



Agenda

Scheduled Council Meeting

Tuesday 20 February 2024 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 20 February 2024 at 6:30 pm for the transaction of the following business.

This meeting will be held in the Council Chamber at Civic Centre, 25 Ferres Boulevard, South Morang 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

Christian Zahra AM 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, Peita Duncan and Christian Zahra 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

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

Order of Business

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**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:**

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, petitions or joint letters from our community to be read out by the Chief Executive Officers delegate and responses will be provide by the Chief Executive Officer.

Questions are required to be submitted in writing no later than 12 noon on the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items. Any questions submitted after 12 noon the day prior will be held over to the following Council Meeting.

The Public Question form can be downloaded from Council’s website. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

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 the Administrators and Chief Executive Officer:

Administrator, Peita Duncan;

Administrator, Christian Zahra; and

Chief Executive Officer, Craig Lloyd.

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

Emma Appleton, Director Planning and Development;

Agata Chmielewski, Director Community Wellbeing;

Sarah Renner, Director Corporate and Customer Services;

Debbie Wood, Director Infrastructure and Environment;

Janine Morgan, Executive Manager Public Affairs; and

Jacinta Stevens, Executive Manager Office of Council and CEO

**1.2 Apologies**

**1.3 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.”*

**1.4 Diversity and Good Governance 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.*”

**1.5 Acknowledgements**

**2 Declarations of Conflict of Interest**

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

# Recommendation

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

**Scheduled Meeting of Council held on 19 December 2023**

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

**4.1 Public Question Time**

**4.2 Petitions**

4.2.1 Australia Day Petition

**4.2.1 Australia Day Petition**

An electronic petition has been received from a large number of signatories requesting the following: ‘We the undersigned, petition that Council should leave Australia Day alone. Australia Day means different things to many, it is still a day to be proud and acknowledge those who have served, fought, and died under our flag, defending our freedoms. For some Australia Day may be painful.’

‘We believe that the debate about Australia Day is not the role of local Councils – who should be focused on local issues. We ask that Council leave Australia alone and hold community events that celebrate Australia Day, Acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies.’

# Officers’ Recommendation

**THAT Council note the petition from a large number of signatories requesting Council leave Australia Day alone and hold community events that celebrate Australia Day, Acknowledge Indigenous Culture and mark Australia Day with Citizenship Ceremonies.**

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

5.1 Quarterly Corporate Performance Report - Q2 ended 31 December 2023

**5.1 Quarterly Corporate Performance Report - Q2 ended 31 December 2023**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Unit Manager Financial Strategy & Performance

**In Attendance:** Chief Financial Officer

# Executive Summary

This report provides the Quarterly Corporate Performance (Q2) outcomes and comprehensive summary for the period ended 31 December 2023 provided at **Attachment 1** relating to:

* Council’s financial performance
* Community Plan Action Plan 2023-24
* Good Governance Actions
* 2023-24 Capital Works Program

# Officers’ Recommendation

**THAT Council:**

**1. Notes the Quarterly Corporate Performance Report for the period ended 31 December 2023 at Attachment 1.**

**2. Notes the financial performance for the period ended 31 December 2023 contained within Attachment 1.**

# Background / Key Information

**Introduction**

The Quarterly Performance Report for the period 31 December 2023 has been prepared in accordance with the *Local Government Act 2020*. This report is designed to identify major variances against the December year to date budget.

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

* Community Plan Action Plan 2023-24 to 31 December 2023;
* Good Governance actions to 31 December 2023;
* 2023-24 Capital Works Program to 31 December 2023; and
* Council’s financial performance to 31 December 2023.

The report includes the following comparisons for the six months ended 31 December 2023:

* 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 2021-25 includes 61 key initiatives. 56 related key actions are

included in the Community Plan Action Plan for delivery in the 2023-24 financial year.

Of the 56 key actions included in the Community Plan Action Plan 2023-24:

* 8 actions are reported “Completed’;
* 46 actions are reported “On Track”;
* One action is reported “Monitor”; and
* One action is reported “Off Track”.

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



Below are the key actions reported as “Monitor” and “Off Track”:

| **Key actions** |  | **Progress Status** | **OPEX Budget Status** |
| --- | --- | --- | --- |
| **Goal 1: Connected community** | | | |
| Adopt the Whittlesea Reconciliation Action Plan 2023-2027 | | Off Track | N/A |
| Comment: We have been working with our local community and stakeholders to ensure they have the opportunity for meaningful input in the development of the Reconciliation Action Plan. A draft is currently in development and due for completion by June 2024. | | | |
| **Goal 2: Liveable neighbourhoods** |  |  |  |
| **Goal 3: Strong local economy** |  |  |  |
| **Goal 4: Sustainable environment** |  |  |  |
| **Goal 5: High-performing organisation** |  |  |  |
| Identify key initiatives that have a "direct and significant impact on community" for gender impact assessment under the Gender Equality Act 2020 | | Monitor | N/A |
| Comment: Gender Impact Assessments have been implemented for Strong Local Economy Strategy, Sustainable Environment Strategy, Connected Communities Strategy to help Council adequately plan to address gender needs and impacts of this work. We are embedding processes and systems to ensure that all significant pieces of work have a gender lens applied to them in the future. | | | |

Of the 10 ongoing key actions included in the Community Plan Action Plan for delivery in the 2022-23 financial year, two actions have now been completed.

Please refer to:

* Attachment 2 for the detailed status report covering all 56 key actions, and
* Attachment 3 for the Quarter 2 2023-24 Performance Snapshot.

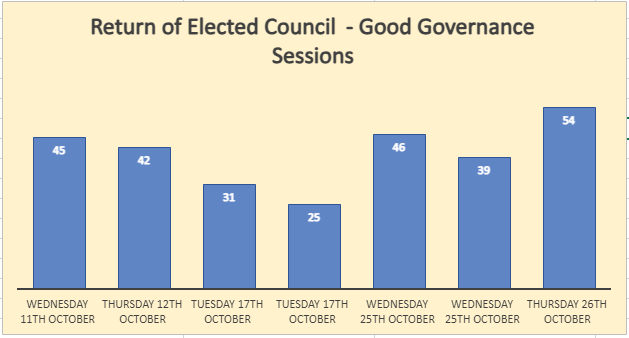
**Good Governance**

Council is committed to good governance and transparent decision making. During Q2 several actions were undertaken to ensure continuous improvements were made, and in preparation for the return of an elected Council.

Council’s preparation for the return to an elected Council is progressing well with all four workstreams: Empowering our People, IT and the Customer, Communicating our needs, and Ensuring Good Governance delivering against the program vision.

During October, 328 staff across 8 sessions attended the Return of Elected Council – Good Governance workshops (figure 1 below).

Figure 1



To promote positive and constructive interactions between Councillors and staff, whilst ensuring compliance with the separation between the governance functions of Councillors and the administrative and operational functions of the organisation, in October 2023, the CEO approved a Councillor/Staff Interaction Protocol.

The CEO approved a refined and clearly articulated Staff Gift Policy. To ensure consistency, the Staff Policy and Councillor Gift Policy significantly align.

The CEO and Executive Manager, Office of Council & CEO delivered a workshop in November to the Organisational Leadership team titled *‘Returning to Normal’* covering information on the Program, what we’ve done so far, what’s to come, election period, good governance, good governance gone wrong.

In December 2023, three ‘*Effective Council report writing*’ workshops were held with another five workshops scheduled in early 2024. Approximately 189 Council staff have enrolled to participate in one of the eight workshops.

In preparation for the return of Councillors, and to enhance good governance practices, the following policies were thoroughly reviewed, released for community consultation, where required, and adopted by Council.

* Governance Rules incorporating a refined Election Period Policy
* Councillor Code of Conduct incorporating Councillor/Developer interactions and process for community complaints about a Councillor
* Councillor Communications Policy
* Community Engagement Policy
* Councillor Gift Policy
* Public Transparency Policy
* Public Interest Disclosure Procedures
* Councillor Expense Policy

Other key achievements this quarter relating to continuous and improved good governance included:

* Scheduled Council meetings continued to be held monthly to facilitate Council open and transparent decision-making. In October two additional unscheduled Council meetings were held. One being a Joint Council meeting between Whittlesea, Hume, and Mitchell Council’s, the first of its kind across Victorian Local Councils. The second unscheduled meeting was to adopt the 2022-23 Annual Report.
* The Audit and Risk Committee, consisting of two Administrators and four independent members met on 15 November 2023 to consider several matters including Council’s financial and performance reporting, assurance plan progress, risk management, internal audit outcomes, systems of internal control, annual procurement report, and legislative compliance.
* In relation to Freedom of Information, during this quarter there were:

|  |  |
| --- | --- |
| New FOI Applications Received | 12 |
| Completed/Closed FOI Requests | 12 |
| Current FOI’s In Progress | 9 |

Recent FOI applications included:

* 6 requests for claims, inspection and maintenance records in relation to incident or injury
* 2 requests for details of complaints made against the applicant’s properties
* 2 requests for financial records
* 1 request for all documents relating to a property
* 1 request for unresolved Snap, Send, Solve enquiries
* One privacy complaint was received during the quarter, however, upon investigation it was determined that no breach had occurred.

**Capital Program**

Council adopted the 2023-24 Capital Works Program on 27 June 2023 with a budget of $75.37 million. Capital Works Annual Budget also includes 2022-23 carry forwards of $21.66 million, providing a total budget of $97.03 million.

The financial expenditure performance of the Capital Works Program to 31 December 2023 is detailed below:



As at 31 December 2023, capital expenditure of $26.04 million was $1.39 million ahead of budget.

**Infrastructure Grants**

A summary of recent infrastructure grants outcomes is included in the Grants Status Report (Attachment 3).  A total of $15.88 million in applications have been successful to date this financial year. Applications to the value of $16.91 million are awaiting outcomes/ announcements.

**Program Impacts and Carry forwards**

The delivery of many projects within the 2022-23 capital works program were impacted throughout the year. Due to delays to planning, tendering and construction activities throughout the year, $21.66 million has been carried forward to the 2023-24 financial year to enable completion of these works.

**Financial Performance**

The Financial Performance Report for the period ended 31 December 2023 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 2023, Council recorded an operating surplus of $185.87 million, which is $20.12 million favourable to the year to date budget.

This surplus as reported, 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 to assess Council’s financial performance. Although Council is a not-for-profit organisation, it should still generate a surplus to ensure future financial sustainability.

# 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 of *Local Government Act (2020)* Principles

Financial Management

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the six months ended 31 December 2023 (Attachment 1).

The Chief Executive Officer notes, as required under section 97(3) of the Local Government Act 2020, is of the opinion a revised budget is not required.

**Community Consultation and Engagement**

The Community were extensively engaged and consulted in developing the 2023-24 budget.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

(g) The ongoing financial viability of the Council is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations (including Climate Emergency)

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Reported information has been sourced and discussed with line management and project managers across the organisation. Consultation has also been undertaken with the Executive Leadership Team.

# 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.

# Attachments

1. Corporate Performance Report [**5.1.1** - 23 pages]
2. 2021-2025 Performance Report Q 2 2023-2024 [**5.1.2** - 11 pages]
3. Capital Grant Status Update - December 2023 [**5.1.3** - 2 pages]
4. Reserve December 2023 [**5.1.4** - 3 pages]

5.2 Planning Scheme Amendment C269 – 149 McKimmies Road Bundoora Rezoning Exhibition Outcome

**5.2 Planning Scheme Amendment C269 – 149 McKimmies Road Bundoora Rezoning Exhibition Outcome**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Strategic Planner

# Executive Summary

This report details the outcomes of the public exhibition of Planning Scheme Amendment C269 which applies to land at 149 McKimmies Road, Bundoora, and includes the consideration of submissions and recommended next steps.

Amendment C269 applies to 36.4Ha of land at 149 McKimmies Road, Bundoora (shown on Attachment 1). From 1964 to 1992 the site was used as a basalt quarry. From 2000 the site has been progressively filled using ‘clean fill’ material. With these operations ceasing, the current landowner is proposing to use the site for residential purposes. This responds to the strategic direction provided by Thomastown Industrial Area Plan (2018) which found the site unlikely to support industrial use long term and identifies residential as a possible alternate use and State policy to facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with the potential for residential development.

To facilitate this use, the Amendment seeks to:

* rezone part of the subject site from Industrial 1 Zone to the General Residential Zone (new schedule GRZ6),
* apply the Development Plan Overlay (DPO) with a new scheduled (DPO40) to the rezoned land; and
* amend the Land Subject to Inundation Overlay (LSIO) to accord with Melbourne Water’s updated flood mapping.

The proposed zoning map is included at Attachment 2.

Council resolved at its September 2022 meeting to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C269 to the Whittlesea Planning Scheme. Authorisation was granted by the Minister for Planning in July 2023.

The Amendment was publicly exhibited between 14 September and 15 October 2023. Council notified owners and occupiers of 92 neighbouring properties, affected agencies and prescribed Ministers. Council Officers also held a community information session on October 2nd, inviting interested members of the community to discuss the Amendment directly with Council officers. 13 members of the public attended with Council Officers sharing information on the proposal and current conditions and activities on the site.

Council received nine submissions during the exhibition period. Three submissions were received from residents, four from agencies and one from the operators of the immediately adjoining Dyson bus depot to the north. A late submission was also received by the proponent in support of the Amendment. Issues raised by the submissions include the extent of waterway reserve along Darebin Creek, ensuring compliance with implementation of Statement of Environmental Audit as part of the next stages of development, traffic and site access issues to McKimmies Road, acoustic and air quality issues, and interface treatments of the proposed residential neighbourhood to the neighbouring bus depot.

This report will discuss the outcomes of the public exhibition process. A summary of each of the submissions and officer’s recommendations in relation to the Amendment are contained in Attachment 3 to this report and an amended DPO schedule showing how the changes would appear if they were recommended by the Panel is included at Attachment 4. As a number of submissions cannot be resolved, the report recommends that Council submit a request to the Minister for Planning to appoint an independent Planning Panel to consider all submissions. Further, the report recommends that officers be authorised to continue discussions to seek resolution of unresolved submissions in the lead up to the Planning Panel.

The outcomes of the Planning Panel and its recommendations will be reported to Council following the release of the Panel report.

# Officers’ Recommendation

**THAT Council:**

**1.** **Request the Minister for Planning appoint an independent Planning Panel to consider all submissions made in relation to proposed Planning Scheme Amendment C269 to the Whittlesea Planning Scheme.**

**2.** **Refer all submissions to the independent Planning Panel, when appointed by the Minister for Planning.**

**3.** **Note for the purposes of advocacy at the Planning Panel, Council’s submissions recommended to the Planning Panel that the form of Development Plan Overlay Schedule 40 should be generally in the form listed at Attachment 4.**

**4.**  **Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations detailed within this report and Attachment 3.**

**5.** **Note officer will** **advise the proponent, submitters and Planning Panels Victoria of point 1. above.**

# Background / Key Information

Background and Site Details

The site subject of the Amendment is a 36.4Ha former basalt quarry at 149 McKimmies Road, Bundoora. The site is bounded by Darebin Creek to the west and south, land owned by Yarra Valley Water and the Metropolitan Ring Road to the south, the future E6 road reserve to the east and McKimmies Road and Dyson Bus Depot to the north.

The quarry on the site was operational from 1964 to 1992. Since 2000, the former quarry has been operated as a landfill accepting clean fill material (mixed clay, silt, sand, gravel and boulders). The site has not accepted any putrescible waste. The material was initially sourced from the near-by Mill Park subdivision and later expanded to material from other sources. Between 2004 and 2013 approximately 13,500m3 of Coode Island silt from Footscray and Docklands was transported to the site. Specific EPA approval was obtained to receive these acid sulphate soils.

With the quarry ceasing operation and the former quarry hole largely filled, the owners sought an alternative use for the site. Council’s Thomastown Industrial Area Plan (endorsed 2018) investigated the future use of the site. It was found the site was not expected to support industrial development in the long term given the isolated nature of the site (separated from other industrial precincts in the Thomastown Industrial area), surrounding residential context, connectivity issues and the availability of better located employment sites elsewhere in the municipality. The Thomastown Industrial Area Plan identified opportunities for alternate uses such as residential and mixed use subject to detailed assessment of access arrangements, impacts of existing bus depot, environmental implications and any associated geotechnical and contamination issues. The owners have proposed redevelopment of the site for residential use supported by a range background reports and technical assessments. Council resolved at its meeting on 19 September 2022 to commence the Planning Scheme Amendment process to rezone the site.

Due to its former use as a quarry and subsequent filling, the site has undergone an Environmental Audit process overseen by an independent Environmental Auditor appointed by the Environmental Protection Agency (EPA), and in accordance with the EPA’s pre-development advice. A Statement of Environmental Audit was issued on 6 January 2023. The Statement concluded that the site is suitable for the proposed uses, including residential, subject to conditions which will need to be implemented as part of the remediation and development of the site. The conditions require mitigation measures to respond to the low concentrations of soil, groundwater and ground gas contaminants. These include groundwater to not be extracted for beneficial use without testing and the installation of a ground gas mitigation system over parts of the former quarry holes.

A geotechnical response to the ground conditions has also been developed and is currently being implemented across the site. This includes overloading the former quarry holes with fill to surcharge the compaction before a layer of engineered fill is used to cap the compacted fill.

Planning Context

The planning controls which currently apply to the site are:

* Zones:
  + Industrial 1 Zone IN1Z (majority of site)
  + Urban Flood Zone UFZ (along Darebin Creek)
  + General Residential Zone Schedule 5 GRZ5 (small area adjoining residential properties)
* Overlays:
  + Development Contributions Plan Overlay Schedule 3 (DCPO3)
  + Public Acquisition Overlay (PAO2) (E6 corridor)
  + Land Subject to Inundation Overlay (LSIO)

Planning Scheme Amendment Proposal

The Amendment seeks to implement planning controls to enable the redevelopment of the subject site for residential use. Specifically, the Amendment proposes to:

* Apply the General Residential Zone Schedule 6 to part of the site (refer to Attachment 2)
* Implement the new GRZ Schedule 6 to the Whittlesea Planning Scheme
* Apply the Development Plan Overlay (DPO) Schedule 40 to the rezoned part of the site
* Implement the new DPO Schedule 40 to the Whittlesea Planning Scheme Amendment
* Amend the extent of the Land Subject to Inundation Overlay (LSIO)
* Amend the Framework Plans (showing the implementation of Strategic Directions) at Clause 2 of the Whittlesea Planning Scheme to reflect the above changes.

The Amendment will also deliver a number of key outcomes, including:

* A new supply and an appropriate mix of housing consistent with Councils Housing Diversity Strategy
* Provision of 15% affordable housing including 5% social housing and 10% affordable housing in accordance with Councils Social and Affordable Housing Policy and Strategy, 2016 and the Whittlesea Planning Scheme
* Provision of 30% tree canopy coverage in the public realm and additional tree planting opportunities on private lots consistent with Councils Greening Whittlesea City Forest Strategy 2020-2040
* Local infrastructure required to support the new housing such as local parks and shared paths, connections to recreation areas, local road and service connections.
* Site remediation

The application of a DPO will require the preparation of a Development Plan to guide the future development of the site. The Development Plan will be prepared by the proponent following the approval of the Amendment and prior to the grant of a planning permit for any substantive development. A number of site specific issues will need to be addressed in the Development Plan including access arrangements, road and traffic conditions on surrounding road network including McKimmies Road, interface treatments to Dyson’s bus depot, Darebin Creek and the E6 reservation, implementation of Statement of Environmental Audit and geo-technical strategy. The Development Plan will also resolve the final developable area and dwellings yield which will be informed by further technical assessments prepared in support of the Development Plan.

Subsequent planning permits must be generally in accordance with the approved Development Plan.

Changes to the extent of the LSIO will implement updated flood mapping for the Darebin Creek prepared by Melbourne Water.

A strategic assessment of the proposal is included in the Explanatory Report which accompanied the exhibition of the Amendment.

**Planning Scheme Amendment Process**

The Planning Scheme Amendment process includes a number of prescribed steps and stages as per the *Planning and Environment Act, 1987*. These are detailed in Attachment 5. Amendment c269 is currently at the stage of considering submissions received during exhibition.

Response to submissions

The Planning Scheme Amendment was publicly exhibited from 14 September to 15 October 2023. Nine submissions were received.

Attachment 3 summarises all the submissions received and provides officer recommendations in response. Attachment 4 also includes proposed draft wording changes to the exhibited DPO Schedule responding to the submissions received. These largely relate to requirements for further assessments at key interfaces, the implementation of a variable width waterway reserve and transport considerations. A number of other minor changes have also been made to the DPO Schedule to improve the accuracy and clarity of drafting and to align with more recent changes in Council policy.

Key strategic issues raised in the submissions and officer recommendations are summarised below. More detailed discussion is contained in Attachment 3.

The Darebin Creek waterway corridor

The Department of Environment, Energy and Climate Action (DEECA) submitted that the waterway reserve along Darebin Creek should be extended to a minimum 50 metres from the top of bank rather than the proposed minimum 30 metres due to the importance of the Darebin Creek corridor as a habitat for the Growling Grass Frog (GGF) and to protect existing native vegetation. They also recommended this reserve should include the areas covered by the current LSIO and extended to include any existing native vegetation outside of this area.

*Officer recommendation*

The submission is supported in principle. However, it is recommended that an equivalent outcome can be achieved by adopting a site responsive, variable width waterway reserve with an average width greater than 50m, rather than the 50m minimum and this be reflected in an amendment to the Framework Plan in the DPO Schedule (refer to Attachment 4). The reserve is to be at a minimum 30m from the top of the bank to the Darebin Creek consistent with the submission of Melbourne Water. It will extend beyond 50m at points to protect significant areas which would not be achieved under the blanket 50m reserve. The reserve is to include land with the proposed LSIO control and incorporate existing native vegetation, where possible. This will ensure the protection of important Growling Grass Frog (GGF) habitat links and existing native vegetation in accordance with relevant policy.

Environmental Audit implementation - conditions

The Environmental Protection Agency (EPA) submitted regarding the implementation of the conditions and requirements in the Statement of Environmental Audit. The EPA requested that each condition from the Statement of Audit be included in the DPO Schedule, though it is not specified in which section/s of the DPO Schedule they be included. The EPA’s objective is to ensure that the conditions are implemented as part of the next stages of development.

*Officer Recommendation*

The submission is partly supported with each condition and requirement of the Statement of Environmental Audit to be detailed in the Development Plan rather than the DPO Schedule. To achieve this, it is recommended the DPO Schedule include a new entry at Clause 4 – ‘Requirements for Development Plan’ to require the Development Plan include all ‘conditions of the Statement of Environmental Audit and identify how each will be implemented or complied with’ (refer to Attachment 4). This better accords with guidelines on drafting the DPO schedule and ensures that the information is contained in the adopted Development Plan document.

Environmental Audit implementation - Section 173 agreement

The EPA submission also recommended additional drafting in the DPO schedule to secure the implementation of the Environmental Audit via a Section 173 agreement.

*Officer Recommendation*

The submission is supported in principle. It is recommended that the DPO Schedule be updated to allow for a condition of permit requiring a Section 173 Agreement for the implementation of any Statement conditions or requirements that feature on-going obligations or restrictions (refer to Attachment 4).

Native Vegetation

DEECA submitted that references to the native vegetation report (Nature Advisory, November 2021) be removed from the proposed DPO Schedule and/or updated to adequately address all requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). This report included a native vegetation retention and removal plan. DEECA submitted that the report did not fully respond to biodiversity and landscape values as detailed in the Planning Scheme and the Guidelines mentioned above.

*Officer Recommendation*

The submission is supported. It is recommended to remove references to the Nature Advisory Native Vegetation Report (2021) from the DPO Schedule at Clause 3 Conditions and requirements for permit and Clause 4 Requirements for development plan (refer to Attachment 4). The removal of any native vegetation will be determined through a permit in accordance with clause 52.17 of the Whittlesea Planning Scheme and the *Guidelines for the removal, destruction or lopping of native vegetation.* A significant amount of native vegetation located in the identified waterway reserve or other open space areas will be naturally protected.

River Red Gums

DEECA also provided commentary supporting the retention of mature River Red Gums consistent with state planning policy and Councils local planning policy.

*Officer Recommendation*

The submission is supported. It is recommended that Clause 4 – Requirements for Development Plan be updated to require the retention of existing native vegetation including mature River Red Gums in the waterway reserve, conservation reserve and tree reserves (refer to Attachment 4).

Acoustic Assessment

The development of sensitive uses on the site may potentially be impacted by noise from the adjoining bus depot and proximity to existing and future major roads (i.e. metropolitan ring road and E6 road). The EPA has submitted that their pre-development advice, that a high-level noise assessment to be performed to support the Amendment application was not satisfactorily undertaken by the proponent and referenced incorrect standards. The EPA noted that a noise assessment has been made a requirement for the Development Plan process and provided updated drafting for the DPO schedule to ensure it complies with its guidelines and standards.

*Officer Recommendation*

The submission is supported. It is recommended that the requirements for Acoustic Assessment in the DPO Schedule be updated in line with the EPA’s proposed drafting to ensure the acoustic assessment is prepared in accordance with the best practice EPA guidelines and standards (refer to the Attachment 4).

Bus Depot interface

Dyson Group’s (Dysons) bus depot, which directly adjoin the development site, submitted an objection to the proposed Amendment. The submission:

* queried whether a transition or buffer zone such as Industrial 3 Zone was considered as part of the Planning Scheme Amendment.
* recommends that to deal with the potential incompatible land uses of residential use in proximity to bus depot, that the Framework plan in the DPO Schedule be amended to show a 200m buffer as measured from the bus depot boundary into the subject site.
* argues that the provisions in the DPO Schedule are inadequate to facilitate an appropriate interface treatment and protect their operations and recommends changes in respect to buffer distance, the transport strategy requirements, requirements for a noise assessment and an assessment of the risks, and implementation of mitigation measures from light-spill.

*Officer Recommendation*

The submission is partly supported. A transitional industrial zone is not considered appropriate on the site and a 200m buffer is not considered justified in this instance. Clause 53.10 in the Whittlesea Planning Scheme requires an acoustic assessment for bus depots locating within 200m of sensitive uses. It does not prohibit them within this distance and neither does it prohibit residential uses within this distance.

However, a suitable buffer and treatment may be required which ensures bus operations are not adversely affected by the introduction of residential uses and the amenity of the proposed residential neighbourhood is secured. It is recommended that the Framework Plan in the DPO Schedule be amended to clearly articulate and note the ‘interface with the bus depot’ and that the suitability of developing land within 200m for sensitive uses needs to be assessed as part of the acoustic assessment requirements specified by the EPA and, if necessary, a suitable buffer and treatment measures introduced to mitigate any impacts. It is also recommended that a light spill assessment be undertaken. It is recommended that the requirements for the Concept Plan prepared as part of the Development Plan are updated to require it to reflect any buffers or treatments recommended by these assessments. (refer to Attachment 4)

Site Access

The Dyson bus depot currently operates from the adjoining site and buses access and egress the site through a shared access way (Laurie Collins Drive). The Dysons submission requests that the DPO schedule be amended to require the Transport Strategy to include express consideration for not only retained access for the depot, but also that there be no worsening in the quality of access for the bus depot, and any road upgrades that may be necessary be undertaken ‘in consultation with the depot....’. This is to ensure that Dysons are able to continue to operate their bus services efficiently from the depot.

*Officer Recommendation*

The submission is supported in principle. While the proposed wording drafted by the submitter is not supported in its entirety, it is recommended that the DPO Schedule be amended to better address the issue of the development site access. It is recommended that the Transport Strategy be required to assess and make recommendations of a number of additional matters in respect to access and traffic conditions. It is also recommended that the DPO schedule be amended to require the preparation of concept plans for the reconstruction of Laurie Collins Drive and that there be consultation with affected land owners in respect to proposed changes to access arrangements (refer to Attachment 4). This will ensure that the site access arrangements to both the development site and the bus depot is acceptable and considers the operations of the bus depot appropriately.

Traffic Impacts on road network

Two submissions objected to the development partly on the impacts of traffic on the surrounding road network.

*Officer Recommendation*

To respond to this issue, it is recommended that the DPO schedule be amended to include additional requirements as part of the Transport Strategy to demonstrate that the additional increase of traffic movements from the proposed residential neighbourhood can be managed and supported on the surrounding road network, including infrastructure works that may be required to facilitate this outcome.

**Rationale for Recommendation**

As noted above the exhibition of the amendment resulted in nine submissions being received. Two submissions supported the Amendment including a late submission by the proponent.

The other submissions received each raised multiple issues. Council officers have reviewed the submissions and made recommendations as to whether the change requested is supported or not (refer to Attachment 3). In some circumstances an alternative change is proposed to respond to the issue raised. Attachment 4 includes a track changed version of the proposed DPO Schedule that shows how the changes would appear if they were recommended by the planning panel. A number of minor edits to the DPO schedule have also been proposed to improve clarity of drafting and reflect more recent agreements (ie. social and affordable housing).

A number of submissions remain unresolved (refer to Attachment 3). In accordance with the Planning and Environment Act 1987 all submissions must now be referred to a Planning Panel for consideration or the Amendment abandoned. As the submissions received remain unresolved, the strategic basis for the Amendment remains sound and therefore, it is recommended that Council request the Minister for Planning to appoint a Panel to consider all of the submissions.

Council officers will present Council’s position on the submissions to the Panel. In order to minimise the amount of issues to be considered at the Panel, it is recommended that officers be authorised to continue discussions to seek resolution of unresolved submissions in the lead up to the Panel, consistent with the officer recommendations outlined in this report and its Attachments.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Whittlesea 2040**

This Amendment supports Goal 2: Liveable neighbourhoods through:

* Well-designed neighbourhoods
* Attractive streetscapes and public spaces
* Quality and varied housing options
* Housing that is diverse and affordable

**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 proposed Planning Scheme Amendment will implement planning controls on the new residential land to guide and deliver a well planned residential development, with a mix of dwelling sizes and vital increase in canopy tree cover, making it a quality place to live with high levels of amenity.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

The cost of conducting the Panel Hearing will be borne by the proponent. In accordance with the Planning and Environment Act 1987, the proponent is also required to pay Council a fee to assist with the resources required to consider submissions. Council will be responsible for covering the cost of any representation or evidence it requires at the planning panel which will be from its operational budget.

A s173 agreement has been negotiated with the proponent which ensures the delivery of essential transport infrastructure and a contribution to community and recreation infrastructure.

Community Consultation and Engagement

The Planning Scheme Amendment was publicly exhibited from 14 September to 15 October 2023. Owners and occupiers from 92 neighbouring properties were notified along with the prescribed Ministers and agencies. The amendment was advertised in the 12 September 2023 edition of the Star Weekly. Council Officers also hosted a drop-in session open to the public at community centre near the subject site. The session allowed residents interested in the proposal to discuss and ask questions about the Amendment with Council Officers and the proponent prior to the close of the exhibition period.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

Public Transparency Principles

N/A

# Council Policy Considerations

Environmental Sustainability Considerations (including Climate Emergency)

The Amendment proposal including the draft DPO Schedule consider Environmental Sustainability matters to ensure that the future development of the land is sustainable in accordance with current planning policy.

Social, Cultural and Health

The Amendment proposal considers social, cultural and health implications including delivery of affordable housing, protection of cultural heritage and implementation of the Environmental Audit conducted for the site. This is discussed in more detail in the Explanatory Report for the Amendment.

Economic

The development will have a positive economic impact through the development of the site for housing.

**Legal, Resource and Strategic Risk Implications**

The recommendation of this report is to progress the Amendment to a Panel which Council may require legal representation to assist with its submissions.

In respect to Strategic Risks, the Amendment documents provide for the implementation of the Environmental Audit consistent with the advice of the EPA. The Amendment also facilitates the provision of infrastructure required to support the proposed development.

# Implementation Strategy

Communication

All submitters to the Amendment will be notified of the Council Meeting date and the outcome of the Council meeting as per resolution no. 5.

Critical Dates

* Council Resolution to seek Authorisation to prepare and exhibit Planning Scheme Amendment: 19 September 2022
* Authorisation granted by Minister for Planning: 24 July 2023
* Exhibition of Planning Scheme Amendment: 14 September 2023 – 15 October 2023
* Scheduled Planning Panel dates:
* Directions Hearing: week of 18 March 2024
* Panel Hearing: week of 8 April 2024

Next Steps

This report recommends that Council resolve to request the Minister for Planning appoint an independent Planning Panel to consider the unresolved submissions. The role of the Planning Panel is to provide an independent forum for submitters to be heard in an informal, non-judicial manner.

The Panel dates have been provisionally set as:

* Directions Hearing: week of 18 March 2024.
* Panel Hearing: week of 8 April 2024.

The recommendations of the Panel will be reported to Council following the release of the Panel report and Council will be required to consider the recommendations of the Panel and resolve whether to adopt or abandon the Amendment.

# 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.

# Attachments

1. Attachment 1 - Site Context Plans [**5.2.1** - 2 pages]
2. Attachment 2 - Amendment C269wsea - Zoning Map [**5.2.2** - 1 page]
3. Attachment 3 Submission Summary Table and Officer Recommendations [**5.2.3** - 20 pages]
4. Attachment 4 DPO Schedule 40 Track Changes [**5.2.4** - 12 pages]
5. Attachment 5 - Planning Scheme Amendment Process [**5.2.5** - 2 pages]

5.3 Planning Scheme Amendment C278 - Update to the former Wollert Church Heritage Overlay

**5.3 Planning Scheme Amendment C278 - Update to the former Wollert Church Heritage Overlay**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Coordinator Planning Policy & Implementation

**In Attendance:** Strategic Planner

# Executive Summary

This report recommends that Council writes to the Minister for Planning to request the preparation and approval of a Planning Scheme Amendment (C287wsea) to modify the *Whittlesea Planning Scheme* to correctly reflect the new location of the former Wollert Methodist Church on the Carome Homestead site. It is proposed to prepare the amendment under Section 20(4) of the *Planning and Environment Act 1987*.

The former Wollert Methodist Church was moved from its original location near the intersection of Epping and Lehrmanns Roads in Wollert by Major Road Projects Victoria as a result of the Epping Road duplication. Following discussions between Major Road Projects Victoria and Council, Major Road Projects Victoria agreed to refurbish the Church and relocate it to the site of the Carome Homestead site in 2022, in consultation with the site’s Committee of Management.

The proposed amendment will remove the Heritage Overlay (HO165) from the original location of the former church and update the Schedule to the Heritage Overlay, the Statement of Significance for the Carome Homestead, and associated mapping of the *Whittlesea Planning Scheme* to reflect the new location of the former church within the curtilage of the Homestead (HO17). The Carome Homestead has been adapted for re-use and provides a restaurant/cafe on site. It is intended that the former Church will also be used for a similar use (ie. hospitality).

Council officers sought advice from officers at the Department of Transport and Planning (DTP) to prepare the amendment under Section 20(4) of the Pla*nning and Environment Act 1987*, which enables the Minister of Planning to intervene and exempt an amendment from the requirements of sections 17, 18, and 19 (relating to notification and exhibition) of the Act.

The circumstances in which this power may be used are that if the Minister considers that:

* compliance with any of those requirements is not warranted; or
* it is in the interests of Victoria or any part of Victoria to make such an exemption appropriate.

This was considered appropriate given the amendment is essentially an administrative update to the scheme to reflect the relocation of the former church. DTP agreed that the proposed amendment met the tests set out in Planning Practice Note, Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004) to proceed under this provision.

# Officers’ Recommendation

**THAT Council submits the proposed Amendment C278 Wollert Church Relocation to the Minister for Planning, to formally prepare and approve Amendment C278wsea, under Section 20 (4) of the *Planning and Environment Act 1987*, to the *Whittlesea Planning Scheme*, as presented in Attachments 1 – 6.**

# Background / Key Information

Increasing demand for transport infrastructure upgrades to meet the needs of a growing population has placed significant pressure on the management of heritage sites in growth areas. Recent urban development has resulted in impacts on previously untouched heritage sites including Aboriginal cultural heritage and post-contact heritage. As such, a careful approach is required to ensure that the significance of these places is respected and retained where practicable.

Epping Road is one of six upgrades planned by the State Government to improve main roads in the northern metropolitan region. The projects are being delivered by Major Road Projects Victoria (MRPV) as part of the State Government’s Northern Upgrade Project.

The former Wollert Methodist Church was located within the direct impact area of the Epping Road duplication project at the northeast corner of the intersection of Epping and Lehmanns Roads, Wollert. The road design required the removal of the church for the project to progress as part of the State Governments Victoria’s Big Build program. The former church is protected by a Heritage Overlay (HO165) in the *Whittlesea Planning Scheme* (scheme).

The Wollert Church is considered to be:

* historically and culturally significant because it has served as a place of worship for over 120 years
* historically and aesthetically significant as it is a good and largely intact example of a Carpenter Gothic style building in the Whittlesea area
* aesthetically significant as a dominant feature of the local landscape.

Given its significance and high degree of structural integrity, relocation of the former church was considered as a viable option rather than demolition.

Carome Homestead was identified as a potential relocation site due to its relatively close proximity to its original location and the site being protected by a Heritage Overlay (HO17).

The relocation of the former church was proposed to the Homestead’s Committee of Management for the site, Working Heritage Inc. (WHI) by City of Whittlesea officers. The Carome Homestead’s management plan contained an objective to expand hospitality offerings complementary to the onsite café. WHI have agreed to take on the former church as an asset in perpetuity for adaptive reuse of the building for hospitality uses.

The cost of the restoration and relocation and satisfaction of permit requirements was met by MRPV as part of the Epping Road upgrade project with Council guiding and negotiating as the project progressed.

In light of community interest in the project, MRPV contacted the Whittlesea Historical Society to inform a well-developed social media and community information campaign regarding the relocation. Residents affected by the relocation also worked directly with MRPV to achieve a suitable outcome. The project was supported both by the local community and State Government.

The church was successfully relocated and restored during 2022–2023, and officially opened in May 2023. The opening ceremony was attended by members of the Victorian Government in support of project outcomes.

Proposed amendment

The proposed amendment will update the Heritage Overlay schedule and associated mapping in the scheme to reflect the relocation of the former church.

**Attachment 1** provides the instruction sheet for C278wsea which proposes to:

* Delete the existing Heritage Overlay (HO165) at the original location of the former church on Epping Road
* Update the existing Heritage Overlay (HO17) at the Carome Homestead to reflect the relocation of the former church and
* Update the Incorporated Documents schedule for the Carome Homestead to include details regarding the former church.

**Attachments 2 and 3** show the map deleting the Heritage Overlay (HO165) from the former church location and the inclusion of the former church details into the Heritage Overlay Schedule 1 at Clause 43.01 of the Whittlesea Planning Scheme.

**Attachment 4** provides a map of the curtilage of Heritage Overlay (HO17) at the Carome Homestead site. The existing Heritage Overlay (HO17) at the Carome Homestead covers the land on which the church is now located. Attachment 4 also includes an aerial photograph of the site and the Church building now on the site.

**Attachment 5** provides an updated Statement of Significance to reflect the relocation of the former church, which will be incorporated into the planning scheme.

**Attachment 6** shows the condition of the former church at its original location at the junction of Epping and Lehrmanns Roads, Wollert and the restored condition at its new location, being Carome Homestead.

By continuing to have a Heritage Overlay applied to the relocated former church at the new location will ensure that any alterations to the former church will need to consider the Statement of Significance and be sensitive to the heritage context.

# 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 proposed amendment will update relevant ordinances in the scheme to reflect a well-planned heritage outcome resulting from the need to upgrade transport infrastructure to better service the municipality.

Relocation and restoration of the former Wollert Methodist Church maintains and celebrates the history and enhances the sense of place of the City of Whittlesea. Relocation of the church to this site provides for adaptive reuse and ongoing community access to a significant heritage building.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The costs associated with the proposed amendment will be met by Major Road Projects Victoria and therefore there are no financial implications for Council.

Community Consultation and Engagement

By using a 20(4) Amendment, the Minister will authorise exemption from notice and exhibition requirements for the proposed amendment. This exemption is considered appropriate in given it meets the tests set out in Planning Practice Note, Ministerial Powers of Intervention in Planning and Heritage Matters including that the ‘views of affected parties are known’ given the relocation of the former church was undertaken with the support of the directly affected landowners, being MRPV and WHI.

Additionally, non-statutory consultation was undertaken as part of Amendment C234 which facilitated the Epping Road Upgrade Project as well as Permit PLN-36854 for the relocation and restoration of the former Wollert Methodist Church. The project received significant public attention and was supported both by the local community and State Government.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

* 1. Council decisions are to be made and actions taken in accordance with the relevant law.
  2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Public Transparency Principles

N/A

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The former church was successfully relocated and restored in the 2022-2023 period, with the asset retaining 78% of its original fabric. The relocation and restoration of the Wollert Methodist Church assists with the sense of place and vibrancy of the City of Whittlesea.

Economic

The church was structurally sound and it was clear that the structure could be adapted for use. As mentioned above, the former church is likely to be adapted to provide an increase to the hospitality offerings at the Carome homestead.

Legal, Resource and Strategic Risk Implications

No Implications

# Implementation Strategy

Communication

Assuming the Minister for Planning approves the amendment, the affected landowners will be informed when the Amendment is gazetted.

Critical Dates

There are no critical dates.

# 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.

# Attachments

1. Attachment 1 Amendment C 278 wsea Instruction Sheet [**5.3.1** - 1 page]
2. Attachment 2 Amendment C 278 wsea Plan - Deletion of H O 165 from Map 12 of the Whittlesea Planning [**5.3.2** - 1 page]
3. Attachment 3 Extract from Whittlesea Planning Scheme ( Schedule 1 from Clause 43.01 Heritage Overlay [**5.3.3** - 1 page]
4. Attachment 4 Carome Homestead and Wollert Church location [**5.3.4** - 1 page]
5. Attachment 5 Updated Statement of Significance for Carome Homestead including the Wollert church [**5.3.5** - 6 pages]
6. Attachment 6 Images of the former Wollert Church showing t [**5.3.6** - 1 page]

5.4 Tender Evaluation Report - 2023-114 Construction of Granite Hills Major Community Park

**5.4 Tender Evaluation Report - 2023-114 Construction of Granite Hills Major Community Park**

**Director/Executive** **Manager:** Director Infrastructure & Environment

**Report** **Author:** Senior Parks Project Manager

**In** **Attendance:** Unit Manager Parks Development

 This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding tender amounts submitted by a contractor which give direct insight into the contractor's detailed pricing information that is commercially confidential. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

# Executive Summary

This report summaries the evaluation of the tender submissions received for the Tender 2023-114, Construction of Granite Hills Major Community Park.

The tender evaluation panel advises that:

* Four tenders were received.
* The recommended tender was the highest ranked.
* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register.
* This contract relates to a unique need for the City of Whittlesea.
* This contract relates to a Federal or State Government grant funded project.

**Officers’ Recommendation**

**THAT Council:**

1. **Resolve to award the following contract to Warrandale Industries Pty Ltd:**

**Number:** **2024-114**

**Title:** **Construction of Granite Hills Major Community Park**

**Cost:** **A lump sum of $5,449,678.39 (excluding GST)**

**subject to the following conditions:**

1. **Contractor providing contract security and proof of currency for insurance cover as required in the tender documents.**
2. **Price variations to be in accordance with the provisions as set out in the conditions of contract.**
3. **Approve the funding arrangements as detailed in the confidential attachment.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council, and to authorise any price variations in accordance with 1 b) above.**

# Background / Key Information

In 2019, a landscape master plan for the Quarry Hills Regional Parklands was developed to guide future land planning of the site. Stage 1 of the Masterplan is for the development of Granite Hills Major Community Park, which will provide the gateway into the broader Quarry Hills Regional Parkland and the future Aboriginal Gathering Place.

The purpose of this contract is for the construction of a playground, landscape, and associated public park amenities including public toilets with Changing Places facilities, picnic facilities and visitor shelters. Two early works packages for Granite Hills Major Community Park have already been awarded for the creation of waterbodies and the design and construction of a timber boardwalk.

The proposed contract is made up of two parts - Part One: Overall landscape works and design and construct of custom play unit, and Part Two: Construction of public amenities facility and minor shelters.

Public tenders for the contract closed on 31 October 2023. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared a conflict of interest to this tender evaluation.

A Tender Probity and Evaluation Plan was designed specifically for this tender process and was authorised prior to the tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

|  |  |  |
| --- | --- | --- |
|  | **Part One** | **Part Two** |
| **Price** | 50% | 60% |
| **Capability** | 25% | 20% |
| **Capacity** | 20% | 15% |
| **Sustainability** | 5% | 5% |

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering many factors including (but not limited to) time, quality risk and contract management requirements which were likely to have the most impact on the achievement of best value.

Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation. In cases where this occurred the reasons for that outcome are detailed in the confidential attachment.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **PART ONE** | |
|  |  |  | **Score** | **Rank** |
| Tenderer A  Warrandale Industries Pty Ltd | Yes | Yes | 78.5 | 1 |
| Tenderer B | Yes | Yes | Did not submit for this part | |
| Tenderer C | Yes | Yes | 69.3 | 2 |
| Tenderer D | Yes | Yes | 66.1 | 3 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **PART TWO** | |
| **Score** | **Rank** |
| Tenderer A  Warrandale Industries Pty Ltd | Yes | Yes | 81.1 | 1 |
| Tenderer B | Yes | Yes | 79.6 | 2 |
| Tenderer C | Yes | Yes | 74.7 | 3 |
| Tenderer D | Yes | Yes | 73.6 | 4 |

Refer to confidential attachment for further details of the evaluation of all tenders.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**

We work to foster and inclusive, healthy, safe, and welcoming community where all ways of life are celebrated and supported.

Construction of these new park facilities will enable our residents and visitors to enjoy and use this open space for recreation and community gatherings and activities.

**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.

Our residents and visitors have told us what they want from the Granite Hills Major Community Park, and their views are included in the designs for the various elements. Our communities will enjoy increased liveability for those who live close to and visit the new major community park.

**Sustainable Environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways, and green space and address climate change.

This project will foster positive environmental outcomes, including biodiversity protection and habitat improvement, and education and interpretation of natural values.

**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.

For many years, our communities have contributed to preserving and guiding the future development of Quarry Hills Regional Parklands. Council officers have carefully planned and executed the additional required actions and work – regulatory, community engagement, design, and procurement – to realise the project, demonstrating best value for Council.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

Sufficient funding for this contract is available in the capital budget for Granite Hills Major Community Park which includes a $2,500,000 State Government Grant from the Growing Suburbs Fund.

**Community Consultation and Engagement**

In accordance with the Local Government Act 2020, consideration was given as to whether there were any opportunities to collaborate with other councils and public bodies or to use any existing collaborate procurement arrangement. In this instance, collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Council’s Alliance consolidated contract register, and this contract relate to a State Government grant funded project.

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

(e) Innovation and continuous improvement are to be pursued.

(h) Regional, state, and national plans and policies are to be taken into account in strategic planning and decision making.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(b) Council information must be publicly available unless— (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or (ii) public availability of the information would be contrary to the public interest.

(c) Council information must be understandable and accessible to members of the municipal community.

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

This project will foster positive environmental outcomes, including biodiversity protection and habitat improvement, and education and interpretation of natural values.

The rich habitat within Quarry Hills Regional Parkland, includes a large number of kangaroos, native birds, reptiles, frogs, and invertebrates. The implementation of the major community park will allow the public to access this eight-hectare section of the site in a controlled and safe way, whilst minimising impact to the wildlife habitat. The majority of high impact activities such as car parking, visitor amenities and the playspace are located near the park entrance.

The water bodies are being upgraded into high-quality wetlands, providing further habitat for flora and fauna. Low impact walking paths and trail network will allow users to access other areas of the park whilst protecting conservation and rehabilitation areas. Interpretive signage will be located along trails to educate the community on the ecological values of the park.

Social, Cultural and Health

The new Granite Hills Major Community Park will provide residents, visitors, and local workers:

* outdoor spaces for people to relax, socialise, and exercise.
* opportunities and encouragement for play and participation in community activities, promoting health and wellbeing.
* protection and promotion of cultural heritage and diversity.
* a refuge during extended periods of heat, providing respite and promoting the principles of passive cooling.
* green spaces with large canopy trees, native grasses, and garden beds to bring nature and recreation experiences.

**Economic**

The development of the parkland including the contract expenditure will contribute to a short-term economic impact, while the future maintenance and visitation to the park will provide long term economic benefits to the region.

**Legal, Resource and Strategic Risk Implications**

***Service Delivery*** *- Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing.*

Construction of the park will provide a place for community activities and passive recreation to contribute to the health and wellbeing of residents and visitors.

***Life Cycle Asset Management*** *- Failure to effectively plan for the construction, on-going* *maintenance and renewal of Council’s assets.*

Internal stakeholder engagement included sharing plans and seeking input from various departments to that the built environment can be managed and maintained effectively.All new assets will be added to Council’s Asset Management System to inform future maintenance and renewal programs.

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

Officers have effectively engaged traditional owners and the broader Whittlesea community to arrive at the final designs for the park. This project will deliver beautiful, practical, and much needed open space services and initiatives in the best interest of our residents and visitors and deliver value to our community.

***Contractor Management*** *- Failure to manage contractors to deliver agreed outcomes.*

Suitably qualified, experienced, and supported Council staff will oversee the construction activities. The project will be delivered in partnership by contractors with a proven record for delivering projects of a similar scale and character.

# Implementation Strategy

Communication

The decision to award this contract will be communicated via the standard processes for Council Meeting outcomes. Additionally, and in consideration of the project’s importance to the community there will be communication prior to and during the construction works via Council’s communication channels.

Critical Dates

The project construction is expected to begin in April 2024 and is programmed for completion in early 2025.

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

# Attachments

1. CONFIDENTIAL REDACTED 2023 114 Tender Evaluation Report Confidential Attachment [**5.4.1** - 6 pages]

5.5 Variation and Extension of Contract 2017-137 - Supply of Bulk Fuel

**5.5 Variation and Extension of Contract 2017-137 - Supply of Bulk Fuel**

**Director/Executive Manager:** Director Infrastructure & Environment

**Report Author:** Acting Manager Maintenance & Operations

**In Attendance:** Unit Manager Fleet Services

# Executive Summary

This report seeks to extend Contract 2017-137 with BP Australia for the provision of bulk fuel, which is required to fill the fuel tanks at Epping Depot to allow on-site refuelling of depot-based trucks and plant.

The Municipal Association of Victoria (MAV) undertook a procurement process in July 2017 for the provision of bulk fuel, fuel cards and vehicle lubricants on behalf of Victorian Councils. BP Australia was awarded the contract for the provision of bulk fuel which the City of Whittlesea has utilised since the contract was awarded.

MAV has extended the contract with BP Australia by 12 months to 31 January 2025, which has resulted in Council requiring a variation and extension of the contract given its financial value.

A variation and extension of this contract is required to enable Council’s fleet of passenger and light commercial vehicles, plant and mobile equipment to continue the delivery of key services to the community. This variation request includes a 12 month extension of the contract and additional budget of $563,000 (excluding GST) to ensure appropriate funding is available for the extension of the contract period.

# Officers’ Recommendation

**THAT Council approve the variation and extension of Contract 2017-137 for the provision of bulk fuel until 31 January 2025, including a variation of $563,000 excluding GST, bringing the total cumulative value of the contract to $4,163,000 excluding GST.**

# Background / Key Information

The Epping Depot has fuel tanks and bowsers on-site to enable Council’s depot-based trucks and plant to be refuelled.

The MAV undertook a procurement process in July 2017 for the provision of bulk fuel, fuel cards and vehicle lubricants on behalf of Victorian Councils.

At its meeting on 6 June 2018, Council resolved to accept the MAV contract (Contract   
2017-137) which awarded the provision of bulk fuel to BP Australia for a period of three years ending 31 January 2021.

There have been three contract extensions and variations awarded for this contract, both by Council and under CEO delegation.

It was anticipated that MAV would go to market for a new tender in 2023, however they have extended the agreement with BP Australia by a further 12 months ending 31 January 2025.

Accordingly, this variation and extension is being sought to align with the MAV timeframes for a new tender.

The variation being requested is for a 12-month extension of the contract and additional budget of $563,000 (excluding GST) to ensure appropriate funding is available for the extension of the contract period.

# 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 MAV undertook a competitive process for this tender and ensured that the tender delivered good value. Extending this agreement will ensure Council can still access competitive rates whilst a new tender is undertaken.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

* 1. Council decisions are to be made and actions taken in accordance with the relevant law.

Public Transparency Principles

1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

Extending this contract by 12 months will ensure Council can still access competitive fuel prices whilst it continues to transition its fleet to hybrid and electric vehicles.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Critical Dates

If the extension of Contract 2017-137 is endorsed, it will end on 31 January 2025, following which it is expected that the MAV will have awarded a new tender for Council’s consideration.

# 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.

# Attachments

No attachments.

5.6 Informal Meetings of Administrators

**5.6 Informal Meetings of Administrators**

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Coordinator Governance Administration

# Executive Summary

Chapter 5 of the Council Governance Rules requires a summary of the matters discussed at a meeting of Councillors (Administrators) that:

* is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors (Administrators);
* is attended by at least one member of Council staff; and
* is not a Council meeting or Delegated Committee meeting.

The summary of matters discussed at the meeting must be:

* tabled at the next convenient Council meeting; and
* recorded in the minutes of that Council meeting.

The record of Informal Meetings of Councillors (Administrators) at Attachment 1 is reported to Council in accordance with this requirement.

# Officers’ Recommendation

**THAT Council note the record of Informal Meetings of Administrators at Attachment 1.**

# Attachments

1. Informal Meetings of Council Report [**5.6.1** - 2 pages]

5.7 Administrator Update Report

**5.7 Administrator Update Report**

**Director/Executive Manager:** Executive Manager Office of Council & CEO

**Report Author:** Executive Manager Office of Council & CEO

# Executive Summary

Administrators set an ambitious program at the outset of their four-year term with the development of a comprehensive *Administrator Action Plan 2020-*2024 (Action Plan) to confirm actions and commitments to ensure continued good governance and the achievement of strategic priorities. The Action Plan outlined priorities in line with the Community Vision, Whittlesea 2040: *A Place for All.*

The purpose of this report is to present the biannual Administrator Update for the period July 2023 to December 2023 which incorporates achievements during this reporting period and significant work already completed in preparation for the return of an elected Council.

# Officers’ Recommendation

**THAT Council:**

**1.** **Note the biannual Administrator Update report at Attachment 1 for the period July to December 2023.**

**2.** **Note a copy of the Administrator Update report was provided to the Hon. Melissa Horne, Minister for Local Government Victoria, Executive Director Local Government Victoria, and all local Members of Parliament in January 2024.**

**3.** **Note a final detailed report and proposed roadmap for the newly elected Council will be provided to the Minister for Local Government no later than August 2024.**

# Background / Key Information

**Background**

The Panel of Administrators were appointed under the provisions of the *Local Government (Whittlesea City Council) Act 2020* by the Minister for Local Government. The Chair of the Panel of Administrators takes on the role functions and duties of the Mayor and the Administrators take on the roles, duties and functions of a Councillor. Together the Panel of Administrators form the Council of the City of Whittlesea.

**Key Information**

The attached detailed report outlines a particularly busy yet fulfilling second half of 2023 leading the Council and supporting the local community.   With the significant number of achievements over the past three and a half years, the Administrators will continue being just as committed during 2024 to ensure a legacy of good governance and strong strategic position is maintained for the incoming elected representatives.

The following key highlights are a small representation of the Administrator collective achievements during this reporting period.   Detailed information of all achievements is outlined in the attached report.

* Finalisation of the integrated planning framework with the adoption of three key strategies to complete the suite of documents created for each of the Whittlesea 2040 goals.
* Endorsement of a new 10-year Community Local Law following an extensive community engagement process.
* Welcomed 1,400 new citizens into our community over 10 Citizenship Ceremonies, virtually eliminating a very significant previous backlog.
* Co-signed a historic regional partnership with Hume City Council and Mitchell Shire Council for the development of the new city of Cloverton.
* Opened the Mernda Social Centre to assist older residents to improve their physical and mental health.
* Adopted the 2023-24 budget in late June 2023 maintaining a sound financial position and long-term sustainability.

**Good Governance**

Administrators continue to support a culture of good governance at the Council with decision-making underpinned by rigorous due diligence.

**Return of Elected Council Program**

The Return of Elected Council Program’s (Program) vision is *‘To be fully prepared and committed to a harmonious working relationship with the incoming Council for the benefit of our community’*.

**Responsible Financial Management**

Council is committed to strong and responsible financial management which strikes a balance between maximising support for our community in the present, while maintaining a sound financial position to ensure sustainability in the long-term.

**Customer Service**

Council continues to place a significant focus on improving our customer service through investing in technology, systems and staff to make it an easy and pleasant experience for our community to interact with Council.

**Community Engagement**

Council is committed to ensuring our community has authentic opportunities to engage with us on local priorities to help shape the future of the City of Whittlesea.

**Advocacy**

Council recognises the importance of partnering with the State and Federal Governments to deliver essential services, critical infrastructure and a sustainable environment for our rapidly growing community. Our municipality is one of the fastest growing in the State, with projections showing a population growth of almost 50 per cent by 2041.

**Integrated Planning**

W2040 Goals

The City of Whittlesea vision of *A Place for All* has five goals which Council is striving to achieve to help us realise this shared community vision. They are: Connected Community, Liveable Neighbourhoods, Strong Local Economy Sustainable Environment and High-Performing Organisation.

Specific highlights are noted in the attached report and continue to be reported to Council quarterly.

**Future Priorities**

Administrators are committed to leaving a legacy of good governance, contemporary and best practice strategies and policies and a Council in a strong financial position to set the City of Whittlesea up for future success.

Administrators set out an ambitious program of work during their term. Through the program, the following priorities remain and are on track to be delivered over the remainder of their term:

1. **Events – conduct of civic and community events and Council’s role**.

A draft outdoor events framework has been developed. Further development to encompass all Council events, including Dates of Significance and smaller local events at community centres to be incorporated within the Framework.

1. **Integrated Framework – complete development and endorsement of all planned Integrated Planning Framework Strategies**.

Except for the Aboriginal Action Plan, due for endorsement in early 2024, all strategies have been adopted by Council.

1. **Customer Service/Customer First (CX/DX program)**

The Customer Service First program aimed at improving the customer experience for our community is on track for completion in June 2024.

1. **Achievement of funding for flagship projects, Aboriginal Gathering Place and Regional Aquatic and Sports Centre (RASC) and commencement of works.**

Works on the Aboriginal Gathering Place are due to commence in February 2024.

An early works package is being developed for RASC. It continues to be an advocacy priority for Council.

1. **Preparation for the return of Council**.

As detailed in the Administrator Update report, a significant amount of work has been completed, and is in progress to ensure a smooth transition back to an elected Council.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

**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.

**Strong Local Economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

**Sustainable Environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change.

**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.

This report confirms Council’s engagement with community and key decisions, priorities and actions taken in the best interest of the community.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

There are no financial implications with publicly providing a copy of the Administrator Update report.

Community Consultation and Engagement

Not required.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(e) Innovation and continuous improvement is to be pursued.

(g) The ongoing financial viability of the Council is to be ensured.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

* 1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

Achievements mentioned in the Administrator Update report support and encourage a sustainable environment.

Social, Cultural and Health

The work undertaken confirms Council’s intent to ensure the social, cultural and health of our community are supported through liveable neighbourhoods and connected community initiatives.

Economic

Initiatives carried out to date and others planned for, enhance a strong local economy.

**Legal, Resource and Strategic Risk Implications**

There are no legal implications with publicly releasing this report.

# Implementation Strategy

Communication

A copy of the Administrator Update report was provided to the Hon. Melissa Horne, Minister for Local Government Victoria, Executive Director Local Government Victoria, and all local Members of Parliament in January 2024.

The final Administrator Update will be provided to the Minister for Local Government in August 2024 and reported to Council for transparency.

Critical Dates

There are no critical dates associated with this report.

# 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.

# Attachments

1. Attachment 1 - Administrator Update December 23 Final [**5.7.1** - 20 pages]

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No 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.**

**10 Closure**