Limited Change Areas represent the lowest level of residential change and growth, with the preservation of their significant character and environmental integrity being of highest priority. Any new development must respect and preserve the valued characteristics of the established character. New development should predominantly be in the form of renovations to existing buildings, replacement of single dwellings (where not constrained by heritage controls) and some limited medium density development. New residential development should comprise detached and semi-detached dwellings that respect the scale and appearance of the surrounding area, including its environmental, heritage and neighbourhood character values.
71. Natural Change Areas allow for modest housing growth and a variety of housing types, including medium density forms of housing (but excluding apartments), if they achieve the preferred future neighbourhood character. Housing types in natural change areas may include detached and semi-detached dwellings, townhouses, row or terrace houses and units.
72. The HFR land (land within the PAO3) was identified as non-residential land under the *Whitehorse Neighbourhood Character Study* 2014 due to the State Government structure planning process as noted above. While the HFR land was not identified as residential land, it was still included within a neighbourhood character precinct and is considered relevant to this amendment (refer *Figure 10* below).

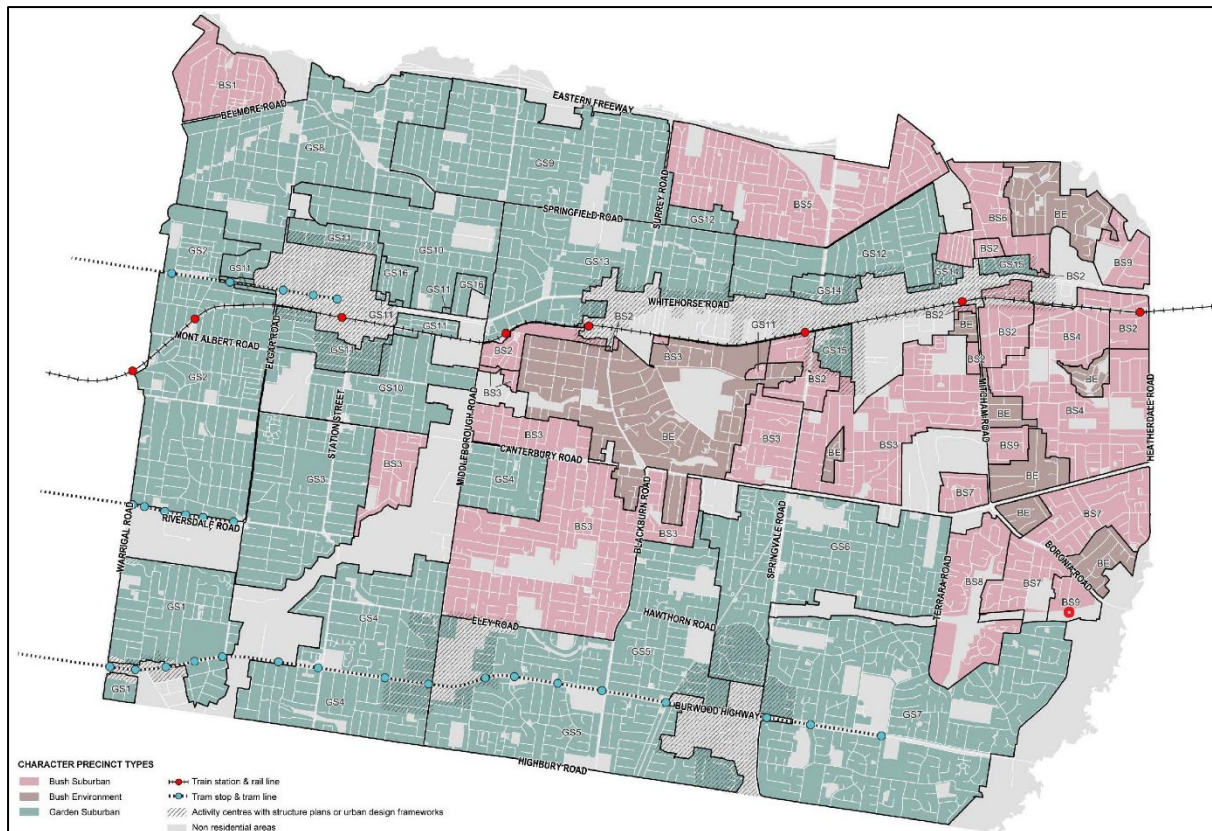


Figure 10: Neighbourhood Character Precincts Map (Source: Neighbourhood Character Study 2014)

73. The *Whitehorse Neighbourhood Character Study 2014* provides direction for future development in residential areas by defining character types and precincts. Each precinct has a preferred character statement and set of guidelines that address character elements such as gardens and landscaping, siting, lot size, building height and form, and materials and design detail.
74. The *Whitehorse Neighbourhood Character Study 2014* was adopted by Council on 28 April 2014 and is referenced under Clauses 21.06 and Clause 22.03 of the Whitehorse Planning Scheme.
75. The land to which Amendment C231 applies, is situated within the BS9 Precinct, as indicated by the map extract (Figure 11) below.



Figure 11: Bush Suburban Precinct 9 – Precinct Map (Neighbourhood Character Study 2014)

76. The preferred character statement (refer to Appendix G for a full copy) for this precinct references the following key elements:

- The dominance of tall canopy trees will remain a key characteristic of the bushy landscape;
- dwellings will be modest in size and partially obscured by vegetation;
- tall, native trees within streets and private gardens will enhance the bushy character;
- regular setback patterns will be maintained.

77. The statement for BS9 also includes the following guidelines.

- site coverage should not exceed 40%;
- permeable surface coverage should achieve a 40% minimum;
- buildings should not exceed two storeys (8 metres) in height;
- side setbacks should be at least 1 metre from one side boundary and at least 3 metres from the other side boundary;
- a separation of at least 3 to 4 metres should be provided between dwellings on the site;
- buildings should be set back a minimum distance of 5 metres from the rear boundary;
- private open space that is at least 5 metres by 5 metres should be provided to each dwelling;
- buildings should be setback from a park interface;
- the minimum subdivision area should be 320 square metres;
- at least two canopy trees with a mature height of 12 metres should be planted.

78. The preferred character statement and guidelines for the BS9 Precinct are reflective of a limited change precinct where development must be managed to ensure that it does not detract from the valued character elements of the precinct.

Neighbourhood Character Study Recommendations

79. The *Whitehorse Neighbourhood Character Study 2014* also identified two precincts for further investigation, including the Bush Suburban 9 area. It was recommended that the areas within this precinct be investigated for inclusion in the Bush Environment character type. Furthermore, it was also recommended that the precinct be considered for further significant landscape overlay controls once additional investigation had been carried out. This further investigation of the Bush Suburban 9 precinct has not yet been initiated, due to the municipal wide Significant Landscape Overlay Schedule 9 (SLO9), pursued by Council which now covers the Amendment land.
80. The SLO9 was first introduced in February 2018 by Amendment C191 which applied the SLO9 on an interim basis while Council undertook further strategic work to implement the control on a permanent basis. Various amendment numbers subsequently extended the interim control, and Amendment C219 (which was exhibited as the permanent control) amended the SLO9 but was ultimately still only given interim status by the Minister for Planning because of the State-wide urban cooling and greening work that includes a review of the Significant Landscape Overlay in the Victoria Planning Provisions. The SLO9 will expire after 24 June 2022 however, Council anticipates the SLO9 expiry date being extended at least until this State Government work is completed. If SLO9 ultimately expires and a suitable State control is not introduced, then Council would undertake further investigation and strategic work in accordance with the recommendations of the *Whitehorse Neighbourhood Character Study 2014*.

Residential Zone Application and Anticipated Development Outcomes for the Amendment Land

81. The Amendment proposes to rezone the land to NRZ3 and extend the Limited Change Classification and BS9 classification to encompass the entirety of the Amendment land.
82. While Council considers that Limited Change is the most appropriate classification for the Amendment land, and reflects the intentions and outcomes of the *Whitehorse Housing and Neighbourhood Character Review 2004*, all three Amendment properties are considerably larger than conventional lots and can accommodate multiple dwellings subject to an adequate design response.
83. The *Whitehorse Housing Strategy 2014* was underpinned by extensive research and assessments, including a capacity analysis and dwelling growth projections. This analysis confirmed that there was more than adequate capacity under the housing categories of change designations to accommodate the projected dwelling growth. While these projections were prepared a few years ago, it is important to acknowledge that the two dwelling limit in the NRZ has since been removed, thereby increasing capacity in areas zoned NRZ. Furthermore, the three properties that form the Amendment land were excluded from this housing growth analysis as they were within the Healesville Freeway corridor.
84. It is acknowledged that Clause 22.03-4 (Categories of housing change) recommends limiting development to two dwellings on lots located within Limited Change Areas. This statement related to the two-dwelling limit which was originally included in the NRZ when it was first introduced into the Planning Scheme. This limit has since been removed and no dwelling limit has been introduced into Schedule 3 to the NRZ. Furthermore, this statement within Clause 22.03-4 will be removed as part of the Planning Policy Framework translation process as it is no longer applicable.
85. Pre-application advice for proposed developments at 34-40 Moore Road and 42-50 Moore Road has been provided by Council officers over the last few years. This advice has consistently reinforced the importance of preserving the Bush Suburban character with an emphasis on vegetation retention, internal dwelling separation and preserving the significance of the heritage building at 34-40 Moore Road. Pre-application advice has recommended detached dwellings with recessive first floors and generous landscaping within common property and private lots.
86. In relation to Mirrabooka (34-40 Moore Road, Vermont) the advice from Council's Heritage Advisor prepared in 2017 (refer Appendix D) is still relevant and provides clear parameters regarding future

development of this lot. The following key guidelines are of relevant to any future development on this property:

- The existing house and its immediate environs, including the garden to the west and an area extending a minimum of 15 metres to the east (refer to Figure 12 below), be retained in a single lot and continue to be subject to the permit requirements of the Heritage Overlay.
- Future development to the east part of the existing lot, be of low density and low in scale, single-storey to the west section with potential for 2-storey at the east end (refer to Figure 12 below).
- The design of new buildings within boundaries of the existing lot be appropriate to the semi-rural character of the area, and preferably reflect the cutting-edge architecture exhibited at Mirrabooka at the time of its construction.
- The location of the drive is not considered to be significant and may be modified to suit future development, however the approach to Mirrabooka should serve to highlight the east elevation of the house.
- Consideration be given to the retention of the existing trees to the perimeter of the east end of the lot, particularly along the Moore Road boundary.

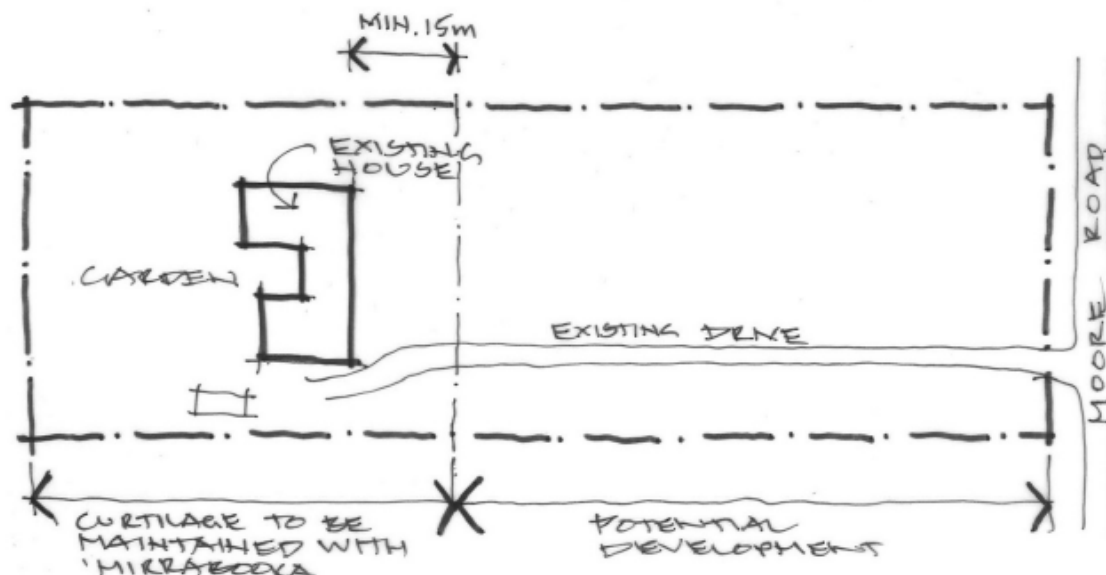


Figure 12: Extract from Mirrabooka heritage guidance prepared by Council's Heritage Advisor 2017

87. Any future development on any the Amendment land must go through a full planning permit application process and be subject to a thorough assessment against the relevant provisions of the Scheme. It is Council's expectation that any future development would incorporate the following key elements:

- 87.1. Multiple dwellings set within bushy surrounds with native shrubs and tall canopy trees partially hiding the buildings;
- 87.2. Retention of established and mature trees and provision for the planting of new trees and substantial vegetation;
- 87.3. A maximum dwelling height of two storeys that sits below the canopy height and with the upper floor to be well articulated;
- 87.4. An informal layout with a curvilinear driveway;
- 87.5. Separation between dwellings in the order of 3 to 4 metres with space for canopy planting to reinforce the Bush Suburban character;

- 87.6. A design response that respects the significance of the Mirrabooka heritage place by adopting the guidance provided by Council's Heritage Advisor and through the inclusion of a landscaped screen at the northern boundary of 42-50 Moore Road;
- 87.7. A design response that respects the heritage significance of the HO property at 29-35 Moore Road, Vermont (HO62 - Willowbank);
- 87.8. A sensitive response to the adjoining future major regional park along the former HFR to the south that integrates with the public open space, provides opportunities for passive surveillance, and incorporates appropriate landscaping and fencing interface treatments.
- 87.9. Consideration of traffic and access arrangements and any road infrastructure upgrades adjoining the lots.

Planning Policy Framework Translation

- 88. The Planning Policy Framework (PPF) translation for the Whitehorse Planning Scheme is currently in progress. Council is pursuing a policy neutral translation that would be implemented using an expedited planning scheme amendment process under section 20(4) of the *Planning and Environment Act 1987*.
- 89. Council received a first draft of the PPF local content from DELWP in December 2020. Following Council officer feedback, a partial second draft was provided by DELWP at the end of June 2021.
- 90. Council officers are continuing to work through the draft clauses and met with DELWP officers a number of times towards the end of 2021 to progress the translation.
- 91. A series of workshops with officers at DELWP has been scheduled for mid-February 2022. It is anticipated that the PPF translation will be finalised soon after these workshops if all outstanding matter are resolved. A report to Council would then follow and recommend Council endorse the PPF translation and support a Ministerial Amendment under 20(4) of the *Planning and Environment Act 1987*.

Rezoning the Balance of the HFR Land to PPRZ

- 92. It is noted that there are some parcels of land located immediately adjacent to the three subject sites that are currently located in the GRZ5. There are also GRZ land parcels further west towards Springvale Road that will form part of the future public park. Council was advised in April 2021 that DELWP, on behalf of the Minister for Energy, Environment and Climate Change intended to write to the Minister for Planning seeking his intervention through an amendment under section 20(4) of the *Planning and Environment Act 1987* to rezone a number of parcels in the HFR from GRZ5 to PPRZ. This amendment would rezone the remaining lots that form part of the future public open space linear corridor between Springvale Road and Boronia Road.
- 93. The map at Figure 13 below identifies parcels of land in proximity to the Amendment land that will be rezoned to PPRZ. It is noted that there are additional parcels further west within the HFR that will also be rezoned from GRZ5 to PPRZ.
- 94. In September 2021, Parks Victoria was appointed as the land manager for the Healesville Freeway Reserve open space project. Council officers met with officers from Parks Victoria on 27 January 2022 to discuss zoning matters and a future planning scheme amendment. Council understands that Parks Victoria is making enquiries with DELWP about progressing the planning scheme amendment process and when this may commence.
- 95. Council's position has been that DELWP is best placed to undertake the amendment for this State Government project.

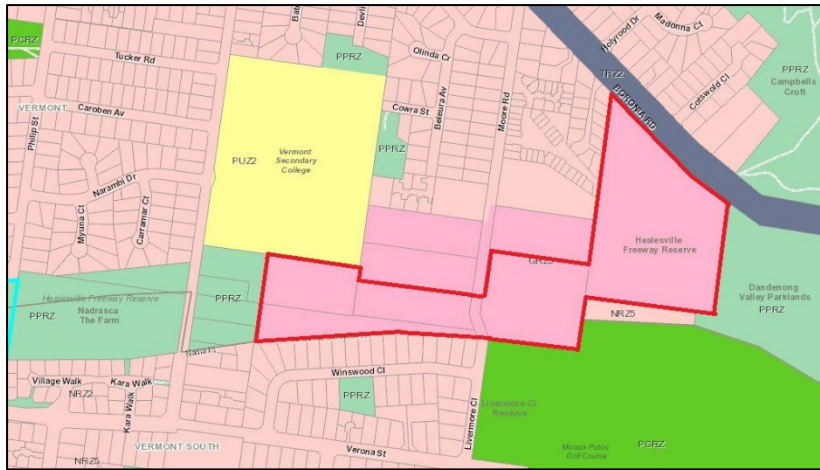


Figure 13: Land within the former HFR that will be rezoned to PPRZ

SUBMISSIONS

96. Council received six submissions in response to exhibition of Amendment C231. Five submissions were received during the exhibition period and one late submission was received. Under Section 22(2) of the *Planning and Environment Act 1987* (the Act), Council decided to accept the late submission.
97. In summary, one submission supported the proposed changes and another submission advised of no objection to the proposed Amendment. Two submissions raised concerns regarding the impact of future development on the three Amendment lots, and two submissions directly objected to the proposed zoning change. The two submissions objecting to the Amendment were the only submissions directly seeking a change to the Planning Scheme controls proposed by the Amendment.

Key Issues Raised in Submissions (*Panel direction 6. d*)

98. As noted above, two submissions directly objected to the Amendment. Both of these submissions were lodged on behalf of landowners within the Amendment area. The key issues raised across these two submissions include:
- 98.1. Impacts on property value.
 - 98.2. Reduced development potential of the amendment land.
 - 98.3. Inaction by the Minister for Planning to rezone the land to NRZ indicates his lack of support to rezone the land.
 - 98.4. Lack of strategic justification.
 - 98.5. The Bush Suburban classification is unjustified.
 - 98.6. Recommendation to retain the GRZ but consider applying a different schedule.
99. Two submissions from local residents in Moore Road raised very similar concerns around the impact of any future development on the Amendment land. The key concerns raised by these submitters included:
- 99.1. Increased traffic along Moore Road and access constraints for emergency and garbage vehicles;
 - 99.2. Impacts of future development on the neighbourhood character and amenity;
 - 99.3. Impacts of future development on environmental assets, including flora and fauna.
100. It is noted that one submission in support of the Amendment commended Council's action to pursue the rezoning, stating that Council has a thorough understanding of the municipality's residential areas, and where change and density should be directed.
101. A submission was received from the Department of Transport advising that the Head, Transport for Victoria has no objection to the proposed Amendment and no changes to recommend.

The issues raised in the submissions will be further discussed in Council's Part B submission.

Consideration of Changes to the Amendment (*Panel direction 6. e*)

102. Council considered all submissions at a Council Meeting on 22 November 2021 and no changes to the Amendment were adopted by Council. Council considers that the proposed Amendment in its current form reflects the outcomes of the *Whitehorse Housing and Neighbourhood Character Review 2014*, and will correct a zoning anomaly in the residential area of Vermont.

Appendix A
Photographs of the Amendment Properties and Surrounding Area

Photographs of the Amendment Properties and Surrounding Area



View west of 34-40 Moore Road, Vermont (Mirrabooka – Heritage Overlay 63).



View east of 37-43 Moore Road, Vermont (photo taken early in 2021).



View east of 37-43 Moore Road, Vermont (photo taken January 2022).



View west of 42-50 Moore Road, Vermont.



View from southern end of Moore Road, Vermont across Healesville Freeway Reserve towards Livermore Close.



View from southern end of Moore Road, Vermont looking east towards the Dandenong Ranges.



View north along unsealed section of Moore Road, Vermont.



View south along unsealed section of Moore Road, Vermont, adjacent to 24 Moore Road frontage.



View south along Moore Road, Vermont adjacent to the frontage of 12 Moore Road.



View south along Moore Road, Vermont, adjacent to 34 Carlinga Drive frontage Moore Road.



View south along Moore Road, Vermont from the intersection with Carlinga Drive.



View south along Moore Road, Vermont from near the intersection with Boronia Road.



View north along Moore Road, Vermont, adjacent to 42-50 Moore Road frontage.



View north along Moore Road, Vermont, adjacent to 26-32 Moore Road frontage.



View north along Moore Road, Vermont, adjacent to 12 Moore Road frontage.



View west of 8 Moore Road, Vermont.



View east of development at 13-17 Moore Road, Vermont



View east of development at 19-27 Moore Road, Vermont.



View west of development at 19-27 Moore Road, Vermont.



View of development at 134-140 Boronia Road, Vermont.

Appendix B

Heritage Citation for 34-40 Moore Road, Vermont (Mirrabooka)

| | | | |
|------------------|---------------------------------------|------------------------|-------|
| Building: | Mirrabooka | Significance: | A |
| Address: | 30-34 34-40 28 Moore Road, Vermont | Melway Map Ref: | 63 B4 |

| | | | |
|-----------------------|--|---------------------------|--------------|
| Building Type: | Residence | Construction Date: | 1958 |
| Architect: | Grounds, Romberg and Boyd (Roy Grounds) | Builder: | William Hunt |



| | | | |
|--|--|--|--|
| Intactness: | | Condition: | |
| G[<input checked="" type="checkbox"/>] F[<input type="checkbox"/>] P[<input type="checkbox"/>] | | G[<input checked="" type="checkbox"/>] F[<input type="checkbox"/>] P[<input type="checkbox"/>] | |

| | | | |
|------------------------------------|------------------------------|---------------------------------------|---|
| Existing Heritage Listings: | | Recommended Heritage Listings: | |
| Victorian Heritage Register | [<input type="checkbox"/>] | Victorian Heritage Register | [<input checked="" type="checkbox"/>] |
| Register of the National Estate | [<input type="checkbox"/>] | Register of the National Estate | [<input checked="" type="checkbox"/>] |
| National Trust | [<input type="checkbox"/>] | Heritage Overlay Controls | [<input checked="" type="checkbox"/>] |

History

The house at 28 Moore Road occupies land that originally formed part of Crown Allotment 122c, a 76-acre block on the south side of Boronia Road. From the early 1880s, the land was occupied by a farmer, Isaac Moore, whose farmhouse survives as 29 Moore Road (see separate datasheet). After his death in 1899, his vast property was subdivided into four large lots, and Moore Road was created.¹ The land was further subdivided over the following decades.

A two-acre lot on the west side of Moore Road was purchased in the late 1950s by Dr Douglas Britten Pearce, a doctor at the Epworth Hospital. The site was elevated on a rise, with spectacular views in all directions. Intending to build a new house, Dr Pearce and his wife inspected many architect-designed houses around the suburbs of Melbourne. They were particularly impressed by the work of Robin Boyd, for its symmetry, and the work of Roy Grounds, for the way that it was always well integrated with its site. The Pearces were pleasantly surprised to learn that the two architects were in fact working in partnership as the firm of Grounds, Romberg and Boyd.²

Grounds spent much time talking with the Pearces about how they wanted to live, rather than what shape the house should be, or how many rooms it should have. They wanted 'an inside/outside house, that you actually were in touch with the country around it.' Grounds was responsible for the actual house design, while Robin Boyd designed the fenestration. The design was minimalist, described by Mrs Pearce as 'almost cleverly like a picture frame hanging in the middle of the two acres . . . a frame around living. It was almost an 'un-house'. It fitted in with the way you lived, without you being aware of it. You looked behind it, or past it, all the time.'

Construction was delayed while Roy Grounds waited for his preferred builder, William Hunt, to become available. Hunt had been responsible for building many houses for Grounds, Romberg & Boyd. The house also included the input of some of the firm's other favourite consultants. Renowned modern designer Grant Featherstone created new furniture to suit the house, including tables of imported green marble, a vinyl lounge suite, and a dining table of sandblasted timber. The garden was laid out by the distinguished landscape architect John Stevens. Over 400 native plants were planted, including a row of bottle-brush shrubs along the front of the house, and a selection of wattle and gum trees.

The Pearces considered their new house to be 'a house that suited Australia - as close to the soil as you could get with an expensive house'. Appropriately, they named it Mirrabooka, which means 'Southern Cross' in an Aboriginal dialect. The house was well publicised at the time, with a plan and photograph being published in a special issue of *Architecture and Arts* journal devoted to the recent work of Grounds, Romberg & Boyd.³ The Pearces were very happy with their house, and remained living there for almost twenty years.

Description

Mirrabooka is a single-storey house in the form of three elongated narrow wings arranged in a U-shaped plan around a courtyard. It has a flat roof with wide overhanging eaves supported on projecting beams. The street facade is elevated above the ground, and has a continuous band of tripartite windows which alternately contain fixed and awning sashes. The sub-floor space between the window sills and the ground is infilled with vertical timber panelling with a honey-coloured stain.

The large block is densely landscaped with native plantings along the boundaries of the site. The rear courtyard originally contained a succulent garden which has not been inspected.

Comparative Examples

Cricklewood, 91 Morack Road, Vermont (Grounds, Romberg & Boyd, 1955)

Ednie House, 3A The Avenue, Blackburn (Grounds, Romberg & Boyd, 1956)

Silver Mist, 134 Central Road, Blackburn (Grounds, Romberg & Boyd, 1957)

Wildwood, 27 Terrara Road, Vermont (Romberg & Boyd, 1968)

Docum exist
Is it 16?

Significance

Mirrabooka, at 28 Moore Road, Vermont, is of outstanding historical and aesthetic significance. The form of the house, the use of materials, and the rear garden typify contemporary architecture of the late 1950s. It is an extremely fine example of the domestic work of the renowned architectural firm of Grounds, Romberg & Boyd, and of particular note for the way in which the individual design input of both Robin Boyd and Roy Grounds is clearly discernible. It is also of note for its association with important designers Grant Featherstone (furniture) and John Stevens (landscape).

Originally Identified By

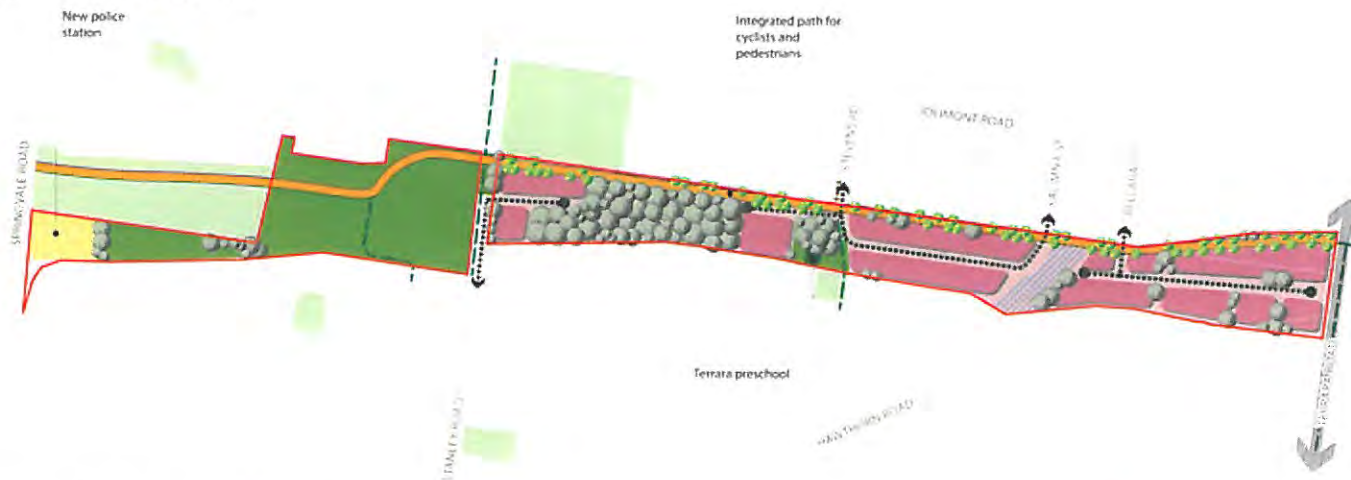
Allom Lovell & Associates

-
- 1 Lodged Plan No. 4117, declared 14 June 1899. Land and Survey Information Centre.
 - 2 Mrs Patricia Dobson (formerly Mrs Douglas Pearce), pers. comm.
 - 3 'Recent and Current Work of Grounds, Romberg and Boyd,' *Architecture and Arts*, 60 (October 1958), p 23.

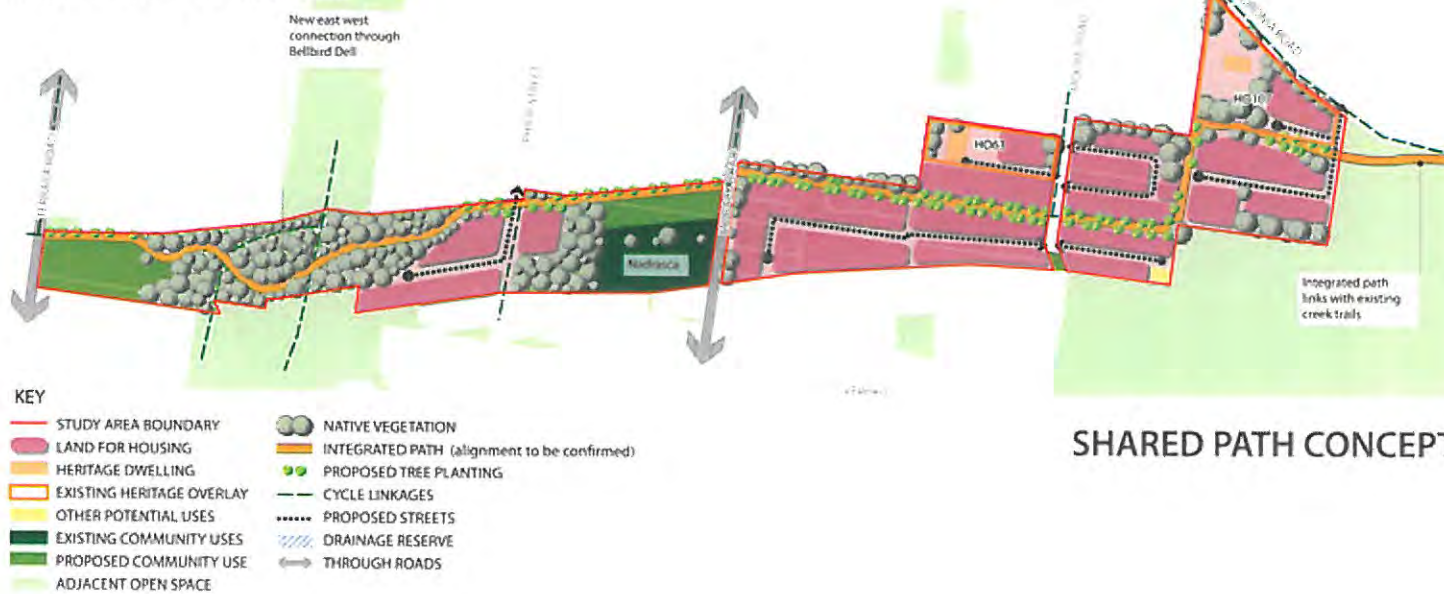
Appendix C
Healesville Freeway Reserve Concepts Prepared by VicRoads,
November 2013

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013

SHARED PATH CONCEPT: SECTION 1



SHARED PATH CONCEPT: SECTION 2



SHARED PATH CONCEPT

COMMON FEATURES OF ALL CONCEPTS:

- Preservation of significant native vegetation
- Preservation of the Bellbird Dell
- Preservation of heritage buildings
- Drainage reserve undeveloped
- Preservation of the sporting oval in Davy Lane Reserve
- Additional land in Davy Lane Reserve
- Expansion of significant native vegetation (Bellbird Dell)
- Continued operation of Nadrasca Farm at its current location
- Continued operation of Terrara Pre-School at its current location
- East west connectivity for pedestrians and cyclists
- No additional through roads
- No high density development

EXTRA FEATURES ASSOCIATED WITH THE SHARED PATH CONCEPT:

- A tree lined corridor of varying width (typically 10 metres wide) with a central shared path for pedestrian and cyclist use.
- A shared path constructed of material to satisfy safety and maintenance requirements.
- Appropriate lighting to enable the safe use of the path during the evening.

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013



SHARED PATH VISUALISATION

ARTIST'S IMPRESSION OF THE SHARED PATH:

The shared path allows people to walk and cycle from the east end to the west end of the reservation. The shared path will be planted with trees on each side, creating a mini biolink which will connect areas of significant native vegetation and enhance the environment.

This visualisation illustrates the tree lined shared path in between new residential developments.

The main features of this visualisation include:

- A tree lined corridor of varying width (typically 10 metres in width) with a central shared path for pedestrian and cycle use.
- The shared path constructed of material to satisfy safety and maintenance requirements.
- Appropriate lighting to enable the safe use of the path during the evening

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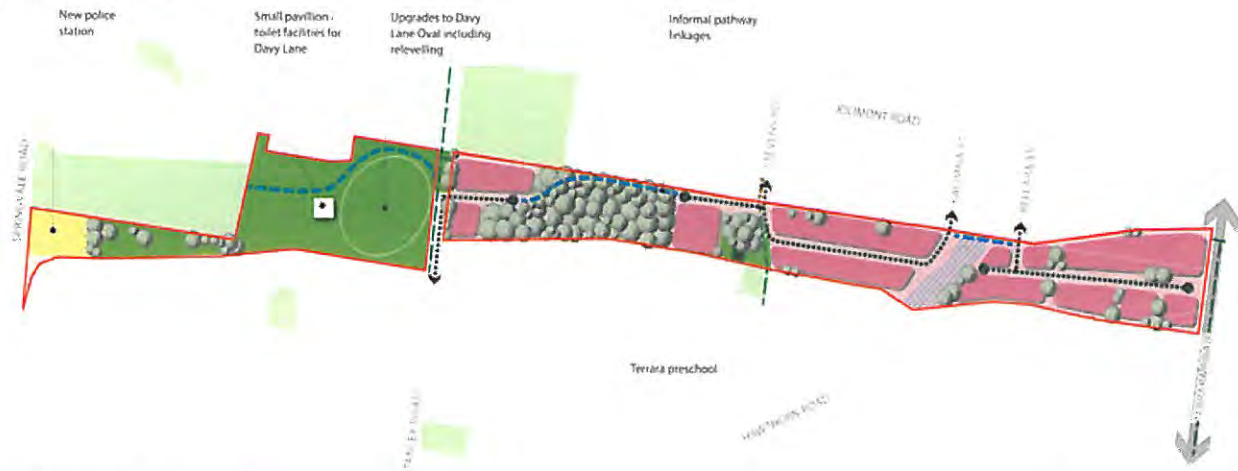
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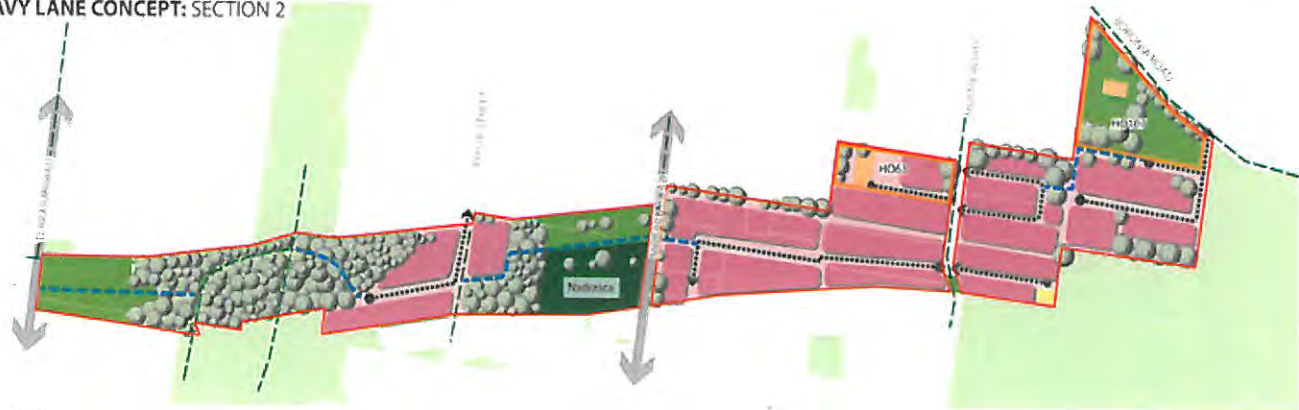
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HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013

DAVY LANE CONCEPT: SECTION 1



DAVY LANE CONCEPT: SECTION 2



KEY

| | |
|---------------------------|---|
| STUDY AREA BOUNDARY | NATIVE VEGETATION |
| LAND FOR HOUSING | INFORMAL PEDESTRIAN / CYCLE CONNECTIONS |
| HERITAGE DWELLING | CYCLE LINKAGES |
| EXISTING HERITAGE OVERLAY | PROPOSED STREETS |
| OTHER POTENTIAL USES | DRAINAGE RESERVE |
| EXISTING COMMUNITY USES | THROUGH ROADS |
| PROPOSED COMMUNITY USE | ADJACENT OPEN SPACE |

DAVY LANE CONCEPT

COMMON FEATURES OF EACH CONCEPT:

- Preservation of significant native vegetation
- Preservation of the Bellbird Dell
- Preservation of heritage buildings
- Drainage reserve undeveloped
- Preservation of the sporting oval in Davy Lane Reserve
- Additional land in Davy Lane Reserve
- Expansion of significant native vegetation (Bellbird Dell)
- Continued operation of Nadrascia Farm at its current location
- Continued operation of Terrara Pre-School at its current location
- East west connectivity for pedestrians and cyclists
- No additional through roads
- No high density development

EXTRA FEATURES ASSOCIATED WITH THE DAVY LANE CONCEPT:

- Regrading of Davy Lane oval to provide an improved playing surface
- A small pavilion including public toilets
- An area for spectators to sit and watch the sporting activities
- Trees planted to the south of the oval
- Community use of Greenways heritage site and surrounding land

ARTIST'S IMPRESSION OF THE DAVY LANE IMPROVEMENTS:

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013



DAVY LANE IMPROVEMENTS VISUALISATION

Davy Lane Reserve is currently utilised by the local community, sporting clubs and schools for sporting and leisure activities and dog walking. There are opportunities for improvements to be made to the oval within Davy Lane Reserve as the oval is situated on sloping ground and there are no public amenities such as toilets.

The main features of this visualisation include:

- Regrading of Davy Lane Reserve oval to provide an improved playing surface.
- An area for spectators to sit and watch the sporting activities.
- A small pavilion which includes public toilets.
- Trees planted to the south of the oval

ARTIST'S IMPRESSION OF EAST WEST CONNECTIVITY:

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013



EAST WEST CONNECTIVITY VISUALISATION

ARTIST'S IMPRESSION OF THE EAST WEST CONNECTIVITY:

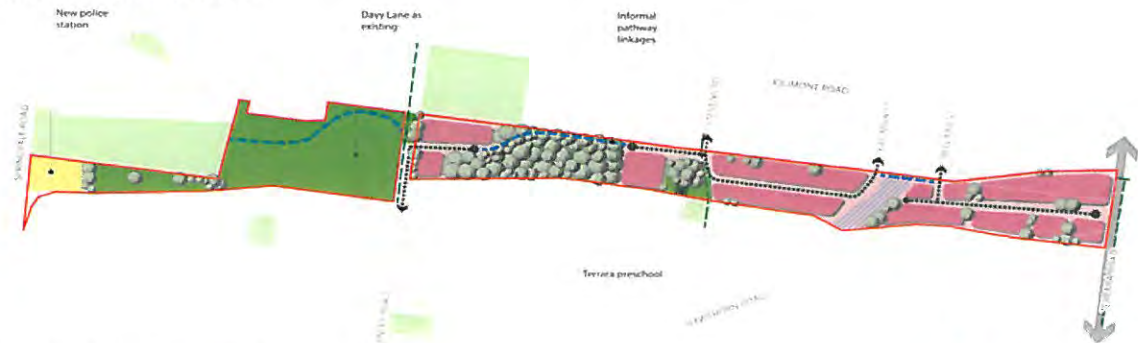
This visualisation illustrates east west connectivity through a proposed residential development which separates pedestrians, cyclists and motor vehicles. East west connectivity allows people to walk or cycle from the east end to the west end of the reservation. This is achieved by a walking path and cycling path or cycle lane on the proposed local roads.

The main features of this visualisation include:

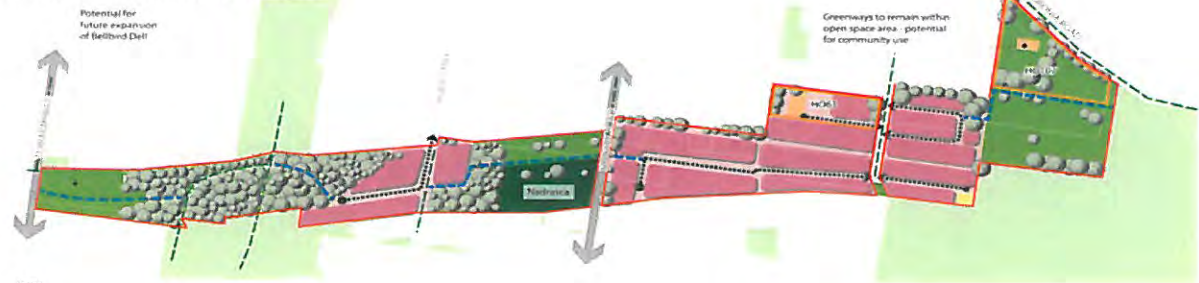
- A dedicated cycle path, separated from pedestrian and vehicle movement
- Footpaths on either side of the road

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013

COMMUNITY USE CONCEPT: SECTION 1



COMMUNITY USE CONCEPT: SECTION 2



- KEY
- STUDY AREA BOUNDARY
 - LAND FOR HOUSING
 - HERITAGE DWELLING
 - EXISTING HERITAGE OVERLAY
 - OTHER POTENTIAL USES
 - EXISTING COMMUNITY USES
 - PROPOSED COMMUNITY USE
 - NATIVE VEGETATION
 - INFORMAL PEDESTRIAN / CYCLE CONNECTIONS
 - CYCLE LINKAGES
 - PROPOSED STREETS
 - DRAINAGE RESERVE
 - THROUGH ROADS
 - ADJACENT OPEN SPACE

COMMUNITY USE CONCEPT

COMMON FEATURES OF EACH CONCEPT:

- Preservation of significant native vegetation
- Preservation of the Bellbird Dell
- Preservation of heritage buildings
- Drainage reserve undeveloped
- Preservation of the sporting oval in Davy Lane Reserve
- Additional land in Davy Lane Reserve
- Expansion of significant native vegetation (Bellbird Dell)
- Continued operation of Nadrasca Farm at its current location
- Continued operation of Terrara Pre-School at its current location
- East west connectivity for pedestrians and cyclists
- No additional through roads
- No high density development

EXTRA FEATURES ASSOCIATED WITH THE COMMUNITY USE CONCEPT:

- Community use of Greenways heritage site and surrounding land
- Community use of additional land adjacent to Boronia Road

ARTIST'S IMPRESSION OF THE EAST WEST CONNECTIVITY:

HEALESVILLE FREEWAY RESERVATION DRAFT CONCEPT NOVEMBER 2013



EAST WEST CONNECTIVITY VISUALISATION

ARTIST'S IMPRESSION OF THE EAST WEST CONNECTIVITY:

This visualisation illustrates east west connectivity through a proposed residential development which separates pedestrians, cyclists and motor vehicles. East west connectivity allows people to walk or cycle from the east end to the west end of the reservation. This is achieved by a walking path and cycling path or cycle lane on the proposed local roads.

HEALESVILLE FREEWAY RESERVATION DRAFT PLANNING CONTROLS NOVEMBER 2013

PLANNING & DESIGN

| COMMUNITY PRIORITIES | RESPONSE TO COMMUNITY PRIORITIES |
|--|--|
| There should be a mix of housing styles to meet the needs of different household types. | The proposed Residential Zones will provide for a mixture of single dwellings, units and townhouses. Apart from two areas identified for medium density housing, an average lot size of 600sqm has been proposed across the reservation. |
| Housing density should not be greater than 'medium' density unit or townhouse style development. | Two locations have been identified for limited medium density housing – east of Davy Lane and west of Terrara Road. |
| Development should be integrated with the open space network where practicable. | All of the concepts include extensive areas of open space and linking pathways. Design guidelines will require houses to face open spaces so they are not lined with fences. |
| Housing should be appropriate for the age demographics and complement the existing area. | The proposed zone will provide mainly for single houses but will include limited opportunities for second houses, units or townhouses, particularly where there is good access to transport. |
| Traffic impacts should be managed by dispersing vehicle access across the reservation. | All of the concepts have multiple access points and street lengths are limited. This will spread vehicle movements across the reservation and avoid traffic congestion and parking issues in surrounding areas. |
| There should be a focus on pedestrian safety, particularly around schools. | All of the concepts include east-west connections that will enable pedestrians and cyclists to travel along designated pathways and quiet streets rather than busy connector roads like Jolimont Road. |

PROPOSED DESIGN GUIDELINES

Design guidelines have been developed in response to feedback from previous workshops and Council’s draft Neighbourhood Character Precincts. It is recommended that the *Whitehorse Planning Scheme* be amended to apply a **General Residential Zone** to the west of Terrara Road, a **Neighbourhood Residential Zone** to the east of Terrara Road, and a **Development Plan Overlay** across all residential areas.

Together, these planning controls will apply the following design guidelines:

- Medium density housing restricted to two locations that have good access to public transport and community facilities – east of Davy Lane and west of Terrara Road.
- Maximum height for dwellings (8 metre maximum east of Terrara Road, 9 metres preferred west of Terrara Road).
- Minimum front setbacks of 6 metres from the street.
- Maximum site coverage of 50%.
- Provision of an area of private open space with minimum dimensions of 5m x 5m at ground level.
- A requirement for one canopy tree to be planted on each lot.
- Setbacks from one or both side boundaries to avoid long rows of townhouses.
- Dwellings to be setback from existing residential properties by 3 metres.
- A requirement for a positive interface with open space areas.

EXISTING ZONES



PROPOSED ZONES



Reformed residential zones for Victoria:

- The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the Victoria Planning Provisions by Amendment V8, gazetted on 1 July 2013
- They respond to present-day requirements and will give greater clarity about the type of development that can be expected in any residential area.
- The existing Low Density Residential, Mixed Use and Township Zones, amended to align with the features of the new residential zones, were introduced by Amendment VC100, gazetted on 15 July 2013 .

If you would like further information about the reformed residential zones please visit the Department of Transport Planning and Local Infrastructure website : http://www.dped.vic.gov.au/_data/assets/pdf_file/0008/197423/Reformed-Residential-Zones-fact-sheet_July2013.pdf

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- [Forum](#)

Showing Open Discussions | [See all](#)

Forum

Do have any comments about the planning controls?

Appendix D

Heritage Place Report for 34-40 Moore Road (Mirrabooka),
prepared by Council's Heritage Advisor, 2017

HERITAGE PLACE REPORT

Place: 'Mirrabooka', 34-40 Moore Rd, Vermont

By: Ian Coleman
Heritage Advisor, City of Whitehorse

Date: 3 March 2017

Background

'Mirrabooka' at 34-40 Moore Road, Vermont is included in the Heritage Overlay of the Whitehorse Planning Scheme (HO63). The property is currently being offered for sale and the following report is intended to provide guidance for Council Planners when responding to queries from potential purchasers of the properties as to the implications of the heritage overlay that applies to the property.

Description and Significance of the Heritage Place

'Mirrabooka' was designed by Roy Grounds of Grounds, Romberg and Boyd for Dr Douglas Britten Pearce and his wife in 1957-8. Roy Grounds was the principal architect, whilst Robin Boyd was apparently responsible for some of the detail including fenestration. Grounds designed the house to respond to the clients' brief to provide "an inside/outside house, that you actually were in touch with the country around it."¹

The house is single-storey in the form of three elongated narrow wings arranged in a U-shaped plan around a courtyard. It has a flat roof with wide overhanging eaves supported on projecting beams with substantial expanses of full-height glazing to the courtyard and a band of windows across the east elevation.

The property was landscaped by noted landscape architect John Stevens, whilst renowned designer Grant Featherstone created new furniture for the house. The property was well publicized at the time of its completion with a plan and photograph being published in a special issue of *Architecture and Arts* journal.

'Mirrabooka' is a particularly fine example of the domestic work of Grounds Romberg and Boyd and was identified in the *Survey of Post-War Built Heritage in Victoria* prepared by Heritage Alliance for the Heritage Council of Victoria as "probably one of Roy Ground's best residential commissions undertaken under the auspices of Grounds, Romberg & Boyd." Other notable residential projects designed by Grounds include; Quamby, 3 Glover Ct, Toorak (1941), the Henty House, 581 Nepean Hwy, Frankston (1953) and his own house at 24 Hill St, Toorak (1953). Grounds major public works included the Australian Academy of Sciences in Canberra (1953) and the National Gallery of Victoria which he worked on from 1959 until his death in 1981.

The Statement of Significance for 'Mirrabooka' in the *City of Whitehorse Heritage Review 1999* (Allom Lovell & Associates) states:

Mirrabooka, at 34-40 Moore Rd, Vermont, is of outstanding historical and aesthetic significance. The form of the house, the use of materials, and the rear garden typify contemporary architecture of the late 1950s. It is an extremely fine example of the domestic work of the renowned architectural firm of Grounds, Romberg & Boyd, and of particular note for the way in which the individual design input of both Robin Boyd and Roy Grounds is clearly discernable. It is also of note for its association with important designers Grant Featherstone (furniture) and John Stevens (landscape).

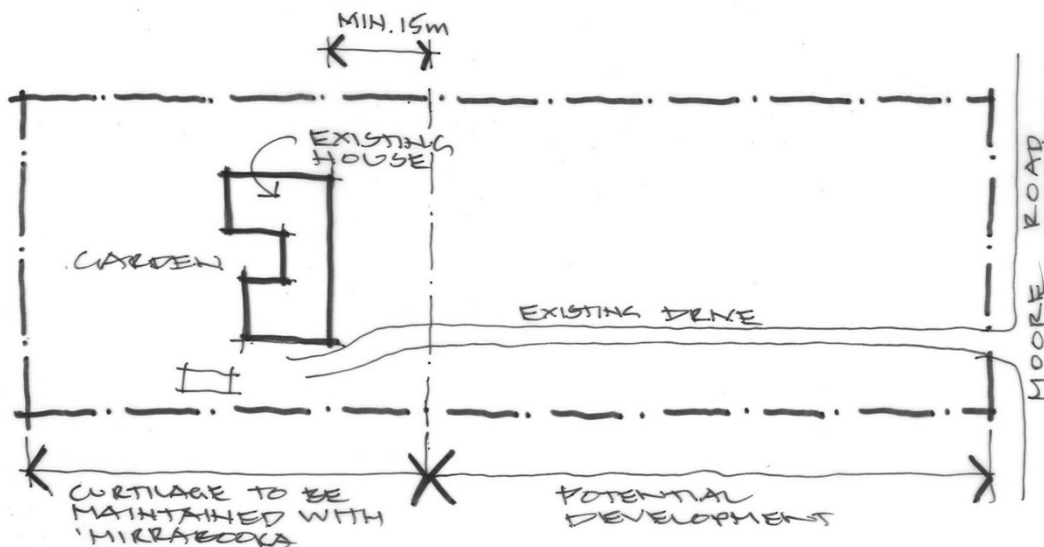
Comment and Recommendations

'Mirrabooka' is undoubtedly a property of major significance, particularly through its association with architects Grounds Romberg & Boyd, landscape designer John Stevens and furniture designer Grant Featherstone, all pre-eminent in their fields in the 1950s and 60s.

¹ From Citation for 34-40 Moore Road, Vermont, *City of Whitehorse Heritage Review, 1999* by Allom Lovell & Associates

As the house is located on a large site, it would be expected that future owners may look to subdivide or in other ways develop the property with additional buildings. Whilst the current site maintains the same boundaries purchased by the Pearce's in the late 1950s and the location reflects the intention to gain views to the Dandenong Ranges, much of the east end of the site has maintained an open appearance with now mature perimeter planting. Whilst the preferred option would be to retain this now increasingly rare large site in its entirety and its surrounding trees, there may be potential to subdivide and/or develop the east end of the site subject to the following recommended guidelines.

1. The existing house and its immediate environs, including the garden to the west and an area extending a minimum of 15 metres to the east (refer to plan below), be retained in a single lot and continue to be subject to the permit requirements of the heritage Overlay.
2. Future development to the east part of the existing lot, be of low density and low in scale, single-storey to the west section with potential for 2-storey at the east end (refer to plan below).
3. The design of new buildings within the boundaries of the existing lot be appropriate to the semi-rural character of the area, and preferably reflect the cutting-edge architecture exhibited in Mirrabooka at the time of its construction.
4. The location of the drive is not considered to be significant and may be modified to suit future development, however the approach to Mirrabooka should serve to highlight the east elevation of the house.
5. Consideration be given to the retention of the existing trees to the perimeter of the east end of the lot, particularly along the Moore Road boundary.



34-40 Moore Rd showing recommended minimum curtilage/setbacks to be retained around the existing house.

Appendix E
Extract from Council Meeting Minutes 25 May 2020



City of Whitehorse

MINUTES

Council Meeting

In accordance with the COVID-19 Omnibus (Emergency Measures) Bill 2020 – Amendment of Local Government Act 2020.

Our Council meetings remain open to the public via Live Stream only.
Please do not attend in person.

Meetings can be viewed via Council's live stream platform
<https://webcast.whitehorse.vic.gov.au/video.php>.

on

Monday 25 May 2020

at 7:00pm

Members: Cr Sharon Ellis (Mayor), Cr Blair Barker, Cr Bill Bennett,
Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport, Cr Tina Liu,
Cr Denise Massoud, Cr Andrew Munroe, Cr Ben Stennett

Mr Simon McMillan
Chief Executive Officer

Recording of Meeting and Disclaimer

Please note every Council Meeting (other than items deemed confidential under section 3(1) of the Local Government Act 2020) is being recorded and streamed live on Whitehorse City Council's website in accordance with Council's Live Streaming and Recording of Meetings Policy. A copy of the policy can also be viewed on Council's website.

The recording will be archived and made publicly available on Council's website within 48 hours after the meeting on www.whitehorse.vic.gov.au for a period of three years (or as otherwise agreed to by Council).

Live streaming allows everyone to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of Whitehorse City Council. Council therefore accepts no liability for any defamatory remarks that are made during a meeting.

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6 NOTICES OF MOTION

6.1 Notice of Motion No 130 Cr Davenport

MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council request Officers to prepare a report for the September Council Meeting cycle on the feasibility and practicality of making the South Side of Eyre Street 2hr parking (local permits excepted) for Council's further consideration.

LOST

A Division was called.

Division

| For | Against |
|--------------|-------------|
| Cr Barker | Cr Bennett |
| Cr Davenport | Cr Carr |
| Cr Ellis | Cr Cutts |
| | Cr Liu |
| | Cr Massoud |
| | Cr Munroe |
| | Cr Stennett |

On the results of the Division the motion was declared LOST

6.2 Notice of Motion No 131: Cr Bennett

That Council:

- 1. Having supported removal of the redundant Public Acquisition Overlay from the former Healesville Freeway reservation by the Minister for Planning at its meeting on the 18 March 2019 and having originally resolved on 21 February 2011 to request the Victorian government to provide the land as open space for the community, seek the Minister's urgent attention to appropriate zoning of the land including adjoining parcels forming the broader land corridor and in accordance with the Minister's letter dated 30 June 2019.*
- 2. Request that the boundary of the future regional park from Springvale Road, Forest Hill to Boronia Road, Vermont, in particular the section east of Terrara Road, be identified without delay and in consultation with Council.*
- 3. Request the Minister for Planning to intervene by urgently preparing and approving an amendment to the Whitehorse Planning Scheme under section 20 (4) of the Planning and Environment Act 1987:*
 - a) To give proper recognition to the intentions of State government by rezoning the future park to the Public Park and Recreation Zone*
 - b) To rezone any residual land parcels east of Terrara Road, Vermont obtained for the Healesville Freeway project from General Residential Zone, Schedule 5 to Neighbourhood Residential Zone, Schedule 3.*
- 4. Request that the properties at 42-50 and 37-43 Moore Road, Vermont be removed from public sale immediately until the land use zoning in item 3 is resolved.*

5. *Request that 42-50 Moore Road, Vermont be included in the future park for the community.*

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

That Council:

1. *Having supported removal of the redundant Public Acquisition Overlay from the former Healesville Freeway reservation by the Minister for Planning at its meeting on the 18 March 2019 and having originally resolved on 21 February 2011 to request the Victorian government to provide the land as open space for the community, seek the Minister's urgent attention to appropriate zoning of the land including adjoining parcels forming the broader land corridor and in accordance with the Minister's letter dated 30 June 2019.*
2. *Request that the boundary of the future regional park from Springvale Road, Forest Hill to Boronia Road, Vermont, in particular the section east of Terrara Road, be identified without delay and in consultation with Council.*
3. *Request the Minister for Planning to intervene by urgently preparing and approving an amendment to the Whitehorse Planning Scheme under section 20 (4) of the Planning and Environment Act 1987:*
 - a) *To give proper recognition to the intentions of State government by rezoning the future park to the Public Park and Recreation Zone*
 - b) *To rezone any residual land parcels east of Terrara Road, Vermont obtained for the Healesville Freeway project from General Residential Zone, Schedule 5 to Neighbourhood Residential Zone, Schedule 3.*
4. *Request that the properties at 42-50 and 37-43 Moore Road, Vermont be removed from public sale immediately until the land use zoning in item 3 is resolved.*
5. *Request that 42-50 Moore Road, Vermont be included in the future park for the community.*
6. *Undertake the necessary strategic work and seek authorisation from the Minister for Planning under Section 8(a) of the Planning and Environment Act 1987 to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the above rezoning of the former Healesville Freeway corridor, if the Minister does not progress the request in item 3b.*

CARRIED UNANIMOUSLY

Appendix F

Letter from the Minister for Planning dated 6 September 2020



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Cr Sharon Ellis
Mayor
Whitehorse City Council
379-397 Whitehorse Road
NUNAWADING VIC 3131

Ref: MIN076383



Dear Mayor

FORMER HEALESVILLE FREEWAY RESERVATION - PLANNING ZONES AND DISPOSAL OF 42-50 AND 37-43 MOORE ROAD, VERMONT

Thank you for your letter of 5 June 2020 about the Healesville Freeway Reserve.

The Government Land Planning Service (GLPS) within the Department of Environment, Land, Water and Planning (DELWP) is assisting DELWP Port Phillip Region which is preparing a planning scheme amendment to rezone the crown land parcels from *General Residential Zone* to *Public Park and Recreation Zone*. A formal request has not yet been received from the Minister for Energy, Environment and Climate Change. DELWP will liaise with council officers to include the adjacent council-owned parcels as part of this amendment.

The Department of Transport (DoT) has advised that following the First Right of Refusal process and a public marketing campaign, the two remaining parcels at 42-50 and 37-43 Moore Road have already been sold and contracts of sale have been executed. DoT considered my request for it to work with DELWP to progress a further amendment to consider whether the current zone of these properties require change, but did not support a rezoning.

DoT advises that 42-50 and 37-43 Moore Road presented ongoing risks to the adjoining communities while held in public ownership with numerous complaints received from several sources. In line with the *Victorian Government Land Transactions Policy and Guidelines 2016* (LTPG), the properties went through the First Right of Refusal process and no interest in purchasing the sites was expressed.

The properties have now been sold with the highest and best use zoning as required under the LTPG. DoT has advised that Whitehorse City Council's interest in rezoning the area from General Residential Zone was raised with potential purchasers.

Sale of the properties enables DoT to deliver on the Government's election commitment as all proceeds from the sales fund the Governments election promise including ongoing Parks Victoria management and creating improvements within the reserve.

Council will need to work with the purchasers of the properties at the planning permit stage to ensure appropriate levels of development, within the parameters of the *General Residential Zone*.

If you would like more information about this matter, please call Andrew Widdicombe, Manager Government Land Planning, Department of Environment, Land, Water and Planning, on (03) 8392 5593, or email andrew.widdicombe@delwp.vic.gov.au.

Thank you again for writing.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

06 / 09 / 2020

Appendix G
Bush Suburban Precinct 9 Guidelines

KEY EXISTING CHARACTERISTICS

- Architectural style is a mix of post-war 1950s through to 1980s dwellings, with some contemporary infill.
- Materials are a mix of brown brick and timber, with tiled roofs.
- There is a mix of dwelling heights, including double storey and split level dwellings.
- Dwellings are predominantly detached with some semi-detached infill (units and townhouses).
- Front setbacks are 4-8m, with 1-4m side setbacks from both side boundaries. Some areas have larger front setbacks of 9m or above. Rear setbacks vary from 6-16m. Some new developments have smaller rear setbacks.
- Garages and carports are generally located behind the dwelling, along the side boundary with a single crossover.
- Fronts fences are predominantly nonexistent or planted with vegetation. Where front fences exist, they are generally low (up to 1.2m) and constructed of timber or masonry.
- Gardens are established and well-planted comprising shrubs, lawn areas and mature canopy trees, including many tall, native gums that provide a significant contribution to the bush canopy of the area.
- Roads are sealed with upstanding kerbs and footpaths on both sides.
- Street trees are predominantly mixed species with regular spacing and of mixed sizes.
- The topography of the area is predominantly rolling but with hilly areas to the east.

PREFERRED CHARACTER STATEMENT

The bushy landscape character afforded by substantial native shrubs and tall canopy trees will remain a key characteristic of the area. Modest dwellings will continue to be partially hidden behind vegetation, and adhere to the regular setback patterns of the street. Buildings will be absorbed into the vegetation-dominated landscape and reflect the topography by being designed to step down the site and follow the contours.

The streetscape will retain an informal character due to the lack of front fencing and dominant landscape surroundings. The tall, native eucalypts in streets and private gardens will continue to provide a significant contribution to the tree canopy across the precinct. Properties abutting and close to the Dandenong Creek corridor will contribute to the bushy landscape character of the public realm, incorporating large canopy trees and native vegetation.

The openness of the streetscape will be enhanced by the absence of front fencing, or low open style front fences, allowing views into private gardens.

The areas within this Precinct will be investigated for possible inclusion in the Bush Environment character type.



BUSH SUBURBAN PRECINCT 9 GUIDELINES

| CHARACTER ELEMENT | OBJECTIVE | DESIGN RESPONSE | AVOID |
|------------------------------|---|---|--|
| GARDENS & LANDSCAPING | <i>To maintain and strengthen the garden setting of the dwellings and the tree canopy of the neighbourhood.</i> | <ul style="list-style-type: none"> Retain established or mature trees and provide for the planting of new canopy trees and substantial vegetation. Locate footings and paved areas outside the root zone of established trees. Prepare and implement a landscape plan that includes native and / or indigenous vegetation and trees. Provide a minimum of 40% of the site as permeable surface. Buildings should not exceed 40% site coverage. Provide for two ground level areas with minimum dimensions of 5m x 5m, for open space to accommodate substantial canopy trees. Plant at least two canopy trees with a minimum mature height of 12 metres per dwelling. Open space areas should be oriented to the north wherever possible. | <p>Removal of large, established trees.</p> <p>Loss of established vegetation.</p> <p>Inadequate space for trees/planting around buildings.</p> <p>Use of an easement or service area for the provision of space for a canopy tree.</p> |
| | <i>To maintain and strengthen the bush dominated setting of the dwellings.</i> | | |
| | <i>To minimise the loss of front garden space and the dominance of car parking structures.</i> | <ul style="list-style-type: none"> Provide only one vehicular crossover per typical site frontage. Hard paving for car parking should be minimised and substituted with permeable surfaces where possible. | <p>Car parking structures that dominate the façade or view of the dwelling from the street.</p> <p>Creation of new crossovers and driveways, or wide crossovers.</p> <p>Excessive areas of hard paving and driveways.</p> |
| | <i>To maintain the sense of openness and visibility of tree canopies in rear gardens</i> | <ul style="list-style-type: none"> Buildings should not exceed the dominant tree canopy height. Landscape plans for new developments should include canopy trees in rear gardens. | <p>Bulky development dominating the tree canopy.</p> <p>Lack of space for large trees.</p> |
| | <i>To ensure the provision of permeable and useable private open space for new dwellings.</i> | <ul style="list-style-type: none"> In addition to any new balconies or rooftops, private open space with a minimum dimension of 5m x 5m for each dwelling should be provided. Private open space should be oriented to the north wherever possible and accommodate garden planting. | Inadequate permeable private open space. |
| SITING | <i>To maintain and reinforce the rhythm of spacing between and around buildings, and the alignment of buildings along the street</i> | <ul style="list-style-type: none"> New buildings should be setback to reflect the prevailing front setbacks. Set back buildings a minimum of 1m from one side boundary, and a minimum of 3m from the other side boundary. Provide a separation of at least 3-4m between dwellings on the same site to accommodate vegetation. Set back buildings a minimum distance of 5m from the rear boundary. Carports, garages or outbuildings should be setback a minimum of 1m from the front façade of a dwelling fronting the street, with no walls on a boundary. | <p>Inconsistent siting patterns and a lack of space around buildings.</p> <p>Lack of spacing between multiple dwellings on a site.</p> |
| SENSITIVE LANDSCAPE ENVIRONS | <i>To ensure building siting makes a positive contribution to adjacent Dandenong Creek and Mullum Mullum corridors.</i> | <ul style="list-style-type: none"> Minimise the visual impact of development on the adjacent sensitive landscape area Building design should respond to the topography and minimise the need for cut and fill. Provide landscape plans that incorporate substantial use of indigenous and native trees and vegetation to reflect that in the adjacent sensitive landscape area. Minimise site coverage and hard surfaces on sites adjoining sensitive landscape environs. | <p>Buildings that are visually dominant when viewed from within the sensitive landscape.</p> <p>Buildings that do not respond to the topography.</p> <p>Excessive site coverage and hard surfaces that leave inadequate space for trees and vegetation to complement the sensitive landscape environs.</p> |
| PARK INTERFACE | <i>To ensure that new development provides a positive interface with any adjoining parks and open space.</i> | <ul style="list-style-type: none"> Design new buildings to provide a façade to any adjacent parkland to enable casual passive surveillance of the public space. Buildings should be setback from the interface boundary so as not to dominate or appear overbearing from within the parkland. | Blank walls fronting parkland space. |
| MINIMUM LOT SIZE | <i>To ensure the spacing and density of dwellings is managed to accord with housing objectives.</i> | <ul style="list-style-type: none"> The minimum subdivision area should be 320 sq. m. A permit is required for the construction or extension of one dwelling on a lot that is less than 500 sq. m. Development of single dwellings on lots smaller than 500 sq. m. should only be approved if all other guidelines are satisfied. | Lot sizes and development that does not meet the other neighbourhood character Guidelines. |
| BUILDING HEIGHT & FORM | <i>To ensure that buildings and extensions do not dominate the streetscape.</i> | <ul style="list-style-type: none"> Buildings should not exceed two storeys (8m) in height. Roof forms should incorporate eaves. | <p>Buildings that appear to exceed the predominant height of buildings in the street by more than one storey.</p> <p>Lack of eaves.</p> |
| MATERIALS & DESIGN DETAIL | <i>To encourage a building detailing that complements the landscape character of the area and ensures that the landscape dominates.</i> | <ul style="list-style-type: none"> Articulate the facades of buildings with the use of recesses, verandahs, balconies, window openings and variations in materials and colours. | <p>Blank walls and facades.</p> <p>Building materials, finishes and colours that dominate the streetscape</p> <p>Mock historical styles and 'reproduction' detailing.</p> |
| FRONT FENCING | <i>To retain views to dwellings and gardens, and complement the predominant style of front boundary delineation in the street</i> | <ul style="list-style-type: none"> No front fencing or highly permeable fencing (e.g. post and wire) up to 1m height. Use vegetation as an alternative to front fencing where possible. On main roads, higher front fences (up to 1.8m) may be constructed where they provide at least 50% permeability. | High, solid front fencing. |