

**Agenda**

**Hearing of Submissions Committee Meeting**

Tuesday 9 September 2025 at 5pm

Council Chamber,

25 Ferres Boulevard, South Morang

# Attendance

**Councillors**

Mayor, Cr Martin Taylor

Cr Blair Colwell

Cr Jarrod Lappin

Cr Christine Stow

**Officers**

Craig Lloyd, Chief Executive Officer

Emma Appleton, Director Planning & Development

Jacinta Stevens, Executive Manager Office of Council & CEO

**Apologies**

Nil

# Acknowledgement of Traditional Owners Statement

The Chair will open the meeting by reading the following Acknowledgement of Traditional Owners 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."*

# Disclosure of Conflicts of Interest

The Chair will ask those in attendance the following question: *"Does any Councillor or Officer have a conflict of interest in any matter on the agenda today?”*

# Order of Business

[1 Reports from Officers 4](#_Toc207879680)

[1.1 52W Main Street, Thomastown - Proposed Telecommunications Lease 4](#_Toc207879681)

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 **1 Reports from Officers**

 1.1 52W Main Street, Thomastown - proposed telecommunications lease

**1.1 52W Main Street, Thomastown - Proposed Telecommunications Lease**

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

**Report Author:** Property Advisor

**In Attendance:** Manager Strategic Property & Portfolio Development
Acting Unit Manager Strategic Property

The attachment containing submissions has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**Executive Summary**

The purpose of this report is for the Hearing of Submissions Committee (the Committee) to hear submitters who wish to speak in support of their written submission received by Council regarding the proposed lease to Optus located at Council’s reserve, 52W Main Street, Thomastown.

# Officers’ Recommendation

**THAT the Hearing of Submissions Committee hear from one submitter who has requested to speak in relation to the proposed lease to Optus located at Council’s reserve, 52W Main Street, Thomastown.**

# Background / Key Information

At its ordinary meeting on 21 October 2022, Council considered a planning application proposing the construction of an Optus telecommunication facility within the Reserve at 52W Main Street, Thomastown (see Attachment 1). The proposal consisted of a 30-metre-tall monopole providing both 4G and 5G telecommunications services and a four bay equipment cabinet.

Notification of the planning application was undertaken, and two objections were received, one of which included a 146-signatory petition.

The proposal was deemed consistent with the objectives of the relevant Planning Policy and decision guidelines of the Whittlesea Planning Scheme and the permit was granted on 9 March 2023.

A lease agreement is required to formalise the parties’ agreement to the proposal with the following proposed key terms:

* **Lease Term:** 10 years with one further option of 10 years.
* **Rental Fee:** Gross rental $30,000 per annum excluding GST.
* **Rental Review:** 3% annually on every anniversary date.
* **Market Rent Review:** at year 10

As per Council’s statutory obligations under section 115 of the *Local Government Act 2020*, notice of intention to lease was given on 14 May 2024 in the Whittlesea Review newspaper and on Council’s website for a 28-day submission period. Submissions were invited from the community and three submissions were received with one submitter requesting to be heard.

Due to the extended timing of lease negotiations, including the need to reaffirm commitment from Optus to proceed, the planning permit was subsequently extended on 9 March 2025 in accordance with the endorsed plan as shown in Attachment 2.

A further notice period regarding the lease was given from 29 July to 13 August 2025 in the Whittlesea Review newspaper and on Council’s website and previous submitters were notified by email. One submission has been received, being the same submitter from the previous notice period wishing to speak in support of their submission at the scheduled Hearing of Submissions 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

There are no financial costs associated with this report.

Should the lease proceed, Optus have agreed to enter into a gross lease of the land for $30,000 per annum, excluding GST, with 3% annual increases.

Community Consultation and Engagement

Council has met it’s statutory obligations under section 115 of the *Local Government Act 2020* with regard to community engagement including publishing a notice of intention to lease, information on Council website and letters to previous submitters.

# 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.

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

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

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

Public Transparency Principles

(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 (including Climate Emergency)

The proposed facility is required to comply with the relevant Radiation Protection Standard and once operational must have this compliance certified by an accredited person. Any proposed additional infrastructure added to the facility at a later date (such as a second carrier) would require an EME report (and associated mandatory compliance requirements) to be re-visited and re-certified.

The telecommunication facility has been designed and must be installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard.

Social, Cultural and Health

There are no known social, cultural and health implications.

Economic

No Implications

**Legal, Resource and Strategic Risk Implications**

No Implications

# Implementation Strategy

Communication

Not applicable.

Critical Dates

Scheduled Council Meeting – 21 October 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

1. Attachment 1 - Site Plan [**1.1.1** - 1 page]
2. Attachment 2 - Endorsed Plan [**1.1.2** - 3 pages]
3. CONFIDENTIAL REDACTED - Confidentail Submissions Proposed lease 52 W Main Street, Thomastown [**1.1.3** - 1599 pages]

 **2 Close Meeting**