



Agenda

Scheduled Council Meeting

Tuesday 21 February 2023 at 7:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 21 February 2023 at 7:30 pm for the transaction of the following business.

This meeting will be held in the Community Hall at Whittlesea Community Activity Centre, 57 Laurel Street, Whittlesea and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Lydia Wilson and Peita Duncan who will undertake the duties of the Council of the City of Whittlesea until the October 2024 Local Government Election.

Senior Officers

Craig Lloyd Chief Executive Officer

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Anthony Traill Interim Director Community Wellbeing

Debbie Blandford Acting Director Planning & Development

Frank Joyce Executive Manager Strategy & Insights

Janine Morgan Executive Manager Public Affairs

Sarah Rowe Interim Executive Manager Office of Council & CEO

Order of Business

The Chief Executive Officer submits the following business:

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[1.1 Meeting Opening and Introductions 6](#_Toc127439088)

[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc127439089)

[1.3 Diversity Statement 6](#_Toc127439090)

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[2 Declarations of Conflict of Interest 7](#_Toc127439092)

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[4.1 Public Question Time 8](#_Toc127439095)

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[5.1 Connected Communities 9](#_Toc127439100)

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[5.2.1 Planning Scheme Amendment C245: Heritage Overlay on 90 and 150C (formerly 100) Bindts Road, Wollert - Adoption 9](#_Toc127439102)

[5.3 Strong Local Economy 21](#_Toc127439103)

[5.4 Sustainable Environment 21](#_Toc127439104)

[5.4.1 Green Wedge Management Plan 2023 - 2033 - For Adoption 21](#_Toc127439105)

[5.5 High Performing Organisation 126](#_Toc127439106)

[5.5.1 Advocating for Funding and Better Outcomes for Whittlesea Community 126](#_Toc127439107)

[5.5.2 Quarterly Corporate Performance Report - Q2 ended 31/12/2022 130](#_Toc127439108)

[5.5.3 Appointment of Independent Member of CEO Employment Matters Committee 167](#_Toc127439109)

[6 Notices of Motion 170](#_Toc127439110)

[7 Urgent Business 170](#_Toc127439111)

[8 Reports from Council Representatives and CEO Update 170](#_Toc127439112)

[9 Confidential Business 170](#_Toc127439113)

[9.1 Confidential Connected Communities 170](#_Toc127439114)

[9.2 Confidential Liveable Neighbourhoods 170](#_Toc127439115)

[9.3 Confidential Strong Local Economy 170](#_Toc127439116)

[9.4 Confidential Sustainable Environment 170](#_Toc127439117)

[9.5 Confidential High Performing Organisation 170](#_Toc127439118)

[9.6 Confidential Notices of Motion 170](#_Toc127439119)

[12 Closure 170](#_Toc127439120)

**Note:**

At the Chair of Council’s discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from residents and ratepayers. Questions are required to be submitted in writing prior to the advertised commencement time of a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to Agenda items and those submitted prior to 12pm on the day of the Council Meeting. Any questions submitted after 12pm on the day may be read if there is sufficient time and otherwise, will be carried over to the next Council Meeting.

A Question Time form can be downloaded from Council’s website and copies of the form are available at the meeting. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow members of the public to present the questions they have submitted to Council.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2170.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce Administrator, Peita Duncan and Chief Executive Officer, Craig Lloyd.

The Chief Executive Officer, Craig Lloyd will introduce members of the Executive Leadership Team:

Director Corporate and Customer Services, Sarah Renner;

Director Infrastructure and Environment, Debbie Wood;

Interim Director Community Wellbeing, Anthony Traill;

Acting Director Planning and Development, Debbie Blandford;

Executive Manager Strategy and Insights, Frank Joyce;

Executive Manager Public Affairs, Janine Morgan; and

Interim Executive Manager Office of Council and CEO, Sarah Rowe.

**1.2 Acknowledgement of Traditional Owners Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.*

*I would also like to acknowledge Elders past, present and emerging.”*

**1.3 Diversity Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.*

**1.4 Attendance**

**2 Declarations of Conflict of Interest**

**3 Confirmation of Minutes of Previous Meeting/s**

**Recommendation**

**THAT the following Minutes of the preceding meeting as circulated, be confirmed:**

**Scheduled Meeting of Council held on 12 December 2022.**

**4 Public Questions, Petitions and Joint Letters**

**4.1 Public Question Time**

**4.2 Petitions**

5.2.1

**4.2.1 Petition - Request to remove trees on nature strips on Harrison Street, Mernda**

A petition has been received from 21 residents requesting Council remove all nature strip trees on Harrison Street, Mernda.

**Recommendation**

**THAT Council note the petition from 21 residents requesting Council remove all nature strip trees and write to the signatories to inform them that:**

1. **The trees along the street were recently assessed and comply with the City of Whittlesea’s Street Tree Management Plan;**
2. **A meeting with the Head Petitioner will be organised with the Director Infrastructure and Environment (or representative) on site, to understand their concerns and any further rationale for their request;**
3. **An independent Arboricultural assessment will be prepared in relation to residents’ concerns, following the site meeting; and**
4. **A report to Council will be prepared for the 18 April 2023 Council Meeting, advising how the petitioners concerns have been addressed, in consultation with Director Infrastructure and Environment. All signatories to the petition will be advised of Council’s decision following the 18 April 2023 Council Meeting.**

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

**5.1 Connected Communities**

No reports

**5.2 Liveable Neighborhoods**

5.2.1 Planning Scheme Amendment C245: Heritage Overlay on 90 and 150C (formerly 100) Bindts Road, Wollert - Adoption

**5.2.1 Planning Scheme Amendment C245: Heritage Overlay on 90 and 150C (formerly 100) Bindts Road, Wollert - Adoption**

**Responsible Officer** Acting Director Planning & Development

**Author** Denise Turner, Coordinator Planning Policy & Implementation

**In Attendance** Julie Paget, Strategic Planner

**Attachments**

1. C 245 wsea Map - 90 Bindts Rd - as exhibited [**5.2.1.1** - 1 page]
2. C 245 wsea Map - 90 Bindts Rd - post exhibition [**5.2.1.2** - 1 page]

**Purpose**

This report provides an update on the outcome of exhibition of Amendment C245 which seeks to apply and amend heritage controls at 90 and 150C (formerly 100) Bindts Road, Wollert.

It is recommended that Council adopt Amendment C245 with the reduced ‘post exhibition’ curtilage outlined in Attachment 2 and submit the Amendment to the Minister for Planning for approval.

**Brief Overview**

Amendment C245 seeks to apply the Heritage Overlay (HO) on a permanent basis to a place of local heritage significance (Ewert’s Farm) at 90 Bindts Road, Wollert, and to correct an identification error of a heritage place to which the HO already applies (Bindts Farm) at 150C Bindts Road, Wollert.

Amendment C245 was placed on exhibition between 21 January 2021 and 5 March 2021. Two submissions were received which challenged the extent of the curtilage of the proposed HO. One submission was resolved; however, one submission was unresolved.

On 21 November 2022, Council resolved to request a Planning Panel to consider the unresolved submission. Council also resolved that officers continue to negotiate with the submitter to resolve the submission prior to a Panel Hearing and seek the relevant extensions of time to the Amendment and Interim HO controls at 90 Bindts Road, Wollert (HO204), which were due to expire on 21 January 2023.

Council was notified of the extensions being granted by the Minister for Planning on 2 December and 16 December 2022 (gazetted on 22 December 2022) respectively, and the remaining submission was subsequently resolved on 19 December 2022.

This report recommends that Council adopt Amendment C245 with the reduced post exhibition curtilage, as outlined in Attachment 2, and submit the Amendment to the Minister for Planning for approval.

**Recommendation**

**THAT Council:**

1. **Adopt Amendment C245wsea with the reduced post exhibition curtilage, as outlined in Attachment 2;**
2. **Submit Amendment C245wsea as detailed in 1. above, to the Minister for Planning for approval; and**
3. **Advise the submitters of Council’s decision as outlined in 1 and 2 above.**

**Key Information**

**Background**

As part of the Machinery of Government changes following the Victorian Government State Election in November 2022, the planning function of the previous Department of Environment, Land, Water and Planning (DELWP) has now been moved. As of 1 January 2023, a new department being the Department of Transport and Planning (DTP) has been created. This report refers to multiple documents which were created under the previous department of DELWP.

Amendment C245 proposes to apply the Heritage Overlay (HO) to the Ewert’s Farm complex at 90 Bindts Road, Wollert, which has been identified as having local heritage significance. It also seeks to correct an identification error of a heritage place to which the HO (HO161) already applies at 150C Bindts Road, (Bindts Farm) Wollert.

The two sites are included in a recently approved Planning Permit Application PLN-37466 for a multi lot subdivision (116 lots including 1 super lot) at 40-150C (formerly 40 -100) Bindts Road, Wollert, in the Quarry Hills Precinct Structure Plan (PSP) area.

Since Amendment C245 was first initiated, lots 100, 130 and 150 – 152 have been consolidated to form 150C Bindts Road, Wollert.

Officers sought interim heritage controls for 90 Bindts Road via Amendment C243 after two requests were received to demolish the dwelling and associated outbuildings.

Amendment C243 Interim HO was approved by the Minister for Planning for 12 months while the permanent controls could be progressed via Amendment C245. The interim controls were extended for 12 months via Amendment C256, and for an additional 12 months via Amendment C263.

Amendment C245 for the permanent HO controls obtained Authorisation from the Minister for Planning on 18 December 2020. The Amendment was subsequently placed on statutory exhibition for approximately six weeks from 21 January 2021 to 5 March 2021. This is discussed further below.

On 21 November 2022, Council resolved to request a Planning Panel to consider the unresolved submission in line with the statutory process. It also resolved that officers continue to negotiate with the submitter to resolve the submission prior to a Panel Hearing, and to seek the relevant extensions of time to the Amendment and Interim HO controls at 90 Bindts Road, Wollert (HO204), which were due to expire on 21 January 2023. The extensions were granted on 2 December and 22 December 2022 respectively.

**Site Context**

The properties at 90 and 150C Bindts Road are adjacent lots located on the eastern side of Bindts Road, Wollert, within the Quarry Hills Precinct Structure Plan.

**Planning Context**

Under the Planning and Environment Act 1987, Council as the Planning Authority must give effect to the objectives of planning in Victoria, including: “to conserve and enhance those buildings, areas or other places which are of…historical or otherwise special cultural value” (section 4(b)).

Council must also undertake local heritage studies to identify places of interest and appropriately apply the HO to places identified as having local (or higher) significance. The application of the HO is the only statutory mechanism for conserving locally significant heritage places.

The following clauses within the Whittlesea Planning Scheme are relevant:

* Clause 15 (Built Environment and Heritage) identifies the Local Planning Policy objective to recognise the role of heritage in “delivering liveable and sustainable cities, towns and neighbourhoods.”
* Clause 15.03-1S (Heritage conservation) compels Local Governments to “Identify, assess and document places of natural and cultural heritage as a basis for their inclusion in the planning scheme.”
* Clause 22.04-2 (Heritage Conservation Policy) identifies the Local Planning Policy objective is “To identify, protect and maintain the integrity and character of Whittlesea’s heritage places.”
* The Quarry Hills PSP identifies ‘potential European heritage sites’ at 90 and 150C Bindts Road and includes heritage requirements and guidelines to minimise impacts of new development on heritage places including dry stone walls.

**Amendment C245 and Statutory Exhibition**

Amendment C245 seeks to apply a permanent HO under Clause 43.01 of the Whittlesea Planning Scheme to part of 90 Bindts Road, Wollert known as Ewert’s Farm. The extent of the proposed HO (at exhibition) is shown in Attachment 1.

The Amendment also seeks to amend the Schedule to Clause 43.01 for the existing HO161 at 150C Bindts Road, and to include an updated Statement of Significance to correct an error in identification of the heritage place. HO161 was incorrectly identified as Ewert’s Farm but is now recognised as Bindts Farm.

Application of the HO to 90 Bindts Road will provide permanent heritage protection over the site, and together with the correction to HO161 at 150C Bindts Road, will ensure that any proposals for these sites do not adversely or irreversibly alter their heritage value.

Standard planning permit requirements are set out in Clause 43.01 of the Whittlesea Planning Scheme for all places to which the HO applies. This generally requires a permit to subdivide, demolish, construct a building or construct or carry out works within the HO.

The extent of the area affected by the HO is shown on the Planning Scheme map for each place. This is commonly referred to as the ‘curtilage’. A Statement of Significance is provided for each of the sites, which acts as a reference for each heritage place which identifies the site’s contributing features. It is used to inform the Amendment process as well as to guide the assessment of future applications against the heritage criteria identified for the site.

Amendment C245 was exhibited between 21 January 2021 and 5 March 2021. Two submissions were received: one from the Department of Transport (DoT); and one from Urbis on behalf of the landowner of 90 and 150C Bindts Road, Wollert. Both submissions challenged the extent of the curtilage of the proposed HO. The DoT submission was resolved on 19 May 2021 and the landowner submission was resolved on 19 December 2022. The submissions are discussed further below.

**Community Consultation and Engagement**

Amendment C245 was placed on exhibition for six weeks from 21 January – 5 March 2021.

Letters were sent to the affected property owners and occupiers, the Minister for Planning, and all prescribed Ministers being the Minister for Energy, Environment and Climate Change, the Minister for Agriculture, the Minister for Water and the Minister for Resources, in line with statutory requirements. The letters contained the Amendment notice and information regarding the specific heritage citation reports. A notice was also placed in the Government Gazette, The Age newspaper and on the City of Whittlesea website, and Amendment documentation was made available for viewing at the Council Office.

Two submissions were received in response to the exhibited amendment, and both were in relation to the proposed curtilage (HO204) for 90 Bindts Road:

* **Submission 1** from the DoT opposed the HO being applied to the section of 90 Bindts Road which is affected by a Public Acquisition Overlay (PAO).
* **Submission 2** on behalf of the landowner of 90 and 150C Bindts Road Wollert, opposed the extent of the proposed HO on 90 Bindts Road.

As is common practice in Amendment processes, Council officers contacted all submitters with a view to discussing the detail of submissions and to ascertain whether there was any potential to resolve the issues raised. The DoT submission was resolved on 19 May 2021 and the landowner submission was resolved on 19 December 2022. The submissions are discussed in more detail later in the report.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable neighbourhoods**   
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The Amendment meets the objectives of Whittlesea 2040 and the Council Plan. Specifically, the Amendment will achieve its goal and key direction through the recognition, appreciation and protection of places identified as local heritage significance in the municipality.

**Considerations**

**Response to Amendment C245 submissions**

**Submission 1** from DoT opposed the HO being applied to the section of 90 Bindts Road which is affected by a Public Acquisition Overlay (PAO) that has been set aside for the Outer Metropolitan Ring / E6 transport corridor which runs along the front of the site, parallel to Bindts Road. A narrow portion of the proposed HO extends into the PAO area to protect the dry-stone wall (DSW) that runs along the southern boundary of the site.

Council sought specialist heritage advice regarding this submission. The heritage advice confirmed that the removal of the section of the HO affected by the PAO would be acceptable on the basis that this section of DSW is of less significance than those which are proximate to the farmhouse, and that the DSW is still afforded protection by Clause 52.33 of the Whittlesea Planning Scheme, which deals specifically with the conservation of DSW.

Should DoT seek a planning permit to remove the DSW, Clause 52.33 would trigger a requirement to consider relocating sections of DSW rather than simply demolishing it to make way for the road. On this basis, officers recommend the ‘exhibited’ HO curtilage shown in Attachment 1 be amended to remove the thin section of the HO that is affected by the PAO. On 19 May 2021, DoT agreed to withdraw their submission based on the proposed ‘post exhibition’ HO curtilage map shown in Attachment 2. It is noted that the removal of this section of the Heritage Overlay over the DSW would not impact on the remainder of the heritage site.

**Submission 2** was made on behalf of the landowner of 90 and 150C Bindts Road, Wollert. While acknowledging the heritage significance of the site, they opposed the extent of the proposed HO on 90 Bindts Road. The matters raised in the submission can be summarised as follows:

* The proposed HO204 should be limited to the general area of the farmhouse and outbuildings.
* The HO does not take into consideration the anticipated development envisaged by the Quarry Hills PSP.
* The extent of the proposed HO creates additional complexity in developing the site.
* The HO affects land reserved by a PAO for the future transport corridor.
* The retention of the DSW along the southern boundary would interfere with planned vehicle access which would impact adjoining lots.
* The inclusion of the Statements of Significance as Incorporated Documents is contrary to Planning Practice Note 13, Incorporated and Background Documents.

Further specialist heritage advice was sought to inform consideration of the matters raised in this submission. This advice has recommended that no reduction in the HO204 extent should be applied in response to this submission, notwithstanding the proposed removal of the thin section of the HO affected by the PAO, as agreed in response to Submission 1. The heritage specialist’s justification for retaining the curtilage is outlined as follows:

* The proposed HO curtilage is based on the significance of the heritage features outlined in the Statement of Significance. It is important to provide a suitable curtilage around the heritage buildings and features to ensure an appropriate setting for them, and to consider the potential impacts of new development, to ensure their heritage significance is not compromised by future development that may surround it. This will ensure the ultimate development of the site integrates with, and respects, the identified heritage features.
* The proposed HO curtilage has taken into consideration the anticipated development envisaged by the Quarry Hills PSP. The PSP identifies 90 Bindts Road as a potential heritage place and includes a requirement for the subdivision to consider the heritage elements and ensure heritage becomes a prominent feature of the urban structure. It should also be noted that the original curtilage sought for the site through the Interim HO (Amendment C243) originally covered the entire area of the site, to the west of Darebin Creek. Whereas the curtilage proposed for permanent protection through Amendment C245 (at exhibition) is significantly reduced, as shown in Attachment 1, to take into consideration the anticipated development envisaged for the site. The curtilage proposed under C245 therefore strikes an appropriate balance.
* The presence of the HO will not prohibit development; but rather adds a statutory trigger to ensure the significance of heritage features on the site are taken into consideration as part of the planning assessment process. Notwithstanding, additional complexity is not a valid reason against the application or extent of the HO, as Council has an obligation to protect heritage in the municipality.
* The PAO matter has been resolved. Removal of the section of the HO affected by the PAO is acceptable on the basis that this section of DSW is of less significance than the DSW located closest to the farmhouse. Further, DSW are still afforded some protection under Clause 52.33 of the Whittlesea Planning Scheme.
* The HO over the remaining section of the DSW on the southern boundary of the site is appropriate and does not preclude incursions into the DSW for vehicular access envisaged by the PSP. In such circumstances, it would trigger a requirement to consider relocating some sections of DSW rather than simply demolishing them, but it would not prohibit planned vehicle access to adjoining lots.
* The requirement to include the Statements of Significance as incorporated documents in the Planning Scheme was introduced on 31 July 2018 via Amendment VC148 and is set out in Planning Practice Note 1, the Ministerial Direction on the Form and Content of Planning Schemes and Clause 43.01-5 of the Whittlesea Planning Scheme. This is now considered best practice.

On this basis, Council officers did not support any further reduction to HO204 other than that proposed in Attachment 2 (post exhibition) which removes the thin section of the HO affected by the PAO.

Officers met with Submitter 2 on several occasions to discuss their submission, including the implications of the proposed HO on their planning application which was under active consideration by Council.

While many of the points raised above were acknowledged, their primary concern with the extent of the proposed ‘post exhibition’ HO204 was the impact on the approval of their then current planning application (notwithstanding the Interim HO already in place) and the additional complexity it creates for future purchasers. They sought for the HO to be limited to the general area of the farmhouse and outbuildings only. Alternatively, they sought further discussion with officers regarding a potential blanket approval for lots affected by the HO. In the meantime, Planning Application PLN-37466 was granted conditional approval at the 16 May 2022 Council meeting.

Firstly, it was considered premature for Council to reduce the HO curtilage proposed by Amendment C245 to reflect the outcomes of the approved planning permit. It is not unusual for planning permits to lapse or change throughout their life. Therefore, it would not be appropriate to modify the proposed HO204 until the permit has been acted upon and the subdivision and subsequent development of the site are complete to ensure the heritage values of the site are protected.

Ultimately, agreement was able to be reached on a preferred approach for a bulk blanket assessment for residential lots affected by the HO, subject to certain design parameters being agreed. Based on the discissions to date and confirmation that Council is willing to continue to negotiate on the particulars of this approval, they were satisfied that their submission was reasonably resolved. On 19 December 2022, the landowner agreed to withdraw their submission.

This is a positive outcome not only from a heritage perspective but also for the substantial time and costs saved by not holding a Planning Panel Hearing.

**Recommendation**

Noting the resolution and withdrawal of the two submissions, it is recommended that Council adopt Amendment C245 with the reduced post exhibition curtilage, as outlined in Attachment 2, and submit the Amendment to the Minister for Planning for approval.

**Financial Implications**

Any costs will be covered by the Strategic Futures operational budget for 2022-2023.

**Link to Strategic Risk**

*Not linked to the risks within the Strategic Risk Register*

**Implementation Strategy**

**Communication**

The submitters will be notified of Council’s resolution.

**Critical Dates**

Nil

**Next Steps**

If adopted the Amendment will be submitted to the Minister for Planning for approval.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

Amendment C245 seeks to apply the Heritage Overlay on a permanent basis to Ewert’s Farm (HO204) at 90 Bindts Road, Wollert, and to correct an identification error of a heritage place to which the Heritage Overlay already applies (HO161) at 150C Bindts Road, Wollert (Bindts Farm).

Following exhibition of the Amendment, two submissions were received, both of which related to the extent of the curtilage of the Heritage Overlay for HO204.

Both submissions have now been resolved based on the reduced post exhibition curtilage in response to Submission 1, and the bulk heritage assessment approach, subject to design parameters, for development within the Heritage Overlay at 90 and 150C Bindts Road in response to Submission 2.

It is recommended that Council adopt Amendment C245 with the reduced post exhibition curtilage, as outlined in Attachment 2, and submit the Amendment to the Minister for Planning for approval.

**Attachment\_5.2.1.1**

**Attachment\_5.2.1.2**

**5.3 Strong Local Economy**

No reports

**5.4 Sustainable Environment**

5.4.1 Green Wedge Management Plan 2023 - 2033 - For Adoption

**5.4.1 Green Wedge Management Plan 2023 - 2033**

**Responsible Officer** Acting Director Planning & Development

**Author** Julie Paget, Strategic Planner

**In Attendance** Julie Paget, Strategic Planner

**Attachments**

1. Green Wedge Management Plan 2023 - 2033 [**5.4.1.1** - 29 pages]
2. Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 (2) [**5.4.1.2** - 50 pages]
3. Green Wedge Vision Objectives and Strategic Directions [**5.4.1.3** - 3 pages]
4. Summary of Written Submissions from Stage 2 Engagement for the Whittlesea Green Wedge Management Plan [**5.4.1.4** - 6 pages]

**Purpose**

This report seeks to update Council on the outcomes of the Stage 2 community engagement on the draft Green Wedge Management Plan held in May – July 2022. It recommends that Council resolve to adopt the new Green Wedge Management Plan 2023-2033.

**Brief Overview**

Green Wedges are the rural and non-urban areas of Metropolitan Melbourne, located outside the Urban Growth Boundary (UGB).

In the City of Whittlesea, more than 60% of the municipality is identified as Green Wedge land which is protected from urban development. The Whittlesea Green Wedge supports the environment, economy, culturally significant areas and provides recreational activities for the benefit of the broader community.

It is a State Government requirement that all Councils containing Green Wedge areas must prepare a Green Wedge Management Plan (GWMP) with a 10-year lifespan. The first Whittlesea GWMP ended in 2021. The new GWMP being proposed for adoption will be the guiding document for managing the Whittlesea Green Wedge until 2033.

Extensive community consultation has helped to guide the development of the new GWMP. There have been two rounds of community engagement, Stage 1 engagement was conducted between May - July 2021 and Stage 2 engagement was conducted between May - July 2022. This is discussed further later in this report.

The proposed new GWMP 2023 – 2033 (**Attachment 1**) has been informed by the outcomes of the Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 (**Attachment 2**). It reaffirms the community’s priority for protecting the environmental and rural landscape character of the Green Wedge; it emphasises the foundational importance to manage soil health for all appropriate rural uses; it provides for safe rural development and encourages sustainable rural and urban interface management.

The new GWMP also envisages a stronger and balanced role for the Whittlesea Green Wedge in supporting a strong local economy through local agri-food activities and the visitor economy. It recognises the strategic opportunities afforded by Whittlesea’s unique natural attributes, its proximity to the Melbourne Market and other key infrastructure.

The new GWMP also has a greater focus on the evolving relationship with the Traditional Owners and the wider Aboriginal community living in the City of Whittlesea. The recognition of living cultural ‘practice’ rather than purely cultural ‘heritage’ and the input across of all areas of the new GWMP by the Traditional Owners, demonstrates this increasing level of engagement.

**Recommendation**

**THAT Council:**

1. **Adopt the Green Wedge Management Plan 2023-2033 at Attachment 1.**
2. **Write to the Minister for Planning and the Minister for Environment to provide a copy of the Green Wedge Management Plan 2023-2033.**
3. **Provide a copy of the Green Wedge Management Plan 2023-2033 to local State Members of Parliament.**
4. **Make a copy of the Green Wedge Management Plan 2023-2033 and the Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 report, at Attachment 1 and 2, publicly available, including on Council’s website.**
5. **Write to the Minister for Planning to request that the Green Wedge and Agricultural Land Review be finalised and implemented as a matter of urgency.**
6. **Provide a copy of the adopted Green Wedge Management Plan 2023-2033, at Attachment 1, to the Municipal Association of Victoria and request they advocate for the urgent finalisation and implementation of the Green Wedge and Agricultural Land Review.**
7. **Inform the stakeholders who provided a written submission to the Stage 2 community engagement, of Council’s decision and how the issues raised have informed the adopted Green Wedge Management Plan 2023-2033.**

**Key Information**

**Background**

As part of the Machinery of Government changes following the Victorian Government State Election in November 2022, the planning function of the previous Department of Environment, Land, Water and Planning has now been moved. As of 1 January 2023, a new department being the Department of Transport and Planning (DTP) has been created. This report refers to multiple documents which were created under the previous department.

There are 12 designated Green Wedge areas across 17 municipalities in Metropolitan Melbourne. They are often described as the lungs of Melbourne and provide a diverse range of important services, capabilities and values ranging from environmental conservation, habitat, heritage protection, cultural heritage, rural living, landscape quality, tourism and recreation.

The Green Wedges also contain some of Victoria’s most productive agricultural land, key infrastructure, and extractive resources. The State Government requires each Green Wedge Council to develop a GWMP in line with the Planning Practice Note 31 Preparing a Green Wedge Management Plan (DELWP, 2015). The Planning Practice Note sets a 10-year lifespan for each plan.

The Whittlesea Green Wedge is home to productive agricultural land, scenic landscapes, heritage places, cultural heritage, rural living, National Parks, forests, waterways, reservoirs and nationally significant flora and fauna.

The Whittlesea Green Wedge holds a significant proportion of the unimpacted Cultural Heritage with many sacred and special places for the Wurundjeri Woi-Wurrung people and Taungurung people providing the opportunity to celebrate and facilitate enhanced cultural practice.

Across the rural and non-urban areas of the Whittlesea Green Wedge area, there are approximately 1,500 public and private properties and a population of 8,890 people (as at 2020). Approximately 64% of this population live in Whittlesea Township which is also considered to be part of the Green Wedge.

**State Government ‘Planning for Melbourne’s Green Wedges and Agricultural Land’ (GWAL) Review Project**

The importance of managing Melbourne’s Green Wedge areas continues to be reinforced in State Government planning policy with a review currently underway to strengthen green wedge planning provisions and protect agricultural land.

The review, which commenced in 2018, is being undertaken by the Department of Environment Land Water and Planning (DELWP). Due to COVID 19 restrictions and shifting State Government priorities, the project has been significantly delayed, with the State Election in November 2022 causing even further delay. At this time, it is unknown when the finalisation and implementation of the GWAL Review will occur, or whether it remains a priority for the returning State Government.

The delay has impacted the Whittlesea GWMP project, which was planned to align from a timing perspective with the finalisation of the State Government review. Council officers have been liaising with DELWP on a regular basis and are satisfied that the final GWMP generally aligns with the anticipated outcomes of the GWAL.

DELWP have indicated that the biggest change that could impact the final GWMP are proposed changes to the Planning Practice Note guiding development of GWMPs, which places a greater emphasis and need for engagement with Traditional Owners. Council has engaged with the Traditional Owners which has helped to inform the final GWMP. This is discussed further below.

**Whittlesea Green Wedge Management Plan 2023-2033**

The Green Wedge Management Plan 2023-2033 (**Attachment 1**) has been informed by the outcomes of extensive community consultation with a two-stage community engagement process. The Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 (**Attachment 2**) outlines the nature and extent of engagement activities undertaken, as well as analysis of the community feedback received. This is discussed further below.

The new GWMP is comprised of the Vision and Objectives falling under each of the four (4) Whittlesea 2040 themes being Sustainable Environment, Liveable Neighbourhoods, Strong Local Economy and Connected Communities, together with a set of Strategic Directions. These are outlined in **Attachment 3**.

The Green Wedge vision outlines the preferred future direction for the Whittlesea Green Wedge and the objectives further articulate what success should look like if the vision is to be achieved.

The Strategic Directions have been informed by the key issues facing the Whittlesea Green Wedge and respond to opportunities identified by community members and other stakeholders as part of the Stage 1 community engagement. The Strategic Directions have been structured to align with the Whittlesea 2040 goals.

**Community Consultation and Engagement**

There has been extensive community consultation to help guide the development of the GWMP. There have been two rounds of community engagement, with a total of 284 survey responses, 251 people participated through a range of online and face to face activities, and 27 written submissions were received. In addition, over 2,500 people visited Council’s engagement platform over the course of the Stage 1 and 2 engagement, to find out about the project. This consultation was undertaken using best practice and yielded a wide range of views and ideas which has informed the final GWMP being presented for adoption. Further details are provided below.

**Stage 1: Engagement with Whittlesea Community and Key Stakeholders: May – July 2021**

As part of **Stage 1** engagement, a discussion paper titled Shaping the future of your Green Wedge was released and the community was invited to make written submissions. In total, 291 people were engaged including 191 survey responses, 85 community members and stakeholders participated in a diverse range of online and face to face engagement activities and 15 written submissions were received.

Of the 15 written submissions received, eight (8) were from the community and seven (7) were from the following key stakeholders:

* Department of Jobs, Precincts and Regions
* Department of Transport
* Hume City Council
* Melbourne Water
* Environment Protection Authority
* Nillumbik Shire Council
* Darebin Creek Management Committee
* Hanson Heidelberg Cement Group

The Findings from the GWMP Stage 1 Community Engagement 2021 report was reported to Council at the 16 May 2022 Council meeting and was made available on Council’s engagement platform. All Stage 1 submitters were encouraged to review the draft GWMP and take part in the Stage 2 engagement.

Stage 2: Engagement with Whittlesea Community and Key Stakeholders: May – July 2022

The **Stage 2** engagement was conducted between May - July 2022. This stage involved an extensive range of online and face to face engagement activities (details provided in Attachment 2, pages 2-6). In total, 271 people were engaged including 93 survey responses, 166 people participated in a range of activities and 12 written submissions were received.

The GWMP 2023-2033 (**Attachment 1**) has been informed by the outcomes of the Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 (**Attachment 2**).

Of the 12 written submissions received, two (2) were from community members and ten (10) from the following stakeholders:

* Environmental Protection Agency
* Nillumbik Shire Council
* Ratio on behalf of Fun Fields
* Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation
* Taungurung Land and Waters Council
* Darebin Creek Management Committee
* Urbis (on behalf of a landowner)
* SIG Group
* Department of Transport
* Melbourne Water

**Attachment 4** provides a Summary of the Written Submissions from Stage 2 Engagement on the Draft Green Wedge Management Plan, which outlines the officer response and how any changes have been incorporated into the GWMP. The key issues raised as part of the Stage 2 engagement process are discussed in more detail below.

**Consultation with Traditional Owners**

A copy of the Green Wedge Discussion Paper was provided, and feedback was sought in Stage 1, from both Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and Taungurung Land and Waters Council, both Registered Aboriginal Parties for land in the City of Whittlesea. There was no response received during Stage 1.

Both the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and the Taungurung Land and Waters Council provided submissions to the Stage 2 engagement process and their feedback has been considered and, where possible, has both improved and informed the final GWMP. This is discussed further below.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Sustainable environment**

The GWMP is aligned to each of the goals set out in Whittlesea 2040 and the Community Plan 2021-2025.

During the drafting of the GWMP, Council has also been progressing the development of the Integrated Planning Framework. The Integrated Planning Framework comprises seven (7) Level two (2) strategies, with each strategy expanding on the long-term community vision, Whittlesea 2040: A Place for All and the Community Plan 2021-2025.

The most relevant Level two (2) strategies for the GWMP are: Sustainable Environment, Liveable Neighbourhoods, Strong Local Economy, Connected Communities, and the Reconciliation Action Plan. The Strong Local Economy Strategy 2022-2026 was adopted in February 2022 and the Sustainable Environment Strategy 2022-2032 in November 2022. The Liveable Neighbourhoods, Connected Communities Strategies are both under development while a review of the Reconciliation Action Plan is due to commence in 2023.

Officers worked closely with the Economic Development and Sustainable Environment Departments, to ensure the GWMP was aligned to these higher order strategies. A similar approach will be taken for the development of the remaining Level 2 documents.

The GWMP is a ten-year plan. The relevant GWMP Strategic Directions have been incorporated into the adopted Sustainable Environment Strategy 2022-2032 and the Strong Local Economy Strategy 2022-2026. As part of the Integrated Planning Framework, each of the Level 2 strategies will be accompanied by an Action Plan to run-in two-year increments. As the Liveable Neighbourhoods and Connected Community Strategies and Reconciliation Action Plan are developed, the relevant GWMP actions will be incorporated into these documents.

As a requirement of the Planning Practice Note 31 Preparing a Green Wedge Management Plan (DELWP, 2015), the GWMP will be reviewed in 2028 (at the 5-year mark) to ensure the GWMP remains relevant and to measure the success of the plan in achieving the agreed Vision and Objectives. This is a separate State Government requirement to the proposed on-going Council Integrated Planning Framework reporting described above, which provides the mechanism to establish a clear monitoring and review process.

**Considerations**

**Key issues identified through Stage 2 engagement**

As expected, there were a wide range of views and opinions expressed within the submissions and survey responses received as part of the Stage 2 community and stakeholder engagement.

The list below provides examples of key issues raised and comments made in relation to the draft GWMP:

* Multiple key stakeholder respondents indicated their desire to continue to have long-term engagement on a range of specific issues. The nature of the preferred engagement ranges from direct engagement with City of Whittlesea on specific projects (i.e., Department of Transport in relation to key transport routes) to a much wider regional/multi-municipality approach to common issues by Nillumbik Shire Council. Examples of matters identified which could benefit from such a collaborative approach include:
* Managing biodiversity and environmental threats such as invasive weeds and fauna.
* Developing regional trails and other recreational links. For example, to improve links from Whittlesea into the nearby Nillumbik localities of Yarrambat and Plenty.
* Advocating together to the State Government for reforms to support both green wedges. For example, for planning reforms to better protect green wedges from particular threats and harmful activities.
* Promoting a regional approach to tourism.
* Working with the Traditional Owners to better acknowledge and celebrate heritage and share their knowledge of the region to achieve more sustainable land management outcomes.
* Interface issues – there are competing pressures on the interface of the Green Wedge and the urban areas. These pressures are reflected by the different priorities identified by submitters to the plan. For some the need to maintain, and indeed increase, the environmental protection for the Green Wedge is paramount. For others, the desire to allow for greater development is seen as a sensible option. This was particularly noted in relation to the Eden Park area of the Green Wedge. It is worth noting that use and development in the Green Wedge is heavily regulated by the State Government through the Victoria Planning Provisions and many of the development suggestions provided in the submissions would be either limited or prohibited under the existing Planning Scheme provisions.
* The desire to provide tourism opportunities, in particular the use of tiny houses and eco-tourism were raised. Aboriginal focused tourism was also identified as an area that should be considered and given greater encouragement. As noted above, use and development in the Green Wedge is heavily regulated by State Government through the Victoria Planning Provisions, and urban or non-rural uses may be limited or prohibited under the existing provisions.
* The impact of significant transport corridors on the urban/rural interface both in terms of environmental/sustainability issues and efficiency/safety issues (i.e., competing needs of lower speeds for wildlife versus efficient speed for Outer Metropolitan Ring Road and later the Beveridge Intermodal Freight Terminal (BIFT)).
* The tension between the environmental benefits of retaining and increasing vegetation in the Green Wedge and the corresponding increase in the potential bushfire risk was identified.
* Increased density of the tree canopy – it has been identified that in some locations within the Green Wedge, due to nature of species present, a lower density of vegetation may need to be retained and managed.
* Several submitters raised the known issue of poor soil quality in areas of the Green Wedge and the need for this to be managed effectively.
* A range of issues relating to agriculture were raised:
  + The ‘right to farm’ in relation to the planning permit processes.
  + The need to consider alternative types of farming - i.e., not just broadacre.
  + Specific concerns about the economic viability of ‘traditional’ farming/grazing due to small size of lots.
* Several submitters raised the issue that the GWMP should clearly recognise and support that agriculture is not the sole function of Green Wedge. The draft GWMP was silent on this issue and that clarity needed to be provided.

Both the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and the Taungurung Land and Waters Council provided submissions to Stage 2 of the engagement. Some of the feedback included:

* The need for a holistic approach when considering Country as opposed to the western view of considering each aspect of the environment individually.
* The ongoing role of cultural practice to be recognised rather than solely cultural heritage.
* Request for greater support in relation to cultural appropriate tourism and greater recognition of cultural and intellectual property issues (for example in relation to bush foods).
* A request from Taungurung Land and Waters Council to be acknowledged as a Traditional Owner for a small section of land in the north of the City of Whittlesea, along the northern ridges in Kinglake West.

The Stage 2 engagement activities (including the survey) asked the community to provide comment on the proposed Vision and Strategic Directions. The options included: I Love It, I Can Live With It and It Needs Improvement. Respondents were also provided with the opportunity to provide a free form reply at each stage of the survey questions.

Particular attention was paid to any item where “It Needs Improvement” was selected by thirty (30) percent or more of survey respondents. This applied to the Vision, Strategic Direction 1.3, Strategic Direction 2.3 and 2.4. There were several other Strategic Directions in Goals 1 Sustainable Environment and Goal 2 Liveable Neighbourhoods which received close to thirty (30) percent in the engagement report.

In particular, the Vision has been reworked both in relation to the feedback received and with regard to Council’s new Integrated Planning Framework (IPF) approach.

It should be noted that there was wide disparity in the community regarding the following issues:

* Strategic Direction 1.3 Improve the management and protection of biodiversity resulted in forty (40) percent choosing the “I Love It” option and thirty-three (33) percent choosing the “It Needs Improvement” option.
* Strategic Direction 2.3 Provide safe and fit for purpose local road network and support active travel modes. This resulted in thirty-three (33) percent choosing the “I Love It” option and thirty-two (32) percent chose the “It Needs Improvement” option.
* Strategic Direction 2.4 Protect the Green Wedge from further urban encroachment and improve management of the urban and rural interface. This resulted in forty-seven (47) percent choosing the “I Love It” option and thirty-five (35) percent choosing the “It Needs Improvement” option.

Goal 3 - Strong Local Economy received a positive response by the community with the three strategic directions in this goal receiving between forty-four (44) to forty-six (46) percent choosing the “I Love It” option.

Likewise, Goal 4 - Connected Communities has resonated with the community with 3 out of 4 strategic directions receiving between forty-three (43) to forty-eight (48) percent choosing the “I Love It” option.

**Discussion**

This section discusses some of the key issues identified above.

**Regional/Local Government Collaboration**

The City of Whittlesea already has extensive links with neighbouring municipalities, which was recognised in the submissions received from Nillumbik Shire Council and Hume City Council, during both stages of the engagement process.

A few examples of the range of collaborative activities being undertaken include:

* the Economic Development Department working with Hume and Nillumbik Councils to host four (4) workshops over March, April, May and June to support the local agribusinesses/agri-food sector.
* the Traffic and Transport Unit’s participation in the Northern Regional Trails Strategy which covers trails located within the municipalities of Banyule, Darebin, Hume, Merri-bek, Nillumbik and Whittlesea.
* the Sustainable Environment Department’s participation in The Greening the North project as part of the Northern Councils Alliance (NCA). The NCA is a regional network of the seven (7) municipalities located in Melbourne’s geographic north consisting of Banyule, Darebin, Hume, Mitchell, Merri-bek, Nillumbik and Whittlesea. The NCA advocates for and delivers projects that positively contribute to the economic, social, health and wellbeing of our residents and businesses.
* the Sustainable Environment Department’s participation in the Darebin Creek Management Committee (DCMC). The DCMC consists of seven (7) member organisations comprising the four (4) municipalities that the Darebin Creek flows through, being Banyule, Darebin, Whittlesea and Yarra, La Trobe University, and the community organisations Friends of Darebin Creek and the Darebin Parklands Association. The DCMC has made many achievements in retaining open space and protecting the natural environment along the Darebin Creek Valley.

Further opportunities will be explored for greater regional co-operation in relation to the:

* protection and enhancement of the Green Wedge.
* potential for regional responses for promoting agriculture and local tourism.
* recognition of Aboriginal cultural practice and related tourism opportunities.

**Feedback from Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and the Taungurung Land and Waters Council**

Feedback was received from both parties as part of the Stage 2 engagement process which has both informed and improved the final GWMP. It was noted and discussed with both submitters that some issues were beyond the scope of the GWMP and there may be potential to consider these matters within the context of Council’s Reconciliation Action Plan which is due to be reviewed in 2023. Some of the issues raised include:

Greater Recognition of the Traditional Owners within the GWMP

Both parties flagged the desire for greater recognition not just in terms of cultural heritage but that of cultural practice. Several changes have been made to terminology relating to both cultural heritage and cultural practice references in the GWMP.

A request was also made to use Aboriginal names places within the Whittlesea Green Wedge for example in relation to Quarry Hills. The naming of Quarry Hills is being considered through the Quarry Hills Regional Parkland Future Directions Plan, which is reviewing and evaluating the cultural and landscape values of the site, and together with the Traditional Owners and the community will establish a long-term vision.

A park naming process has been undertaken and a proposed name has been recommended from the Cultural Values Study prepared by the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation. Following the necessary statutory process, a formal decision on the park name will be brought to Council sometime around April/May 2023. On this basis, it is considered premature to include the proposed new name in the GWMP.

Use of language and reframing of the relationship

Both parties requested a change in the GWMP from using the term settlement to colonisation, as a statement of fact. In addition, the parties asked for truth-telling, in that the land was inhabited and cared for prior to colonisation, and acknowledgment of the harm and suffering experienced by Traditional Owners through the process.

Concerns were also raised regarding their identification as stakeholders rather than rights holders. There is a desire to have a greater input into decisions that may impact Traditional Owners and an overall reframing of the relationship with Council.

The language in the GWMP has been changed to refer to the Traditional Owners as parties to, or partners with Council, rather than stakeholders.

While many issues raised in the submissions have been able to be incorporated into the GWMP, other matters outside the scope of the GWMP may potentially be dealt with as part of the Reconciliation Action Plan review, which is due to occur in 2023.

Aboriginal Tourism and Protection of Indigenous cultural and intellectual property

Both parties indicated their desire to see Council encourage and promote Aboriginal tourism and that there should be specific reference to the education and cultural tours delivered by Traditional Owners in the Whittlesea Green Wedge. Reference to Aboriginal tourism has been included.

In relation to economic activity, there was a request from the Taungurung Land and Waters Council for the agribusiness section of the plan to reference the Victorian Traditional Owner Native Food and Botanicals Strategy 2021 and the need for indigenous cultural and intellectual property rights to be recognised and protected. Reference to this document has been included in the GWMP.

Reference to the Victorian Traditional Owner Cultural Landscapes Strategy (2021)

Both parties requested that the Victorian Traditional Owner Cultural Landscapes Strategy be referenced within the GWMP, and whilst it is not expected that the Strategy be embedded into the GWMP, there is an expectation that Council is cognisant of its perspectives.

The Strategy was developed by Traditional Owners facilitated by the Federation of Victorian Traditional Owner Corporations, Parks Victoria and DELWP. The Strategy is the first of its kind in Australia and sets out a framework to systematically enable and empower Victorian Traditional Owners to lead planning and activate cultural knowledge and practices to manage Country. Reference to the Strategy was included in the draft GWMP and is included in the final GWMP.

Acknowledgement of Taungurung People

Following the Taungurung Land and Waters Council request, Council at its meeting on 19 September 2022, endorsed an update to our Governance Rules which embedded the use of a new Acknowledgement of Traditional Owners of both the Wurundjeri Willum Clan and the Taungurung people. This recognises the small section of Taungurung Land and Waters Council area in the north of the City of Whittlesea, along the northern ridges in Kinglake West. This is an important change which ensures appropriate and accurate recognition for all our local Aboriginal communities.

**Environmental Concerns**

The concerns raised within the submissions in relation to environmental issues have been captured in both GWMP and the Sustainable Environment Strategy. The GWMP has identified Strategic Directions to address these issues which have also been incorporated into the Sustainable Environment Action Plan 2022-2024 which will be the mechanism by which these issues are addressed and managed.

**Potential Impact of GWAL - education facilities**

As mentioned earlier, the GWAL Review is yet to be finalised by DELWP. One of the submissions (provided by URBIS on behalf of a landowner) specifically identifies the potential use of Green Wedge zoned land for the provision of a secondary school which would be a Section 2 use (planning permit required).

Whilst officers cannot pre-empt the final outcomes of the GWAL, it should be noted that Council’s adopted submission to the GWAL consultation made it clear that Council does not support schools in the Whittlesea Green Wedge.

Council’s submission (February 2021) addressed this issue stating:

‘Council does not support the proposition to ‘locate these uses adjacent to the UGB.’ Proponents of these uses (schools and place for worship) are looking for cheap, available land by locating them on the edge of the UGB. The existence of such a condition implies that these uses are appropriate in a green wedge/peri-urban context, whereas this would rarely be the case.

Such uses are urban in nature and should be accommodated within the UGB rather than seeking to amend the planning provisions to allow these urban uses in non-urban zones. It is the primary role and purpose of the PSP process and the urban zones to identify all relevant urban uses and plan for them within the UGB.

The Victorian Planning Authority (VPA) are currently in the process of reviewing the Precinct Structure Plan (PSP) Guidelines, and it is through changes to these PSP Guidelines that greater provision/planning for other schools and places of worship should be embedded, rather than a watering down of the fundamental elements of the green wedge planning provisions.’

As noted by DELWP in their GWAL Consultation Paper, schools often require significant areas to support buildings and recreational facilities which has the potential to impact the natural environment or being developed on land which could be used for agricultural purposes. Council fully acknowledges there is increasing demand for land to accommodate private schools for growth area communities and this need is not sufficiently considered as part of the current PSP process. However, we suggest private schools should be accommodated within the UGB, similar to Government schools planned in the PSP areas.

Notwithstanding Council’s position on the matter, Council and the GWMP will need to acknowledge any State Government policy or changes to planning provisions, should they occur.

**GWAL Outcomes**

The GWAL Review was an election commitment from the previous term of the State Government, which has undergone extensive consultation.

The potential outcomes could have far-reaching consequences for the management of Green Wedges and agricultural land. It is important the Review is finalised to help provide clear direction (and potentially additional planning tools) for the management of the Whittlesea Green Wedge.

It is recommended that Council write to the Minister for Planning stating the importance Council places on this review being finalised and the implementation of the associated recommendations being undertaken.

**Financial Implications**

The cost of developing the GWMP is included within the existing council operating budget.

As detailed above, the actions which arise from the GWMP will be undertaken and completed through the five (5) Level 2 strategies and the associated Level 3 supplementary plans and strategies. Funding for specific actions will be considered as part of the budget process.

**Link to Strategic Risk**

Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction

The detailed engagement plan used to inform and engage with the community (as described above) was prepared in consultation with Council’s Community Engagement Team, along with expert consultants. The two-stage engagement program applied best practice in designing and delivering the public engagement activities to maximise stakeholder engagement.

**Implementation Strategy**

**Communication**

Provide the Minister for Planning, the Minister for the Environment, local State Members of Parliament and the Municipal Association of Victoria with a copy of the adopted GWMP 2023-2033.

All written submitters to the Stage 2 community engagement will be notified of Council’s decision, and how the issues raised have informed the final GWMP.

A copy of the adopted GWMP 2023-2033 and the Findings from the Green Wedge Management Plan Review Stage 2 Community Engagement 2022 report will be made publicly available, including on Council's website.

**Critical Dates**

It is a Council Action Plan annual measure to finalise and implement the new Green Wedge Management Plan in consultation with the community by 30 June 2023.

**Next Steps**

The Strategic Directions of the GWMP have been reflected in the adopted Sustainable Environment Strategy and Strong Local Economy Strategy and will also be incorporated into the new Level 2 documents currently under development.

For each of the two-year action plans for the Level 2 documents, specific GWMP actions will be identified in order to achieve the GWMP Strategic Directions and priorities of these higher-level documents.

**Declaration of Conflict of Interest**

Under Section 130 of the Local Government Act 2020 officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

It is a State Government requirement that all Councils containing Green Wedge areas must prepare a Green Wedge Management Plan with a 10-year lifespan.

At the time of preparing the Green Wedge Management Plan 2023-2033, the State Government's Green Wedge and Agricultural Land Review is still incomplete. It is anticipated that there is likely to be little change required to the Plan should the State Government Review be finalised, which is anticipated to provide for greater environmental protection and increased options to assist with agricultural productivity. These issues have been addressed within the Whittlesea Green Wedge Management Plan 2023-2033.

There has been substantial community engagement undertaken as part of the development of the Green Wedge Management Plan 2023-2033. This has ensured that a range of views and ideas have been captured and where appropriate, reflected in the plan.

The new Green Wedge Management Plan 2023-2033 reaffirms community’s priority for protecting the environment and the rural landscape character; it emphasises the foundational importance to manage soil health for all appropriate rural uses; it provides for safe rural development and encourages sustainable rural and urban interface management.The Green Wedge Management Plan 2023-2033 also envisages a stronger and balanced role for the Whittlesea Green Wedge in supporting a strong local economy through local food production and processing and the visitor economy. It recognises the strategic opportunities afforded by Whittlesea’s unique natural attributes, its proximity to the Melbourne Market and other key infrastructure. It also recognises the importance of celebrating cultural heritage and cultural practice. Importantly it also recognises ways in which Council can continue to foster community engagement and initiatives that support the protection and management of the Green Wedge.

Engagement with Traditional Owner groups as part of the community engagement has been welcomed and where appropriate, their feedback has been incorporated into the Plan.

It is therefore recommended that the new Green Wedge Management Plan 2023–2033 be adopted by Council and a copy provided to the Minister for Planning, the Minister for Environment, local State Members of Parliament and the Municipal Association of Victoria.

Further, it is recommended that Council write to the Minister for Planning to request that the State Government’s Green Wedge and Agricultural Land Review be finalised and implemented as a matter of urgency. It is also recommended that the stakeholders who provided a written submission to the Stage 2 community engagement be informed of Council’s decision and how the issues have informed the final Green Wedge Management Plan 2023-2033.

**Attachment\_5.4.1.1**

**Attachment\_5.4.1.1 page 2**

**Attachment\_5.4.1.1 page 3**

**Attachment\_5.4.1.1 page 4**

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**Attachment\_5.4.1.2**

**Attachment\_5.4.1.2 page 2**

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**Attachment\_5.4.1.3**

**Attachment\_5.4.1.3 page 2**

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**5.5 High Performing Organisation**

5.5.1 Advocating for Funding and Better Outcomes for Whittlesea Community

**5.5.1 Advocating for Funding and Better Outcomes for Whittlesea Community**

**Responsible Officer** Interim Executive Manager Office of Council & CEO

**Author** Sarah Rowe, Interim Executive Manager Office of Council & CEO

**In Attendance** Sarah Rowe, Interim Executive Manager Office of Council & CEO

**Attachments** No attachments

**Purpose**

The purpose of this report is to seek approval for Chair of Council, Lydia Wilson and Administrator Peita Duncan to travel interstate along with Council’s Chief Executive Officer, Craig Lloyd and members of Council’s Executive Leadership Team.

**Brief Overview**

There is an opportunity for Chair of Council, Lydia Wilson to attend Canberra in conjunction with Council’s Chief Executive Officer, Craig Lloyd to meet with Federal Government politicians and senior advisors to advocate for funding and better outcomes for the Whittlesea community.

Additionally, Administrator Peita Duncan has the opportunity to attend the 2023 National General Assembly hosted by the Australian Local Government Association, along with Council's Director Planning and Development Justin O’Meara and Director Customer and Corporate Services, Sarah Renner in Canberra to further advocate for the Whittlesea community.

Council approval is required for any interstate travel by Councillors/Administrators.

**Recommendation**

**THAT Council authorise Chair of Council Lydia Wilson and Administrator Peita Duncan to travel interstate to advocate for funding and better outcomes for the Whittlesea community between the period March to June 2023.**

**Key Information**

Chair of Council, Lydia Wilson has the opportunity to meet with Federal Government politicians and senior advisors, along with the Chief Executive Officer, Craig Lloyd to advocate for funding and better outcomes for the Whittlesea community.

It is intended to discuss the following items:

* The role of Councils in aged care, given that many Councils are opting out of aged care provision, particularly home and community care services;
* The role of Councils during the Voice to Parliament campaign and lead up to the referendum this year;
* Council’s six Federal Pre-Budget Submission priorities with Ministers or their Senior Advisors responsible for the following areas:
  + Aboriginal Gathering Place funding
  + Regional Aquatics and Sports Centre funding
  + A permanent headspace mental health service for the North
  + Improved broadband connectivity
  + E6 Freeway business case and construction
  + Social and affordable housing.

Attending the 2023 National General Assembly hosted by the Australian Local Government Association, provides Administrator Duncan, Council's Director Planning and Development, Justin O’Meara and Director Customer and Corporate Services, Sarah Renner to meet with key stakeholders within Federal, State and Local Governments to advocate the priorities of the Whittlesea community.

Additionally, the National General Assembly provides the opportunity for Administrator Duncan to speak to the motions submitted by Council that identify opportunities for new federal programs and policies that will support Council to build stronger local communities.

Council approval is required for any interstate or overseas travel by Councillors/Administrators.

**Community Consultation and Engagement**

This would enable Administrators and Council to effectively advocate on behalf of the local community and build partnerships with key stakeholders.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

**Considerations**

**Environmental**

Through advocacy and working in partnership with other tiers of Government, there can be positive environmental outcomes for the community.

**Social, Cultural and Health**

Positive social, cultural and health outcomes can be achieved when advocating for funding that support Council’s priority projects.

**Economic**

Building partnerships with key stakeholders to increase awareness of key economic initiatives can support positive economical outcomes for the community.

**Financial Implications**

The cost of any conference and travel expenditure is included in the current budget.

**Link to Strategic Risk**

**Strategic Risk** *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic directions.*

**Implementation Strategy**

**Critical Dates**

Travel would be arranged to enable effective conversations to inform future Federal and State budgets.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

It is recommended to authorise the travel interstate for Chair of Council, Lydia Wilson and Administrator Peita Duncan to meet with Government politicians and senior advisors to advocate for funding and better outcomes for the Whittlesea community.

5.5.2 Quarterly Corporate Performance Report - Q2 ended 31/12/2022

**5.5.2 Quarterly Corporate Performance Report - Q2 ended 31/12/2022**

**Responsible Officer** Director Customer & Corporate Services

**Author** Rahul Shah, Unit Manager Financial Strategy

**In Attendance** Aaron Gerrard, Acting Chief Financial Officer

**Attachments**

1. Corporate Performance Report [**5.5.2.1** - 22 pages]
2. 2021-2025 Performance Snapshot A4 Q2 Oct- Dec 2022 [**5.5.2.2** - 1 page]
3. Capital Works Grant Status Update Report December 2022 [**5.5.2.3** - 2 pages]
4. Reserve December 2022 [**5.5.2.4** - 2 pages]

**Purpose**

That Council notes the Quarterly Corporate Performance Report for the period ended 31 December 2022 (Attachment 1).

**Recommendation**

**THAT Council notes the:**

1. **Quarterly Corporate Performance Report for December 2022 (Attachment 1).**
2. **Outcome of the 2022-2023 Quarter 2 Forecast Review.**
3. **Progress made against the key actions included in the Community Plan Action Plan 2022-2023 as highlighted in the Quarter 2 Performance Snapshot (Attachment 2).**
4. **Good governance actions over the past quarter.**
5. **Capital Works program performance for the period ended 31 December 2022.**
6. **Status of the infrastructure grants for the period ended 31 December 2022 as outlined in Grants Status Update (Attachment 3).**
7. **Financial performance for the period ended 31 December 2022.**

**Brief Overview**

**Community Plan Action Plan**

* 112 of the 125 key actions included in the Community Plan Action Plan for delivery in the 2022-2023 financial year are reported on track.
* Four of the 12 ongoing key actions included in the Community Plan Action Plan 2021-2022 have now been completed.

**Good Governance**

In addition to conducting regular Council Meetings, Council has updated the Conflict of Interest policy to enhance governance at the City of Whittlesea.

**Capital Works**

* Council adopted the 2022-23 Capital Works Program on 27 June 2022 with a budget of $51.67 million. The Capital Works Annual Budget also includes 2021-2022 carry forwards of $23.87 million, providing a total budget amount of $75.54 million.
* Year to date Capital Works actual expenditure is $22.03 million against year to date Annual Budget of $19.08 million, which is $2.95 million ahead of budget.
* Forecast estimates expenditure of $66.2 million against the Annual Budget of $75.54 million, which is $9.34 million under the Annual Budget with anticipated projects to be carried forward to 2023-24 of $9.98 million.

The table below includes a summary of the Capital Works program.



**Financial Performance**

* For the six months ended 31 December 2022, Council recorded an operating surplus of $124.21 million, which is ($23.14 million) unfavourable to the year to date budget.
* This surplus is reported based on the Australian Accounting Standards and includes all revenue recognised in the financial period, including gifted assets (non-monetary), developer contributions and grants towards capital works projects. It is important to note that the operating surplus is not a cash surplus; therefore, it does not convert to immediately available cash for Council. Significant amounts of the surplus are restricted by legislation and must be used for future infrastructure investment.

**Key Information**

**Introduction**

The Quarterly Performance Report for the period ended 31 December 2022 has been prepared in accordance with Australian Accounting Standards. This report is designed to identify major variances against the December year to date budget. The year to date and Adopted Budget referred to in this report reflects the budget approved by Council on 27 June 2022.

The attached report (Attachment 1) includes a comprehensive summary of:

* Community Plan Action Plan 2022-2023 to 31 December 2022;
* Good Governance actions to 31 December 2022;
* 2022-2023 Capital Works Program to 31 December 2022; and
* Council’s financial performance to 31 December 2022.

To comply with the *Local Government Act 2020* (the Act), the report includes the following comparisons for the six months ended 31 December 2022:

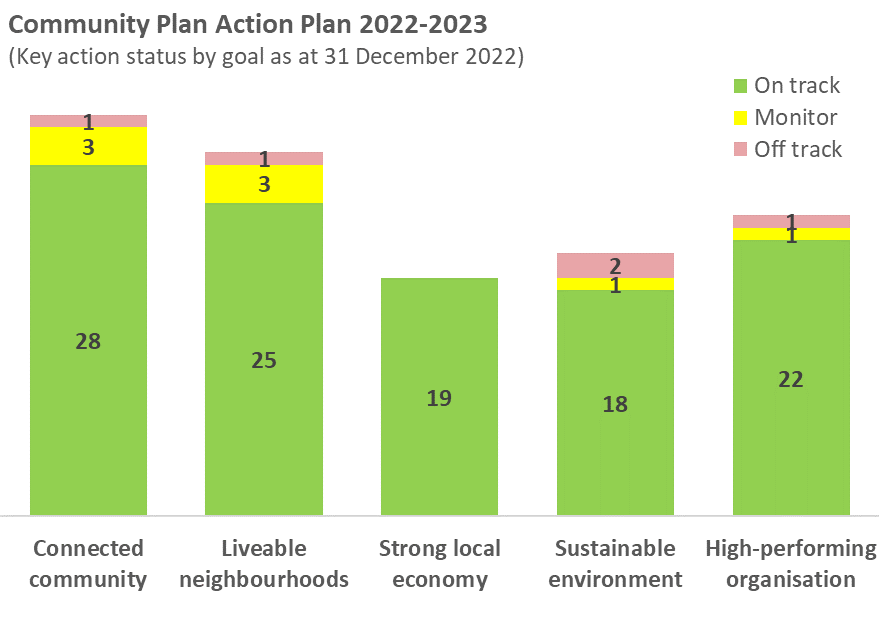
* Actual and budgeted operating revenues and expenses;
* Actual and budgeted capital revenues and expenses;
* Actual movements in the balance sheet; and
* Actual movements in the cash flow statement.

**Community Plan Performance**

The Community Plan 2021-2025 includes 61 key initiatives. 125 related key actions are included in the Community Plan Action Plan for delivery in the 2022-2023 financial year.

Of the 125 key actions included in the Community Plan Action Plan 2022-2023:

* 112 actions are reported as “On Track”;
* Eight actions are reported “Monitor”; and
* Five actions are reported “Off Track”.



These are the key actions currently reported “Off Track” or “Monitor”:

|  |  |
| --- | --- |
| Goal: Connected community | |
| Key action: Complete the upgrade of the pavilion at HR Uren Reserve in Thomastown | Off Track |
| Comment: We have encountered very poor soil conditions impacting the in-ground works. We expect works to be completed in late 2023. | |
| Key action: Develop a Connected Community Strategy to guide how we create a socially cohesive, healthy, safe, and engaged community | Monitor |
| Comment: We are about to finalise the Background Research Paper and will conduct planning workshops throughout April to June. We are aiming to adopt the final strategy in December 2023, following community consultation. | |
| Key action: Review the Maternal Child Health service to improve cultural safety for our Aboriginal community. | Monitor |
| Comment: We are in the process of procuring a consultant to undertake the project in line with the confirmed project brief. We are aiming to have the procurement completed by the end of February 2023. | |
| Key action: Construct a basketball court, shelter and social gathering spaces and upgrade paths at the western end of Norris Bank Reserve | Monitor |
| Comment: We have awarded the youth space upgrade construction tender for the western precinct at Norris Bank Reserve. Construction of the landscape works is scheduled to commence February 2023. | |

|  |  |
| --- | --- |
| Liveable neighbourhoods | |
| Key action: Continue improvements to Whittlesea Public Gardens which will include a skate park, rock climbing wall, basketball courts, barbecue and shelter area and a car park | Off Track |
| Comment: Car parking and traffic report indicates insufficient parking provision in the current design, a redesign and budget increase is required. Detailed skate park and urban park designs are on hold until budget can be confirmed for the larger car park. | |
| Key action: Upgrade the dog off leash park at Delacombe Park in South Morang | Monitor |
| Comment: We have received good feedback from local residents including at a pop-up engagement session in November. Following consultation we will prepare a design plan which will include improvements to the park surface condition, shelter, drink fountains, seating, garden beds and a quiet dog zone. | |
| Key action: Rehabilitate the conservation reserve in the northern part of Worchester Park in Bundoora | Monitor |
| Comment: We have completed the design phase and are now progressing the tender. Project is anticipated to commence construction in early 2023. | |
| Key action: Commence Quarry Hills Regional Park trail network construction | Monitor |
| Comment: We are nearing design completion of the trails and rest stops and will call for construction tenders subsequently. We expect construction to commence in March 2023. | |
| Sustainable environment | |
| Key action: Refurbish Janefield Wetlands Boardwalk in Bundoora | Off Track |
| Comment: We are progressing the site investigations for the boardwalk will prepare a design for the upgrade works. Construction works are now scheduled for the 2023/24 financial year. | |
| Key action: Work with Traditional Owners to obtain Aboriginal cultural heritage permits for land management works in conservation reserves | Off Track |
| Comment: We have trialled a delivery format for this project during 2022 and will explore alternative delivery options in early 2023. | |
| Key action: Construct Wilton Vale Wetland Boardwalk in South Morang | Monitor |
| Comment: We expect to commence construction of the new boardwalk in 2023, following the tender process. | |
| High-performing organisation | |
| Key action: Make it easier for our community to apply for local law permits online such as roadside and footpath trading | Off Track |
| Comment: This project is an ongoing priority and Council will continue to work towards simplifying the local law permits process. | |
| Key action: Develop High-Performing Organisation Strategy to guide effective and efficient use of resources, and good governance at Council | Monitor |
| Comment: We have defined customer experience outcomes and are progressing other high-performance themes as part of the strategy development. | |

Of the 12 ongoing key actions included in the Community Plan Action Plan for delivery in the 2021-2022 financial year, four actions have now been completed.

Please refer to:

* Attachment 1 for a performance summary of the Community Plan Action Plan; and
* Attachment 2 for the Quarter 2 Performance Snapshot.

**Good Governance**

Council is committed to good governance and undertakes actions for continuous improvement throughout the year. Governance processes are designed to ensure accountability, transparency, responsiveness, lawfulness, equality, and inclusiveness. Key achievements this quarter to improving our governance included:

* Council Meetings were undertaken monthly to facilitate Council decision-making, with the December meeting conducted at the Mernda Community Centre;
* At its 1 December 2022 meeting, the Audit and Risk Committee, which consists of two Administrators and four independent members, considered Council’s financial, capital works and Community Plan Action Plan performance, risk management, fraud prevention systems and controls, and compliance with the overarching governance principles; and
* Council's Conflict of Interest Policy was reviewed, updated, and endorsed to ensure transparent, ethical, and lawful decision making.

**Capital Program**

Council adopted the 2022-2023 Capital Works Program on 27 June 2022 with a budget of $51.67 million. The Capital Works Annual Budget also includes 2021-22 carry forwards of $23.87 million, providing a total budget amount of $75.54 million.

The financial expenditure performance for the Capital Works Program for the period ended 31 December 2022 is detailed below:



As at 31 December 2022, capital expenditure of $22.03 million was $2.95 million ahead of budget. This is mainly due to road reconstruction works progressing ahead of schedule and the unbudgeted land acquisition of 1781 Donnybrook Road, Woodstock.

The forecast estimates an expenditure of $66.2 million against the Annual Budget of $75.54 million, which is $9.34 million less than the Annual Budget with anticipated projects to be carried forward to 2023-2024 of $9.98 million.

***Carry Forwards***

It is anticipated that projects to the value of $9.98 million will be carried forward to the 2023-2024 financial year due to many projects that have been impacted by disrupting planning, tendering and construction activities. The contractor availability and ongoing supply chain issues in the procurement of materials continue to influence the deliverability of this year’s program.

***Infrastructure Grants***

A summary of recent infrastructure grants outcomes is included in the Capital Grants Status Update December 2022 (Attachment 3). A total of $9.38 million grant applications have been successful this financial year. Applications to the value of $9.25 million are awaiting outcomes/announcements, and $6.9 million of applications have been unsuccessful.

**Financial Performance**

The Financial Performance Report for the period ended 31 December 2022 includes the following financial statements included in the Corporate Performance Report (Attachment 1):

* Comprehensive Income Statement;
* Balance Sheet;
* Statement of Cash Flows;
* Statement of Capital Works; and
* Summary of Reserves.



For the six months ended 31 December 2022, Council has recorded an operating surplus of $124.21 million, which is ($23.14 million) unfavourable to the year to date budget.

The forecast for the year ending 30 June 2023 is expected to have an operating surplus of $137.57 million, which is ($3.74 million) unfavourable to the Adopted Budget. Further detail and analysis on key financial variances are included in Attachment 1 to this report.

This surplus is reported based on the Australian Accounting Standards. It includes all revenue recognised in the financial period, including gifted subdivisional assets (non-monetary), developer contributions and grants towards capital works projects. It is important to note that the operating surplus is not a cash surplus; therefore, it does not convert to immediately available cash for Council. Significant amounts of the surplus are restricted by legislation and must be used for future infrastructure investment.

The operating result is a key figure in assessing Council’s financial performance. Although Council is a not-for-profit organisation, it should still generate a surplus to ensure future financial sustainability.

**Community Consultation and Engagement**

The Community were extensively engaged and consulted in developing the 2022-2023 Community Plan actions and budget.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

The Corporate Performance Report is a key instrument to monitor and communicate progress against key initiatives and actions for Council, as well as against the capital works program and the budget. It contributes to overall transparency and accountability and enable timely interventions as appropriate. As such, the corporate performance report is an essential tool to manage efficiency and deliver value to the community, contributing to the City of Whittlesea being a high-performing organisation.

**Considerations**

**Environmental**

Reporting against the Community Plan Action Plan 2022-2023 identifies key progress made from an environmental perspective, for example the key actions under the sustainable environment goal.

**Social, Cultural and Health**

Reporting against the Community Plan Action Plan 2022-2023 identifies key progress made from a social, cultural and health perspective, for example the key actions under the connected community and liveable neighbourhoods goals.

**Economic**

Reporting against the Community Plan Action Plan 2022-2023 identifies key progress made from an economic perspective, for example, the key actions under the strong local economy goal.

**Financial Implications**

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the quarter ended 31 December 2022 (Attachment 1).

**Link to Strategic Risk**

**Strategic Risk** *Financial Sustainability - Inability to meet current and future expenditure*

This report provides Council with an oversight of the City of Whittlesea’s key financial information and performance obligations to enable monitoring and to ensure City of Whittlesea’s financial position is sustainable.

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

This report provides Council with oversight of Council’s key corporate and financial information to enable regular monitoring and to ensure that Council’s financial position remains sustainable.

**Implementation Strategy**

This report was provided to the Audit and Risk Committee meeting on 16 February 2023.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

For the six months ended 31 December 2022, Council’s operating surplus was ($23.14 million) unfavourable to the year to date budget. Council’s Capital Works program was $2.95 million ahead of budget. Of the 125 key actions included in the Community Plan Action Plan 2022-2023, 112 actions are reported “On Track”.

**Attachment\_5.5.2.1**

**Attachment\_5.5.2.1 page 2**

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**Attachment\_5.5.2.1 page 21**

**Attachment\_5.5.2.1 page 22**

**Attachment\_5.5.2.2**

**Attachment\_5.5.2.3**

**Attachment\_5.5.2.3 page 2**

**Attachment\_5.5.2.4**

**Attachment\_5.5.2.4 page 2**

5.5.3 Appointment of Independent Member of CEO Employment Matters Committee

**5.5.3 Appointment of Independent Member of CEO Employment Matters Committee**

**Responsible Officer** Executive Manager Strategy & Insights

**Author** Frank Joyce, Executive Manager Strategy & Insights

**In Attendance** Frank Joyce, Executive Manager Strategy & Insights

**Attachments** No attachments

**Purpose**

The current independent Chair of the Chief Executive Officer (CEO) Employment Matters Committee (CEMAC) Margaret Devlin’s term expired 31 December 2022. The purpose of this report is for Council to appoint a new Chair of CEMAC for a four-year term commencing 1 March 2023 and ending 28 February 2027.

**Recommendation**

**THAT Council:**

1. **Appoints Christine Mileham as Independent Chair to the City of Whittlesea’s CEO Employment Matters Committee commencing 1 March 2023 for a four-year term ending 28 February 2027, in accordance with the terms of reference contained in the CEO Employment and Remuneration Policy;**
2. **Sets the rates of CEMAC Chair as $2,500 per formal meeting with this being an all-inclusive rate including work and attendance at any pre meetings, travel, preparatory work, agenda setting, minutes taking/review and benchmarking or reporting required in the role of Chair;**
3. **Authorises the Executive Manager Strategy and Insights to prepare an appointment letter and confidentiality agreement to confirm the appointment and terms and conditions as outlined in points 1 and 2; and**
4. **Writes to Margaret Devlin to thank her for her significant service to the CEO Employment Matters Committee and Council over the past 2.5 years.**

**Key Information**

The CEMAC is an independent advisory committee of Council and its role is to report to Council and provide appropriate advice and recommendations on all contractual matters relating to the position of the CEO including recruitment, performance and remuneration of the CEO. An independent Chair of CEMAC is required under the *CEO Employment and Remuneration Policy 2021*.

Margaret Devlin was appointed as the CEMAC Independent Member and then Independent Chair for the period 7 July 2020 until 31 December 2022. During this time Margaret provided valuable advice and support to CEMAC including: regarding the recruitment and appointment of the current CEO, Craig Lloyd; establishment of Key Performance Indicators; six monthly and annual performance reviews; and remuneration advice. It is recommended that a letter be sent to Margaret to thank her for her valuable contribution over the past 2.5 years.

In accordance with the CEO Employment and Remuneration Policy, an advertising process was undertaken from 10 November 2022 to 25 November 2022, inviting expressions of interest for the role of Independent Chair to join the CEMAC. 15 applicants submitted written applications of which the vast majority had excellent experience, expertise and capability for the role. A selection panel comprising the Chair of Council, Administrator Duncan and Administrator Eddy reviewed the 15 applications for shortlisting. The Executive Manager Governance and Strategy and Chief People Officer provided administrative support and policy and technical guidance throughout the process. Three applicants were shortlisted, and all were interviewed by the selection panel. All candidates interviewed had strong human resource and performance management experience, along with a sound knowledge of local government issues and extensive experience with similar committees.

Christine Mileham has extensive experience in human resource management, executive recruitment, performance management, policy advice, human resource legislation, facilitation and chairing as well as strong public sector and local government knowledge. Christine is currently appointed as an Independent Member or Chair of a number of equivalent Committees including Greater City of Bendigo, Kingston City Council, Northern Grampians Shire and Moorabool Shire.

Reference checks for Christine Mileham were extremely positive and confirmed the value Christine would add as Chair of CEMAC and the extensive skills and experience she would bring to the position.

It is recommended that Christine Mileham be appointed as Independent Chair to CEMAC from 1 March 2023 for a four-year term ending 28 February 2027, in accordance with the terms of reference contained in the CEO Employment and Remuneration Policy. As part of the appointment, Christine would be required to sign a *confidentiality agreement*. The four-year term is recommended to ensure consistency and a smooth transition to the elected Council in November 2024 and to oversee the period where the current CEO contract expires (October 2025).

It is recommended Council pay an all-inclusive fee of $2,500 per formal meeting which is inclusive of any pre meetings, travel, preparatory work, agenda setting, minutes taking/review and benchmarking or reporting required in the role of Chair. Benchmarking in the sector confirmed this was an appropriate rate of payment. In the event there was a need to recruit for a CEO, additional fees would be negotiated and agreed with the Independent Chair, to reflect the additional work required in the recruitment, interviewing and appointment of a CEO.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Goal - High Performing Organisation

The CEMAC supports implementation of good governance principles particularly legal, strategic planning, continuous improvement and transparency. CEMAC provides advice to Council to assist with fulfilling its oversight responsibilities for the management and oversight of CEO recruitment, performance and remuneration.

**Link to Strategic Risk**

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

CEMAC and appointment of an independent chair is a requirement under the Local Government Act 2020 and the CEO Employment and Remuneration Policy.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

There was a high-quality field of candidates for the CEMAC Independent Chair position. Following a thorough recruitment process including shortlisting, interviewing and reference checking, Christine Mileham is the preferred candidate for the position. To support a smooth transition to the newly elected Council in November 2024 and to see out the current CEO contract it is recommended that the position is for a four-year term.

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Items of Urgent Business

**8 Reports from Council Representatives and CEO Update**

**9 Confidential Business**

**9.0.0 Close Meeting to the Public**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020.

**Recommendation**

**THAT the Chair of Council recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.**

**9.1 Confidential Connected Communities**

No Reports

**9.2 Confidential Liveable Neighbourhoods**

No Reports

**9.3 Confidential Strong Local Economy**

No Reports

**9.4 Confidential Sustainable Environment**

No Reports

**9.5 Confidential High Performing Organisation**

No Reports

**9.6 Confidential Notices of Motion**

No Confidential Notices of Motion

**12 Closure**