



# City of Whitehorse

## MINUTES

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### Special Committee of Council Meeting

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

379 Whitehorse Road Nunawading

on

**Monday 13 April 2015**

at 8.00 p.m.

**Members:** Cr Andrew Munroe (Mayor), Cr Bill Bennett,  
Cr Raylene Carr, Cr Robert Chong AM,  
Cr Andrew Davenport, Cr Philip Daw,  
Cr Helen Harris OAM, Cr Sharon Ellis,  
Cr Denise Massoud, Cr Ben Stennett

**Ms Noelene Duff**  
Chief Executive Officer



## GUIDELINES SPECIAL COMMITTEE OF COUNCIL

### OBJECTIVE

To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with Council's Corporate Plan strategies – good governance.

### PURPOSE OF GUIDELINES

To facilitate public participation and involvement in meetings of the Special Committee. These Guidelines complement Council's Meeting Procedures and Common Seal Local Law 2013.

### PROVISION FOR PUBLIC PARTICIPATION

The public has two opportunities to participate in this meeting – either by a submission which may be heard at the start of the meeting, (i.e. **Public Submissions**, refer below) or if the item is on the agenda, immediately prior to consideration of the item, and by **Public Comment** later in the meeting. There is no public interjection during the meeting and speakers are heard in an orderly manner.

#### **Public Submissions:**

A submission may be made on any matter, providing it is not in contravention of Council's Meeting Procedures and Common Seal Local Law 2013.

A maximum of 10 speakers will be permitted to make a submission and they will be determined in order of registration.

No individual submission shall exceed three minutes.

Where submissions have been made, under the provisions of any statutory process, further submissions shall not be heard, unless the matter is listed as an item of business on the Special Committee of Council agenda.

#### **Procedures for Public Submissions:**

Persons wishing to make a submission to the Special Committee on matters other than land planning matters must directly notify the Committee Clerk, Civic Services Department by 4pm on the day of the meeting and register to speak, by telephoning 9262-6337. The person who registers to speak shall be the person who will make the submission to the Special Committee.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337. The person who registers to speak, shall be the person who will make the submission to the Special Committee.

At the time of registering to speak, that person must indicate whether he or she will be speaking in support of or opposition to any planning permit application or Planning Scheme Amendment (or proposed planning permit application or proposed Planning Scheme Amendment). The Special Committee must not listen to or read anything said by that person unless it is satisfied that, at least four working days before the day of the Special Committee Meeting, a member of Council staff has contacted the person(s) whose interests are inimical to the person who has registered to speak (eg has contacted the planning permit applicant if the person who has registered to speak has indicated that he or she will speak in opposition to the grant of a planning permit application) and invited the first-mentioned person (or a person authorised by him or her) to also register by 4pm on the day of the meeting to attend the Special Committee Meeting and speak.

Persons wishing to table written material must provide 15 copies to the Committee Clerk prior to the commencement of the meeting to enable distribution to Councillors prior to the start of the meeting. No material will be distributed during the meeting by any person, including Council staff.

Requests to speak will be registered strictly in the order of receipt. Speakers for topics not listed on the Special Committee Agenda for the meeting will be heard first, then speakers who wish to cover more than one topic (3 minutes in total, not 3 minutes per topic).

In instances where a number of persons wish to address the Special Committee on the same matter, the Chairperson at his or her discretion may request they nominate a speaker/speakers to represent them.

In accordance with Clause 48.5 of Council's Meeting Procedures and Common Seal Local Law 2013. It is not necessary for Standing Orders to be suspended to allow a person to address the Special Committee, subject to compliance with these Guidelines.

**Public Comment:**

After the "Other Business" Section of the meeting has concluded, the Mayor will invite members of the gallery to indicate by show of hands if they wish to make a comment. *Only matters pertaining to this evening's meeting are to be commented on, (i.e. a Council Officer report or presentation, and any "Other Business" matters) and a 3 minute period per speaker applies. A maximum period of 15 minutes shall be provided for public comment. The Mayor will call individuals forward to be heard and they should begin by clearly stating their name. This is a period for comment, not questions or debate and there is no opportunity for any further **Public Submissions***

**ADOPTION AND AMENDMENT OF THESE GUIDELINES**

These guidelines were adopted by resolution of Council dated 19 August 2013 and may be further amended by resolution of Council from time to time. The Chairperson at his or her discretion may vary procedures under these Guidelines, at any meeting of the Special Committee.

Meeting opened at 8.00pm

Present: Cr Andrew Munroe (Mayor), Cr Bill Bennett, Cr Raylene Carr, Cr Robert Chong AM,  
Cr Andrew Davenport, Cr Philip Daw, Cr Sharon Ellis, Cr Helen Harris OAM,  
Cr Denise Massoud, Cr Ben Stennett

## 1. PRAYER

### 1a Prayer for Council

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

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

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

**Amen.**

### 1b Aboriginal Reconciliation Statement

*"In the spirit of reconciliation we acknowledge the Wurundjeri as the traditional owners of the land on which we are gathered."*

## 2. WELCOME AND APOLOGIES

The Mayor welcomed all.

APOLOGIES: Nil

## 3. DISCLOSURE OF CONFLICT OF INTERESTS

Nil

## 4 CONFIRMATION OF MINUTES

### SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Carr

***That the Minutes of the Special Committee of Council Meeting 10 March 2015 having been circulated now be confirmed.***

**CARRIED UNANIMOUSLY**

## 5 PUBLIC SUBMISSIONS

Nil

## **6 REPORTS FROM OFFICERS**

### **6.1 Strategic Planning Update**

FILE NUMBER: SF10/90

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#### **SUMMARY**

*This report outlines progress with key strategic planning projects from October 2014 to date. The report recommends that this update report be acknowledged.*

#### **SPECIAL COMMITTEE OF COUNCIL RESOLUTION**

Moved by Cr Massoud, Seconded by Cr Ellis

***That Council acknowledge the report on progress of Strategic Planning projects.***

**CARRIED UNANIMOUSLY**

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#### **BACKGROUND**

Council's Strategic Planning Unit undertakes a range of projects that respond to the strategic planning needs of Whitehorse, updates the Whitehorse Planning Scheme and manages projects to proactively plan for future improvement, development opportunities and protection of important features and places within the City.

#### **DISCUSSION**

The following is a summary of the current status of key projects being undertaken through the Strategic Planning Unit. The last update to Council was provided to the Special Committee meeting on 8 September 2014.

Key amendments that are currently in progress and their status include:

**C110** – Council at its meeting 8 December 2014 considered the Panel's report and recommendations and resolved to support the Introduction of the Tally Ho Urban Design and Landscape Guidelines, Design and Development Overlay and Development Plan Overlay to the Tally Ho Activity Centre. Amendment C110 has been submitted to the Minister for Planning for his approval.

**C130** – The proposed Environmentally Sustainable Development (ESD) Local Planning Policy is part of a joint amendment with the Cities of Banyule, Moreland, Yarra, Port Phillip and Stonnington. The combined panel and advisory committee report which considered the submissions to all six amendments, was considered by Council on 23 June 2014 and the amendment was submitted to the Minister for Planning for approval on 3 July 2014. The Mayors of each of the six Councils recently wrote to the Minister for Planning to expedite the approval of the six amendments.

**C153** – At its meeting on 17 February 2014, Council considered a request to rezone land at 15 – 31 Hay Street in Box Hill South from Special Use Zone 1 and Public Use Zone 1 to a combination of General Residential Zone and Residential Growth Zone, and a proposed planning permit for multiple dwellings, a retirement village, a food and drink premises (café), shop and associated buildings and works on the land. Following exhibition of the amendment and proposed permit in April / May 2014, Council at its meeting 21 July 2014 requested a panel hearing to consider approximately sixty submissions received. The Panel hearing was held over five days commencing Wednesday 17 September 2014. At its meeting of 16 March 2015, following initial consideration at its meeting of 16 February 2015, Council resolved to abandon the amendment. Officers have notified the Minister for Planning of Council's decision.

## 6.1

(cont)

On 27 March 2015 the owner of the land lodged an appeal with VCAT seeking a declaration that Council failed to comply with the *Planning and Environment Act 1987* in that it failed to submit the adopted Amendment to the Minister for Planning following the 16 February 2015 Council meeting decision, that the decision to rescind the adoption of the Amendment is ultra vires, void and/or invalid and that the decision to subsequently abandon the Amendment is ultra vires, void and/or invalid. The appeal seeks a direction from VCAT that Council, as the Planning Authority, must submit the adopted Amendment to the Minister. Dates for any VCAT hearing have not been set, however a Practice Day Hearing is scheduled for 15 May 2015, at which the future conduct of the proceeding will be considered.

**C155** – Exhibition of the Daniel Robertson brickworks site Amendment commences April 16 2015. The amendment proposes to rezone the land from industrial to residential and mixed use and introduce an Environmental Audit Overlay and the Development Plan Overlay for the site. The Amendment will be exhibited for one month and submissions close 18 May 2015.

**C157** – The amendment proposes to introduce heritage overlays for 32 new heritage places identified as part of the 2012 Whitehorse Heritage Review. The heritage places consist of 29 individual places and 3 precincts. Council at its meeting 27 January 2015 considered the submissions and requested the Minister for Planning to appoint an Independent Panel to consider the amendment and all submissions. Panel hearing was held 23 - 27 March 2015. Council expects to receive the Panel's report in May 2015.

### **C158 – Box Hill Central Activities Area Car Parking Strategy 2013**

The amendment proposes to introduce a schedule which sets out particular car parking provision rates for new office and residential uses within the Box Hill Activity Centre.

Council considered twenty four submissions at its meeting of 27 January 2015 and resolved to refer the amendment and all submissions received to an independent Panel for its consideration. The panel held a Directions Hearing on 2 March 2015 and as there were no requests to be heard by the panel, no further hearings will be held. The panel will therefore prepare its report based on written submissions and the Council's response to issues identified by the Panel in its Directions. Council expects to receive the Panel's report in May 2015.

### **C159 – Corrections Amendment**

Whitehorse City Council is responsible for regularly reviewing the Whitehorse Planning Scheme. Minor errors and anomalies were identified in the Scheme that required correction via a planning scheme amendment. As they were minor in nature, they could be corrected by an amendment considered and approved by the Minister for Planning.

At its meeting on 16 February 2015, Council resolved to request the Minister for Planning consider and approve Amendment C159 to the Scheme under section 20(4) of the *Planning and Environment Act 1987* to correct ninety four (94) identified errors and anomalies in the Scheme. The amendment was lodged with the Department of Environment, Land, Water and Planning for adoption on 27 February 2015.

**C161** – A request has been received for a combined rezoning and permit application for two sites on the corner of Burwood Highway and Blackburn Road Burwood. The amendment request seeks to rezone 217-223 Burwood Highway from General Residential to Mixed Use. The application proposes to develop a Bob-Jane T-Mart tyre service centre (service industry) with separate retail showroom. It is anticipated that the request will be the subject of a future report to Council.

## **6.1**

(cont)

**C164** – This amendment proposes to introduce heritage protection for two individual places and one precinct. Exhibition of this amendment has been completed and Council resolved to:

- i. Remove 15 Hopetoun Parade Box Hill from the amendment and include it as part of amendment C157 (refer above).
- ii. Refer submissions regarding 127 Whitehorse Road Blackburn (former factory and mail sorting centre) and the Blue Flame precinct to a Planning Panel for consideration. Council received 26 submissions for 127 Whitehorse Road and 5 submissions for the Blue Flame Precinct. Council at its meeting 16 February 2015 resolved to delete the proposed heritage overlay at 127 Whitehorse Road as recommended by the Panel.

Council at its meeting 16 March 2015 resolved to abandon the proposed overlay to the Blue Flame precinct.

### **C166 – Nunawading Primary School**

The Department of Education and Early Childhood Development sought to rezone the land occupied by the former Whitehorse Primary School (Nunawading Campus) at 96 – 106 Springvale Road, Nunawading from the Public Use Zone (Schedule 2 – Education) to the General Residential Zone.

At its meeting on 18 August 2014, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to rezone the land. Shortly before exhibition of the Amendment in November 2014, the Department asked to suspend the amendment indefinitely due to the ongoing discussions about the future use of the site.

### **C165 – 845 - 851 Whitehorse Road, Box Hill (Spotlight site)**

At its meeting on 23 June 2014 Council resolved to request the Minister for Planning to approve an amendment, without exhibition, to include 845 – 851 Whitehorse Road, Box Hill in the Schedule to Clause 52.03, 'Specific Sites and Exclusions' together with an Incorporated Document specifying that an application for a planning permit proposing accommodation uses may be considered by Council.

The amendment will help to facilitate development on the site by resolving an inconsistency between the land use objectives of the Box Hill Activity Centre Transit City Structure Plan (June 2007) and the current zone applying to the subject land.

Amendment C165 and has now been approved by the Minister for Planning.

### **C167 – 35 Hay Street, Box Hill South**

Whitehorse City Council received a request to rezone 35 Hay Street, Box Hill South from the Special Use Zone (Schedule 2 – Private Sport and Recreation Facilities) to the General Residential Zone and introduce Schedule 6 to the GRZ into the Scheme.

At its meeting on 20 October 2014 Council resolved to seek authorization from the Minister for Planning to prepare and exhibit Amendment C167. Authorisation was granted by the Department in December and the amendment was on exhibition from 5 February to 6 March 2015. The amendment received 15 submissions during the exhibition period and they will be considered in a report to Council at an upcoming Council meeting.

## 6.1

(cont)

### **C171 – 12-14 Nelson Road, Box Hill**

Amendment C171 proposes the inclusion of 12-14 Nelson Road, Box Hill in the Schedule to Clause 52.03, along with an Incorporated Document specifying that a planning permit application proposing accommodation uses may be considered by Council. With recent changes to planning policy at the State level, and further work being undertaken within Council, additional time is required to carefully consider and apply the most appropriate zones to land within the Box Hill Activity Centre. The proposed approach is considered to be the most efficient way of facilitating a site-specific development that meets the vision and desired outcomes set out in the Structure Plan.

At its meeting on 24 November 2014, Council resolved to request the Minister for Planning consider and approve Amendment C171 to the Scheme under section 20(4) of the *Planning and Environment Act 1987*. The amendment was lodged with the Department for adoption on 4 December 2014.

### **C174 – Residential Zones Standing Advisory Committee**

The Victorian Government's new residential zones came into effect in the City of Whitehorse on 14 October 2014 with the gazettal of Amendment C160 to the Whitehorse Planning Scheme. On 6 October 2014, the former Minister for Planning requested that the Residential Zones Standing Advisory Committee (the Committee) review the Neighbourhood Residential Zone schedules that were proposed as part of the original Amendment C160.

The proposed Neighbourhood Residential Zone schedules were on exhibition between 9 February and 6 March 2015 as Whitehorse Amendment C174. A two person committee has now been appointed to hear submissions, with the three day hearing commencing on Tuesday, 31 March 2015.

### **Activity Centres**

Officers continue to liaise with the DELWP regarding implementation of actions from adopted structure plans and urban design framework plans. A monitoring framework for implementation of the plans has also been established and is periodically updated.

### Tally Ho Urban Design and Landscape Guidelines

The draft guidelines have been completed, placed on exhibition and considered as part of the Panel hearing for amendment C110. Further progress has been made towards implementation of the Tally Ho Major Activity Centre Urban Design Framework through preparation of urban design guidelines and a planning scheme amendment to implement these two documents through Amendment C110. Amendment C110 has been submitted to the Minister for Planning for his approval.

### Burwood Heights Activity Centre

Australand has completed a masterplan for the former brickworks site located in the Burwood Heights Activity Centre. Community consultation on the draft masterplan and proposed planning controls was undertaken in October / November 2014 and reported to Council at its meeting on 27 January 2015. Council adopted the draft master plan (subject to further review of the proposed open space network) and resolved to support a request by Australand to the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 to rezone the land to a combination of Residential Growth, General Residential and Commercial 1 Zone and apply a Development Plan Overlay. Whitehorse Planning Scheme Amendment C170 has been lodged with the Minister for consideration. Subsequent stages of the project will be the subject of further reports to Council.



## 6.1 (cont)

### Box Hill Metropolitan Activity Centre (MAC)

Actions relating to the Box Hill MAC are aligned with the Box Hill Structure Plan and other strategic documents and include engagement with relevant departments across the organisation and external stakeholders. Key projects in the MAC include:

- Investment and development facilitation advice on development sites and major redevelopments (ongoing), including advice and facilitation of planning approval at 836-850 Whitehorse Road, Box Hill.
- Box Hill Retailers and Community Network monthly meetings (ongoing), including advice and input into operational matters, such as vehicles access in the Box Hill Mall and food waste.
- Box Hill Reference Group held its last meeting on 6 October 2014, with its next meeting planned for 7 April 2015 to discuss the progress and advocacy actions for priority projects throughout the Box Hill MAC.
- Placemaking and promotion including: Planning and implementation of a placemaking trial - pop-up performances in the Box Hill Mall, April 2015.
- Investment attraction: "Discover Box Hill" investment and development brochure; Box Hill promotional video; Whitehorse Economic and Investment seminar.
- Ongoing implementation of the *Political Advocacy Strategy* (adopted by Council in June 2012) to assist Council in advocating for action and investment in Box Hill, with the following occurring over the quarter:
  - Implementation of advocacy campaign focusing on 2014 and 2015.
  - Establishment of the Box Hill First stakeholder group and process. Bimonthly meetings held.
  - Ongoing correspondence, meetings and discussions with Box Hill stakeholders, including Government Ministers, local MPs, relevant government agencies and land owners to gather information and gain support for and participation in business case development.
  - Ongoing investigation and commencement of the Box Hill First business case for revitalisation of the Box Hill town centre and transport interchange.

### **Built Environment Awards Program (BEAP)**

The Built Environment Program advocates for good planning and design outcomes including building, landscape and urban design projects, and recognises the people who contribute towards them. The Program consists of an Awards event and Educational event on alternate years. The Educational event seeks to promote the winners of the previous year's Awards.

The next Built Environmental Awards event will be held on the 7 May 2015 at Deakin University, Burwood. The call for nominations opened in October 2014. Strategic Planning collaborated with Council's Sustainability Team to display the 2015 Built Environmental Award Program nominees at an event during Sustainability Week.

### ***Heritage***

#### Heritage Assistance Fund:

The Fund provides grants up to \$1,000 to eligible owners and occupiers to assist with the ongoing maintenance of their heritage properties. Approved applications (2014/2015) are in the process of being administered and completed.

#### Heritage Adviser:

Council's Heritage Adviser continues to provide specialist advice to the Strategic Planning Unit. Council renewed the contract of Ian Coleman of Coleman Architects as Council's Heritage Adviser for the next 4 years. The Heritage Adviser responds to planning application referrals from the Statutory Planning Unit and liaises with the community and other departments of Council on heritage matters in the City.

## **6.1**

(cont)

### Post 1945 Heritage Study:

A draft of the Post 1945 Heritage Study has been completed. The study formed a report to Council and was noted by Council at its meeting 16 March 2015.

The report seeks authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whitehorse Planning Scheme to introduce a heritage overlay for 27 heritage places including four new precincts and twenty three individual places, as recommended in the Study.

### C169 Telecommunications Tower Surrey Hills:

The exhibition period was completed by end February 2015. Council officers are currently reviewing over 300 submissions received. Amendment C169 will form a future report to Council.

### **State Government Projects**

#### Healesville Freeway Reservation

The current state government gave an election undertaking for the Healesville Freeway corridor in Whitehorse to be open space. There has been no further activity on the matter since the election.

## **CONSULTATION**

Community consultation is an integral part of all strategic planning projects. The level and type of consultation will be extensive and varied, depending on the nature and complexity of each project. While community consultation adds to the depth of projects it can also extend their timeframe in some instances.

This update report on strategic planning projects is prepared every six (6) months covering periods ending in March and September. This is followed by a summary in the Whitehorse News on a selection of projects of interest to the community.

## **FINANCIAL IMPLICATIONS**

All of the projects require resources and funding for tasks including consultation, preparation, exhibition and consideration of amendments, consultant advice and investigations, including government processes eg: panel hearings etc. Adequate funding for the projects has been provided in the recurrent budget.

## **POLICY IMPLICATIONS**

The undertaking of strategic planning projects is consistent with the *Council Plan 2014 – 2018* in terms of project outcomes and the consultation involved.

## **CONCLUSION**

The report provides an update on key strategic planning projects. It is recommended that Council acknowledge the report

## 7 OTHER BUSINESS

Nil

## 8 PUBLIC COMMENT

*Persons speaking will be identified and recorded for Council Minutes and become part of a permanent record of the Council. Please indicate if you do not wish your name to be recorded.*

### Procedural Motion

Moved by Cr Davenport, Seconded by Cr Stennett

*That Standing Orders be suspended to allow public comment to be made about an item which does not pertain to this evening's Special Committee of Council meeting.*

**CARRIED**

8.1 Gary Haley made a comment about Silver Grove Nunawading.

### Procedural Motion

Moved by Cr Davenport, Seconded by Cr Stennett

*That Standing Orders be resumed.*

**CARRIED**

## SPECIAL COMMITTEE OF COUNCIL RESOLUTION

Moved by Cr Harris, Seconded by Cr Ellis

*That in accordance with Section 89(2) (e) of the Local Government Act 1989 the Special Committee of Council should resolve to go into camera and close the meeting to the public as the matters to be discussed relates to proposed developments.*

**CARRIED**

The meeting was closed to the public at 8.10pm.

## **9 CONFIDENTIAL ITEMS**

### **9.1 Land Transaction**

#### **SPECIAL COMMITTEE OF COUNCIL RESOLUTION**

Moved by Cr Ellis, Seconded by Cr Massoud

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

**CARRIED UNANIMOUSLY**

The meeting reopened to public at 9.15pm.

## **10 CLOSE MEETING**

Meeting closed at 9.16pm

**Confirmed this 11<sup>th</sup> day of May 2015**

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**CHAIRPERSON**