



Agenda

Council Meeting

Tuesday 17 December 2024 at 6pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 17 December 2024 at 6pm 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**

Councillors

Cr Aidan McLindon, Mayor Kirrip Ward

Cr Daniela Zinni, Deputy Mayor Bundoora Ward

Cr Nic Brooks Thomastown Ward

Cr Blair Colwell Mill Park Ward

Cr Lawrie Cox Ganbul Gulinj Ward

Cr Deb Gunn Painted Hills Ward

Cr Stevan Kozmevski Lalor Ward

Cr Jarrod Lappin Mernda Ward

Cr David Lenberg Epping Ward

Cr Christine Stow North Ward

Cr Martin Taylor South Morang Ward

Executive Leadership Team

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

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**Note:**

At the Mayor’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 Council’s Governance Team prior to any Council Meeting on   
(03) 9217 2170.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Mayor, Cr Aidan McLindon will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Stevan Kozmevski

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Cr Martin Taylor

Craig Lloyd, *Chief Executive Officer*

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 Mayor, Cr McLindon 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 Mayor, Cr McLindon 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:**

* + **Unscheduled Meeting of Council held on 17 September 2024; and**
  + **Council Meeting held on 19 November 2024.**

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

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

5.1 Waste to Energy Facility - 510 Summerhill Road, Wollert

**5.1 Waste to Energy Facility - 510 Summerhill Road, Wollert**

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

**Report Author:** Director Planning & Development

**In Attendance:** Manager Building & Planning

Priority Development Planner

# Executive Summary

The purpose of this report is to provide Council with an update on the proposal for a Waste to Energy Facility at 510 Summerhill Road, Wollert.

A Waste to Energy Facility is land used for the combustion, treatment or bio-reaction of waste to produce energy for use off site. It includes the activities to collect, temporarily store, process or transfer waste materials for energy production.

In November 2021, the Victorian Government created the Victorian Waste to Energy Framework. The purpose of this framework is to describe how a Waste to Energy cap will be implemented and recognises the role of Waste to Energy plays in reducing waste from landfill. This is to assist in achieving Recycling Victoria’s broader goal of diverting 80% of waste from landfill by 2030. The cap is intended to prevent over-reliance on thermal waste to energy. This places a one million tonne cap on the amount of waste that can be heat treated to make energy within Victoria.

Two applications were lodged to the Victorian Government by Cleanaway Operations Pty Ltd for the development of a Waste to Energy Facility:

* a planning permit application (application number PA2302243) submitted to the Department of Transport and Planning in May 2023; and
* a development licence application (application number APP024914) submitted to the Environment Protection Authority Victoria in February 2024.

The applications were open for public submissions as part of the application process. The City of Whittlesea lodged Officer submissions providing grounds of objection to both the planning permit application and development licence application. The submissions detailed matters in relation to traffic, amenity, orderly planning, and environmental and human health impacts, requesting these matters be considered by the Department of Transport and Environment Protection Authority in their assessment of the proposal.

This report provides an overview of the proposal for the Waste to Energy facility and details the submissions lodged by the City of Whittlesea to the planning permit application and development licence application.

# Officers’ Recommendation

**THAT Council:**

1. **Endorse the Council Officer submissions lodged to the Department of Transport and Planning dated 2 April 2024 and 13 June 2024 at attachment 1 and attachment 2.**
2. **Endorse the Council Officer submission lodged to the Environmental Protection Authority dated 19 November 2024 at attachment 3.**
3. **Approve the Chief Executive Officer to write to the Minister for Planning, and the Minister for Environment as follows:**
   1. **Bringing to the Minister’s attention Council’s objection to the planning permit application PA2302243.**
   2. **Bringing to the Minister’s attention Council’s objection to the Environment Development Licence application APP024914.**
   3. **Request Ministers to reject both applications for the reasons detailed in the Officer’s submissions at attachments 1, 2 and 3.**

# Background / Key Information

**Planning Permit Application**

Planning Permit application PA2302243 was lodged to the Department of Transport and Planning on 23 May 2023 by Cleanaway Operations Pty Ltd. Pursuant to Clause 72.01-1 of the Whittlesea Planning Scheme, The Minister for Planning is the Responsible Authority who will make the decision on the planning permit application. The Department of Transport and Planning assess the application on behalf of the Minister for Planning. The Department of Transport and Planning considers the following in its assessment:

* Site Context.
* The Victoria Planning Provisions.
* The Whittlesea Planning Scheme.
* Referral and notice responses.
* Amenity impacts.
* Impacts on native vegetation.
* Impacts on the road network.
* Implications of any hazards.

**Development Licence Application**

Development Licence application APP024914 was lodged to the Environment Protection Authority on 20 February 2024. The Environmental Protection Authority will make the decision to issue a development licence. The Environmental Protection Authority considers the following in its assessment:

* Impacts to human health.
* Air and odour emissions.
* Noise emissions.
* Greenhouse gas emissions.
* Climate change.
* Waste management.
* Impacts to land and groundwater.
* Impacts to surface water.
* Compliance with the General Environmental Duty.
* Principals of environmental protection.
* Best Available Techniques and Technologies.

**Cleanaway’s Proposal for a Waste to Energy Facility**

The proposed development is for the use and development of a Waste to Energy Facility and utility installations, floodlit business identification signage, removal of native vegetation and creation of an easement.

A Waste to Energy Facility is land used for the combustion, treatment or bio-reaction of waste to produce energy for use off site. It includes the activities to collect, temporarily store, process or transfer waste materials for energy production.

The development comprises of four main components, consisting of the following:

* The main waste processing facility, where waste is dropped off to be burned and converted to energy.
* The bottom ash processing facility, which retrieves the waste product of the main facility and refines it to be used in construction materials such as aggregate.
* A truck shed.
* An education facility.

The Waste to Energy Facility is proposed to treat up to 380,000 tonnes of waste feedstock per annum, generating approximately 46.3MW of electricity. The energy resulting from this facility has the capacity to power approximately 27,000 homes per year. The proposal would not receive waste from the City of Whittlesea.

The proposal (including all areas or works) seeks to occupy approximately 24 hectares of the overall 82 hectare site. The main waste processing facility proposes a maximum height of 55.9 metres (equivalent of an 18 storey building) with the longest frontage to the east of the building spanning 189.6 metres. The total area of the main waste processing facility is 12,129.8 square metres.

The operation of the facility will include high volumes of traffic, consisting of 106 truck deliveries, 44 staff, and visitors to travellers to the site each day, totalling an anticipated 300 movements per day.

**Subject Site and Surrounds**

The development is located on the northern side at 510 Summerhill Road, Wollert. Summerhill Road is currently constructed of gravel and is not sealed. The lot is irregular in shape, with a total area of approximately 82 hectares. The siting of the main facility approximately 750 metres east of the Merri Creek. The Merri Creek is the municipal border between City of Whittlesea and Hume City Council. The land is surrounded by quarries to the north (Woodyhill Quarry), south (Austral Bricks), and a future quarry to the east (Phillips Quarry). The wider surrounding area compromises of agricultural land used for grazing. The main facility is 2.5 kilometres west of the residential land in Wollert and 1.5 kilometres south of residential land in Donnybrook.

Within a broader strategic context, the land sits within the North Corridor Plan and the zone that applies to the land is the Farming Zone. The purpose of the Northern Growth Corridor Plan is to guide further strategic planning work that would typically be done for the site prior to significant development.

The purpose of the Farming Zone is to provide for the use and retention of productive agricultural land. The Northern Growth Corridor Plan nominates the land for non-urban/utility purposes, recognising the existence of the APA Gas facility at 289 Summerhill Road, large transmission lines running through the landscape and quarries. In order for the development to align with the Northern Growth Corridor Plan, this requires the preparation of a Precinct Structure Plan by the Victorian Planning Authority, and implementation of an Urban Growth Zone to replace the Farm Zone.

**City of Whittlesea Submissions to Department of Transport and Planning**

Council received notification of the planning permit application for the proposal in May 2023. Upon review of the application documentation, Council Officers lodged two submissions objecting to the planning permit application through a:

* Planning submission (02 April 2024); and
* Road and infrastructure submission (13 June 2024).

Planning Submission

The planning submission (attachment 1) raises the following key concerns regarding the proposal:

* Non-Alignment with North Growth Corridor Plan: The proposal for a Waste to Energy Facility does not align with the Northern Growth Corridor Plan 2012 due to its location, impact on the landscape and key views. The location of the Waste to Energy Facility within the Northern Growth Corridor Plan 2012 is designated as an "investigation area”, which requires further investigation before any planning decisions can be contemplated about the best long-term uses within the precinct and to ensure it will not create any significant impacts.
* Environmental and Visual Amenity Concerns: The size and design of the proposal poses significant visual impacts due to its large building mass and visual bulk within a flat landscape. There has not been sufficient consideration of the surrounding landscape, biodiversity links and key views as identified in the Northern Growth Corridor Plan 2012. The size of the facility is approximately 18 stories in height in its largest section, with external walls spanning 189.6 metres to the east and west, and 64.9 metres to the north and south, making the building extremely prominent in the landscape. Without a Precinct Structure Plan for the area, the proposal will significantly impact the optimal development of the area, potentially precluding future uses as well as impacting on the surrounding environment.
* Inconsistency with Land Use: The proposal conflicts with the purpose of the Farming Zone and does not support the orderly planning of the area.
* Impact on Infrastructure: The proposal negatively affects the existing road network, particularly Amaroo and Summerhill Roads. The structural capacity of the Merri Creek bridge along Summerhill Road to accommodate significant truck movements is questioned (see Road and Infrastructure submission).
* Inadequate Assessments and Plans:
  + The air quality assessment is incomplete, lacking a full evaluation of odour emissions.
  + The Cultural Heritage Management Plan is pending approval.
  + Future implications of a noise barrier wall and internal traffic movement (swept paths) have not been adequately addressed.
* Traffic and Vehicle Movement: Potential impacts of eastbound heavy vehicle movements from the facility have not been adequately addressed.

Road and Infrastructure Submission

The City of Whittlesea and Hume City Council commissioned an independent review of traffic impact assessment lodged with the application. The reason for this is the City of Whittlesea and Hume City Council’s transport networks are impacted by the proposal. The road and infrastructure submission (attachment 2) included the following grounds:

* Impacts on Existing Road Network: The proposed development will produce additional heavy vehicle traffic which will result in negative impacts to the existing road network, particularly along Amaroo Road and Summerhill Road.
* Bridge Capacity at Merri Creek: The Merri Creek bridge crossing is insufficient to accommodate the increased vehicle movements associated with the construction and operation of the Waste to Energy Facility. Concerns have been raised regarding the structural integrity of the bridge and its ability to cope with the proposed heavy vehicle traffic.
* Eastbound Heavy Vehicle Movements: The proposal has not adequately addressed the potential impacts of eastbound heavy vehicle travel and proposed no upgrades the eastbound roads which are currently constructed of gravel. Heavy vehicles moving eastbound would deteriorate the existing road infrastructure.
* On-Site Vehicle Movements: The internal vehicle movement arrangements within the site warrant further assessment to ensure operational efficiency and safety.
* Cultural Heritage Impacts: In the event the Merri Creek bridge infrastructure is required to be upgraded, impacts to any cultural heritage surrounding the Merri Creek must be addressed and a cultural heritage management plan must be prepared and approved prior to any works.

**Council Officer Submission to Environmental Protection Authority**

Council Officers lodged a submission (attachment 3) to the Environmental Protection Authority on 19 November 2024. The basis of this submission included the following matters:

* Greenhouse Gas Emissions: The proposed development will result in ongoing operational greenhouse gas emissions. This does not align with the Victorian Government’s net zero emissions targets which is set to be achieved by 2045, it also does not align with City of Whittlesea’s net zero target.
* To meet the energy needs of the community energy generation from 100% renewable sources should be fully explored ahead of any lower-carbon emitting technologies.

Additionally, no renewable energy source has been proposed for this development. Providing a renewable energy source on site (e.g., Solar PVs) would be valuable in offsetting emissions.

* Embedded Greenhouse Gas Emissions: The proposed development does not make any commitment to the use of low emission materials within the development to reduce the overall greenhouse gases emission output.
* Mitigation Options: Mitigation measures to reduce greenhouse gas emissions from the incineration process have not been appropriately demonstrated.
* Waste Management: The proposal will not service the City of Whittlesea as it currently utilises Heidelberg Materials Facility. Therefore, this will result in an increase of net municipal emission output without any true benefit to the City of Whittlesea.
* Impacts to water systems and water reuse: The proposed development does not adequately respond potential impacts to waterways and makes use of bioretention systems which can be susceptible to premature failure. The proposal does not maximise the use of rainwater tanks and onsite demands for water reuse.
* Compliance with the General Environmental Duty: The proposal does not demonstrate it has taken all opportunities for climate mitigation, adaptation, and general environmental protection. As such, Council Officers do not consider the proposal in its current form to comply with the General Environmental Duty to minimise environmental harm.

It is noted that due to only one Waste to Energy Facility being operational in Australia, there is limited knowledge of the long-term effects of such facilities within Australia. Council calls on the Environmental Protection Authority (EPA), in its role as independent environmental regulator, to protect the health of the community and environment from pollution and waste. Council requests that the EPA provide evidence and assurance that the proposed Waste to Energy proposal does not pose human and environmental harm in its operation.

# 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.

Council Officer’s submission to the Department of Transport and Planning and Environmental Planning Authority have advocated for the best outcomes, aligning with the Whittlesea 2040 goals to deliver Liveable Neighbourhoods.

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

Community consultation has been managed by the Department of Transport and Planning and the Environmental Protection Authority.

Through the planning application assessed by the Department of Transport and Planning, notice under Section 52 of the Planning and Environment Act 1987.

Council Officers advocated to broaden the catchment of Notice the Department of Transport and Planning had proposed. Initially, the proposed catchment included neighbouring properties. Council Officers proposed a new catchment, capturing the broader area, future residential land and expanding to Hume City Council to improve the community’s opportunity to provide feedback on the proposal.

The Environmental Protection Authority opened two submission periods where community members could lodge their concerns. In addition, two Conferences of Interested Persons were held, providing further opportunities to raise community concerns. These were held on 20 and 25 June 2024.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

As raised in Council’s submission to the Environmental Protection Authority, matters relating to the compliance with General Environmental Duty must be considered to prevent harm to human health and the environment from pollution and waste.

Social, Cultural and Health

Council Officer’s submission to the Department of Transport and Planning and Environmental Protection Authority have highlighted the social, cultural and health concerns associated with the development of Waste to Energy Facility.

Economic

The Council Officer’s submission to the Department of Transport and Planning highlights the economic implications of inadequate strategic planning and out-of-sequence development in the area. Without a Precinct Structure Plan, the proposal risks hindering optimal development and increased infrastructure costs

**Legal, Resource and Strategic Risk Implications**

Council Officer’s submission to the Department of Transport and Planning has detailed the strategic risks associated with the proposed facility due to inability to receive development contributions.

# Implementation Strategy

Communication

This report recommends that Council writes to the Minister for Planning and Minister for Environment, supporting the submissions lodged by Officers on 02 April 2024, 13 June 2024, and 19 November 2024.

Critical Dates

* May 2023 – Planning application PA2302243 for the Use and development of a waste to energy facility lodged by Cleanaway Operations Pty Ltd to the Department of Transport and Planning.
* February 2024 – Development Licence Application lodged by Cleanaway Operations Pty Ltd to the Environmental Protection Authority.
* May 2024 – Planning Application was put on Public Notice by the Department of Transport and Planning.
* April 2024 – Council lodged the first objection to the proposal.
* June 2024 – Council lodged the second objection to the proposal, with the support of traffic consultant advice and reports.
* June 2024 – Two conferences of interested persons were held for the Development Licence Application by the EPA.
* November 2024 – Council Officers lodged a submission to the Environmental Protection Authority with high level concerns of the proposal.

# 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. Submission to Department of Transport & Planning (2 April 2024) [**5.1.1** - 12 pages]
2. Submission to Department Transport & Planning (13 June 2024) [**5.1.2** - 8 pages]
3. Submission to Environmental Protection Authority (19 November 2024) [**5.1.3** - 7 pages]

5.2 Planning Scheme Amendment C269: Rezoning of 149 McKimmies Road, Bundoora: Planning Panel Outcomes and Adoption

**5.2 Planning Scheme Amendment C269: Rezoning of 149 McKimmies Road, Bundoora: Planning Panel Outcomes and Adoption**

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

**Report Author:** Strategic Planner

**In Attendance:** Manager Strategic Futures  
Unit Manager Strategic Planning

# Executive Summary

This report relates to the rezoning of land at 149 McKimmies Road, Bundoora, to allow for development of a residential neighbourhood. The site is a former quarry and cleanfill landfill which, in accordance with EPA advice and oversight, is undergoing environmental and geotechnical rehabilitation and remediation to enable future reuse of the land.

An amendment to the Whittlesea Planning Scheme (Amendment C269wsea) is required to rezone the site for its proposed residential use. An extensive process has been undertaken to date to ensure the appropriate EPA approvals have been granted to the proponent and agreements have been reached with Council on a range of matters such as Developer Contributions, Social and Affordable Housing and Infrastructure Delivery. The Planning Scheme Amendment was exhibited to government agencies and surrounding residents in late 2023. A Planning Panel was convened by the Minister for Planning in April and May this year to consider the submissions received to the Amendment. The Panel has now released its report and associated recommendations.

The purpose of this report is to consider the outcomes of the Panel Report and the recommended next steps in respect to the Planning Scheme Amendment.

The Amendment applies to 36.4ha of land at 149 McKimmies Road, Bundoora, (shown on Attachment 1), currently zoned for industrial use.

The Amendment proposes to change the Whittlesea Planning Scheme to facilitate the development of the subject land for residential purposes which will support approximately 730 new homes, of which 5% will be social housing and 10% affordable housing as per the executed Section 173 Agreement between Council and the proponent.

The site is well located to support new housing being in an established residential area close to existing services and facilities. The Amendment will also facilitate the creation of a reserve along the Darebin Creek and provide new open space for the future community.

The Amendment seeks to make the following changes to the Whittlesea Planning Scheme:

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

The Amendment was proposed on behalf of the site owner (the proponent). Council resolved at its 19 September 2022 meeting to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C269 to the Whittlesea Planning Scheme.

During the public exhibition of the Amendment, 14 September - 15 October 2023, Council received nine submissions. Council considered the submissions at its 20 February 2024 meeting and resolved to request the Minister for Planning to appoint an independent Planning Panel to consider all submissions received during exhibition.

The key issues considered and discussed during the Panel hearing were:

* Site access and intersection treatment of Laurie Collins Drive and McKimmies Road.
* Managing noise and amenity impacts from the adjoining bus depot for future residents.
* Assessments required to inform the preparation of a Development Plan.
* The extent of the waterway reserve along the Darebin Creek corridor.
* Interface treatments to the waterway reserve, E6 road reserve and bus depot.
* Implementation of the Statement of Environmental Audit.

Parties to the hearing included Council, the proponent and Dyson, the adjoining landowner and bus depot operator.

Following the hearing, the Panel have prepared and released their report (refer to Attachment 2). The independent Panel found the Amendment is well founded, strategically justified and should be adopted subject to the recommendations contained in the report. These recommendations have informed their final DPO40 Schedule which is the primary control to guide future development of the site.

This report recommends that Council support all the Panel’s recommendations except for two which are partially supported.

The first relates to the final drafting of the requirements for the transport strategy (refer to Attachment 6). The officer response proposes further minor changes to the planning control to ensure that the Development Plan clearly outlines the potential additional land requirements and triggers for upgrade of the intersection of Laurie Collins Drive and McKimmies Road. The second relates to general updates made by Panels in its recommended version of DPO40. The majority of these are acceptable however there are a small number which appear to be errors or are not supported by Council officers. This is discussed in more detail in this report.

In summary, the Amendment will facilitate a new residential neighbourhood and much needed housing, including the provision of social and affordable housing, in an established suburb which is amenity rich and well located. Therefore, and in line with the Planning Scheme Amendment process, it is recommended that Council resolve to adopt Amendment C269, in the form of the revised planning documents provided at Attachment 4, incorporating Council officer recommended changes, and to support the submission of the adopted Amendment to the Minister for Planning for consideration and approval.

# Officers’ Recommendation

**THAT Council:**

1. **Note the Panel Report at Attachment 2 and the recommended officer response to the Panel’s recommendations at Attachment 6.**
2. **Adopt Planning Scheme Amendment C269wsea to the Whittlesea Planning Scheme in the form of the revised Amendment documents at Attachment 4.**
3. **Submit Amendment C269wsea, as per point 2 above, to the Minister for Planning for approval.**
4. **Advise the proponent and submitters to Amendment C269wsea of the above.**

# Background / Key Information

Background

The Whittlesea Planning Scheme is the primary statutory document that sets out objectives, policies and provisions relating to the use, development, protection and conservation of land in the City of Whittlesea.

To change the Whittlesea Planning Scheme, Council must undertake a Planning Scheme Amendment in accordance with the process outlined in the *Planning and Environment Act*, 1987 (see Attachment 5).

This report relates to a Planning Scheme Amendment, referred to as Amendment C269wsea (the Amendment), which applies to a site at 149 McKimmies Road, Bundoora, and proposes to rezone part of the site from an industrial zone to a residential zone to facilitate the development of the land for housing. The Amendment is a ‘proponent led’ Amendment meaning it was proposed by the landowner however, Council maintains the responsibility as the ‘planning authority’ to process the Amendment.

The Amendment has already progressed through the following steps of the process:

* Council decision to seek authorisation from the Minister for Planning to prepare the Amendment, 19 September 2022.
* Authorisation granted by the Minister for Planning to prepare and exhibit the Amendment, 24 July 2023.
* Public exhibition of the Amendment, 14 September 2023 – 15 October 2023.
* Consideration of submissions received during exhibition.
* Council decision to request a Planning Panel to consider unresolved submissions, 20 February 2024.
* Independent Planning Panel Hearing, April and May 2024.

The Amendment is in the final stages of the Amendment process where Council is considering the outcomes of the Planning Panel and its report and resolving whether or not to adopt the final Amendment. If adopted, the Minister for Planning will be requested to approve the Amendment as the final decision in the process.

Subject Site

The site subject to the Amendment is 149 McKimmies Road, Bundoora, which is 36.4ha in area and a former basalt quarry (refer to Attachment 1). The site is bordered by the Darebin Creek to the east 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 household or putrescible waste. With the quarry ceasing operation and the site in the process of being rehabilitated, the owners initiated a rezoning process to provide for future residential use of 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 land elsewhere in the municipality. The plan supported alternate uses for the site to be explored such as residential or mixed use. The plan notes that any alternate use would require further assessments of issues including access arrangements, impacts of the bus depot, environmental implications, geotechnical considerations and the risk of potentially contaminated land. The plan also notes that any mixed use or residential development would need to incorporate elements of social and affordable housing. These assessments have been prepared as part of the Amendment process.

Planning Scheme Amendment Details

In November 2021 the landowner submitted a proposal to Council to commence a Planning Scheme Amendment to rezone the land to facilitate residential redevelopment of the site.

The proposal was supported by a range of background reports and technical assessments, which included:

* Transport Impact Assessment.
* Geotechnical Strategy.
* Environmental Assessment.
* Stormwater Management Strategy.
* Engineering Servicing Report.
* Cultural Heritage due diligence.
* Native Vegetation Assessment.
* Fauna assessments.
* Social and Affordable housing proposal.

These responded to the need for further assessment of the site when considering a non-industrial use as detailed in the Thomastown Industrial Area Plan.

Council resolved at its meeting on 19 September 2022 to commence the Planning Scheme Amendment process to rezone the site.

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

* apply the General Residential Zone Schedule 6 to part of the site;
* 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); and
* amend the Framework Plans (showing the implementation of Strategic Directions) at Clause 2 of the Whittlesea Planning Scheme to reflect the above changes.

Extensive negotiations have been undertaken with the proponent as part of the Amendment process and review of Amendment documentation. This has resulted in the following key outcomes being realised by the Amendment:

* A new supply and an appropriate mix of housing consistent with Councils’ Housing Diversity Strategy, adopted 2013.
* Provision of 15 per cent affordable housing including 5 per cent social housing and 10 per cent affordable housing in accordance with Council’s Social and Affordable Housing policy.
* Rehabilitation, embellishment and protection of the Darebin Creek corridor.
* Provision of 30 per cent tree canopy coverage in the public realm and additional tree planting opportunities on private lots consistent with Council’s Greening Whittlesea City Forest Strategy 2020-2040.
* Local infrastructure required to support the new housing such as two new local parks, new shared paths connecting to existing recreation areas, a new pedestrian bridge over the Creek, local road network and service connections.
* Site rehabilitation through remediation of contaminated land and geotechnical response to quarry fill.

Environmental and Geotechnical Site Conditions

Due to its former use as a quarry and subsequent filling, and in accordance with the advice of the Environmental Protection Agency (EPA), the site has undergone an Environmental Audit process concurrent with the Planning Scheme Amendment. An Environmental Audit is a comprehensive assessment of the suitability of a site for an alternate use (ie. housing or open space) and is overseen by an independent Environmental Auditor appointed by the EPA. Council resolved at its September 2022 meeting that the Audit must be completed prior to adoption of the Amendment.

The audit has been completed and a Statement of Environmental Audit was issued by the independent Auditor on 6 January 2023 (refer to Attachment 7).

This 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 were caused by the low levels of organic matter (leaves, roots, branches) being found in the fill. The conditions include restrictions on groundwater extraction and the installation of a ground gas mitigation system over parts of the former quarry holes.

A detailed geotechnical response has also been developed. This will see the land above the former quarry holes temporarily overloaded with a layer of fill to surcharge compaction before a final layer of engineered fill is used to cap the compacted fill.

The rehabilitation works and installation of the ground gas mitigation system is well advanced on the site and are scheduled to be completed prior to development of the site. It is anticipated that due to the only low levels of ground gas that the gas mitigation system will be decommissioned prior to development.

Public Exhibition

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 2 October 2023 at a nearby community centre, where 13 residents attended to discuss the project and share their feedback.

Council received nine submissions during the exhibition period. Three submissions were received from residents, four were from agencies, one from the landowner and operator of the immediately adjoining bus depot to the north (Dysons) and one from the proponent.

In considering the submissions, Council endorsed an amended planning control including an updated ‘DPO40 Schedule’. However, a number of issues contained in the submissions remained unresolved.

In accordance with Section 23 of the *Planning and Environment Act 1987*, Council resolved at its 20 February 2024 meeting to request the Minister for Planning appoint an independent Planning Panel to consider all submissions and make recommendations on the Amendment.

Planning Panel

A Planning Panel is a standard part of a Planning Scheme Amendment process whereby submissions received during the exhibition period are referred to the Planning Panel for their review.

A Planning Panel is convened by the Minister for Planning and comprises independent members appointed by the Minister. The role of the Panel is to give submitters an opportunity to be heard in an informal and non-judicial manner on the Amendment. The Planning Panel for the Amendment was appointed by the Minister for Planning on 22 February 2024 and the hearing was conducted over seven days in April and May 2024. In addition to the hearing, two conclaves were conducted with the technical experts providing evidence in respect to traffic and noise impacts. The conclave is an opportunity for the experts to meet before the hearing and determine what matters they can all agree on and what matters remain in dispute.

The key matters discussed at the Panel hearing included:

* Strategic justification for the Amendment.
* Traffic and road network matters.
* Darebin Creek waterway reserve and interface treatment.
* Bus depot interface issues including zoning, noise, air quality and light spill.
* Standards to be achieved in supporting technical assessments.
* Form, content and drafting of the ‘DPO40 Schedule’.

In the lead up to the final day of hearing, each party produced a final version of the ‘DPO40 Schedule’, the primary planning control under debate, which provided their preferred response to the issues raised during the Hearing. These were considered by Panel as part of making its recommendation.

Panel Report

The Panel Report was issued on 20 June 2024 (refer to Attachment 2). The report concluded that:

*“The Amendment is:*

* *supported by, and implements, the relevant sections of the Planning Policy Framework;*

*• generally consistent with the relevant Ministerial Directions and Practice Notes;*

* *well founded and strategically justified.*

*The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.”*

The report then goes on to detail the more specific issues raised in submissions and its recommendations. The list of recommendations and recommended officer response is included at Attachment 6.

Response to Panel Recommendations

Council officers have reviewed the Panel report and the Panel’s recommended version of DPO40 Schedule. Council officers fully support all but the two of the Panel’s 18 recommendations. The two recommendations which are only partially supported are discussed below. For these two items, revised wording is recommended to be adopted which is outlined in tracked changes at Attachment 3 and discussed below. This version is also in Attachment 4 which includes a “clean copy” of the final Amendment documents and is the recommended version for adoption.

1. Transport Strategy (intersection treatment)

Panel Recommendation: “*revise the Transport Strategy requirements, including the Traffic Impact Assessment Report, to assess potential impacts on access at 121 and 149 McKimmies Road, Bundoora”.*

A key threshold issue raised during the Amendment process was the capacity and upgrade of the intersection at Laurie Collins Drive and McKimmies Road. This intersection will be the single point of access to the subject site and existing bus depot.

As part of the Panel process, Council engaged a traffic engineer to provide and present independent expert evidence on Council’s behalf. As part of the evidence, Council’s expert made recommended changes to the requirements for a Transport Strategy in the draft DPO40 Schedule. This included the requirement for the intersection to include “an additional lane for right turning motorists on the west approach to the intersection and a separate left and right turning lane on the southern approach to the intersection.”

Dyson (bus depot operators) and the proponent similarly engaged traffic experts. Evidence from all three experts was shared prior to the hearing, and all had included an indicative concept design for the upgrade of the Laurie Collins Drive and McKimmies Road intersection. Whilst the designs differed to some degree, all required some additional land from outside the existing road reserve to deliver an intersection that could satisfactorily service the site at full development.

In considering this matter, the Panel concluded that:

*“it would be premature to specify the ultimate intersection’s final design through DPO40, though it should specify parameters the design should achieve. This includes having regard to Austroads standards and it being to the satisfaction of the responsible authority.”*

In the Panel’s recommended DPO Schedule, references to design specifications for the intersection such as number of lanes at each approach was deleted, and the requirement to secure land for the intersection upgrade was also deleted. The Panel formed the view that this detail could be determined through the Development Plan process.

The revised wording proposed by the Panel is generally supported. However, officers consider that the drafting does not clearly specify the need for the Development Plan to outline the additional land requirements for the intersection and the trigger and mechanism for securing the land and delivering the intersection upgrade.

These are important strategic issues which the Development Plan must provide clear guidance. Therefore, additional wording is recommended to be included in the DPO40 section to the requirements of the Transport Strategy and the Precinct Infrastructure Plan to clearly specify these as requirements to be addressed at the Development Plan stage (refer to the DPO40 Schedule track changes version at Attachment 3).

1. Form and Content drafting

Panel Recommendation: “*make drafting changes to provisions that clarify and improve their operation.”*

The Panel also made a number of more specific changes to the ‘DPO40 Schedule’ included at Attachment C of the Panel Report which were not specifically outlined in its recommendations.

A number of these changes were informed by the *Practitioner's Guide to Victoria’s Planning Schemes* which guides that a provision must not duplicate other legislation, instruments or planning scheme provisions.

Council officers have identified a number of minor changes which are not supported. Some of these appear to be errors and are outlined below.

2a. Section 173 Agreement – Geotechnical works and Council Infrastructure

The DPO40 Schedule includes a requirement for a section 173 agreement to deal with the issue of geotechnical works and potential impact on Council infrastructure.

The Panel’s recommended version deleted a paragraph that provided details on the timing and cost liability for the agreement. Extract included below:

* *The section 173 agreement must be executed and registered on the title of the relevant land prior to certification of the plan of subdivision.*
* *The applicant must meet all costs associated with drafting and execution of the agreement, including those incurred by the responsible authority. The agreement may provide for the agreement to be ended and removed from the title upon the grant of a statement of compliance issued in respect to lots created for the purposes of construction of a dwelling or dwellings.*

The removal of this detail from the Panel’s DPO appears to be an oversight as it is retained for the requirements of other section 173 Agreements included in DPO40 such as those relating to affordable housing provision and acoustic attenuation measures. It should be noted, this matter was not raised in submissions or discussed in the Panel Hearings as an issue. It is recommended that this detail be included in final DPO40 schedule adopted by Council.

2b. Design Guidelines

Council’s version of DPO40 Schedule included a requirement that the Built Form Analysis Plan include “design guidelines relating to lot densities, street layout, siting and orientation of lots and built form.” The Panel’s recommended version DPO40 Schedule omitted this requirement. The Panel Report does not detail the reason for this omission. It is recommended that this requirement be included in final DPO40 schedule adopted by Council.

The design guidelines will ensure consistent and high-quality built form is achieved throughout the development that maximises environmental and amenity outcomes.

2c. Reference to Native vegetation assessment

The exhibited version of DPO40 Schedule included two references to the submitted *Native Vegetation Assessment 149 McKimmies Road, Bundoora Report No. 20196.2 (1.1) (Nature Advisory, November 2021).* These references were included to ensure that the retention of native vegetation identified in this report was implemented through DPO40. However, the Department of Energy, Environment and Climate Action (DEECA), submitted that the reference should be removed as the assessment did not meet the standards required and a new assessment should be prepared. In its consideration of submissions, Council supported this request. Both references were removed from Council’s preferred DPO40 Schedule.

In what appears to be an oversight, the Panel’s recommended DPO40 has deleted only one of the references to that assessment. The Panel report found that the assessments and plans concerning the waterway reserve and native vegetation did not provide enough detail to enable decision making at this stage. This supports DEECA’s position on the *Native Vegetation Assessment*, so it appears the non-deletion is merely an oversight.

It is recommended reference to the *Native Vegetation Assessment* be removed in line with DEECA’s submission in the final DPO40 Schedule adopted by Council.

With the changes outlined above, it is recommended that Amendment C269wsea be adopted in the form of the final Amendment documents at Attachment 4. This will constitute Council’s formal position on the Amendment to be forwarded to the Minister for Planning for approval. The final DPO40 Schedule will guide the preparation of a future Development Plan that will ensure that future residents are provided with a liveable residential neighbourhood and that responds to the housing needs of the community.

# 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 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 fee for submitting the Amendment to the Minister for Planning for approval is included in the current operational budget ($530.70).

The cost of conducting the Panel Hearing was borne by the proponent. In accordance with the *Planning and Environment Act 1987*, the proponent is also paid Council a fee to assist with the resources required to consider submissions and adoption of an Amendment. Council was responsible for covering the cost of representation and expert evidence which came from its operational budget.

A s173 agreement has been executed 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. Exhibition included a community drop-in session hosted by Council which was attended by 13 community members.

Nine submissions were received during exhibition. Further conversations took place with Council officers and submitters, though not all submissions were able to be resolved. The submissions were then referred to a Planning Panel, providing another opportunity for submitters to engage in the Amendment process.

# Other Principles for Consideration

**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

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

The Amendment includes controls to protect and enhance the Darebin Creek corridor including protection of fauna using the environs for habitat. The Amendment implements Council’s Greening Whittlesea Strategy delivering 30% canopy tree coverage in the public realm.

A Statement of Environmental Audit has been issued which confirms the land is suitable for the intended uses subject to conditions which will be implemented as part of the remediation and development of the site.

Social, Cultural and Health

The Amendment proposal considers social, cultural and health implications including delivery of social and affordable housing, protection of cultural heritage and implementation of the Environmental Audit conducted for the site.

Economic

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

**Legal, Resource and Strategic Risk Implications**

The Amendment satisfactorily manages the risk of contaminated land through the implementation of the Statement of Environmental Audit and is consistent with the advice of the EPA.

# Implementation Strategy

Communication

Should Council resolve to adopt the Amendment, officers will submit the Amendment to the Minister for Planning for consideration. Officers will notify the proponent and submitters when this has occurred.

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.
* Council Resolution to request a Planning Panel be Appointed: 20 February 2024.
* Directions hearing: 21 March 2024.
* Panel Hearing: 10-12, 15, 16, 18 April and 10 May 2024.
* Panel Report: 20 June 2024.

Policy, Strategy and Legislation

Planning and Environment Act 1987

The Planning and Environment Act 1987 (the Act) is the primary legislation guiding planning in the State of Victoria. The Act outlines the process for amending a Planning Scheme.

The Amendment implements the objectives of the Act which is detailed in the Explanatory Report included in the Amendment documents at Attachment 4.

Ministerial Directions

The Amendment considers and complies with the following ministerial directions:

* Ministerial Direction: The Form and Content of Planning Schemes.
* Ministerial Direction 1 – Potentially Contaminated Land.
* Ministerial direction No 9. Metropolitan Strategy.
* Direction No. 11: Strategic Assessment of Amendments.
* Ministerial Direction 19 – on the preparation and content of Amendments that may significantly impact the environment, amenity and human health.

Planning Practice Notes

The Amendment considers and implements the following practice notes:

* Planning Practice note 12 – Applying the flood provisions in the planning scheme.
* Planning Practice note 23 – Applying the Incorporated Plan and Development Plan Overlay.
* Planning Practice note 30 – Potentially contaminated land.
* Planning Practice Note 46 – Strategic Assessment Guidelines.

Whittlesea Planning Scheme

The Amendment is supported by and implements the following clauses of the Whittlesea Planning Scheme:

* 11.01- 1L Settlement – City of Whittlesea.
* 12.01- 1L Protection of biodiversity.
* 15.01- 1L Urban design in the City of Whittlesea.
* 16.01- 1L Integrated housing.
* 16.01- 1L Housing supply in established areas.
* 16.01- 2L Housing affordability.
* 15.03- 1L Heritage conservation in Whittlesea.
* 12.01- 1L River Red Gum Protection.

# 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. Site Context Plan [**5.2.1** - 2 pages]
2. Amendment c269wsea Panel Report [**5.2.2** - 70 pages]
3. Final DPO40 with tracked changes [**5.2.3** - 11 pages]
4. Attachment 4 - Adoption Version Final Amendment Documents [**5.2.4** - 37 pages]
5. Planning Scheme Amendment Process [**5.2.5** - 1 page]
6. Panel Recommendations and Officer Responses [**5.2.6** - 3 pages]
7. Statement of Environmental Audit, 149 Mc Kimmies Road, Bundoora [**5.2.7** - 17 pages]

5.3 Planning Scheme Amendments C286 and C287 - Heritage Overlay at 1470 Plenty Road, Mernda – Request for Authorisation and Interim Heritage Protection

**5.3 Planning Scheme Amendments C286 and C287 - Heritage Overlay at 1470 Plenty Road, Mernda – Request for Authorisation and Interim Heritage Protection**

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

**Report Author:** Strategic Planner

**In Attendance:** Manager Strategic Futures  
Unit Manager Strategic Planning  
Strategic Planner

# Executive Summary

This report outlines the process and rationale for applying a Heritage Overlay to a portion of the land at 1470 Plenty Road, Mernda (refer to *Attachment 1*). The property was identified as being of local heritage significance in an independent expert heritage assessment undertaken as part of the recent process for preparing a Development Plan for the Station Road, Mernda precinct.

This report addresses two separate yet related amendments applying to part of 1470 Plenty Road, Mernda.

Planning Scheme Amendment C286wsea (Amendment C286) proposes to apply an interim Heritage Overlay (HO) to the dwelling on the site and its surrounding curtilage, in accordance with a heritage assessment and Statement of Significance prepared for the site by an independent Heritage Advisor.

Planning Scheme Amendment C287wsea (Amendment C287) proposes to apply a permanent Heritage Overlay to the property and this report will seek approval from Council to request authorisation from the Minister for Planning to prepare and exhibit the Amendment for the permanent HO.

The process to apply interim heritage controls to the site has already proceeded with a request to the Minister for Planning to apply interim heritage protection signed under delegation by the Chief Executive Officer. Under the Instrument of Delegation the application for interim heritage controls must be reported to the next available Council meeting for Council’s information. No further action is required in relation to Amendment C286.

Interim heritage protection via Amendment C286 is deemed necessary due to a previous request from the landowner to demolish the dwelling and recent inspections of the site indicating that the condition of the building has deteriorated, including being vandalised. An application to apply interim heritage controls will only be considered by the Minister for Planning if it is demonstrated that Council is advancing an amendment for permanent heritage controls on the site.

Interim heritage controls will ensure the heritage significance of 1470 Plenty Road, Mernda, is considered through the planning permit process for any redevelopment proposals while a permanent heritage control is considered in a separate planning scheme amendment process via Amendment C287wsea. The control will also enable Council to undertake more effective enforcement action to maintain the condition of the heritage building if necessary.

As such, this report recommends that Council resolve to commence the Amendment C287 process and seek authorisation from the Minister for Planning to prepare and exhibit the Amendment. The exhibition process will include notice being given to the community and direct notification to the landowner and provide the opportunity for affected parties to make a submission to Council on the proposal.

# Officers’ Recommendation

**THAT Council:**

1. **Note that a request to the Minister for Planning to apply interim heritage protection via Amendment C286 was made under delegation by the Chief Executive Officer on 7 November 2024, as the heritage place is under threat of demolition and the condition of the heritage building is at risk of falling into further disrepair.**
2. **Seek authorisation from the Minister for Planning to prepare and exhibit Amendment C287 to the Whittlesea Planning Scheme which seeks to apply a permanent Heritage Overlay to a portion of the land at 1470 Plenty Road, Mernda.**
3. **Advise the landowner of 1470 Plenty Road, Mernda, of Council’s resolution to apply heritage controls to the property.**

# Background / Key Information

Background

The Whittlesea Planning Scheme is the primary statutory document that sets out objectives, policies and provisions relating to the use, development, protection and conservation of land’ in the City of Whittlesea. To change the Whittlesea Planning Scheme, Council must undertake a Planning Scheme Amendment in accordance with the process outlined in the *Planning and Environment Act, 1987* (refer *Attachment 2*).

The City of Whittlesea has already sought Ministerial intervention to apply interim heritage protection to a heritage place at 1470 Plenty Road, Mernda. This report has two purposes, firstly, to note the request for interim heritage controls to the Minister for Planning and secondly, to request Council approval to seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to permanently apply the Heritage Overlay (HO) to part of the site at 1470 Plenty Road, Mernda (refer *Attachment 1 and 3*).

The house at 1470 Plenty Road, Mernda, is of local historic and aesthetic significance to the City of Whittlesea. Built circa 1891, it was one of the first substantial houses to be built in Mernda. It was home to the first resident doctor and later the first Methodist parsonage in the settlement. It is of aesthetic significance as a late Victorian villa with distinctive detailing as identified by an independent heritage consultant (refer *Attachment 4*).

The significance of the dwelling was noted during the assessment of the Station Road Development Plan, which affects a precinct of eight contiguous land parcels, including the subject site, in proximity to the Mernda Train Station. While the Development Plan was under assessment, Council officers were able to suspend a request to demolish the house under S29A of the *Building Act 1993*. The Station Road Development Plan was approved by Council in August 2024 with a notation against the site, that “the dwelling has been identified as being of local heritage significance and is in the process of being considered for permanent heritage protection”.

The site is now subject to a current planning permit application for use and development of the land for two medical centres and a childcare centre.

Recent inspections of the property indicate that the condition of the heritage building has deteriorated. The building has been broken into and vandalised (refer *Attachment 5*).

The Chief Executive Officer has exercised his power of delegation to request the Minister for Planning to apply interim heritage protection to the dwelling and nominated curtilage.

The Instrument of Delegation (from Council to Council staff) makes the following provision under Section 8A (3) of the *Planning and Environment Act 1987*:

* *The CEO or Director of Planning and Development is authorised to apply to the Minister to prepare an amendment to the planning scheme which relates to the interim protection of individual heritage places having local or State significance which are proposed for demolition. The delegation must only be exercised if there is no reasonable opportunity for the matter to be reported to Council for resolution, and reports must be provided to the next available Council meeting.*

As such, both Amendments are being reported to Council at the December Council meeting, which is the first available Council meeting following Council elections. It should be noted that the Minister for Planning will only consider interim heritage controls once it can be demonstrated that Council is advancing a Planning Scheme Amendment for permanent controls. The amendment documents for Amendment C287 have been prepared and are ready for lodgement subject to approval from Council (refer *Attachment 6*). If approved, the interim controls will usually apply for 12 months and Council will apply for an extension to the interim controls if Amendment C287 has not been approved by this time.

Planning Scheme Amendment C287wsea

The first stage in the amendment process is for Council to request authorisation from the Minister for Planning to prepare and exhibit an Amendment (refer *Attachment 2*).

Amendment C287 seeks to apply a permanent HO under Clause 43.01 of the Whittlesea Planning Scheme to a dwelling and nominated curtilage at 1470 Plenty Road, Mernda. The dwelling and curtilage are nominated for heritage protection in a Statement of Significance prepared by an independent heritage advisor (refer *Attachment 4*).

Application of the HO will provide permanent heritage protection over the site and enable Council to ensure that any proposals to use and/or develop the site do not adversely or irreversibly alter the place’s heritage value. Standard planning permit requirements are set out in Clause 43.01 (Heritage Overlay) of the Whittlesea Planning Scheme for all places to which the HO applies. This generally requires a planning permit to:

* Demolish or remove a building, including part of a building;
* Construct a building, including part of a building;
* Externally alter a building;
* Construct or display a sign; or
* Other specific planning controls as identified in the Schedule to Clause 43.01.

The extent of the area affected by the HO is shown on the Planning Scheme overlay map (refer *Attachment 3*). This is commonly referred to as the ‘curtilage’.

A Statement of Significance acts as a reference for each heritage place through identification of the site’s contributing features (refer *Attachment 4*). It is used to inform the Planning Scheme Amendment process as well as a guide for future applications to be assessed against the heritage criteria identified for the site.

It is important to note that the HO does not:

* Prohibit development;
* Require landowners to restore, update or maintain their properties;
* Require a planning permit for routine maintenance or repairs that do not change the appearance of a heritage place; and
* Allow public access to private properties.

The application of the HO will also enable Council to undertake more effective enforcement action and deter demolition should the condition of the heritage building continue to deteriorate.

# 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.

*Response*:

Proposed Amendment C287 will implement planning controls to conserve a heritage place of aesthetic and cultural significance. The independent heritage assessment assessed the house as exhibiting particular aesthetic significance as a late Victorian villa with distinctive detailing including the ornate rendered chimneys, decorated eaves, and small arched niches and white tuckpointing to the facade. The house and its past residents are associated with the early development of the Mernda district following the opening of the Whittlesea railway in 1889.

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

Financial Management

The cost of processing the Planning Scheme Amendment including potential Planning Panel is included in the current budget.

Community Consultation and Engagement

Please refer to the communication section later in the report.

# Other Principles for Consideration

**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.

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.

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The Amendment proposal considers social and cultural implications by protecting a heritage place of aesthetic and cultural significance.

Economic

The Amendment proposal will provide for the use and development of the site with consideration of the conservation and enhancement of a heritage place.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Notification/statutory exhibition of Amendment C287

The *Planning and Environment Act 1987* requires notice to be given of an amendment. This process will be initiated through the resolution at this Council meeting, with Council approval sought to request authorisation from the Minister for Planning to prepare and exhibit Amendment C287. Should authorisation be granted, proposed Amendment C287 will be required to undergo a standard exhibition process, including a 28-day notification period to potentially affected landowners, prescribed Ministers and relevant Agencies. Any submissions must be received by the date identified in the correspondence.

The exhibition process will include:

* A letter notifying the owner of the land affected by the proposed Amendment and identifying how they may participate in and make a submission through the exhibition process, if they choose to do so. It will also identify critical dates for making a submission as required;
* A Statement of Significance for the property which identifies the heritage context, significance and contributing features that warrant Planning Scheme (HO) protection (refer *Attachment 4*); and
* A plan identifying the extent of the proposed HO curtilage and the specific planning

controls that are proposed for the property (refer *Attachment 3*).

Critical Dates

The Minister for Planning will only consider the request for interim heritage controls for the site at 1470 Plenty Road, Mernda, once it has been demonstrated that Council is advancing this Amendment for permanent controls on the site.

If authorisation from the Minister for Planning is granted, it is likely that the exhibition of Amendment C287 will commence shortly after.

Council officers will report to Council on the results of the exhibition process at a future Council meeting.

If submissions are received and remain unresolved these will be considered at a Council meeting and a Council decision made to abandon the amendment or refer the amendment to an independent Planning Panel to hear and consider submissions.

If the amendment is referred to a Planning Panel there will be a report presented to a subsequent Council meeting to consider the recommendations of the Planning Panel and a Council decision on whether to adopt the amendment.

Policy, Strategy and Legislation

Planning and Environment Act 1987

As the Planning Authority, Council must give effect to the objectives of planning in Victoria,

including:

* *to conserve and enhance those buildings, areas or other places which are of* *historical or otherwise special cultural value* (Section 4(d)).

Section 6B of the Act specifically references heritage buildings, noting a planning scheme may makeprovision to further the objectives of planning in Victoria within the area covered by the scheme including:

* *to deter persons from unlawfully demolishing heritage buildings or allowing heritage buildings to fall into disrepair* (Section 6B(b)).

Ministerial Directions

The Amendment will be prepared considering the following ministerial directions:

* Ministerial Direction: The Form and Content of Planning Schemes.
* Direction No. 11: Strategic Assessment of Amendments.

Planning Practice Notes

The Amendment documents will be prepared considering the following practice notes:

* PPN01: Applying the Heritage Overlay.
* PPN46: Strategic Assessment Guidelines.

Whittlesea Planning Scheme

The Amendment is supported by the following clauses of the Whittlesea Planning Scheme:

Clause 15.03-1S (Heritage Conservation) seeks to ensure the conservation of places of heritage significance. Strategies include:

* identify, assess and document places of natural and cultural significance as a basis

for their inclusion in the planning scheme;

* retain those elements that contribute to the importance of the heritage place; and
* encourage the conservation and restoration of contributory elements of a heritage place.

Clause 15.03-1L (Heritage conservation in Whittlesea)

Relevant strategies include:

* Identify and protect local heritage and other cultural features in development and subdivision.

# 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. Site Context Plans [**5.3.1** - 2 pages]
2. Planning Scheme Amendment Process [**5.3.2** - 1 page]
3. Planning Scheme Map (HO 205) [**5.3.3** - 1 page]
4. 1470 Plenty Road, Mernda, Heritage Statement of Significance [**5.3.4** - 2 pages]
5. Site Photos [**5.3.5** - 1 page]
6. Amendment C287wsea draft documents for Authorisation [**5.3.6** - 25 pages]

5.4 Victoria Government’s Housing Statement - Update on Plan for Victoria, Activity Centre Program and other Planning Reforms

**5.4 Victoria Government’s Housing Statement - Update on Plan for Victoria, Activity Centre Program and other Planning Reforms**

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

**Report Author:** Unit Manager Strategic Planning

**In Attendance:** Manager Strategic Futures  
Unit Manager Strategic Planning

# Executive Summary

The purpose of this report is to provide Council with an update on the key planning reforms arising from the *Victoria’s Housing Statement: The Decade Ahead 2024-2034* (the Housing Statement). In September 2023, the State Government released the Housing Statement which aimed to improve housing supply and affordability with a target to build 800,000 homes in Victoria over the next decade.

This report provides an update and overview of the submissions provided by the City of Whittlesea on some of the key initiatives of the Housing Statement which have recently been consulted on, including the preparation of a new *Plan for Victoria* andthe Activity Centre Program which applies to the Epping Activity Centre. This report also provides a summary of the more recent *More Homes More Opportunities* announcements by the State Government on further planning reforms and programs which support the aims of the Housing Statement.

A new ‘*Plan for Victoria’*

The preparation of a new *Plan for Victoria* by the State Government is currently underway and expected to be released in late 2024. Consultation was conducted during 2024 on key themes and ‘big ideas’ to inform the new plan including draft housing targets. The City of Whittlesea made a comprehensive submission to this process which was prepared by officers in consultation with the Council and aligned with existing adopted Council policy and advocacy positions. This report recommends that Council notes the submission.

Activity Centre Program - Epping Activity Centre

One of the key Housing Statement initiatives currently in process, is for the State Government to prepare new planning controls to support the delivery of an additional 60,000 homes in ten ‘pilot’ activity centres across metropolitan Melbourne, including Epping.

This initiative is referred to as the ‘Activity Centres Program’ and is being delivered by the Department of Transport and Planning (DTP) and the Victorian Planning Authority (VPA) on behalf of the Minister for Planning.

In August and September 2024, the State Government undertook consultation on draft Activity Centre Plans for each of the ten ‘pilot’ activity centres, including Epping. The State Government advised that these plans would form the basis of new planning controls which would be developed and approved by the Minister for Planning by the end of 2024.

Noting that Council was in caretaker at the time of the consultation, Council’s submissions were prepared by officers and submitted under delegation.

Councils' submissions to the program requested an extension of time for the program, to enable a public notice process on the draft planning controls/amendment to take place, provide the ability for elected Councils to make submissions on the draft planning scheme amendment and conduct a proper standing advisory committee process to review submissions. The submission highlighted issues in respect to the lack of genuine consultation as part of the program and finalising the new planning controls.

Council’s submissions also focused on ensuring consistency with the current Council Plan ‘Whittlesea 2040: A Place for All’, local planning policy, adopted strategic plans (namely the Epping Central Structure Plan) and other strategic work prepared by Council.

The Epping Central Structure Plan was adopted by Council in June 2023 after a comprehensive preparation process including extensive community engagement. Council had commenced the process of developing new planning controls in Epping prior to the State Government’s announcement of the Activity Centre Program and the State Government taking the lead on this work.

The 2023 version of the plan requires a number of minor updates to recognise the Housing Statement and align with the further work prepared by Council officers to inform its submissions to the Activity Centre Program. An updated version of the Structure Plan document was attached ‘in draft’ to the officer submission.

A further report will be presented in 2025, to seek endorsement of the updated version of the Epping Central Structure Plan which will align with the outcomes of the approved planning controls.

This report recommends that Council notes the submission made to the Activity Centre Program.

‘*More Homes More Opportunity*’ Announcements

In October 2024, the State Government made number of announcements in respect to additional planning reform and programs, to build on the Housing Statement and increase the supply and affordability of housing in Victoria. A key announcement relates to creating a new developer contribution system which is a significant reform and could have implications for the delivery of infrastructure to growing communities and Council’s long term financial planning. Officers are still awaiting further information in respect to the process for developing and implementing each of these further reforms and programs and how councils will be engaged in the process.

This report recommends that noting the limited engagement on these reforms to date, that Council writes to the Minister for Planning and seeks assurances that Council will be properly consulted on the proposed changes to the planning system including the proposed developer contributions system.

# Officers’ Recommendation

**THAT Council:**

1. **Note the State Government’s progress update on the implementation of Victoria’s Housing Statement: The Decade Ahead 2024-2034 at Attachment 2.**
2. **Note the City of Whittlesea’s submission to the State Government’s *Plan for Victoria* consultation process, August 2024 at Attachment 3.**
3. **Note the City of Whittlesea’s submission to the State Government’s Activity Centre Program, September 2024 at Attachment 6.**
4. **Note the State Government’s *More Homes More Opportunity* announcements at Attachment 7.**
5. **Write to the Minister of Planning to seek assurance that Council will be consulted on proposed changes to the planning system announced as part of its *More Homes More Opportunity* announcements.**

# Background / Key Information

**Victoria’s Housing Statement: The Decade Ahead 2024-2034**

In September 2023, the Victorian Government released V*ictoria’s Housing Statement: The Decade Ahead 2024-2034* (The Housing Statement) (Attachment 1). The Housing Statement aims to facilitate the construction of an additional 800,000 homes within the next decade to increase housing supply within Victoria to ensure that the cost of housing is affordable for Victorians.

In addition to setting housing construction targets for the next decade, the Housing Statement also outlines the State government’s intention to reform the Victorian planning system to boost housing supply, including:

* Streamline assessment pathways for residential development;
* Expand the development facilitation program;
* Increase housing choice in activity centres (Activity Centre Program);
* Delivery of more social housing;
* Develop a new *Plan for Victoria; and*
* Review and rewrite the *Planning and Environment Act (1987)*.

Since, the release of the Housing Statement, the initiatives have been progressively rolled out by the State Government. In September 2024, a 12-month progress update was released by the State Government (Attachment 2).

The update advised:

* Almost 10,000 homes have been fast-tracked for development over the last 12 months, including 1,638 homes through the Development Facilitation Program;
* Planning changes were implemented to make it easier to build small second dwellings;
* Planning for activity centres was well progressed;
* Roll out of the Big Housing Build to deliver more affordable homes was continuing; and
* Preparation of a new *Plan for Victoria* was underway including the release of draft housing targets.

In addition, there has been a number of recent Ministerial Amendments gazetted which amend planning provisions to facilitate the above. These include:

* Amendment VC242 – this Amendment created a pathway for large developments to elect to have the Department of Transport and Planning assess their development application rather than Council.
* Amendment VC243 – this Amendment introduced a number of changes to facilitate more housing relating to Future Homes, ResCode changes for multi-unit applications and alterations to homes on lots sized between 300m2 lot size and 500m2.
* VC253 - this Amendment aimed at facilitating more second dwellings introduced a new land use term and standard siting, design and amenity requirements for a second dwelling.

This report recommends that Council notes the update on the implementation of the Housing Statement.

**New ‘Plan for Victoria’ and Housing Targets**

As noted above, the Housing Statement earmarked the preparation of a new ‘*Plan for Victoria*’ which would replace the current metropolitan planning strategy *Plan Melbourne 2017-2050* and other regional plans. ‘*Plan for Victoria*’ will be the primary strategic land use plan to guide development in Victoria over the coming decades.

The Housing Statement outlined that the new plan would:

*“set into action what our state will look like over coming decades. It’ll focus on delivering more homes near transport, job opportunities and essential services in vibrant, liveable, and sustainable neighbourhoods”.*

The State Government conducted consultation on key themes and ‘big ideas’ relating to the new plan during 2024 with submissions invited up to the end of August. The key themes were:

* Affordable Housing and Choice;
* Equity and Jobs;
* Thriving and Liveable Suburbs and Towns; and
* Sustainable Environments and Climate Action.

As part of the consultation, the State Government also released draft Housing Targets for each municipality in Victoria. The City of Whittlesea’s target was the delivery of an additional 87,000 homes by 2051.

A comprehensive submission was prepared by the City of Whittlesea in response to the consultation (see Attachment 3). The submission document was prepared by officers in consultation with the Council. Noting that the submission aligned with existing adopted Council policy and advocacy positions, the submission document prepared by officers was not formally endorsed by the Council.

In summary, the submission highlighted:

* the strong growth being experienced in the City of Whittlesea and the Council’s role in facilitating development and accommodating growth;
* that growth needs to be supported by adequate infrastructure and a respectful planning response that addresses the distinct characteristics that makes places special;
* the significant role local government plays in applying appropriate planning frameworks and controls to enable the delivery of housing but also noting that market factors will influence the delivery of housing development and achievement of targets.
* the need and mechanisms to deliver more affordable housing;
* the need to deliver critical transport projects such as Wollert Rail to support housing growth;
* the need to ensure that new planning controls respond to local context and enhance neighbourhood character;
* improvements to the planning system to make development more sustainable and responsive to the impacts of climate change; and
* changes to the developer contributions system to better support delivery of infrastructure in a timely manner.

The Department of Transport and Planning (DTP) are currently considering the feedback received from Councils, the community and other stakeholders from the consultation, as part of preparation of the new plan. It is not proposed to release a draft plan for further consultation or provide an individual response to submissions received. The final ‘*Plan for Victoria*’ is expected to be released in late 2024.

This report recommends that Council notes the submission made by the City of Whittlesea to the ‘*Plan for Victoria*’ consultation process.

**Activity Centre Program**

Background

One of the key initiatives in the Housing Statement related to increasing housing choice in activity centres. The initiative said:

*“we’ll (State Government) introduce clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne.*”

Epping has been identified as one of the ten initial activity centres.

The program is being led by the Department of Transport and Planning (DTP) delivered by the Victorian Planning Authority (VPA) and on behalf of the Minister of Planning.

Epping Activity Centre

Epping Central is the largest activity centre in the City of Whittlesea and is identified as a Metropolitan Activity Centre in *Plan Melbourne 2017-2050*. Metropolitan Activity Centres provide significant housing and economic opportunities for Metropolitan Melbourne and are well serviced by public transport and other infrastructure. Metropolitan Activity Centres also provide a large range of facilities and services to the community, making them ideal places for future growth.

The Epping Central Activity Centre is a key location for employment, housing and higher order health, retail and education services in the City of Whittlesea. The activity centre includes a number of regional facilities including the Northern Hospital, Northern Private Hospital, Pacific Epping Shopping Centre, Melbourne Polytechnic (vocational training), the new Epping residential, health and commercial precinct, and significant retail developments. The activity centre is also connected to strategic transport links including the regional road network, public transport (Epping Station on Mernda Line and future station on proposed line to Wollert) and shared path network.

Epping Central Structure Plan, 2023

In June 2023, Council adopted a refreshed Structure Plan for the Epping Central Activity Centre. The Epping Central Structure Plan (ECSP) establishes a long-term vision for the Epping Central Activity Centre and sets out a policy framework that guides land use and development within the precinct (see Framework Plan at Attachment 5). The ECSP was first adopted by Council in 2011 following a comprehensive preparation process.

The refreshed Structure Plan was underpinned by extensive community consultation conducted over three stages. The refreshed plan includes a vision for Epping Central to be a “*attractive, welcoming and sustainable urban place experiencing strong population and job growth*”.

In adopting the refreshed plan, Council also resolved to commence the process of implementation of the plan by updating the planning controls for Epping Central in the Whittlesea Planning Scheme.

With the announcement of the Activity Centre Program, responsibility for the implementation of new planning controls for Epping has been assumed by the State Government. As part of the process, Council officers have advocated strongly for the outcomes to align with the adopted Epping Central Structure Plan and other strategic work undertaken by Council.

Activity Centre Program Draft Plans and Consultation

During the roll out of the Activity Centre Program, affected Councils have been kept informed. However, opportunity for community participation and Council submissions on the new ‘planning controls’ has been limited.

In August and September 2024, the State Government undertook consultation on draft Activity Centre Plans for each of the ten ‘pilot’ activity centres, including Epping (refer to Attachment 4). The State Government advised that these plans would form the basis of new planning controls which would be developed and approved by the Minister for Planning by the end of 2024.

The draft Activity Centre Plan (the plan) for Epping was very ‘light’ on detail compared to the other activity centres considering the extensive strategic work that Council had already undertaken in the precinct. The plan noted that “*land use and built form in the Epping activity centre is proposed to be guided by the Epping Central Structure Pla*n”.

In addition to the activity centre area, the plan also identified ‘catchment areas’ around the activity centre. The plan noted that *“the catchment will provide an opportunity for more housing diversity including quality social and affordable housing, focusing on higher-density apartments, medium-density apartments, townhouses and semi-detached homes close to the activity centr*e”.

Councils and the community were invited to provide feedback on the draft plans. It was advised that no further formal consultation would occur on the draft planning controls prior to approval by the Minister for Planning.

Noting that Council was in the caretaker period at the time, Council’s submissions were prepared by officers and submitted under delegation (refer to Attachment 6).

Councils' submissions outlined a number of key issues with the process and proposed planning controls, which included:

* requesting that the finalisation of the Activity Centre Program planning scheme amendments not to proceed at this time and to be deferred for a minimum six months to enable sufficient time for;
* a public notice process on the draft planning scheme amendment and planning controls to take place,
* provide the ability for elected Councils to make submissions on the draft planning scheme amendment and,
* conduct a proper standing advisory committee process to review submissions.
* highlighting issues in respect to the lack of genuine consultation with Councils and the community as part of the program and finalising the new planning controls;
* that the Epping Central Structure Plan and other strategic work undertaken by Council form the basis of the new planning controls for Epping;
* that the residential catchments areas be excluded from the final planning controls as they had not been strategically justified;
* that the new planning controls for Epping did not include ‘deemed to comply’ provisions as these were not consistent with the built form controls proposed by Council as part of its strategic work and the change was not justified;
* that the new planning controls include requirements to ensure adequate new open space, affordable housing and infrastructure to service additional housing; and
* that Council be consulted on any changes to developer contributions in Epping.

To support its submission Council prepared further strategic work including built form design analysis and testing (undertaken by design consultant Hodyl and Co), open space needs assessment and preparing draft planning controls. The outcomes of this work has resulted in the need to make some minor adjustments to the adopted version of the Structure Plan. The further strategic work including an updated version of the Structure Plan document was submitted in ‘draft form’ as part of the submissions to the Epping Central Structure Plan.

Updated Epping Central Structure Plan

As noted above, further strategic work undertaken by Council officers to inform its submissions to the Activity Centre Program has required a number of minor updates to the adopted Structure Plan. The changes remain consistent with the vision and objectives of the adopted Structure Plan however ensure that the plan remains current and responds to the new planning framework implemented by the State Government in activity centres.

These changes can be summarised as:

* recognising the release of the Housing Statement and identification of Epping as a key location to deliver increased housing opportunities;
* include the urban design analysis and testing report prepared by Hodyl and Co for Council as an Appendix to the Structure Plan and delete the content in the current appendix on housing typologies which has been superseded by the further work;
* update the open space plan and identify additional open spaces areas in locations where additional housing is expected to be delivered in the future;
* minor updates to movement network plans to identify some additional road and pedestrian connections;
* minor update to development principles and neighbourhood character statements in respect to preferred height and setbacks. Updated the preferred building height for Precinct 4 which is noted in the 2023 version of the Structure Plan as being ‘under review’; and
* delete the ‘potential alternate alignment’ of the Wollert Rail corridor which is not feasible as a result of further investigations conducted by the landowner in consultation with the DTP. Retain the current preferred alignment for the rail corridor.

The adoption by Council of the most current version of the Structure Plan document is important to:

* ensure consistency between the adopted Structure Plan and Councils preferred planning controls for Epping Central as outlined in its submission;
* enable the updated Structure Plan to be a Background Document in the Whittlesea Planning Scheme; and
* enable the updated Structure Plan to be considered as part of assessments of planning permit applications for new development in Epping.

A further report will be presented to Council in 2025, presenting the updated Structure Plan for Councils consideration.

***‘More Homes More Opportunity’* Announcements**

In October 2024, the State Government made a number of announcements as part of its ***‘****More Homes More Opportunity’* package. The announcements identified a number of further planning reforms and programs to build on the Housing Statement and the aim to increase the supply and affordability of housing in Victoria (refer to Attachment 7).

A summary of the key announcements relating to planning reform include:

* Expansion of Activity Centres Program: In addition to the initial ten ‘pilot’ activity centres, it was announced that the program would be expanded to include an additional 50 centres. 25 centres were identified as part of the announcement (none located in the City of Whittlesea) with an additional 25 to be identified in *Plan for Victoria* when it is released.
* New Developer Contributions System: This announcement signals the government intention to introduce a state-wide developer contributions system for contribute to the funding of new infrastructure, parks and services. Contributions would be levied for all new homes. The system will replace the current system for collecting developer contributions for state and local infrastructure. However, there is limited detail on the framework for the new system including the impact on existing developer and infrastructure contribution plans.

The new system will be piloted in the first 10 pilot Activity Centres, including Epping Central and commence on 1 January 2027. There is limited information on the new system and councils have not been engaged to date.

This is concerning given the significance of the system in respect to providing essential infrastructure to growing communities and impacts on Council’s long term financial planning.

The media release states that the ultimate system will be informed by the Housing Affordability Partnership, which to date consists only of development industry stakeholders. The media release also indicates that councils need to have a ‘voice’ on the new system however it is unclear how councils will be consulted. Noting the potential financial risk to Council and Council extensive experiencing in managing contribution plans it is critical that Councils such as Whittlesea are highly engaged in the process of developing the new system.

* Great Designs Fast Track program:The Great Designs Fast Track program will expedite approvals for well-designed townhouses and apartments The program will apply state-wide and would give the Minister for Planning control of applications for townhouses and apartment projects of three to six storeys that are submitted by proponents into the program and that meet the test of build quality, good design and sustainability.

It would function like the existing development facilitation program, aimed at cutting application times from 12 to four months. However, residents will retain the right to review and make submissions on proposed projects.

The Government will expand its *State Design Book* of ‘future homes’ to include additional designs up to six storeys:

* Subdivision: The government has announced a review of the subdivision process, with the aim of streamlining the planning and building systems to expedite the dual-occupancy and subdivision processes for two lot subdivisions.

The details will be determined through the review process and options for consideration include faster 10-day subdivisions (down from 60 days and often longer), criteria-based planning permit exemptions, or no requirement for a planning permit at all. This reform will be implemented by April 2025.

* Precinct Structure Plan (PSP) forward program: The Government has announced a 10-year plan for the preparation of 27 additional PSP’s in greenfield areas, and timeframes for commencement for each. PSP’s are integrated strategic plans which guide the transition of greenfield areas to urban development.

In the City of Whittlesea, all residential precincts have approved PSP’s and only two employment precincts remain left to be planned. The activation of the employment precincts is critical for supporting local job opportunities to the City’s residents and is an important advocacy position of Council.

One of these precincts is the Northern Freight Precinct (Beveridge Intermodal Precinct) was announced as a priority precinct to be delivered. The State Government, including the Victorian Planning Authority will lead the planning process in conjunction with the major landowner in the precinct which is the Commonwealth owned National Intermodal Corporation.

Planning for this precinct has now commenced with the planning controls for Stage 1A expected to be approved by the Minister for Planning in early 2025. The plans and planning controls for stages 1B and 2 are expected to be finalised by early 2026. The precinct upon development will support an intermodal precinct and adjoining logistics hub, with the potential to support up to 20,000 direct and indirect jobs.

The Government will also review some existing PSP that are not yet fully developed to increase housing density were this is supported by planned infrastructure. This list is not known at this stage.

Whilst the announcements have been made, there has been limited further information provided in respect to each of these reforms and limited engagement with councils to date. The proposed reforms will have a significant impact on the planning system and the changes to the developer contributions system will impact on the timely delivery of infrastructure to new communities and financial sustainability of councils. It is imperative that councils are effectively engaged in the implementation of each of these reforms.

This report recommends that Council writes to the Minister for Planning seeking assurance that Council will be consulted with on other proposed changes to the planning system including the developer's contribution system.

# 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.

Councils’ submissions to the State Government planning reforms relating to implementation of the Housing Statement have aligned with Whittlesea 2040 and the goals to deliver Liveable Neighbourhoods including housing diversity and well-planned neighbourhoods.

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

Council undertook comprehensive community engagement as part of preparing strategic plans which have informed its submissions including Epping Central Structure Plan.

The broader community was invited to participate in consultations led by the State Government in respect to *Plan for Victoria* and the Activity Centre Program. Council’s submission to the Activity Centre Program advised that it considered the consultation to be inadequate and that a further public notice process be conducted on the draft planning scheme amendment and planning controls.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(f) Collaboration with other Councils and Governments and statutory bodies is to be sought.

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

Council’s submissions to *Plan for Victoria* and the Activity Centre Program have highlighted environmental sustainability considerations including improving the sustainability of development and responding to the impacts of climate change.

Social, Cultural and Health

Council’s submissions to *Plan for Victoria* and the Activity Centre Program have highlighted social, cultural and health considerations including providing for more affordable housing.

Economic

Council’s submissions to *Plan for Victoria* and the Activity Centre Program have highlighted economic considerations including planning for employment precincts and providing critical infrastructure to facilitate investment and development.

**Legal, Resource and Strategic Risk Implications**

There are strategic risks associated with the implementation of planning reforms such as a new system for developer’s contributions.

# Implementation Strategy

Communication

This report recommends that Council writes to the Minister for Planning seeking assurance that Council will be consulted with on other proposed changes to the planning system including the developer contributions system.

Critical Dates

* June 2023 – Epping Central Structure Plan adopted by Council.
* September 2023 - *Victoria’s Housing Statement: The Decade Ahead 2024-2034* released*.*
* December 2023 *–* Minister for Planning writes to City of Whittlesea to advise that they have directed the Department of Transport and Planning in partnership with the Victorian Planning Authority to prepare new planning controls for Epping as part of the Activity Centre Program.
* March-April 2023 – Phase 1 consultation conducted by the Victorian Planning Authority on the Activity Centre Program.
* June – August 2024 – Consultation conducted by the Department of Transport and Planning on the themes and big ideas for the new *Plan for Victoria* and draft Housing Targets.
* August-September - Phase 2 consultation conducted by the Victorian Planning Authority on the Activity Centre Program.
* October 2024 - More Homes More Opportunities announcements by the State Government on new planning reforms and programs to increase housing supply.
* December 2024 – Expected release of new *Plan for Victoria.*
* December 2024 – Expected approval of new planning controls for Epping Activity Centre as part of the Activity Centre Program.

# 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. Victorian Housing Statement, September 2023 [**5.4.1** - 44 pages]
2. Victorian Housing Statement, Progress Update, September 2024 [**5.4.2** - 4 pages]
3. City of Whittlesea Submission to Plan for Victoria, August 2024 [**5.4.3** - 33 pages]
4. Draft Epping Activity Centre Plan, August 2024 [**5.4.4** - 17 pages]
5. Epping Central Structure Plan, 2023 - Framework Plan [**5.4.5** - 1 page]
6. City of Whittlesea Submission to Activity Centre Program, Epping, September 2024 [**5.4.6** - 46 pages]
7. More Homes More Opportunities Information Pack [**5.4.7** - 20 pages]

5.5 Governance Report

**5.5 Governance Report**

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

**Report Author:** Unit Manager Compliance & Governance

**In Attendance:** Unit Manager Compliance & Governance

# Executive Summary

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance and administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency, and governance matters. This also ensures compliance with the requirements of the *Local Government Act 2020*, Council’s Governance Rules and related regulations.

The purpose of this report is to provide information for the following governance related matters:

* Instrument of Delegation (s6) to Members of Council Staff (Attachment 1).
* 3 December 2024, Audit and Risk Committee Summary Minutes (Attachment 2).
* Revised Audit and Risk Committee Charter (Attachment 3).
* Appointment of independent members to Council’s Audit and Risk Committee for a three-year term.

Further information on the above listed matters are located within the body of this report.

# Officers’ Recommendation

**THAT Council:**

1. **Note the Governance Report for December 2024.**
2. **Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Delegation (s6) from Council to Members of Council Staff attached at Attachment 1.**
3. **Resolve to commence operation of the s6 Instrument of Delegation from Council to Members of Council Staff at Attachment 1 immediately upon the signing by the Mayor and Chief Executive Officer, and common seal of Council being affixed to the Instrument.**
4. **Revoke the previous s6 Instrument of Delegation from Council to Members of Council Staff adopted by Council on 18 June 2024.**
5. **Note the Summary Minutes of the Audit and Risk Committee Meeting held on 3 December 2024 at Attachment 2 and will be made available on Council’s website.**
6. **Resolve to adopt the revised Audit and Risk Committee Charter at Attachment 3.**
7. **Resolve, following a competitive expression of interest process to fill a vacant position, to appoint Lisa Tripodi as an independent member of the Audit and Risk Committee for a three-year term, concluding 16 December 2027.**
8. **Note that Dr Marco Bini’s three-year appointment as an independent member of the Audit and Risk Committee ceases on 30 June 2025, and:**
   1. **Resolve not to extend the appointment of Dr Marco Bini beyond 30 June 2025, and for the Chief Executive Officer or his delegate to write to Dr Marco Bini advising him of this resolution and thank him for his contributions over the past three years.**
   2. **Resolve to appoint Suzie Thoraval as the replacement independent member of the Audit and Risk Committee for a three-year term, commencing 1 July 2025 and concluding 30 June 2028.**

# Background / Key Information

**Instrument of Delegation (s6) to Members of Council Staff**

The Instrument of Delegation to Members of Council Staff ensures that staff exercise the appropriate powers, duties, and functions on behalf of Council.

Delegations are assigned to specific positions rather than individuals, ensuring continuity and effectiveness. This approach prevents delegations from becoming obsolete in cases where a position is vacant or when a delegate is on leave, as delegated powers automatically transfer to staff acting in those positions.

The Instruments of Delegation are reviewed bi-annually to incorporate legislative updates and reflect changes to the organizational structure. The Instrument of Delegation to Members of Council Staff was most recently reviewed and adopted by Council on 18 June 2024.

The latest review and updates to the Instrument of Delegation to Members of Council Staff included:

* 6 new legislatives provisions have been added as follows:
* Section 19FA(1) of the *Food Act 1984* – This section delegates the power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, Coordinator Environmental Health, and Environmental Health Officer.
* Section 19FA(3)(a) of the *Food Act 1984* - This section delegates the power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
* Section 19FA(3)(b) of the *Food Act 1984* – This section delegates the power to revoke a registration granted in respect of premises where a proprietor of a food premises fails to comply with a direction given. This power is proposed to be delegated to the Director Planning and Development and Manager Compliance and Environmental Health.
* Section 19FA(3)(c) of the *Food Act 1984* – This section delegates the power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction.
* This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
* Regulation 45(3) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 –* This section delegates the power to determine places in which caravan park owner must display name and telephone number of an emergency contact person. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
* Regulation 45(5) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 –* This section delegates the power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of caravan park and a copy of the caravan park rules. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
* The following 10 provisions have been removed due to adjustment in their relevant statutory sources:
* s12(2) of the *Road Management Act 2004* – Power to discontinue road or part of a road.
* s12(4) of the *Road Management Act 2004* – Duty to publish, and provide copy, notice of proposed discontinuance.
* s12(5)of the *Road Management Act 2004 –* Duty to consider written submissions received within 28 days of notice.
* s12(6) of the *Road Management Act 2004 –* Function of hearing a person in support of their written submission.
* s12(7) of the *Road Management Act 2004 –* Duty to fix day, time, and place of meeting and to give notice.
* r18(4) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to determine where the emergency contact person’s details are displayed.
* r18(6) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to determine where certain information is displayed.
* r26 of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 –* Duty to have regard to any report of the relevant fire authority.
* r43 of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 –* Power to approve use of a non-habitable structure as a dwelling or part of dwelling.
* Schedule 3 clause 4(3) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 –* Power to approve the removal of wheels and axles from unregistrable movable dwelling*.*
* Based on the abovementioned updates to legislation, some officers have had modifications made to existing conditions and limitations in the exercise of their delegated powers.

**Audit and Risk Committee Meeting Summary Minutes – 3 December 2024**

At the Audit and Risk Committee held on 3 December 2024, the following matters were considered:

* Quarterly Risk Management Report covering Strategic and Operational Risks, treatment plans, emerging risks and public liability insurance claims.
* An update on Fraud and Corruption Control System.
* An update on Disaster Recovery Tests and Plans.
* Internal Audit Program delivery including internal audit scopes, a completed internal audit report for noting, and the performance of the internal auditors.
* Quarterly Corporate Performance Report including an update on Community Plan Action Plan, Good Governance actions, 2024-25 Capital Works Program, and Council’s financial performance.
* An update on significant contracts, projects, and procurement matters.
* An update on Developer Contributions.
* Compliance and Governance matters as detailed in the Audit and Risk Committee Annual Work Plan.

To provide transparency and to comply with the requirements of the Audit and Risk Committee Charter, the summary minutes are provided at Attachment 2 for noting by Council and will be made available on Council’s website.

**Audit and Risk Committee Charter**

Under section 54(1) of the *Local Government Act 2020*, Council is required to prepare and approve an Audit and Risk Committee Charter (**Charter**).

In line with the Audit and Risk Committee Work Plan, the Charter is reviewed every two years or more frequently if necessary. The current Charter was approved by Council at its meeting on 21 May 2024.

The Global Internal Audit Standards (Global Standards), published in January 2024, build upon the 2017 International Standards for the Professional Practice of Internal Auditing and the related mandatory guidance of the International Professional Practice Framework. Key changes introduced by the Global Standards, effective from 1 January 2025, include updates to Audit and Risk Committee qualifications and external quality assessments.

To align with the Global Standards updates, the Audit and Risk Committee conducted a review of the Charter. The key amendments include:

* Section 3.2.4: Adding a requirement for understanding internal audit as part of the skills and experience criteria for Audit and Risk Committee members.
* Section 4: Incorporating external quality assessment into the performance evaluation of the Audit and Risk Committee.

The revised Charter (Attachment 1) was endorsed by the Audit and Risk Committee at its meeting on 3 December 2024 and is being presented to Council for formal adoption.

**Appointment of an Independent Member to the Audit and Risk Committee**

Under section 53(1) of the *Local Government Act 2020* (**the Act**), Council is required to establish an Audit and Risk Committee (**Committee**). Section 53(3) of the Act mandates that the Committee include Councillor members, with a majority of members being independent.

In accordance with the Committee Charter:

* clause 3.2.5 states *independent members will be appointed for an initial period not exceeding three years and may be re-appointed for a further three-year period.*
* clause 3.2.3 states *in appointing both Councillor and independent members, Council will consider gender and diversity to ensure a balanced membership*.

Former independent member Jenny Johanson was originally appointed to the Committee for a three-year term on 4 October 2021 and re-appointed by Council for a further three-year term on 21 May 2024. In September 2024, Jenny Johanson retired from her role leaving the position vacant.

Additionally, independent member Dr Marco Bini was appointed to the Committee on the 1 July 2022 with his initial term ending 30 June 2025.

To fill these vacancies, a public expression of interest advertisement was released immediately following the election period seeking suitably qualified members. The recruitment panel comprised of the Committee Chair, Director Customer and Corporate Services, Unit Manager Compliance and Governance, and Compliance and Governance Officer.

At the time of closing, Council received over 50 applications from highly qualified and experienced candidates. The panel reviewed the applications and shortlisted four candidates based on their experience, qualifications, and alignment with the role's requirements. The shortlisted candidates were interviewed and further assessed against the selection criteria.

All panel members actively contributed to the recruitment process, and the outcome reflects their collective agreement. In selecting the shortlist, the panel emphasised gender diversity and the relevant skills needed to complement the Committee. Following deliberations, the recruitment panel unanimously recommend Lisa Tripodi and Suzie Thoraval as the new independent members of the Committee.

# 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

The cost is included in the current budget.

Community Consultation and Engagement

There is no community consultation and engagement considerations for this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

(i) The transparency of Council decisions, actions and information 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

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Once approved, an official letter of offer will be sent to Lisa Tripodi for the position of Independent Member of the Audit and Risk Committee for a three-year term, concluding ending 30 November 2027.

Critical Dates

No implications.

# 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. Insturment of Delegation from Council to Members of Council [**5.5.1** - 93 pages]
2. Summary Minutes of the Audit and Risk Committee 3 December 2024 Meeting [**5.5.2** - 14 pages]
3. Audit and Risk Committee Charter December 2024 [**5.5.3** - 12 pages]

5.6 Appointment of Councillor Representatives to Committees

**5.6 Appointment of Councillor Representatives to Committees**

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

**Report Author:** Unit Manager Council Governance

**In Attendance:** Unit Manager Council Governance

# Executive Summary

Annually, Council appoints representatives to organisations and committees to ensure the City of Whittlesea can participate and contribute to local and strategic issues that align to the Council achieving its goals.

This report is to present Council with the list of State-wide, Metropolitan, Regional and Whittlesea-based organisations, Council Advisory Committees and Standing Committees to enable Councillors to be appointed for the period 18 December 2024 to 15 December 2025.

# Officers’ Recommendation

**THAT Council:**

1. **Appoints Councillor representatives to the State-wide, Metropolitan, Regional and Whittlesea-based organisations as listed at Table A within the body of this report for a period of up to 12 months.**
2. **Note the Mayor, Cr McLindon will be appointed to the Outer Melbourne Councils and Northern Councils Alliance in accordance with their respective Terms of Reference and Charter.**
3. **Appoints Councillor representatives to the Council Advisory Committees as listed at Table B within the body of this report for a period of up to 12 months.**
4. **Appoints Councillor representatives to the Whittlesea City Council Standing Committees listed at Table C within the body of this report for a period of up to 12 months, and the Epping Cemetery Trust for the period of this Council term.**
5. **Note the Mayor, Cr McLindon and Deputy Mayor, Cr Zinni will be appointed to the CEO Employment Matters Advisory Committee (CEMAC) plus one other Councillor in accordance with the CEMAC Employment and Remuneration Policy.**

# Background / Key Information

**State-wide, Metropolitan, Regional and Whittlesea-based organisations**

Appropriate representation on these organisations enables Council to further its advocacy and engagement goals, and to gather information about sector opportunities, emerging issues and to inform decision-making.

A summary of the organisations and nominees required for 2024-25 is outlined in Table A below.

**Table A**

| **State-wide, metropolitan or regional organisation** | **Nominees required** | **Appointments 2024-25** | **Summary of organisation** |
| --- | --- | --- | --- |
| Municipal Association of Victoria (MAV) | One Councillor (voting rights) and one proxy |  | The MAV is a legislated peak body for councils and the voice of local government in Victoria. MAV advocates for local government interests, initiates projects and services across a broad range of areas and supports the development, adoption and implementation of evidence-based research and policy. |
| Australian Local Government Women’s Association Incorporated (ALGWA) | One Councillor (voting rights) |  | ALGWA is the peak body representing the interests of women in local government across Australia.  The Association seeks to assist in furthering women's knowledge, understanding and participation in the function of Local Government. |
| Outer Melbourne Councils | Mayor (voting rights) and one proxy | Cr McLindon | This group comprises Whittlesea, Nillumbik, Hume, Mitchell, Melton, Cardinia, Casey, Yarra Ranges, Wyndham and Mornington Peninsula Councils. These Councils have both rural and urban areas. During the forum on 3 December 2014, the interface Councils Group agreed that councils could appoint an alternative delegate to attend the Interface Council’s Group Forums and join delegations to Minister. |
| Metropolitan Transport Forum Inc. | One Councillor (voting rights) |  | This Forum promotes effective, efficient and equitable transport in metropolitan Melbourne by providing a forum for debate, research and policy development, and by disseminating information to improve transport choices. |
| Northern Alliance for Greenhouse Action Executive (NAGA) | One Councillor |  | The NAGA formed in 2002 as a network to share information, skills and resources related to climate change action.  NAGA’s members are the cities of Banyule, Darebin, Hume, Manningham, Melbourne, Moreland, Whittlesea, Yarra, Shire of Nillumbik and Moreland Energy Foundation (MEFL).  NAGA’S goal is to substantially contribute to the transition to a low-carbon future.    The NAGA Executive was formed in 2009 to ensure sound and effective decision-making.  It is a senior leadership group comprising Councillors, Council Senior and Executive Officers, CEO of MEFL and NAGA Executive Officer. |
| Northern Councils Alliance | Mayor (voting rights) and one proxy | Cr McLindon | The Northern Councils Alliance represents and works collectively for residents across seven municipalities including Banyule City Council, City of Darebin, Hume City Council, Mitchell Shire Council, Moreland City Council, Nillumbik Shire Council and the City of Whittlesea.  As a group of Councils, the Alliance is committed to working to deliver and advocate for ongoing improvements to the economic, social, health and wellbeing for its residents and businesses both current and future.    At the September 2019 meeting of the Alliance, Mayors and CEOs of member councils were signatories to a Memorandum of Understanding outlining that membership of the Alliance is to comprise one appointed Councillor representative from each member Council, supported by the CEO from each member Council. |
| Victorian Local Governance Association (VLGA) | One Councillor (voting rights) and one proxy |  | The VLGA promotes good governance and sustainability by supporting local governments and communities through programs of advocacy, training, information provision and support. |
| Whittlesea Community Futures Partnership | One Councillor |  | The Whittlesea Community Futures Partnership is a voluntary alliance of 59 organisations including the City of Whittlesea, State and Federal Government and Human Service Organisations, working together with shared commitments and goals for the benefit of the local community. |
| Yarra Plenty Regional Library Board (YPRL) | One or two Councillor  (voting rights) |  | The Board has responsibility for the provision and management of the library service and comprises two representatives from each of the three member Councils - Whittlesea, Banyule and Nillumbik.  Meetings of the Board are governed by its constitution which provides for two persons from each of the three member Councils to be on the Board. One person must be a Councillor while the second appointee can be any other person |
| Municipal Emergency Management Planning Committee | CEO (Chair)  (voting rights)  One Councillor |  | The Committee is made up of fire response agencies and is responsible for maintaining a fire prevention and response process for the municipality.  Only the CEO has voting rights and the CEO is required to nominate an additional rep s 59(Aii) *Emergency Management Act 2013* |
| Whittlesea Multicultural Communities Council (WMCC) | One Councillor and one proxy |  | The WMCC enhances co-operation among the diverse communities and promotes a greater awareness of multicultural values and needs within the municipality. |
| City of Whittlesea Community Awards Committee | One Councillor |  | The Committee represents a cross-section of the community to promote and administer the City of Whittlesea Community Awards. |
| Whittlesea Reconciliation Group (WRG) | One Councillor (voting rights) |  | WRG commenced in 2001 as a community-based committee and key reference group for Council on the continuing reconciliation process and to foster understanding of historical, cultural and contemporary issues impacting Aboriginal and Torres Strait Islander communities. |
| Whittlesea Youth Commitment Strategic Advisory Group | One Councillor (optional) |  | The WYC helps young people to develop a sense of connectedness within their communities via youth programs and events, community and social planning, information and referral services and support to the Whittlesea Youth Network. |

**Council Advisory Committees**

Council has established a number of Community Advisory Committees to facilitate community participation and input into policy and service development, and to assist with facility, project and event management.

These Committees typically comprise one or more Councillors, Council Officers and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations. The progress, advice and recommendations of these Committees is reported to Council through formal Officer reports (supplemented from time to time by verbal reports by Councillors).

A summary of the organisations and nominees required for 2024-25 is outlined in Table B below.

**Table B**

| **Council Advisory Committees** | **Nominees required** | **Appointments 2024-25** | **Summary of organisation** |
| --- | --- | --- | --- |
| City of Whittlesea Disability Advisory Panel | One Councillor |  | The Disability Advisory Panel in the City of Whittlesea enables community members and stakeholders in the disability sector to advise the Council on ensuring equal access and participation for people with disabilities.  It operates according to the Council’s strategic goals outlined in the Whittlesea 2040 vision and the Whittlesea Community Plan  2021-2025, aiming to create an inclusive and safe community for people with disabilities. |
| Whittlesea Disability Network (WDN) | One Councillor and one proxy |  | WDN is an active network of residents with disabilities, carers and service providers who meet monthly to consider, advocate, advise and address issues for people with disabilities in the municipality. |
| City of Whittlesea Business Advisory Panel | Two Councillors and one proxy |  | The Panel enables business members to work together with Council in delivering the key objective and advocacy for a Strong Local Economy. |

**Standing Committees**

Standing committees are formal committees that advise and recommend to Council on a specific area of Council’s functions or responsibilities.

Depending on their role and the need for delegated power, standing committees can either be a Delegated committee or an advisory committee.

The Audit and Risk Committee is designated as Standing Advisory Committee established in accordance with s 53 (1) of the *Local Government Act 2020* to monitor and oversee:

* the compliance of Council policies and procedures;
* council financial and performance reporting;
* risk management and fraud prevention systems and controls; and
* council’s internal and external audit functions.

The CEO Employment Matters Committee (CEMAC) is an Advisory Committee appointed for the purpose of assisting Council in fulfilling its responsibilities relating to CEO employment matters. CEMAC must provide for independent professional advice in relation to matters outlined within the CEO Employment and Remuneration Policy.

The Epping Cemetery Trust has been established as a Community Asset Committee pursuant to s 65 of the *Local Government Act 2020.*

A summary of the organisations and nominees required for 2024-25 is outlined in Table C below.

**Table C**

|  |  |  |  |
| --- | --- | --- | --- |
| **City of Whittlesea Standing Committees** | **Nominees required** | **Appointments 2024-25** | **Summary of Committee** |
| Audit and Risk Committee (ARC) | Two Councillor (voting rights) and one proxy |  | The Audit & Risk Committee’s purpose is to assist Council to fulfil its oversight responsibilities for the financial and non-financial reporting process, internal controls, the audit process, risk management and Council’s process for monitoring compliance with legislation and regulations and the Code of Conduct.  Four independent members of the Committee are separately appointed by Council for a fixed term. |
| CEO Employment Matters Advisory Committee (CEMAC)  (External Independent Chairperson appointed until 28 February 2027) | Mayor, Deputy Mayor and one Councillors | Cr McLindon  Cr Zinni  Cr | The Advisory Committee is to make recommendations to Council on CEO contractual employment matters, performance matters and any other functions or responsibilities prescribed by the *Local Government Act*. |
| Hearing of Submissions Committee (HoS) | Up to five Councillors |  | Council’s Governance Rules allow for sub-committees to be established to hear submissions from community members ie. submissions relating to the budget or discontinuance of roads. |

|  |  |  |  |
| --- | --- | --- | --- |
| **City of Whittlesea Standing Committees** | **Nominees required** | **Appointments 2024-25** | **Summary of Committee** |
| Epping Cemetery Trust | Three Councillors as trustees appointed for the 4-year Council term. |  | Epping cemetery is a closed Class B cemetery with historical and regional aesthetic significance. It is situation on Crown Land Reserve but an asset of Council. |

# 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

The cost associated with the appointment of Councillors is included in the relevant budget.

Community Consultation and Engagement

Not applicable.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. The transparency of Council decisions, actions and information 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.

(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

The participation in various committees supports environmental partnerships, awareness and action and is aligned to Council’s Sustainable Environment Strategy.

Social, Cultural and Health

The participation in various committees supports partnerships, awareness and actions relating to the social, cultural and health considerations impacting our community.

Economic

The participation in various committees supports economic development and partnership with local business and is aligned with Council’s strong local economy strategy and action plan.

**Legal, Resource and Strategic Risk Implications**

There are no implications.

# Implementation Strategy

Communication

Officers will write to each committee and organisation to inform them of Council’s nominated representatives.

Critical Dates

The appointments made in this report will take effect from 18 December 2024 through to the scheduled December Council meeting in 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 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

Nil

**6 Notices of Motion**

6.1 Reducing Council's reliance on Rates

**6.1 Reducing Council's reliance on Rates**

**Councillor: Mayor, Cr Aidan McLindon**

**NoM No: 2024/02**

Please take notice that it is my intention to move the following motion at the Scheduled Meeting of Council to be held on Tuesday 17 December 2024 at 6pm:

# Motion

**THAT Council resolve:**

1. **As part of the review of the Long Term Financial Plan that the Chief Executive Officer identify opportunities to lower costs with the aim to reduce Council’s reliance on rates, fees and charges, without compromising Council’s service efficiency and delivery.**

**Notice Received:** 3 December 2024

**Notice Given to Councillors:** 5 December 2024

**Date of Meeting:** 17 December 2024

**PREAMBLE**

The purpose of this motion is for Council to consider opportunities as part of reviewing the Long-Term Financial Plan in response to the current cost of living increases across the board.

**7 Urgent Business**

No Urgent Business

**8 Reports from Councillors and CEO Update**

**9 Confidential Business**

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 Mayor 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**