



Agenda

Scheduled Council Meeting

Monday 21 February 2022 at 6:30 pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Monday 21 February 2022 at 6:30 pm for the transaction of the following business.

This meeting will be held in the Council Chamber at Civic Centre, 25 Ferres Boulevard, South Morang 3752 and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**



Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Chris Eddy Administrator

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

Senior Officers

Craig Lloyd Chief Executive Officer

Debbie Blandford Acting Director Planning & Development

Samantha Boyle Unit Manager Governance & Risk

Mark Montague Acting Director Corporate & Shared Services

Debbie Wood Director Infrastructure & Environment

Order of Business

The Chief Executive Officer submits the following business:

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[9.1 Confidential Connected Communities 76](#_Toc96003652)

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**Note:**

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

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from residents and ratepayers. Questions are required to be submitted in writing prior to the advertised commencement time of a Scheduled Council Meeting. It is preferred to receive any questions by 3.30pm unless this unreasonably prevents or hinders you from participating. A Question Time form can be downloaded from Council’s website and copies of the form are available at the meeting. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow members of the public to present the questions they have submitted to Council. When Council Meetings are held remotely by electronic means in accordance with Section 394 of the *Local Government Act 2020,* members of the public will be unable to present their questions, however the Chief Executive Officer will read out and answer questions from residents and ratepayers.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2294.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce the Administrators and Chief Executive Officer:

Administrator, Ms Peita Duncan;

Administrator, Mr Chris Eddy; and

Chief Executive Officer, Mr Craig Lloyd.

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

Acting Director Planning and Development, Ms Debbie Blandford

Unit Manager Governance and Risk, Ms Samantha Boyle;

Acting Director Corporate Services, Mr Mark Montague;

Director Infrastructure and Environment, Ms Debbie Wood.

Following the Introductions, the Chief Executive Officer, Craig Lloyd will then read the following prayer:

Almighty God, we ask for your blessing upon this council to make informed and good decisions to benefit the people of the City of Whittlesea.

Our father who art in heaven, hallowed be thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive them that trespass against us; and lead us not into temptation but deliver us from evil, For thine is the kingdom, the power and the glory, for ever and ever.

Amen

**1.2 Acknowledgement of Traditional Owners Statement**

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

“On behalf of the City of Whittlesea I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the Traditional Owners of this place.

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

**1.3 Attendance**

**2 Declarations of Conflict of Interest**

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

**Recommendation**

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

**Scheduled Meeting of Council held 31 January 2021.**

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

**4.1 Public Question Time**

**4.2 Petitions**

Nil petitions

**4.3 Joint Letters**

Nil joint letters

**5 Officers' Reports**

**5.1 Connected Communities**

Nil reports

**5.2 Livable Neighbourhoods**

5.2.1 Tender 2020-123 Supply and Delivery of Quarry Products Evaluation Summary

**5.2.1 Tender 2020-123 Supply and Delivery of Quarry Products Evaluation Summary**

**Responsible Officer** Director Infrastructure & Environment

**Author** Senior Infrastructure Engineer

**In Attendance** Samuel Beshai, Senior Infrastructure Engineer

**Attachments**

1. CONFIDENTIAL REDACTED - Tender 2020-123 Supply and Delivery of Quarry Products Evaluation Summary [**5.2.1.1** - 4 pages]
2. CONFIDENTIAL REDACTED - Schedule of Rates [**5.2.1.2** - 2 pages]

The attachments have been designated as confidential by the Director Infrastructure & Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular, the attachments contain information regarding tender amounts submitted by tenderers and tender evaluation scoring prepared by Council Officers. They also contain details of credit and reference checks about the tenderers provided to Council in confidence. The release of this information could reasonably be expected to prejudice the commercial positions of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that contract number 2020-123 for Supply and Delivery of Quarry Products is awarded to the following panel of providers:

* Repurpose It, and
* Conundrum Holdings.

**Brief Overview**

The tender evaluation panel advises that:

* 4 tenders were received.
* 2 tenderers are recommended.
* The recommended tenders were the highest ranked and operate within the City of Whittlesea’s municipal boundary.
* This was a collaborative tender conducted with Nillumbik Shire Council, however both Council’s reserved the right to award independently. As such, the information in this report only pertains to the City of Whittlesea.

**Recommendation**

**That Council:**

1. **Accept the tenders submitted by** **Repurpose It and Conundrum Holdings for the following contract:**

**Number:** **2020-123**

**Title:** **Supply and Delivery of Quarry Products**

**Value:** **Total expenditure is limited to $1,250,000 (excluding GST) unless otherwise approved by Council.**

**Term:** **1 March 2022 to 28 February 2025**

**Options:** **Term extensions of any period up to 28 February 2027,   
subject to the following conditions:**

**a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b) Price variations to be in accordance with the provisions as set out in the tender documents.**

**c) Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**

**Key Information**

The City of Whittlesea has a network of approximately 1,400km of roads throughout the municipality, 70km of which are unsealed local roads. Council has an obligation under the Road Management Act (2004) to ensure safe and useable access of its road network including unsealed roads and does so through the provision of quarry materials and a rural road maintenance program.

The purpose of this contract is to enable the procurement of suitable material which consistently meets Council’s requirements while achieving best value for Council.

Tenders for the contract closed on 23 November 2021. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

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

* Price 60%
* Capability 20%
* Capacity 10%
* Sustainability 10%

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

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

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer A  Repurpose It | Yes | Yes | 98.6 | 1 |
| Tenderer B  Conundrum Holdings | Yes | Yes | 88.5 | 2 |
| Tenderer C | Yes | Yes | 79.2 | 3 |
| Tenderer D | Yes | Yes | 78.6 | 4 |

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

**Community Consultation and Engagement**

This was a collaborative tender conducted with Nillumbik Shire Council in accordance with the requirements of the *Local Government Act 2020.*

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

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

Council will be able to streamline the service delivery of quarry products for maintenance and renewal of its unsealed road network throughout the municipality.

The products from Repurpose It’s tender are produced entirely from recycled material. This will benefit Council and the Community by contributing to closing the loop on construction waste and resource recovery, reduction in landfill, and minimising the reliance on raw materials.

**Considerations**

**Environmental**

Tenderers were required to demonstrate their commitment to social and environmentally sustainable work practices.

**Cultural and Health**

The contract management will include KPIs regarding product quality, supply and delivery, site safety, Occupational Health and Safety and delivery times to ensure a safe roadside environment is maintained for road users.

**Economic**

Both recommended tenderers are local businesses which operate within the City of Whittlesea municipal boundary and support local community initiatives.

**Financial Implications**

Sufficient funding for this contract is available in the annual budget for Unsealed Road Maintenance.

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing*  
By establishing a contract for the supply and delivery of quarry products, Council will be able to streamline the service delivery of it unsealed road maintenance.

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

Furthermore, this will ensure Council will continue to meet its infrastructure maintenance obligations under the Road Management Act (2004) of ensuring safe and useable access to the road network in a timely and cost-effective manner.

**Implementation Strategy**

**Communication**

There is no requirement to communicate the decision of this report to the community. However individual items of work may require information to be provided to the community.

**Critical Dates**

The Initial contract term will commence on 1 March 2022 and end on 28 February 2025.

Options exist to extend the contract up to 28 February 2027. A separate report requesting Council approval will be presented before the exercise of any optional extension that results in an increase in limit of the contract sum.

**Declaration of Conflict of Interest**

Under Section 130 of the Local Government Act 2020 and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

**Conclusion**

The tenders from Repurpose It and Conundrum Holdings were determined to provide best value and it is considered that these companies can perform the contract to the required standards. Both recommended tenderers have an operational business premises within the municipal boundary of the City of Whittlesea. It is recommended that Repurpose It and Conundrum Holdings are awarded the contract to ensure service continuity and adequate supply of quarry products as required.

5.2.2 Declaration of Road - Cameron Street, Donnybrook

**5.2.2 Declaration of Road - Cameron Street, Donnybrook**

**Responsible Officer** Acting Director Corporate & Shared Services

**Author** Acting Chief Financial Officer

**Attachments**

1. Declaration Plan [**5.2.2.1** - 1 page]
2. Site Plan [**5.2.2.2** - 1 page]
3. Title Plan [**5.2.2.3** - 1 page]

**Purpose**

The report seeks Council’s final approval to declare Council owned land in Cameron Street, Donnybrook, a public highway for the purposes of the *Local Government Act 1989 (Vic)* (Act). This land is shown on the road declaration plan (Attachment 1) and is contained in certificate of title volume 12260 folio 394.

**Brief Overview**

As part of its development, Mirvac has designated the Council land at Cameron Street, Donnybrook, the location for a future municipal road to provide access to its development, which it has agreed to construct at its cost. For this to occur, Council has acquired title to the land, which now needs to be declared a public highway.

Council resolved at the 8 November 2021 Council meeting to give public notice via the Whittlesea Review and on Council’s website of the proposal to declare Council owned land in Cameron Street, Donnybrook, a public highway, and to invite public submissions in accordance with Section 223 of the *Local Government Act 1989* (the Act).

The public submission period was open for four weeks, closing on 12 January 2022. No submissions were received and there was therefore no requirement for the Advisory Committee to meet.

**Recommendation**

**That following the completion of the community engagement process in accordance with Section 223 of the *Local Government Act 1989,* Council:**

1. **Note that no public submissions were received in response to the proposal to declare the Council land in Cameron Street, Donnybrook, contained in Certificate of Title volume 12260 folio 394 a public highway.**
2. **Pursuant to section 204(1) of the *Local Government Act 1989* (Vic),formally declare the Council land in Cameron Street, Donnybrook, contained in Certificate of Title volume 12260 folio 394, a public highway via published notice in the Victorian Government Gazette.**
3. **Pursuant to section 17(2) of the *Road Management Act 2004*, record the Council land declared to be a public highway on its Register of Public Roads and assume responsibility for the future inspection and maintenance of the constructed road in accordance with Council’s Road Management Plan.**

**Key Information**

Mirvac Pty Ltd (Mirvac) has acquired, or is in the process of acquiring, the parcels of land coloured pink on the plan attached to this report at Attachment 2 (Site Plan) to facilitate its development of the Olivine Estate.

Part of the Council land, shown coloured grey on the Site Plan (Attachment 2), abuts part of the land comprising the Olivine Estate development.

As part of its development, Mirvac designated the Council land as the location for a future municipal road to provide access to its development. Mirvac has agreed with Council to construct the road, at its cost, if Council acquires title to the land and is able to declare the Council land as a public highway. The title for this land was transferred into Council’s name for nil consideration pursuant to the *Road Management Act 2004* (Vic).

On 22 September 2020, Council acquired title to the Council land by the registration of an application pursuant to section 59(1) of the *Transfer of Land Act 1958* with nil consideration.

At Council’s meeting held on 8 November 2021, Council resolved to commence the statutory process to consider declaring the whole of the land contained in certificate of title volume 12260 folio 394 (Council land) to be a public highway for the purposes of the Act and invite public submissions on the proposal.

**Community Consultation and Engagement**

The proposal was advertised via public notice in the Whittlesea Review on 14 December 2021 and on Council’s website with the submission period closing on 12 January 2022. No submissions were received.

**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.

Declaration of the identified Council land as a public highway will facilitate the development of road access to the Olivine Estate and improve the liveability of the surrounding neighbourhoods.

**Considerations**

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

If Council declares the Council land to be a public highway, Council will then be responsible for the future inspection and maintenance of the constructed road in accordance with its Road Management Plan.

**Link to Strategic Risk**

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

Traffic congestion issues will be created with a corresponding impact on the liveability of the surrounding neighbourhoods if this road declaration is not made.

**Implementation Strategy**

**Communication**

Notice of declaration of the Council land as a public highway will be included in the Victorian Government Gazette.

**Critical Dates**

No critical dates.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

Declaration of the Council land at Cameron Street, Donnybrook, as a public highway will facilitate the construction of road access to the Olivine Estate and improve the liveability of surrounding neighbourhoods.

No public submissions were received on the proposal.

5.2.3 Amendment C247: Wollert Open Space Anomaly: Adoption

**5.2.3 Amendment C247: Wollert Open Space Anomaly: Adoption**

**Responsible Officer**  Director Planning & Development

**Author** Strategic Planner Infrastructure

**In Attendance** Stephen Parker, Strategic Planner Infrastructure

**Attachments**

1. C247 Panel Report [**5.2.3.1** - 9 pages]
2. C247 Addendum to Panel Report [**5.2.3.2** - 17 pages]
3. Land Budget Update [**5.2.3.3** - 1 page]

**Purpose**

The purpose of this report is update Council on the outcome of the Planning Panel for Amendment C247 to the Whittlesea Planning Scheme and to recommend that the Amendment be adopted in line with the independent Planning Panel’s recommendations (*refer Attachments 1 and 2*). The reports recommends that the Amendment be adopted and subsequently submitted to the Minister for Planning for approval subject to minor changes.

**Brief Overview**

This report details the outcomes of the Planning Panel process in relation to Planning Scheme Amendment C247 which proposes corrections to public open space contributions in Wollert Precinct Structure Plan (PSP) and Wollert Development Contributions Plan (DCP). Council resolved at its meeting on 6 September 2021 to request the appointment of an independent Planning Panel to consider an unresolved submission made in respect to the Amendment.

The submission was subsequently withdrawn and the Planning Panel accordingly supported the adoption of Amendment C247. In addition, the Planning Panel accepted Council’s request that the Amendment documents be updated to correct additional errors identified in the PSP and DCP documents post exhibition of the Amendment.

**Recommendation**

**That Council:**

1. **Endorse the following changes to Amendment C247 to the Whittlesea Planning Scheme:**

**a) further amendments to the Credited Open Space section in the Summary Land Use Budget tables in the Wollert Precinct Structure Plan and Wollert Development Contributions Plan as follows:**

**•** **in the line entry for Local network park – residential, correct the figures for the total area of land required to 34.98 hectares, and percentage of total to 2.4 per cent.**

**•**  **in the line entry for Local network park – employment, correct the figure**  **for the total area of land required to 7.49 hectares.**

**•**  **insert an additional line entry reading “Local network park – existing road reserve, and specify “0.3 hectares” as the total area of land required.**

**b) update all references to Clause 52.01 in the Wollert PSP and DCP to Clause 53.01**

1. **Adopt Amendment C247 to the Whittlesea Planning Scheme, Wollert Precinct Structure Plan and Wollert Development Contribution Plan in line with the Planning Panel Report and its Addendum including the changes noted above.**
2. **Submit Amendment C247, together with Council’s response to the Panel’s recommendations and the Panel Report, to the Minister for Planning for approval.**

**Key Information**

**Background**

Planning Scheme Amendment C247 seeks to correct anomalies in the Schedule to Clause 53.01 of the Whittlesea Planning Scheme, the Wollert Precinct Structure Plan (PSP) and the Wollert Development Contributions Plan (DCP). The anomalies reference an incorrect percentage figure of land required for public open space in the Wollert PSP area.

Council resolved to seek Authorisation to prepare the Amendment at the 5 March 2019 Council Meeting. The Amendment documents were subsequently prepared in consultation with the Victorian Planning Authority (VPA).

Amendment C247 was exhibited from 25 March 2021 to 26 April 2021, with one submission received. The submitter did not provide a reason for the submission, stating only that they objected to the Amendment. Efforts to resolve the matter rather than refer the submission to a Planning Panel were unsuccessful.

At its meeting on 6 September 2021, Council resolved to refer the submission to a Planning Panel. Council also resolved that Council would submit to the Planning Panel that the objection was outside the scope of the Amendment and should be considered irrelevant.

**Amendment Proposal**

The Amendment seeks to correct the abovementioned anomaly in the Planning Scheme, Wollert PSP and Wollert DCP. Clause 53.01 of the Whittlesea Planning Scheme requires persons who subdivide land to make a contribution to Council for public open space. The Schedule to Clause 53.01, the Summary Land Use Budget in the Wollert PSP and Table 11 of the Wollert DCP incorrectly state the figure as 3.70% for development within the Residential precinct and 0.80% for development within the Employment precinct.

Through the assessment of planning permits in the Wollert PSP area it became apparent that the contribution amount specified was incorrect when compared to the detailed land use budget. The figures should be 4.47% within the Residential precinct and 4.44% within the Employment precinct. Council Officers recognised this and have been using the correct figures to make sure Council is collecting the correct contribution to date. This has been accepted by all developers within the PSP area and secured through Section 173 Agreements. As such, this Amendment seeks only to correct the displayed figures in the planning scheme documents, not to change any other aspect of the implementation of Clause 53.01, the Wollert PSP or Wollert DCP.

**Community Consultation and Engagement**

The Amendment was exhibited between 25 March 2021 and 26 April 2021, in accordance with Section 19 of the Planning and Environment Act 1987, as follows:

* Written notices were sent to the affected landowners and the prescribed Ministers.
* A notice was placed in the Government Gazette
* The Amendment documentation was made available at the Planning Counter in the Council offices (Civic Centre, South Morang) and electronically if required.

Council received one submission, the day after the exhibition period closed. The submission acknowledged the receipt of notice, advised they had reviewed the documents and that they objected to the proposed Amendment. There was no reasoning for the objection provided. Lawyers acting on behalf of Council sought clarification regarding the specifics of the submission from the objector’s legal representative, however none was provided.

Once Council had resolved to refer the matter to a Planning Panel, the objector was notified of this decision via their lawyer. Upon, receiving this notice the submission was withdrawn ahead of the Panel Hearing.

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

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

The Amendment will ensure that the public open space is provided for in the Wollert precinct in accordance with the approved Wollert PSP and DCP.

**Considerations**

**Panel Hearing and Report**

In line with Council’s request, the Minister for Planning appointed a Panel to consider the unresolved submission to Amendment C247. The Planning Panel notified Council the Directions Hearing would be held on 10 November 2021 and would consider the preliminary issue raised by Council including, whether the submission was relevant. The decision in relation to this preliminary issue would determine whether the matter would proceed to a full hearing.

One day prior to the Directions Hearing, the submitter notified Planning Panel that they did not wish to be involved and would withdraw their submission. However, Council lawyers recommended to go ahead with the Directions Hearing to enable a discussion of the additional corrections which has been identified post exhibition of the Amendment and which were sought to be included in this Amendment.

Additional Corrections included in the Amendment

Subsequent to the exhibition of the Amendment, it was identified that 0.3ha of land required for public open space had been categorised in the PSP’s Land Budget as existing road reserves, rather than properties in the Residential or Employment precincts. As such, the quantum of land required for Public Open Space in both the Residential and Employment precincts was incorrect.

The figures displayed were:

* Local Network Park – Residential: 35.20 Hectares (2.5% of total NDA)
* Local Network Park – Employment: 7.57 Hectares (0.5 % of total NDA)

Council proposed an addendum to Amendment C247 to correct both figures and add an additional line to the table which correctly attributes the misallocated 0.3Ha to the Existing Road Reserve properties.

The changes identified were:

* Local Network Park – Residential: 34.98 Hectares (2.4% of total NDA)
* Local Network Park – Employment: 7.49 Hectares (0.5% of total NDA)
* Local Network Park – Existing Road Reservation: 0.3 Hectares

The updated changes are shown in Attachment 3.

Given, these additional errors are purely administrative and similar to the errors identified in the exhibited Amendment, it was considered by officers and Council’s representation that they are consistent with the intent of the Amendment and should be incorporated.

Planning Panel Hearing and Report

The Directions Hearing proceeded on 10 November 2021, with Council the only party to be heard. It was argued at the Hearing that the additional corrections were very much of the same type as the initial anomalies and of the same type of procedural, administrative issue that Amendment C247 sought to correct.

The Panel Report was provided to Council on 30 November 2021 (*refer Attachment 1)*. The Report states “the Panel agrees with Council that the submission is not a relevant submission for the purposes of the PE Act (*Planning and Environment Act 1987*)”, and that “the Amendment is well founded and strategically justified and should proceed”.

The Report did not address the additional items raised in the submission to the Directions Hearing. Council officers noted this omission and therefore requested clarification of Panel’s position on the additional matters.

The Panel Chair, in response, produced an Addendum to the Report which supported Council’s request to include these further corrections to the Amendment (*refer Attachment 2*).

Combining the Panel Report and its Addendum, the recommendations of the Planning Panel are:

Adopt Amendment C247wsea to the Whittlesea Planning Scheme as exhibited, with the following change:

* Update references to Clause 52.01 in the Wollert Precinct Structure Plan and the Wollert Development Contributions Plan to reference Clause 53.01
* Make further amendments to the Credited Open Space section in the Summary Land Use Budget tables in the Wollert Precinct Structure Plan and Wollert Development Contributions Plan as follows:
* In the line entry for Local network park – residential, correct the figures for the total area of land required to 34.98 hectares, and percentage of total to 2.4 per cent
* In the line entry for Local network park – employment, correct the figure for total area of land required to 7.49 hectares
* Insert an additional line entry reading “Local network park – existing road reserve and specify “0.3 hectares” as the total area of land required.

It is recommended that Council support and implement the recommendations of the Planning Panel.

**Financial Considerations**

Given, the Amendment was required to be considered by a Planning Panel, Council was required to pay the costs of conducting the Panel and the costs for its legal representation. This is a standard cost for Planning Scheme Amendment process and therefore the operational cost is factored into a budget for Planning Scheme Amendments. There is also a small fee for lodging the Amendment with the Minister for Planning for approval which is also budgeted for.

**Link to Strategic Risk**

**Strategic Risk** *Financial Sustainability - Inability to meet current and future expenditure*  
The adoption of Amendment C247 is critically important to ensure that Council collects the right amount of public open space contributions. Otherwise, there is a risk that Council could potentially under-collect Land Equalisation Amounts and would be required to fund this shortfall from other sources.

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

The implication of not adopting the Amendment and using incorrect figures for the public open space required in the Wollert PSP area would result in the under collection of public open space contributions which Council would need to be funded through other sources.

The potential flow on effect of having to fund this under-collection may impact the provision of local parks and open space in other areas.

**Implementation Strategy**

**Communication**

The Planning Panel Report Addendum notes that this is an administrative Amendment, and they do not require submitters to be notified.

**Critical Dates**

|  |  |
| --- | --- |
| **Item** | **Critical Date** |
| Council resolved to seek authorisation to prepare Amendment C247 | 5 March 2019 |
| Authorisation to prepare the Amendment received from the Minister of Planning | 28 August 2020 |
| Exhibition of Amendment C247 | 25 March 2021- 26 April 2021 |
| Consideration of Submission by Council and Resolution to appoint Planning Panel | 6 September 2021 |
| Directions Hearing | 10 November 2021 |
| Planning Panel Report received | 30 November 2021 |
| Planning Panel Report Addendum received | 14 December 2021 |

**Next Steps**

Subject to adoption by Council, the final version of Amendment C247 along with supporting documents will be submitted to the Minister for Planning for approval.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

Amendment C247 seeks to correct anomalies in the Schedule to Clause 53.01 of the Whittlesea Planning Scheme, the Wollert Precinct Structure Plan (PSP) and the Wollert Development Contributions Plan (DCP).

Its approval will ensure the intended implementation of strategic plans guiding the development of the Wollert PSP area is achieved and that the correct amount of public open space contribution is provided.

Council resolved at its meeting on 6 September 2021 to appoint a Planning Panel to consider the submission received during the exhibition of the Amendment. Notwithstanding that the submission was subsequently withdrawn, the Directions hearing was conducted on 10 November 2021 and the Planning Panel report and addendum subsequently released.

The report found that the submission was not relevant and therefore the Amendment should be adopted subject to the correction of errors.

From a statutory perspective, Council is required to consider the report and provide a formal position on each recommendation. Given the report recommendations align with Council’s submission, it is recommended that Council adopt all the Planning Panel recommendations.

**5.3 Strong Local Economy**

5.3.1 Strong Local Economy Strategy - Economic Development

**5.3.1 Strong Local Economy Strategy - Economic Development**

**Responsible Officer** Director Planning & Development

**Author** Economic Development Project Officer

**In Attendance** Darcy Coombes, Economic Development Project Officer

**Attachments**

1. Strong Local Economy Strategy 2022–2026 [**5.3.1.1** - 17 pages]
2. Strong Local Economy Action Plan 2022–2023 [**5.3.1.2** - 5 pages]
3. SLE Submissions and Responses - 21 Feb Council Meeting [**5.3.1.3** - 42 pages]

**Purpose**

It is proposed that Council adopt the Strong Local Economy Strategy 2022–2026, to guide commitments and decision-making toward the Key Directions detailed in *Whittlesea 2040* over the next five years of implementation.

It is also proposed that Council endorse for consideration as part of the upcoming 2022-23 Council Budget process, the Strong Local Economy Year One Action Plan 2022–2023. The Action Plan will be reported against and updated each financial year for the life of the Strong Local Economy Strategy 2022–2026.

**Brief Overview**

The Strong Local Economy Strategy 2022–2026 (the Strategy, attachment 1) and Strong Local Economy Year One Action Plan 2022–2023 (the Action Plan, attachment 2) are the culmination of community engagement, Council’s research and corporate planning over the last six months as a commitment to achieving the vision for a Strong Local Economy as outlined in *Whittlesea 2040: a place to be*, under the Integrated Planning Framework.

The Strong Local Economy Strategy project team has finalised the Strategy (attachment 1) and Action Plan (attachment 2). Development of the Strategy has been informed by community and key stakeholder consultation undertaken throughout October 2021. As part of the external consultation process, the project team undertook the following:

* Release of the Strong Local Economy Discussion Paper, informed by Community Plan & Investment Attraction Plan findings
* Publication of an engagement page on the “Engage City of Whittlesea” website, accompanied by a general community survey
* Planned two focus group sessions for the general community (though these sessions did not eventuate due to a lack of interest from community)
* Social media engagement from Council’s official pages on Facebook and LinkedIn
* Distribution of the Discussion Paper and the engagement page, with a call to action to provide feedback, to Business e-News subscribers
* The inaugural meeting of the Business Advisory Panel, consisting of a number of business representatives within the City of Whittlesea community
* A focus group session attended by the broader business community to discuss concerns and priorities for action
* Targeted correspondence via phone from Economic Development, resulting in a further twenty-eight engagements
* Open lines for internal feedback from City of Whittlesea staff and partner organisations.

Development of the Strategy was also informed by a raft of relevant community feedback that had been collected as part of prior consultation. Additional feedback was drawn from the Community Plan “Let’s Talk” series, Climate Change Action Plan engagement and COVID–19 Business Impact Surveys.

Findings from the consultation period were taken into consideration to ensure that community desires were reflected in both the Strategy’s longer-term vision and immediate commitments in the Action Plan. Key themes arising from the consultation process which informed the final Strategy and Action Plan included the following:

* Amenity and infrastructure investment throughout the municipality to support our economic growth, including libraries, sport facilities and co-working spaces for precinct activation
* Addressing employment equality, workforce readiness and economic participation for identified under-represented populations
* Impacts of commutes and connectivity on choosing local employment, and investment in road and public transport infrastructure
* Diversification of employment across sectors, including opportunities to harness future technologies and the circular economy
* Increased focus on early learning—both provision as a service and as a growing employment sector
* Council services to address youth disengagement from education and personal development
* Linking education with local employment, fostering relationships between industry and secondary/tertiary institutions, and facilitating employer-driven upskilling
* Post COVID–19 support for international students to return to on-site learning, as well as local employment in casual and non-permanent roles
* Focus on attracting external investment and selling City of Whittlesea’s appeal
* Increasing tourism spend especially from people visiting friends & relatives
* Support for both start-ups (networking, funding and mentoring) and existing businesses to incentivise growth/innovation
* Investment and revitalisation of existing precincts, in addition to funding new employment precincts, to drive local employment and shrink the jobs deficit.

The Strategy and associated Action Plan will be released simultaneously and include key themes for enabling Whittlesea’s future economy as envisioned by *Whittlesea 2040: A place to be*. Themes are accompanied by Council initiatives in the Action Plan and an Evaluation framework to ensure outcomes under the Strategy are met.

**Recommendation**

**That Council:**

1. **Adopt the Strong Local Economy Strategy and publish it on the City of Whittlesea website.**
2. **Endorse for consideration as part of the 2022–23 Council Budget process the Strong Local Economy Year One Action Plan 2022–23.**
3. **Write to participating stakeholders to advise where feedback and comments have been incorporated in the Strategy and Action Plan documents, with relevant documents made available on the City of Whittlesea Council website.**

**Key Information**

The Strategy is the first strategy to be developed under Council’s adopted Integrated Planning Framework, covering the Key Directions underpinning the *Strong Local Economy* pillar within *Whittlesea 2040: A place to be*. The Strategy is informed by the following:

* Themes and opportunities highlighted in the Strong Local Economy Discussion Paper, which was developed on a raft of research, policy review and existing Community Plan feedback
* Submissions received during Phase 3 – External Engagement (refer to community consultation & engagement section of report)

The Strategy has been developed in alignment with best practice Place-based strategy development.

The Strong Local Economy Year One Action Plan 2022–23 is set to accompany the Strategy as a standalone document, enabling review and update as needed and to be reported against on an annual basis. It is intended to seek endorsement of the Action Plan with relevant actions requiring budget approval to form part of the Council’s 2022/23 Budget consideration and approval processes. This Action Plan has been compiled following feedback received during the community consultation and engagement process and engagement with departments across Council. It includes actions within existing resources/activities and proposed new initiatives.

**Community Consultation and Engagement**

Input into the development of the draft Strong Local Economy strategy followed a series of consultation and engagement activities in response to the Discussion Paper. The consultation period was open from 6 October to 29 October 2021. Activities included:

* Engagement page on Hive and community survey.
* Targeted focus group workshops with the business community and inaugural Business Advisory Panel meeting
* Targeted calls to stakeholders and accompanying business survey
* Multiple workshop discussions with the internal Project Control and Project Working Groups, both to provide feedback and to ascertain priority actions for the Action Plan

Considerable feedback was received during the consultation period supporting the approaches and confirming directions for the Strategy. A comprehensive table of feedback received from community members, businesses and key institutional stakeholders during external consultation has been attached (attachment 3). Each of these comments has been taken into account in developing the Strategy and Action Plan, and a Council officer response has been provided to each individual item of feedback.

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

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

The Strategy is also aligned with all existing Economic Development strategies, policies, and plans, which will be consolidated under the banner of the Strong Local Economy Strategy with priority actions and service planning detailed in each year’s Action Plan.

**Considerations**

**Environmental**

Positive impact – the Strong Local Economy Strategy and associated actions are not envisioned to have negative impacts on environment and sustainability. Inclusions to the Strong Local Economy Strategy of the circular economy and agritourism/environmental tourism aspects should lead to further net positive environmental outcomes, and alignment with existing climate change mitigation and waste management objectives.

**Social, Cultural and Health**

Positive impact – the Strong Local Economy Strategy considers actions to improve equality in employment and economic participation. Particular attention taken has been taken to improving economic access and equity for women and for CALD (culturally and linguistically diverse) communities. The Strategy also contains outcomes for localisation of employment and services, in alignment with existing community wellbeing objectives.

**Economic**

Positive impact – the Strong Local Economy Strategy seeks to lay the groundwork for improving economic outcomes over the next five financial years in alignment with the vision and key directions of Whittlesea 2040. The conclusion of the Phase 3 consultation period ensures that objectives and outcomes align with the wants and needs of local businesses, key stakeholders, and the community.

**Financial Implications**

Funds for the development of a Strong Local Economy Strategy were allocated in the 2021-22 Council Budget. The project has been completed within budget.

**Link to Strategic Risk**

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

The Strong Local Economy Strategy is a committed activity to action the Whittlesea 2040 goals as part of the Integrated Planning Framework. Council is also bound by the Local Government Act to apply effective community and stakeholder engagement in developing the Strategy content and Council’s overall strategic direction.

**Implementation Strategy**

**Communication**

Ongoing communication with external partner stakeholders has continued to inform development of the draft Strategy and associated Action Plan.

As part of Council’s requirements under State Government legislation, a Gender Impact Assessment has also been undertaken with the assistance of the Equity & Inclusion team. This Assessment has aimed to ensure the Strategy and Action Plan consider different impacts these commitments will have on different genders (and other groups, including under-represented target groups as identified within the Strategy) and consider these impacts in the implementation phase.

**Critical Dates**

* 21 February 2022: Council Meeting to seek adoption of the Strategy and endorsement of the Action Plan
* 31 March 2022: Strong Local Economy Strategy launch event
* 1 July 2022: Commencement of Action Plan commitments for 2022/23 financial year.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

**Conclusion**

The Strategy and associated Action Plan have been informed by community, business, and stakeholder feedback both on the Discussion Paper and recent Community Plan consultation. The final version of the Strategy is presented to Council for adoption.

5.3.2 O'Herns Logistics Park Development Plan, 25 Vearings Road

**5.3.2 O'Herns Logistics Park Development Plan, 25 Vearings Road**

**Responsible Officer** Director Planning & Development

**Author** Strategic Planner

**In Attendance** Stephen Parker, Strategic Planner

**Attachments**

1. O'Herns Logistics Park Development Plan, Dec 2021 [**5.3.2.1** - 82 pages]
2. Subject Site [**5.3.2.2** - 1 page]
3. Exhibited Development Plan Layout, Sept 2021 [**5.3.2.3** - 1 page]
4. Summary of Submissions and Officer Response [**5.3.2.4** - 5 pages]
5. Requested changes to Development Plan [**5.3.2.5** - 13 pages]

**Purpose**

The purpose of this report is to present the *O’Herns Logistics Park Development Plan* (*Development Plan*), including the outcomes of the non-statutory exhibition and the next steps in the approval process, for Council’s consideration.

The report recommends the Chief Executive Officer be authorised to approve the *Development Plan* once changes identified in the report are made to the plan.

**Brief Overview**

The *O’Herns Logistics Park Development Plan* (*the Development Plan*) *(refer Attachment 1)* has been prepared by town planning consultants MESH on behalf of the owner and developer, Sandhurst Retail & Logistics (SRL) to guide the future development of land at 25 Vearings Road, Epping.

The proposed *Development Plan* has been prepared in response to the provisions of DPO38 at Clause 43.04 of the Whittlesea Planning Scheme and will facilitate the development of the land for employment purposes (approx. 142 hectares and up to 4,000 jobs) and the vesting 110 hectares as a public conservation reserve to protect significant environmental values (refer *Attachment 2* for Site Context*)*.

The draft *Development Plan* *(*refer *Attachment 3* for the exhibited version of Development Plan layout) and supporting documents were placed on non-statutory exhibition in September and October 2021. Neighbouring properties and relevant agencies and organisations were notified and provided the opportunity to comment on the proposal.

As a result of the consideration of the feedback received during the non-statutory exhibition *(*refer *Attachment 4)* and further review, officers are recommending a number of changes to the updated *Development Plan* prior to approval. These proposed changes are listed in a table at *Attachment 5*. Once these changes are made, it is considered the *Development Plan* will be suitable for approval.

**Recommendation**

**That Council:**

1. **Endorse the amendments proposed for the *O’Herns Logistics Park Development Plan, December 2021* as detailed in Attachment 5.**
2. **Authorise the Chief Executive Officer to approve the *O’Herns Logistics Park Development Plan* once the amendments in Attachment 5 of this report are incorporated into an updated version of the Development Plan.**
3. **Notify the proponent and submitters of the decisions above.**

**Key Information**

**Background**

Planning Scheme Amendment C230 to the Whittlesea Planning Scheme facilitated the rezoning of part of the site from farming to employment uses, whilst also protecting a large portion of the site for conservation purposes. The Amendment, which included significant engagement with adjoining landowners and relevant government agencies, was adopted by Council on the 3 March 2020 and was gazetted on 30 October 2020.

A key issue in the Amendment process was how the site and its future development related to the existing operations of the basalt quarry located opposite the subject site at 375 O’Herns Road (Conundrum Holdings’ Northern Quarries). In response to this issue, the approved Amendment included several planning controls relating to the management of the quarry interface including the requirements for Quarry Interface Guidelines to be prepared as part of the development plan process and for a Quarry Interface Assessment to be prepared as part of permit applications within 200m of the quarry extractive industry works authority boundary.

**Site Context**

The subject site is approximately 252 hectares in area and is located at 25 Vearings Road, Epping (refer Attachment 2). It is bounded by O’Herns Road to the south, Vearings Road to the east, Harvest Home Road (unmade) and the Yarra Valley Water Aurora Treatment facility to the north and the Craigieburn Grasslands to the west. The site is accessed by O’Herns Road and will greatly benefit from the new interchange with the Hume Freeway.

The site was strategically identified as containing significant biodiversity values as part of the Biodiversity Conservation Strategy (BCS) prepared by the State Government in June 2013. The BCS was prepared as part of a strategic assessment conducted across Melbourne’s future growth areas to comply with approval requirements under the Commonwealth’s Environmental Protection and Biodiversity Conservation Act 1999 (EPBC). The strategy identified a number of future conservation areas to be protected from future urban development. Conservation Area 33 which was identified to protect Grassy Eucalypt Woodland included an area as part of the site. An amendment to the boundary of this area was subsequently approved in 2019. This conservation area will be transferred to the ownership of State Government as part of this development.

As a result of the above, approximately 110 hectares of the site, which has been identified to be protected in Conservation Area 33, is retained in the Rural Conservation Zone (RCZ). The remaining 142ha has been identified as being suitable for urban development and is zoned Industrial 1 (INZ1). The employment area is roughly ‘U’ shaped, with the remaining area being the conservation reserve.

The site is traversed by significant infrastructure assets in the form of a high-pressure gas pipeline and electricity transmission lines which are all within dedicated easements.

The opposite property to the south, at 375 O’Herns Road, is occupied by Conundrum Holdings’ Northern Quarries, an active basalt quarry with a current works authority.

**Planning Context**

The site was identified within the Northern Growth Area Corridor Plan as being potentially suitable for urban development, with the northern part of the site forming part of Conservation Area 33 in the BCS prepared for Melbourne’s Growth Areas.

Following further investigations, Council resolved on 25 August 2015 that any future planning for the site should be undertaken via a site specific rezoning and the subsequent preparation of a Development Plan, rather than a Precinct Structure Plan process under the auspices of the Victorian Planning Authority. Amendment C230 was gazetted on 30 October 2020 and updated the planning controls to:

* Rezone part of the site to Industrial Zone 1 (INZ1) while retaining Rural Conservation Area 33 in the existing Rural Conservation Zone (RCZ).
* Remove the existing Environmental Significance Overlay Schedule 4 (ESO4) from the developable land.
* Apply the Development Plan Overlay Schedule 38 (DPO38) to the site to require a Development Plan to be prepared to guide future development of the land.

The site is also subject to the following overlays:

* Environmental Significance Overlay 6 (Urban Conservation Area) (ESO6)
* Vegetation Protection Overlay 1 (Significant Vegetation, River Red Gum Grassy Woodland (VPO1)
* Design and Development Overlay 2 (Hume Freeway) (DDO2)

The objectives of DPO38 are:

* To guide the orderly use and development of the land for employment purposes ensuring appropriate infrastructure, including roads and drainage is provided.
* Establish, manage, and protect appropriate interface treatments to the quarry at 375 O’Herns Road (the Quarry), gas easement, transmission easement, Conservation Area 33 and Craigieburn Grasslands Nature Conservation Area.
* To encourage high-quality built form that is attractive and articulated, particularly when viewed from roads, existing and proposed public open spaces and conservation areas.
* To manage the interface between the ongoing operations of the Quarry and adjoining land uses and development within the Development Plan area.
* To ensure use and development within 500m of the Quarry extractive industry works authority boundary includes design or other solutions that mitigate risks and amenity impacts associated with blasting and other operational activities of the Quarry.

**Development Plan Proposal**

The draft *Development Plan* has been prepared by MESH Planning on behalf of the landowners, SRL, in accordance with the provisions of DPO38.

The draft *Development Plan* proposes to provide the framework for the development of the industrial zoned land of 25 Vearings Road. It seeks to guide responses to the significant elements of the site including the adjoining quarry, Conservation Area 33, native vegetation, dry stone walls, transmission and high pressure gas pipeline easements. It proposes to deliver key infrastructure in the form of the road network, drainage scheme and public open space.

The *Development Plan* proposes, the use and development of the site for employment purposes, with a strong focus on large scale logistics and warehousing purposes.

The *Development Plan* provides for general development layout for an employment estate which provides flexibility for allotment sizes to be determined as part of future subdivision applications based on market and industry needs at the time of delivery.

The road network has been designed with consideration of heavy vehicle activity. Access to the site will be from O’Herns Road via two industrial standard connector roads. O’Herns Road will be upgraded to an urbanised form by the developer within the existing road reserve. The new O’Herns Road interchange with the Hume Freeway will provide convenient access to the site for heavy vehicles.

The design has also responded to the need for a suitable interface with the conservation reserve. For the vast majority of the boundary between the developable land and Conservation Area 33, an interface road will be provided which will also act as a bushfire buffer. Where this is not provided, an appropriate landscape/maintenance buffer is to be established.

A network of shared paths is also provided as part of the indicative development layout to provide connectivity to and through the site for pedestrians and cyclists. Importantly, this will provide an opportunity for employees and visitors to access the precinct via sustainable transport options. It also provides the potential to connect in the future to the broader shared path network including along the Merri Creek.

The design also responds to the retention of scattered River Red Gums (80% retention) and a number of dry stone walls are to be protected in road reserves and tree reserves (particularly in proximity to the existing homestead) in accordance with Council policy.

As previously noted, the property is constrained by a number of infrastructure easements including transmission lines and gas pipelines. Built form is prohibited within the transmission line easement however the proposal utilises some of this land for the provision of wetlands, tree reserves and drainage reserves. Some land encumbered by this easement may also ultimately be located within private lots and may be considered for low impact uses such as car parking or storage uses as appropriate. The high pressure gas pipeline easement also prohibits built form and, similarly, a number of wetlands and a tree reserve are proposed within the easement, to be constructed in accordance with the relevant guidelines. No sensitive uses are proposed in proximity to the gas pipeline.

The *Development Plan* is also required to respond to the requirements in DPO38 in respect to the quarry interface. The DPO38 requires the Design Response Plan to identify land within 200m and 500m of the work authority boundary of the Quarry. The 200m is representative of a ‘blast buffer’ and seeks to ensure future development within this buffer considers potential risks as a result of quarry blasting activities. The 500m buffer is a ‘sensitive use buffer’ and seeks to restrict sensitive uses from locating within proximity to the quarry operations.

DPO38 requires Quarry Interface Guidelines to be prepared with appropriate technical input to address a number of key principles in respect to use and development with the 200m ‘blast buffer’ and 500m ‘sensitive use buffer’. The Guidelines are required to be prepared in consultation with, and to the satisfaction of the Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990. DPO38 also requires a Quarry Interface Assessment to be prepared for permit applications within 200m Quarry extractive industry works authority boundary.

In respect to the 500m ‘sensitive use buffer’, the *Development Plan* details uses which are considered ‘sensitive’ and should not be located within the sensitive use buffer. The *Development Plan* also references the outcomes of the Quarry Interface Guidelines in respect to the likely mitigation required for different types of buildings which may be considered in the ‘blast buffer’ with the support of a Quarry Interface Assessment.

**Community Consultation and Engagement**

Amendment C230 which rezoned and applied the planning controls to the subject land involved significant engagement during 2019 with affected adjoining landowners and government agencies. The Planning Panel hearing for the Amendment was conducted in December 2019 and the Amendment was subsequently approved by the Minister in October 2020.

In respect to this current process, the draft *Development Plan* was placed on non-statutory exhibition from 23 September 2021 to 22 October 2021 (refer *Attachment 3*). During this time neighbouring landowners and relevant agencies and organisations were notified of the Development Plan proposal and invited to provide comment. While there is no statutory requirement to undertake this exhibition, Council believe it best practice to engage affected parties and obtain feedback for Council to consider in the assessment of the *Development Plan*.

A total of 10 submissions were received during the non-statutory exhibition period and are discussed below.

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

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

The development of the site for industrial use will deliver up to 4,000 new jobs to the municipality.

**Considerations**

**Resolution of Key Issues**

Initial Submission of Development Plan

The first draft of the *Development Plan* was submitted in *March 2021.* The initial draft and was reviewed by officers. Feedback was provided to the proponent and the following issues resolved at this stage included:

* Design improvements required to the interface to the transmission easement.
* Update to River Red Gum tree retention plan and information.
* Changes to proposed road cross sections.
* Update to Dry Stone Wall Retention Plan including greater protection to dry stone walls.
* Greater level of detail to more clearly guide future planning permit applications.
* Cultural Heritage Management Plan, Quarry Technical Report and Quarry Interface Guidelines remained outstanding.

Revised Submission of Development Plan

An updated version the *Development Plan* which responded to initial officer feedback was submitted in September 2021. This version of the *Development Plan* was placed on non-statutory exhibition. The resubmission included the Quarry Technical Report and *Quarry Interface Guidelines* prepared in response to the DPO38 requirement.

Post Non-Statutory Exhibition Submission of Updated Development Plan

Following the receipt of submissions during the non-statutory exhibition period, the proponent has submitted an updated *Development Plan* (refer *Attachment 1*) in December 2021 which responds to several of the key issues raised in the submissions.

**Submissions and discussion**

Council received 10 submissions during the non-statutory exhibition period. These submissions are summarised in *Attachment 4*. Most of the responses from agencies, such as DELWP and Melbourne Water, were confirming their requirements, such as a perimeter road along the interface with the conservation area, the preferred location of drainage reserves and no development within easements. The most significant submission came from the owner and operator of the quarry to the south of the site and the Department of Jobs, Precincts and Regions (DJPR). There were two significant issues which arose from these submissions which are detailed below.

Quarry Interface

As noted above, the substantive submissions came from the landowner of the quarry site and the quarry operator. Both submissions raised concerns about reverse amenity impacts and potential impacts on the existing rights of the quarry. The submissions requested restriction of built form within the 200m blast buffer. The submission from the quarry operator also raised the issue of the proposed reduction of blast buffer distance and its non-compliance with DPO38.

As previously noted, the planning controls for Amendment C230 included the 200m blast buffer in which permits for use and development would require a ‘Quarry Interface Assessment’ to be prepared and applications referred to the DJPR as a ‘determining authority’. The Amendment proceeded on the basis that development would be permissible within 200m of the quarry subject to the Quarry Interface Assessment according with the endorsed Guidelines.

The submissions were forwarded to DJPR, as the relevant agency, for consideration as part of their review of the *Development Plan*. A meeting involving DJPR, Council officers, the quarry operator and the proponent was also conducted to assist DJPR’s review. A key objective of the meeting was to assist in resolving the submissions and providing a balanced outcome that does not impinge on the quarry operator’s rights or unduly restrict the development of the subject site in accordance with the statutory controls. DJPR’s submission to the *Development Plan* was subsequently provided shortly after the closing of the exhibition period.

The DJPR response considered the *Development Plan*, quarry operator’s submission and information shared by the proponent. In summary DJPR did not support the reduction of the blast buffer distance (to 120m) as proposed in the initial Quarry Interface Guidelines and further noted that they would not be supportive of built form and more intensive uses within 120m of the extraction limit of the quarry. They found this would “not be compatible with the objective of minimising risk posed to the environment, to members of the public, or to the land, property or infrastructure”. They also provided information to include in the *Development Plan* which would inform a subsequent *Quarry Interface Assessment*. This included detail on design elements for buildings facing the Quarry within the blast buffer and a table of uses that can be encouraged, considered, and discouraged within the 200m blast buffer and 500m sensitive use buffer respectively.

The proponent’s preference was initially to maintain an ability to apply for built form and development within 120m of the quarry boundary if supported by a Quarry Interface Assessment. The proponent noted that DPO38 requires Quarry Interface Guidelines to be prepared and that any decision as to whether a built form proposal is suitable or not, needs to be assessed at the planning permit stage with the benefit of a Quarry Interface Assessment. The proponent then offered to stage development in a manner which avoided development within a section of the blast buffer for a period of 10 years but has since agreed to a guideline which limits more intensive use and development within 120m of the quarry’s extraction limit whilst the quarry is in operation.

In response to the DJPR’s initial submission, the proponent has also updated their draft *Quarry Interface Guidelines* and the *Development Plan* to address DJPR’s feedback including recognition of the 200m blast buffer and an updated table of uses that can be encouraged, considered and discouraged within the blast buffer and sensitive use buffer.

In DJPR’s review of the updated Quarry Interface Guidelines they again confirmed the buffer measurements were to be 200m and 500m and have agreed to the measure being taken from the extraction limit rather than the works authority boundary. They have also confirmed they are not supportive of use and development with 120m of the extraction limit except for utility installation, plant boxes or similar unattended facilities.

Noting that the Development Plan can only give guidance in respect to land use it is recommended that the Development Plan and Quarry Interface Guidelines be updated to reflect the DJPR advice as a guideline. As noted above, any application for use or development within the 200m will need to be accompanied by a Quarry Interface Assessment which will provide for a more detailed assessment. Further, it is intended that the guideline limiting use and development within 120m of the extraction limit will apply whilst the quarry is operational. This new guideline is outlined in Attachment 5.

Road Network and Intersection Treatment

The submission from the owner of the land containing the existing quarry and raised concerns in respect to the proposed intersection treatment proposed by the *Development Plan* for O’Herns Road and Vearings Road (a roundabout) given the required land take from the property.

The submission from the quarry operator also advised the proponent and Council that they would not support this proposal as this would require the works authority boundary to be amended which would be a significant undertaking.

As such, the proponent proposed a new intersection treatment and access arrangement to the site as part of the updated *Development Plan* (refer *Attachment 1*). This has also amended the internal road network and Development Plan layout. The new design proposes restricting access of the southerly section of Vearings Road to O’Herns Road.

Traffic movements from Vearings Road would access O’Herns Road via the internal road network. Under this proposal, this section of Vearings Road would be temporarily closed to traffic. The road reservation will be retained to provide the opportunity for a four-way intersection should land on the southern side of O’Herns Road be developed in the future. Without the direct access to Vearings Road, this would create a 3-leg T-intersection at O’Herns Road and the quarry entrance. Further assessment as to the operation of this intersection will be required at the permit stage. This is reflected in recommended changes to Development Plan contained in Attachment 5.

The revised plan also results in minor amendments to the internal road network. The amendment to the internal road network does not impact its functionality but does have other benefits including the retention of a dry stone wall previously proposed to be removed and a better layout for an open space reserve.

Further, a number of additional changes are required to ensure the Development Plan not only guides the development of the initial employment estate but also the potential ultimate road network at a strategic level. In this respect the Development Plan needs to recognise the potential for O’Herns Road to be upgraded to an arterial road in the future. Further, the Development Plan needs to properly account for any potential future upgrade of intersections with O’Herns Road including potential land required. Relevant changes to the Development Plan to implement the above are also identified in Attachment 5.

**Planning Assessment**

The *Development Plan* responds to a number of State and Local Planning Policies relevant to the proposal. These are detailed below.

Planning Policy Framework

It is considered the *Development Plan* is generally consistent with the provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme as follows:

* Clause 02.02 – Growing our economy. The development of the subject site for industrial use could provide up to 4,000 jobs.
* Clause 12.01-1L – River Red Gum protection. The Development Plan provides protection to Conservation Area 33 through the setting aside of the land and also retains a large number of trees in the developable area in tree reserves.
* Clause 13.02-1L Bushfire planning. Provision of 20m perimeter roads or 20m vegetated buffer as fire break between urban and conservation land.
* Clause 15.01-1L – Design of Industrial Premises. The Development Plan provides detailed design guidelines that ensure future development will be well-designed, attractive, and meet Council’s standard.
* Clause 15.03-1L - Dry stone walls. The Development Plan satisfactorily responds to this policy and provides for the retention of some dry stone walls.
* Clause 17.01-1L – Diversified Economy. The subject site will deliver 110ha of new employment land in the preferred location of Epping. It will create up to 4,000 new jobs increasing the ability to live and work locally.
* Clause 18 – Transport. The subject site will connect to the wider municipal and metropolitan road network via the Hume Freeway interchange at O’Herns Road.

Schedule 38 to the Development Plan Overlay (DPO38)

The *Development Plan* has satisfactorily responded to the objectives and requirements of DPO38. The *Development Plan* and supporting background reports responds to the requirements of DPO38 including:

* Site Context Plan
* Design Response Plan
* Staging Plan
* Road and Pedestrian Network Plan
* Traffic Report to support this plan
* Design response to the transmission easement and high-pressure gas pipeline easement
* Integrated Stormwater and Drainage Management Plan
* Cultural Heritage Management Plan
* Arborist Report
* Bushfire Management Plan
* Landscape Concept Plan
* Quarry Interface Guidelines
* Design Principles

Other Relevant Planning Documents

The *Development Plan* has been assessed against other relevant planning documents including:

* City of Whittlesea’s Guidelines for Urban Development
* Urban Design Guidelines for Victoria
* Cooper Street Employment Area Design Guidelines.
* Victorian Planning Authority’s (VPA) Engineering Design and Construction Manual (EDCM)

Whilst the draft *Development Plan* generally accords with the above, there are several minor changes required as detailed in *Attachment 5* and which will be discussed in following sections of this report.

Infrastructure Contributions

In respect to local infrastructure, the developer will directly provide the transport infrastructure upgrades required to support the development including upgrades to O’Herns Road and Vearings Road. These upgrades have a value greater than the equivalent infrastructure contribution for an employment land development within a new Precinct Structure Plan area. A s173 agreement will also be required to be entered into for the developer to pay the equivalent to the Growth Area Infrastructure Charge (GAIC) for higher order infrastructure items such as arterial road upgrades, public transport and community infrastructure. Any additional works delivered by the developer which would normally be funded by these levies may be considered as a credit against the developer’s levy liability.

Summary

The *Development Plan* is considered satisfactory, subject to several changes being made which respond to issues raised during the non-statutory exhibition phase and officer assessment.

**Recommended Changes**

As noted above, and in *Attachment 5*, there are several changes recommended to the updated *Development Plan* (*Attachment 1*) to ensure the document is suitable for approval. These recommended changes are summarised below and detailed in *Attachment 5*. It is considered that once these amendments have been made the *Development Plan* will be suitable for approval.

Changes recommended to the updated *Development Plan* include:

* Update *Development Plan* to accord with updated Quarry Interface Guidelines and advice of the Department of Jobs, Precincts and Regions (DJPR) including limitations on use and development within 120m of the quarry extraction limit.
* Update *Development Plan* to reflect final road network and other resulting changes, generally as proposed in the updated *Development Plan* at *Attachment 1* but updated to accord with the VPA’s Engineering Design and Construction Manual (EDCM) and other Council requirements.
* Update *Development Plan* to amend the design principles and interface guidelines as detailed in *Attachment 5* to improve the design and amenity of the future development.
* Update the *Development Plan* to implement other miscellaneous changes detailed in *Attachment 5*.

**Financial Implications**

There are no consequential financial implications.

As noted above the developer will be required to pay developer contributions. The developer will also be required to undertake required upgrades to local infrastructure to support the development.

**Link to Strategic Risk**

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

Whilst there is no statutory requirement to advertise the proposed *Development Plan*, in accordance with Council practice, a copy of the proposed *Development Plan* was sent to all landowners, occupiers and effected agencies of land adjoining the subject site. Council received two objections during exhibition. The issues raised in these submissions are discussed in this report and have been considered as part of the assessment and finalisation of this Development Plan.

**Implementation Strategy**

**Communication**

All submitters to the exhibited *Development Plan* will be notified of Council’s decision. A copy of the approved *Development Plan* can also be made available to affected parties.

**Critical Dates**

|  |  |
| --- | --- |
| Amendment C230 Gazetted | 30 October 2020 |
| First Development Plan Submission | 21 May 2021 |
| Council RFI Letter | 23 July 2021 |
| Second Submission | 3 September 2021 |
| Non statutory exhibition | 23 September – 22 October 2022 |
| Council Meeting to consider endorsement and delegation to CEO for approval | 21 February 2022 |
| Final Development Plan updated | Post Council endorsement |
| Development Plan approved by CEO | Post submission of final Development Plan |

**Next Steps**

The changes identified In *Attachment 5* are required to be made to the *Development Plan* document to make it suitable for approval.

It is recommended that the CEO be authorised to approve the final *Development Plan* once these changes are made.

Once the *Development Plan* is approved planning permits for the subdivision and development of the site can be considered.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

This report considers the proposed *O’Herns Logistics Park Development Plan*. The plan will facilitate the development of a significant employment precinct with the capacity to generate in the order of 4,000 jobs.

Planning controls in the Whittlesea Planning Scheme applied when the land was rezoned require a Development Plan to be prepared to guide the future subdivision and development of the site.

The draft *Development Plan* has been through a non-statutory exhibition process and several submissions received. Key issues relate to the quarry interface and the road network.

There have been extensive negotiations to resolve an outcome for the *Development Plan* that balances the ongoing operations of quarry and future employment development of the site.

A number of changes are required to the *Development Plan* document arising from submissions received and further officer assessment from the exhibition process which are detailed in the Requested Changes section and *Attachment 5*. Once these changes are made it is recommended that the Development Plan is suitable for approval.

On this basis it is recommended that the CEO be authorised to approve the *Development Plan* once the identified amendments are satisfactorily incorporated into the final *Development Plan* document*.*

**5.4 Sustainable Environment**

5.4.1 Green Wedge Management Plan (2011-2021) Reporting

**5.4.1 Green Wedge Management Plan (2011-2021) Reporting**

**Responsible Officer**  Director Planning & Development

**Author** Strategic Planner

**In Attendance** Taras Rego, Strategic Planner Graduate

**Attachments**

1. Green Wedge areas in City of Whittlesea [**5.4.1.1** - 1 page]
2. 2021 Green Wedge Management Plan Progress Table [**5.4.1.2** - 5 pages]

**Purpose**

This report presents the 2021 reporting on the implementation of Whittlesea’s *Green Wedge Management Plan 2011-2021.*

The *Green Wedge Management Plan 2011-2021* was adopted by Council in July 2011. It sets out 84 actions prioritised over ten years to achieve the strategic objectives and community’s vision for the sustainable management, enhancement and protection of the Green Wedge and non-urban areas of the municipality. This represents the 10th and final progress report on the current GWMP Action Plan.

**Brief Overview**

This report summarises the initiatives undertaken by the City of Whittlesea to implement the *Green Wedge Management Plan 2011-2021* (GWMP) which was adopted by Council in July 2011. Regular reporting against the GWMP Action Plan is a requirement of the adopted GWMP’s Monitoring and Evaluation Framework. This represents the 10th and final progress report on the current GWMP Action Plan.

The GWMP comprised 84 actions that relate to the themes of Land, Biodiversity, Water and People. The Action Plan includes 30 short-term actions, 23 medium-term actions, 1 long-term action and 30 ongoing actions. Various departments and teams across Council have contributed to the implementation of the actions to achieve the GWMP’s strategic objectives and the community’s vision for the Green Wedge and non-urban areas of the municipality.

The report outlines progress against the 84 actions of the plan, highlighting the key achievements and next steps for the management of the Green Wedge. In summary, the 2021 reporting shows a great achievement with all 84 actions commenced. Of the 54 short, medium, long-term actions, 49 have been completed while the remaining 5 actions are all underway but are yet to be completed. All 30 ongoing actions are operational and continue to be supported across Council as part of day-to-day business operations.

**Recommendation**

**That Council:**

1. **Note the outcomes and final 10-year progress update against the *Green Wedge Management Plan 2011-2021* Action Plan.**
2. **Note that a new *Green Wedge Management Plan* is currently under development to replace the old plan.**
3. **Write to the Minister for Planning and the Minister for Environment to provide an update on the outcomes and progress in implementing the *Green Wedge Management Plan 2011-2021*, and the status of the new plan.**
4. **Provide a copy of the update on the *Green Wedge Management Plan 2011-2021* to the local State Members of Parliament.**

**Key Information**

**Background**

*Melbourne 2030*, the previous State Government metropolitan strategy, identified 12 Green Wedge areas in 17 local government areas across Melbourne, and put in place policies to protect these valued non-urban areas. This included the establishment of an Urban Growth Boundary (UGB). The term Green Wedge refers to the non-urban areas of metropolitan Melbourne that lie outside the UGB.

Green Wedge land is of key importance to the liveability, economic strength, and environmental health of Melbourne. They fulfil a range of roles including agricultural production, conservation and biodiversity, natural ecosystem services and provide opportunities for diverse tourism and recreation. In the City of Whittlesea, Green Wedge areas represent approximately 61% of the municipality (refer to Attachment 1).

Whittlesea’s GWMP was adopted by Council in July 2011 in line with State Government requirements. It was the first plan of its type prepared by Council. It identifies the vision, objectives and actions for Council to protect and monitor the sustainable use and development of the Green Wedge.

The GWMP Action Plan comprises 84 actions relating to the themes of Land, Biodiversity, Water and People. In summary, the Action Plan includes:

* 30 short-term actions to commence by Year 3 (2013/2014);
* 23 medium-term actions to commence by Year 7 (2017/2018);
* 1 long-term action to commence after Year 7 (2018); and
* 30 ongoing actions to be monitored to 2021.

Monitoring and reporting requirements of the GWMP include:

* annual (internal) progress updates – this report represents the 2021 and final reporting;
* two key milestone reports - the Year 3 Progress Report completed in 2013 and the Year 7 Progress Report completed in 2018;
* a Five-Year Review – this was a State Government requirement, completed and adopted by Council in June 2016.

In 2021, the current GWMP is in its 10th and final year of the ten-year plan. This represents the final progress report on the current GWMP Action Plan.

**Planning Context**

Whittlesea’s GWMP was initially developed to meet the requirements of the metropolitan strategy, *Melbourne 2030*.

The importance of managing Melbourne’s Green Wedge areas continues to be reinforced in state planning policy, with the State Government currently undertaking a *Planning for Melbourne's Green Wedge and Agricultural Land* (GWAL) review project to strengthen the protection of the Green Wedges and peri urban areas. Council endorsed a submission to the GWAL review at the Council meeting on 2 February 2021.

The State Government has indicated that an announcement will soon be made regarding the GWAL consultation outcomes and next steps for the protection of the Green Wedge.

**Community Consultation and Engagement**

Extensive community engagement was undertaken in the preparation and development of the GWMP before it was adopted in 2011. Further targeted engagement has also been undertaken on some of the individual actions implemented over the past 10 years.

Further communications will be undertaken to highlight the achievements in implementing the GWMP 2011-2021 to the broader community.

Community engagement is also being undertaken to inform development of the new GWMP. Stage 1 engagement on the Discussion Paper occurred in May/July 2021 and Stage 2 engagement on the Draft GWMP will occur mid 2022.

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

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Strong local economy**  
Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education  
  
**Sustainable environment**We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change

Implementation of the Green Wedge Management Plan 2011-2021 meets the objectives of Whittlesea 2040 and the Council Plan. Specifically, the GWMP actions have sought to preserve biodiversity, protect waterways, support, and encourage agricultural innovation and agribusiness opportunities.

**Considerations**

**GWMP 2021 Reporting**

Reporting on the GWMP actions provides a means to monitor and evaluate Council’s progress in implementing the GWMP to achieve its vision and objectives. Each responsible Council department has provided an update on the status of their GWMP actions, demonstrating that implementing the GWMP is a whole of Council effort.

The 2021 reporting shows a great achievement in implementing most of the GWMP actions to support Council in its management of the Green Wedge. All 84 actions, including 54 short, medium, long-term actions and 30 ongoing actions have commenced. Of the 54 short, medium, long-term actions, 49 have been completed (91%) while the remaining 5 actions are all underway but are yet to be completed (9%).

**Table 1: Progress Against GWMP Actions**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Completed** | | **In progress** | |
| **2020** | **2021** | **2020** | **2021** |
| **Short-Term (commence by 2013/14)** | 70% | 90% | 30% | 10% |
| **Medium-Term (commence by 2017/18)** | 57% | 91% | 43% | 9% |
| **Long-Term (commence after 2018)** | 100% | 100% |  |  |
| **Ongoing** |  |  | 100% | 100% |
| * ***Completed:*** *Actions that have been completed.* * ***In progress:*** *Actions that have commenced or are on-going.* | | | | |

Table 1 shows the overall progress made in implementing the actions, with a further 14 actions completed in 2021.

*Short-term actions – 90% complete*

* Of the 30 short-term actions, 27 are complete (90%) and 3 are still ‘in progress’ (10%).
* Comparatively, in 2020, 21 actions were complete; with a further 6 short-term actions completed this year.
* The 3 remaining short-term actions still underway are actions B02, L22 and W05, which are discussed later in the report.

*Medium-term actions – 91% complete*

* Of the 23 medium-term actions, 21 are complete (91%) and 2 are still ‘in progress’ (9%).
* Comparatively, in 2020, 13 actions were marked complete; with a further 8 medium-term actions completed this year.
* The 2 remaining medium-term actions still underway are actions B09 and L26, which are discussed later in the report.

*Long-term actions – 100% complete*

* The 1 long-term action of the GWMP was completed in 2020.

*Ongoing actions*

* All 30 ongoing actions are operational and continue to be supported across Council as part of day-to-day business operations. Many of these actions are now considered business as usual.

It is worth noting that there were two actions which were marked as ‘complete’ that were not undertaken due to changing circumstances which meant they were no longer relevant or appropriate. This is to be expected over the life of a 10-year plan. In each circumstance the action was investigated prior to a decision being made to not progress further and to mark the action as complete. These actions are discussed below.

Action L24 sought to *“Investigate partnership arrangements with key groups for the sponsorship of two new annual events: Best Environmentally Sustainable Rural Design for the promotion architectural excellence in a rural setting; and Best Rural Management for the promotion of best whole farm design and management.*”

* This action was investigated by Council officers in 2020 and raised with the Agribusiness Community Reference Group on 31 March 2021, where it was agreed that at this stage there is little value in offering these awards. Instead, it was agreed that Council officers would investigate other opportunities that would provide better value for Council and residents and that such initiatives should be focused on education and increasing awareness more broadly, rather than just providing awards to those that are already aware of the objectives of the awards. Council officers have identified some potential opportunities for partnering with other groups / farmers to run events or activities to raise awareness and educate the broader community about agriculture in the municipality. These options will be further explored in 2022.

Action L25 sought to “*Further develop community appreciation of the rural landscape through the creation of a ‘Celebrate the Landscape’ event aimed at showcasing and promoting ‘ownership’ of a range of green wedge values.*”

* This action was investigated however, Council no longer runs activities of this type. These activities have been superseded by Council’s direct support for the Landcare Network. Landcare runs local events that promote the role of biodiversity in the productive landscape. These initiatives, combined with other Council programmes such as Rural News, the South Morang Farmers Market, and the Agribusiness Programme means that the intent of the action has been achieved. This action was marked complete in 2019.

Attachment 2 provides a complete summary of the status of all the actions at the end of the 2021 reporting period, the 10th and final progress report on the current GWMP.

**Notable GWMP Achievements in 2021**

In this the final year of the ten-year GWMP, excellent progress was made with 13 actions completed, including 6 short-term and 7 medium-term actions.

Some of the key achievements in 2021 include:

* The Whittlesea Community Farm and Food Collective has been set up as a pilot program pending planning permit approval (lodged 27/10/21). The Collective received $2.4m in funding for the development of the community farm ($1.5m from the Department of Environment Land Water and Planning, $300k each from Yarra Valley Water, City of Whittlesea and Melbourne Polytechnic). The community farm originally intended to demonstrate innovative sustainable farming practices, increase food security through provision of food and provide an opportunity for residents to learn about local, sustainable food production. Detailed feasibility assessments have now led to an expansion of activity to also include demonstration of sustainable land management and cultural land conservation practices (Actions L07 and L28).
* To better support farming in the Whittlesea Green Wedge, Council made a submission to the State Government’s *Planning for Melbourne's Green Wedges and Agricultural Land review* project on 3 Feb 2021. The submission supported proposals to strengthen the legislative and policy framework for Green Wedges to better support farming, including agribusiness and the ‘right to farm’ where zoning supports agricultural uses as a primary purpose. The State Government is anticipated to release their consultation findings and next steps shortly (Action L11).
* The City of Whittlesea has successfully advocated to State Government for commitment to a business case on the potential development of the Melbourne Food and Innovation Export Hub (MFIX) (formerly identified as Epping Food Hub), which has been identified as an economic development opportunity arising from the relocation of the Melbourne Wholesale Fruit and Vegetable Market to Epping. MFIX would provide a strategic nexus for collaboration and innovation across the Victorian food industry ecosystem. The MFIX hub could support the use of agricultural land in the municipality and potentially improve the operations of food industry businesses throughout the food supply chain, increasing efficiencies and providing a meaningful contribution to Victoria’s economic growth. The City of Whittlesea will continue to advocate for its development and has been engaged by State Government as part of completion of the business case (Action L08).
* Council has continued to support the viability and development of Whittlesea Township businesses that service the Green Wedge through the availability of mentoring, campaigns such as Dinner on Us, Shop Local, Choose Your Own Adventure, Christmas on Church, Winter Weekends event and other actions under the Tourism Strategy 2014-2019. Council also continues to provide support to and sponsor the Whittlesea Agricultural Show and helped the Friends of Toorourrong develop and implement the inaugural Table of Plenty event (Action P08).
* To promote the value and significance of ecosystems on Council owned land, Council has developed a four year works plan for the roll out of site based, wayfinding and interpretive signage for all of Council’s 60 conservation reserves. The Tier 1 conservation reserves with the highest biodiversity values and opportunities for engagement are proposed to have interpretive materials and an online ‘Story Maps’ platform. Delivery of this initiative is under consideration as part of Council’s New Works Program for 2022/2023 (Action B14).
* To better understand community perceptions of local parks and user needs a consultant was engaged to undertake 400 user satisfaction surveys across 31 Neighbourhood Parks. This research highlighted community views of Council's maintenance being below regional and Melbourne average standards, with community concerns and perceptions of safety in public open space high for night-time use of parks. This has informed the Service Review for the Parks and City Forest area, and improvements to maintenance standards. It has also informed funding priorities for further maintenance, signage and lighting (Action P18).
* Council formed a partnership with the Wurundjeri and Taungurung Registered Aboriginal Parties (RAP) to undertake an *Aboriginal Heritage Study*. Scoping of the AHS was complete in 2021 with Stage 1 to commence in February 2022. The AHS is a cultural values and cultural landscapes study that will inform a broad range of work within Council on the identification and protection of tangible and intangible Aboriginal Cultural Heritage at a local government level. It will contribute to a greater awareness, understanding and appreciation of the relationship between cultural heritage, Traditional Owner knowledge and Aboriginal community health and wellbeing. This is a complex multi-year project (Action P24).

**Notable Achievements over the 10-year life of the GWMP**

Over the course of 10 years, there have been many key achievements of the GWMP. The most notable achievements are outlined below.

* Appointment of an Agribusiness Officer in February 2014 initially for a 3-year fixed term. This position, which has been critical in leading the delivery of many GWMP actions, provides sound business advice and support to farmers on the management of agricultural enterprises, promotion of networking events while demonstrating Council leadership and best practice. This position has since been made permanent (Action L02).
* Appointment of an Environmental Protection Officer in 2012. This position is responsible for ensuring compliance with Whittlesea’s Pest Plant local law and planning permit conditions relating to vegetation and land management, which supports the strategic objectives of the GWMP and various actions (Action L15).
* Development of rural education programs such as the Landcare series which continue to be supported by Council to encourage diversification of sustainable farming methods (Action L12).
* Completion of a report in 2018 on the status of extractive industry operations and the Extractive Industry Interest Areas (EIIA) identified in the City of Whittlesea. This report has informed Council requesting that the Department of Jobs, Precincts & Regions (DJPR) review the EIIA as it relates to the City of Whittlesea. In December 2021, DJPR released its *Strategic Extractive Resources Roadmap* (Roadmap). The Roadmap sets their strategic direction and forward work program including a review of the EIIA in Victoria. (Actions L31 and L33).
* Development of new local policy content in relation to habitat corridors, waterways and native vegetation retention which was included as part of Whittlesea Planning Scheme Amendment C197 (gazetted in May 2017). As part of this Amendment, new policy content from the GWMP was also included in the Whittlesea Planning Scheme (Action B07).
* Appointment of a Heritage Coordinator in January 2015 with the key objective of providing holistic management of heritage across Council. This appointment has also advanced the development of the *Cultural Heritage Strategy 2015-2018* which was adopted by Council in October 2015. A new *Cultural Heritage Strategy 2019-2025* has since been adopted in November 2020. The strategy highlights the principles that will manage, identify and protect heritage places across the municipality including Council owned places within the Green Wedge areas (Actions P25, P27).
* The adoption of the City of Whittlesea *Biodiversity Strategy 2019-2029* in June 2019 represented a significant milestone for Council which has supported the commencement and/or completion of a number GWMP actions over (Actions B01, B02 and B09).
* The South Morang Farmers and Makers Market commenced in July 2019, with a focus on providing an opportunity for local producers to connect with the community and sell their produce locally. As a result of the COVID pandemic in 2020 and 2021 the Farmers Market was unable to be run; however, it is intended to recommence in 2022 with the first one scheduled for 19 March 2022 (Action L10).
* Council formed a partnership with Deakin University to undertake a Land Capability Assessment (LCA) in 2019 and completed the report in 2020. The LCA report analysed the land capability across the green wedge and the potential for new and existing agricultural production across a range of crop/horticultural/pasture options. This research has provided updated land capability information and will support both new/innovative and traditional rural enterprises by providing a high-level overview of potential options for crops/horticulture/pasture (Action L09).
* In a further partnership with Deakin University, research was undertaken into *Climate Resilient Agriculture*toexplore the difference between regenerative agriculture practices and conventional farming practices, to assist farmers in adapting to a changing climate. The *Climate Resilient Agriculture* project is ongoing; however, the literature review completed evaluates the benefits of regenerative agriculture as an alternative land treatment in peri-urban landscapes. These benefits include a greater, long-term resilience to climate change when utilising regenerative agriculture practices vs. traditional farming practices (Actions L27 and L28).
* Following the research into *Climate Resilient Agriculture*, a series of case studies on farmers applying regenerative agriculture practices were developed and disseminated to the wider community to support and promote the value and opportunities for regenerative agriculture in the municipality (Action L04).
* Council continues to develop community knowledge of rural land stewardship and the Green Wedge by regularly supporting and distributing information to rural landholders through the Rural News newsletter and the Whittlesea Landcare group.  Landcare membership continues to grow, and a regular electronic newsletter is distributed.  Council also provides support for two other rural based groups: Eden Park Blackberry Action Group and Whittlesea and Surrounds Blackberry Action Group, as part of business-as-usual activities (Actions B04, L18 and P01).
* Council works collaboratively with Traditional Owners to build awareness of the unique Aboriginal Cultural Heritage of the area. Council also maintains strong links with the Wurundjeri Land Council and Aboriginal Victoria. There is ongoing consultation with Aboriginal-led organisations and community regarding sites of Aboriginal Cultural Heritage and sensitivities and consideration given to Traditional and RAP legislative obligations (Action P24).
* An examination of current Green Wedge, settlement and bushfire planning policies affecting the rural communities of Eden Park, Humevale, Kinglake West and Yan Yean concluded that further residential development of these rural communities should be avoided.  This is further reinforced by the *Eden Park Bushfire Erosion Mitigation Plan* which outlines environmental constraints of the erosive soils. The application of existing planning controls is appropriate (including the Eden Park Restructure Overlay) and should continue to be used to manage the anomalous nature of the use of these lots (Action P11).
* The Northern Regional Trail Network Strategy was adopted in 2016 which provides a vision and plan for future off-road recreational trail networks across Melbourne’s north. It was developed in conjunction with the seven northern municipalities to ensure a fully integrated network. To implement the strategy, Council is advocating for funding for regional trails such as the Whittlesea Rail Trail from Mernda Station to connect to Whittlesea township; working with Parks Victoria, Nillumbik Council and other agencies to assist in the implementation of the Plenty River Trail from the M80 Ring Road to Bridge Inn Road by June 2023 to ensure connectivity to the Trail; and the preparation, adoption, and implementation of the Quarry Hills Parkland Master Plan (Action P17).

**Actions not Complete**

Of the 54 short, medium and long-term actions, 49 actions have been completed to date (91%). The remaining 5 actions (9%) have all been commenced to some degree but are yet to be complete, including 3 short-term actions and 2 medium-term actions. These actions are actively being worked on by Council however due to several factors were unable to be completed by 2021.

For example, several actions are linked to the development and implementation of the *Biodiversity Strategy* and the *Whittlesea Water for All Strategy.* These strategies were only adopted by Council in 2019 and 2020 respectively, which delayed commencement of the affected actions. These strategies provide the strategic direction for work in this space, identifying a pathway forward and timeline for gathering the evidence base and strategic justification for implementing the remaining GWMP actions. Since their adoption, many of the remaining GWMP actions have been commenced and are actively underway, which is discussed further below.

**Table 2: Incomplete GWMP Actions**

| **Action Number & Description** | **Priority** | **Status** |
| --- | --- | --- |
| B02  Investigate the relationship between significant ecosystems and type of land ownership (parkland, reserve, private land), and assess best methods of protection for areas of high conservation significance | Short | This action has commenced and will be further implemented as part of Council’s *Biodiversity Strategy and Action Plan*.  Under Objective 1 Biodiversity Asset Mapping (BAM) is being undertaken to collect baseline data. This is due for completion by June 2022.  Once the BAM is complete, the next step will be to look at the best method of protection and undertake work to support a planning scheme amendment. This will be completed as part of Objective 2 to undertake an amendment to apply appropriate zones/overlays. |
| B09  Strengthen planning provisions targeted at the identification, protection and enhancement of biodiversity and environmental values of the Whittlesea Green Wedge | Medium | As above, this action has commenced and will be further implemented as part of Council’s *Biodiversity Strategy and Action Plan*. |
| L22  Amend planning provisions to address environmental hazards within the City of Whittlesea in relation to the: Application of a Salinity Management Overlay (SMO) to areas of dryland salinity; Application of the Erosion Management Overlay (EMO) to areas of stream, gully and sheet erosion; Reassess the boundaries of the existing Wildfire Management Overlay in response to the implementation of the 2009 Victorian Bushfires Royal Commission | Short | Part 1 & 2 of this action has been identified in Council’s *Whittlesea Water For All Strategy* and will require the gathering of further evidence base/strategic justification to support a planning scheme amendment to apply the SMO and EMO.  Erosion has emerged as a broader regional issue though the Regional Catchment Strategy. To this end Council officers have flagged with the Port Phillip Catchment Management Authority, the need for this to be addressed via a ‘joint sodic soils project’ between Whittlesea, Hume and Mitchell. |
| L26  Amend planning provisions targeted at protection of significant landscapes and significant vistas via the Significant Landscape Overlay for all visually sensitive areas within the Whittlesea Green Wedge; Develop local policies to guide development adjacent to visually sensitive hilltops and policy for road setbacks for visually significant roadside corridors; Implement changes to ensure the design, siting and form of new dwellings and other buildings within Green Wedge are sensitively integrated within rural and natural environments | Medium | Part of this action (local policy for visually sensitive hilltops and roadside corridors) has already been implemented via Amendment C197 MSS update, which was gazetted in May 2017. Part of the action for design and siting guidelines for new dwellings in Green Wedge areas will potentially be addressed as part of the State Governments GWAL project which is to be released shortly.  The remaining part of this action to apply the Significant Landscape Overlay to significant landscapes will be informed and implemented as part of the *Biodiversity Strategy Action Plan*. |
| W05  Strengthen planning provisions targeted at the protection and improvement of the environmental health of waterways to: Add new Environmental Significance Overlay (ESO) schedules to protect major waterbodies; Revise the extent of the mapping associated with the existing ESO schedule 3 to include unprotected waterways; Investigate the rezoning of the municipality's two water storage catchments from Public Use Zone to Public Conservation and Resource Zone | Short | Part 1 & 2 of this action have been identified in and will be actioned via the implementation of Council’s *Whittlesea Water For All Strategy* and the *Upper Merri Creek Integrated Water Management Plan* (Northern Growth Corridor). They will require the gathering of further evidence base/strategic justification to support a planning scheme amendment to apply an ESO.  Part 3 of this action was completed in 2019 following an investigation into the potential rezoning of the two water storage catchments from Public Use Zone 1 to Public Conservation and Resource Zone. The investigation recommended not proceeding with a rezoning on the basis that the reservoirs are not likely to be decommissioned but are still needed in their current capacity. |

These incomplete actions will continue to be progressed as part of the implementation of the *Biodiversity Strategy* and *Whittlesea Water For All Strategy*. These actions will also be considered in the context of the new GWMP.

**Ongoing Actions**

As indicated, the current GWMP was the first plan of its type prepared by Council for the non-urban Green Wedge areas of the municipality. This was reflected by the identification of 30 ongoing actions which targeted various ways in which Council and the community could support the sustainable use and development of the Green Wedge.

All the ongoing actions are operational and continue to be supported across Council as part of day-to-day business operations, with many considered business-as-usual. For example, some of these business-as-usual activities include:

* Increase networking links with the local indigenous community to ensure understanding and respect for sites of Aboriginal cultural heritage sensitivity within the municipality.
* Distribute information on community organisations and services to encourage networking and increase community capacity, particularly within the rural community.
* Advocate on behalf of the community to the Victorian Government for funding to support those services and facilities deemed most necessary in the rural areas and in particular Whittlesea Township.
* Provide business support and advice to keep farmers on the land. This includes continued networking, promotion and business development opportunities for owners and managers of our agricultural enterprises.
* Advocate on behalf of the farming community and maintain input into agricultural research and strategies that seek to support farming ventures, including highlighting the true cost of maintaining a rural property.
* Maintain data exchange agreements between Council and the Department of Environment, Land, Water and Planning.
* Advocate for, and contribute to, discussions regarding the creation of a 1,200 hectare Grassy Eucalypt Woodland Reserve within Whittlesea’s Green Wedge.
* Work with State Government and all relevant agencies to use forward strategic planning to reduce conflict and balance the ecological needs of the kangaroo population with the social, environmental and ecological needs of local residents, particularly the working agricultural community.
* Build upon the role of existing local committees and community groups such as the Merri Creek Management Committee, Darebin Creek Management Committee, Landcare and the Victorian Farmers’ Federation as they champion the cause of the Whittlesea Green Wedge.
* Build upon existing community involvement in waterway health through promotion and support for programs such as WaterWatch and riparian revegetation activities.
* Development of rural education programs such as the Landcare series which continue to be supported by Council to encourage diversification of sustainable farming methods
* Develop community knowledge of rural land stewardship and the Green Wedge by regularly supporting and distributing information to rural landholders through the Rural News newsletter and the Whittlesea Landcare group.  Council also provides support for two other rural based groups: Eden Park Blackberry Action Group and Whittlesea and Surrounds Blackberry Action Group.

**Financial Implications**

There are no financial implications

**Link to Strategic Risk**

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

**Implementation Strategy**

**Communication**

Council’s website will be updated to reflect the progress made in implementing the GWMP. Further, the community will be further informed of the progress made as part of the Stage 2 community engagement on the new Draft GWMP which will occur by 30 June 2022.

**Critical Dates**

This report represents the 2021 reporting on the GWMP Action Plan, in line with the GWMP’s Monitoring and Implementation Plan.

Community engagement on the new Draft GWMP which is currently being developed, will occur by 30 June 2022. This is discussed below.

**Next Steps**

The incomplete actions will continue to be progressed as part of the implementation of the *Biodiversity Strategy* and *Whittlesea Water For All Strategy*, as discussed above. These actions will also be considered in the context of the new GWMP.

Development of the new *GWMP 2022 – 2032* is currently underway. Stage 1 community engagement on the Discussion Paper occurred in May/July 2021 which has informed a Draft GWMP. The Stage 2 community engagement on the Draft GWMP will occur by 30 June 2022.

While development of the new GWMP is still underway, we are continuing with the implementation of all ongoing actions, and continuing to progress the incomplete actions referred to above.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The *Green Wedge Management Plan 2011-2021* was adopted by Council in July 2011. It sets out 84 actions prioritised over ten years to achieve the strategic objectives and community’s vision for the sustainable management, enhancement and protection of the Green Wedge and non-urban areas of the municipality.

This represents the 10th and final year reporting against the Action Plan. Itdemonstrates a great achievement with all 84 actions commenced, including 54 short, medium, long-term actions and 30 ongoing actions. Only 5 actions are underway but are yet to be completed. These incomplete actions will continue to be progressed as part of the implementation of the *Biodiversity Strategy* and *Water For All Strategy* and will also be considered in the context of the new GWMP.

The successful implementation of the *Green Wedge Management Plan* reflects the collaborative and committed approach across various Council Departments in implementing the Plan.

A new *Green Wedge Management Plan* is in the process of being developed in consultation with the community. Further consultation on the Draft *Green Wedge Management Plan* 2022 – 2032 will occur in mid-2022.

**5.5 High Performing Organisation**

5.5.1 Debt Collection Services 2021-57 - Contract Evaluation Report

**5.5.1 Debt Collection Services 2021-57 - Contract Evaluation Report**

**Responsible Officer** Acting Director Corporate & Shared Services

**Author** Acting Chief Financial Officer

**Attachments**

1. CONFIDENTIAL REDACTED - Tender 2021-57 Debt Collection Services Evaluation Summary [**5.5.1.1** - 5 pages]

This attachment has been designated as confidential by the Director Corporate & Shared Services, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding pricing for debt collection services.

**Purpose**

It is proposed that following a public tender process, contract number 2021-57 for Debt Collection Services is awarded to Recoveries and Reconstruction (Aust) Pty Ltd as the successful tenderer.

**Brief Overview**

The tender evaluation panel advises that:

* Seven tenders were considered.
* The recommended tender was the highest ranked.
* Consideration was given to collaboration with other councils and public bodies or utilising collaborative procurement arrangements.
* This was a collaborative tender conducted by Procurement Australasia on behalf of 26 Victorian local government councils.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by Recoveries and Reconstruction (Aust) Pty Ltd for the following contract:**

**Number: 2021-57**

**Title: Debt Collection Services**

**Cost: The accepted schedule of rates is detailed in the confidential attachment.  
Total expenditure is limited to a maximum $1,522,270 (excluding GST) unless otherwise approved by Council.**

**Term:** **22 February 2022 to 31 October 2023**

**Options: Term extensions up to 31 October 2025.**

**Subject to the following conditions:**

**a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b) Price variations to be in accordance with the provisions as set out in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**
2. **Note the intention to only use the service under this contract for the purposes of debt recovery action involving legal process.**
3. **Note the change in customer service approach towards managing ratepayer enquiries in accordance with Council’s Financial Hardship Policy.**

**Key Information**

The purpose of this contract is to use the expertise of a debt collection company with experience in the local government sector to assist in the recovery of overdue monies where the decision that legal action is required is made. The services can be summarised as:

* Recovery of overdue rates and charges from ratepayers through legal means and under instruction from Council.
* Providing advice on collection policies, approaches to settling debts, legal responsibilities and ways of mitigating the occurrence of legal action taking place.
* Providing online access to debtor status, reporting and monies outstanding.

A key change to the proposed level of service under this contract has been included. In the past Council have used its debt recovery agent to assist in services including communicating with ratepayers, managing payment plans and evaluating financial hardship of ratepayers. Moving forward such services will be managed in-house by Council through customer experience and the Financial Hardship Officer position. The use of Council’s debt collection agent under this contract will be scaled back to dealing strictly with legal matters. It is intended that this change will come into effect from 1 July 2022.

Tenders for the contract closed on 30 June 2021. The tendered prices for this schedule of rates contract and a summary of the evaluation, are detailed in the confidential attachment.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

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

|  |  |  |
| --- | --- | --- |
|  | Price | 25 % |
|  | Expertise advice in dealing with debt collection matters in local government | 25 % |
|  | Timeliness and flexibility in responding to Council needs | 25 % |
|  | Accessibility through a web system to debt collection progress notes etc | 25 % |

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

The Price criterion was weighted relatively low because the majority of costs associated with this contract are based on fees set by the Magistrates’ Court of Victoria.

All seven tenders on the Procurement Australasia panel were conforming and competitive and were fully scored. The evaluation outcome was as follows:

| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| --- | --- | --- | --- | --- |
| Tenderer A - Recoveries and Reconstruction (Aust) Pty Ltd | Yes | Yes | 85.00 | 1 |
| Tenderer B | Yes | Yes | 67.78 | 5 |
| Tenderer C | Yes | Yes | 71.20 | 3 |
| Tenderer D | Yes | Yes | 76.50 | 2 |
| Tenderer E | Yes | Yes | 66.20 | 6 |
| Tenderer F | Yes | Yes | 68.33 | 4 |
| Tenderer G | Yes | Yes | 53.34 | 7 |

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

**Community Consultation and Engagement**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other councils and public bodies or to use any existing collaborative procurement arrangements.

In accordance with collaboration requirements under Council’s Procurement Policy, Procurement Australasia conducted a national collaborative tender on behalf of its Members, Local Government, Water Authorities, Libraries, Statutory Authorities, Not for Profit Organisations, Private Organisations and Tertiary Educational Institutions:

* On 22 April 2021, Council wrote to Procurement Australasia to confirm its appointment in leading a collaborative tender process for debt collection services
* Procurement Australasia then undertook the following:
  + Advertised an industry briefing in the Sydney Morning Herald on 20 April 2021 and the Herald Sun on 21 April 2021.
  + Delivered a webinar briefing on 12 May 2021.
  + Advertised a request for tender in the Sydney Morning Herald on 8 June 2021 and the Herald Sun on 9 June 2021 with a closing date of 30 June 2021.
  + Selected seven out of the 15 tenders received, as recommended service providers.

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

**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, deliver efficient and effective services and initiatives, make decision in the best interest of our community and deliver value to our community.

**Considerations**

**Environmental**

Environmental impacts were considered by Procurement Australia when selecting the panel members and all were scored highly in demonstrating very strong social responsibility.

**Social, Cultural and Health**

Council adopted a new Financial Hardship Policy at its Council meeting held on 5 July 2021. This new Policy seeks to consider and acknowledge the social, cultural and health impacts that come with financial hardship, and in turn how Council considers such factors in the approach towards debt collection activities.

**Economic**

Debt collection services are necessary to support Council in collecting all budgeted revenue in a timely manner, ensuring the necessary funding exists to deliver services to our growing community.

**Financial Implications**

Sufficient funding for this contract is available as there is a recurrent budget for debt collection service. In 2021/2022 the approved budget is $765,000.

Expenditure on debt collection services is legally recoverable from those ratepayers on whom Council has initiated debt recovery action. Council’s recoverability of such expenditure will need to be considered moving forward in conjunction with Council’s Financial Hardship policy which does provide for the waiving of legal and interest costs.

**Link to Strategic Risk**

**Strategic Risk** *Contractor Management - Failure to manage contractors to deliver agreed outcomes*

The level of debt collection activity is determined by Council and the level of service to be delivered by the successful tenderer is based on agreed standards with them.

**Implementation Strategy**

**Communication**

Procurement Australasia will be advised in writing of Council’s preferred panel tenderer. Council will also write to the preferred tenderer to commence the contractual relationship.

**Critical Dates**

The initial contract term will commence on 22 February 2022 and end on 31 October 2023.

The previous contract 2017-181 Debt collection services expired on 31 October 2021.

Options exist to extend the contract up to 31 October 2025. A separate report requesting Council approval will be presented before the exercise of any optional extension.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

The tender from Recoveries and Reconstruction (Aust) Pty Ltd was determined to be best value for Council, and it is considered that this tenderer can perform the contract to the required standards.

5.5.2 Quarterly Corporate Performance Report (Quarter Ended 31 December 2021)

**5.5.2 Quarterly Corporate Performance Report (Quarter Ended 31 December 2021)**

**Responsible Officer** Acting Director Corporate Services

**Author** Unit Manager Financial Strategy

**Attachments**

1. Quarterly Corporate Performance Report [**5.5.2.1** - 19 pages]
2. 2021-2025 Community Plan Performance Snapshot Q 2 2021-2025 [**5.5.2.2** - 1 page]
3. Project Progress Report [**5.5.2.3** - 6 pages]
4. Grants Status Update Report [**5.5.2.4** - 1 page]
5. Proposed Budget Adjustments Quarter 2 [**5.5.2.5** - 1 page]
6. Capital Works Program 2022-23 [**5.5.2.6** - 1 page]
7. Reserve Details [**5.5.2.7** - 2 pages]

**Purpose**

That Council notes the Quarterly Corporate Performance Report for the period ended 31 December 2021 (Attachment 1).

**Recommendation**

**That Council:**

1. **Notes the Quarterly Corporate Performance report for December 2021 (Attachment 1).**
2. **Notes the outcome of the 2021-22 Quarter 2 Forecast review.**
3. **Notes the progress made against the key initiatives and actions included in the Community Plan 2021-2025 and Action Plan 2021-2022 (Attachment 2).**
4. **Notes the Capital Works Program Performance for the period ended 31 December 2021 and progress of projects as outlined in Project Progress Report (Attachment 3).**
5. **Notes the status of the infrastructure grants as at the end of December 2021 as outlined in Grants Status Update (Attachment 4).**
6. **Approves the proposed capital budget adjustments as listed in the Proposed Capital Budget Adjustments (Q2) (Attachment 5).**
7. **Notes that it is expected that the delivery of the 2021-22 Capital Works Program will be impacted by the COVID-19 Pandemic. In addition to the expected carry forward and “at risk” position identified, further detail on such impacts will continue to be assessed and reported to Council when they become known.**
8. **Notes the Financial Performance for the period ended 31 December 2021.**

**Brief Overview**

**Community Plan**

* The Community Plan 2021-2025 including the Community Plan 2021-2022 Action Plan was adopted at an additional Council meeting held on 25 October 2021.
* The Community Plan 2021-2025 includes 61 key initiatives. 116 related key actions are included in the Community Plan Action Plan for delivery in the 2021-2022 financial year.
* Of the 54 key initiatives scheduled to commence this financial year,
  + 51 are reported “On track”
  + 3 are reported “Monitor”.

**Capital Works**

* As at 31 December 2021, year to date Capital Works expenditure of $27.69 million was $15.67 million behind budget. The proposed revised budget (pending approval of proposed adjustments in this report) for the year ending 30 June 2022 will be $86.83 million. This will be $0.85 million more than the Annual Capital Budget following proposed adjustments for external grant funded projects and carry forwards.
* It is anticipated that the COVID-19 pandemic will impact the ability of Council to deliver on projects throughout the year. This has resulted in an expected carry forward of $11.74 million, with a further $10.8 million identified as being “at risk” of carry forward (combined total $22.54 million). This will continue to be monitored and further update provided in future reports to Council as further information becomes available.

**Financial Performance**

* For the six months ended 31 December 2021, Council recorded an operating surplus of $97.55 million, which is ($14.73 million) unfavourable to the year-to-date budget.
* This surplus is reported based on the Australian Accounting Standards and includes all revenue recognised in the financial period, including gifted subdivisional assets (non-monetary), developer contributions and grants towards capital works projects. It is important to note that the operating surplus is not a cash surplus; therefore, it does not convert to immediately available cash for Council. Significant amounts of the surplus are restricted by legislation and must be used for future infrastructure investment.
* The outcome of the Quarter 2 Forecast review is that Council is anticipating a full year operating surplus of $144.72 million, which is ($1.73 million) unfavourable to the Adopted Budget.

The unfavourable variance is explained by an anticipated increase in depreciation costs of ($2.1 million) as a result of revaluations and significant gifted assets being recognised after the budget was adopted, and therefore not factored into the depreciation budget. Further, there is an expected reduction in user fees of ($1.69 million) due to a reduction in fees for leisure and community facilities. This is the result of COVID-19 closures and food safety registrations renewals being reduced by 50% as per Council resolution. This unfavourable variance is partially offset by unbudgeted capital grant income of $2.63 million and operating grant income of $0.97 million.

* For the six months ended 31 December 2021, Council incurred direct COVID-19 related expenditure of $0.43 million. In addition, Council recorded reduced revenue of $0.95 million, due largely to forced facility closures during the State Government imposed COVID-19 lockdown restrictions. The combined impact of additional expenditure and reduced revenue totalled ($1.38 million) for the six months ended December 2021.

**Rationale for Recommendation**

The recommendation is in accordance with the requirement of Section 97 of the *Local Government Act 2020*, that as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly financial report is presented to the Council at a Council meeting which is open to the public.

**Impacts of Recommendation**

Council has been presented with a Quarterly Corporate Performance Report in accordance with the *Local Government Act 2020* that shows Council’s Operating and Capital performance against the Annual Budget 2021-2022 and an update on Community Plan progress.

**What measures will be put in place to manage impacts**

Financial performance against Budget and Community Plan progress is monitored closely and presented to the Executive Leadership Team and Council on a regular basis.

**Key Information**

**Introduction**

Council is required by the *Local Government Act 2020* (the Act) to prepare a Council Plan containing the strategic objectives of Council, strategies for achieving those objectives, and indicators to monitor the achievement of those objectives. The City of Whittlesea’s Council Plan is incorporated in the Community Plan 2021-2025 alongside the Municipal Public Health and Wellbeing Plan, the Disability Action Plan and pandemic recovery actions. This Plan was adopted at a special Council meeting held on 25 October 2021.

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

* Progress of Community Plan key initiatives and actions to 31 December 2021
* Progress of 2021-22 Capital Works Program to 31 December 2021
* Council’s financial performance to 31 December 2021.

To comply with the Act, the report includes the following comparisons for the six months ended 31 December 2021:

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

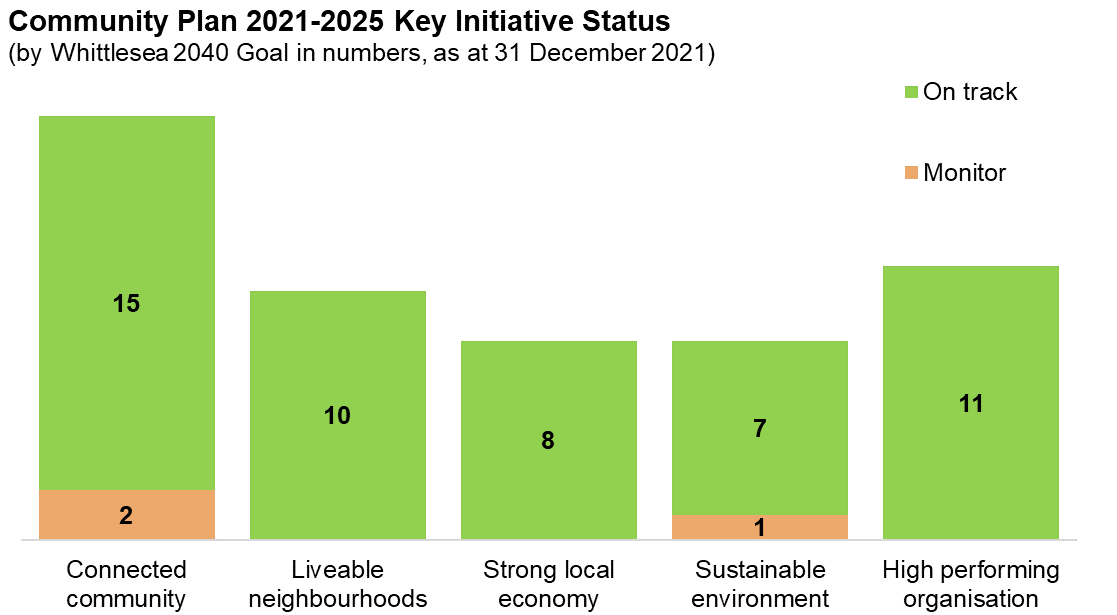
The impacts of the COVID-19 pandemic on Council’s services and financial circumstances are expected to continue. This has been the subject of several previous Council reports.

**Community Plan**

Council adopted the Community Plan 2021-2025, including the Community Plan Action Plan 2021-2022 on 25 October 2021. The Community Plan is the key strategic document providing direction over the Council term. It covers the key initiatives Council works towards across the four years. Annual Action Plans are developed as an accompaniment to the Community Plan which include key actions to be achieved each year.

Of the 54 key initiatives scheduled to commence this financial year:

* 51 are reported “On track”
* 3 are reported “Monitor”.



The below table provides further detail on those items reported as “Monitor” as at 31 December 2021.

|  |  |  |
| --- | --- | --- |
| **Key initiative** | **Status** | **Comment** |
| Goal 1: Connected community | | |
| #06 Deliver a Connected Communities Strategy that will enhance social inclusion, civic participation, health, wellbeing and safety and reflect and celebrate the diversity of religions, cultures, heritages, abilities, ages, gender and sexual orientation which make City of Whittlesea a place for all | Monitor | We are progressing the development of the Connected Community Strategy and are managing the impacts of the pandemic on programs such as the accessibility upgrades. |
| #14 Build additional outdoor netball courts in a number of neighbourhoods including Epping, Doreen, Mill Park, Whittlesea, South Morang, Mernda | Monitor | We are advocating for sports infrastructure in our 2022/2023 Federal pre-budget submission and are progressing master-planning for the Regional Sports and Aquatic Facility at Mernda this financial year to inform further advocacy activities. |
| Goal 4: Sustainable environment | | |
| #46 Use less energy by investing in energy efficiency programs including energy efficient street lighting | Monitor | We have replaced an additional 2,300 streetlights with energy efficient LED lights. A new solar PV/battery contract will generate an additional 155 kW of solar energy and store 200 kWh. |

Please refer to Attachment 2 for the Community Plan Performance Snapshot.

**Capital Program**

Council adopted the 2021-22 Capital Works Program on 1 June 2021 with a budget of $68.39 million plus $17.59 carry forward, providing a total Annual Budget of $85.98 million.

The financial expenditure performance of the Capital Works Program to 31 December 2021 is detailed below.

|  | **YTD Actual $'000** | **YTD Budget $'000** | **YTD Variance $'000** | **Adopted Budget $'000** | **Annual Budget $'000** | **Quarter 2 Forecast $'000** |
| --- | --- | --- | --- | --- | --- | --- |
| Property | 7,030 | 10,278 | 3,248 | 23,281 | 24,344 | 20,270 |
| Plant and equipment | 677 | 1,136 | 459 | 2,515 | 2,515 | 2,427 |
| Infrastructure | 19,985 | 31,951 | 11,965 | 50,622 | 59,126 | 52,396 |
|  | **27,691** | **43,364** | **15,673** | **76,418** | **85,985** | **75,093** |
| **Represented by:** |  |  |  |  |  |  |
| New assets | 11,131 | 14,191 | 3,060 | 25,146 | 29,823 | 25,533 |
| Asset renewal | 12,990 | 21,300 | 8,310 | 34,215 | 35,947 | 33,420 |
| Asset expansion | 94 | 310 | 216 | 550 | 550 | 550 |
| Asset upgrade | 3,476 | 7,563 | 4,087 | 16,507 | 19,664 | 15,590 |
| **Total Capital Works** | **27,691** | **43,364** | **15,673** | **76,418** | **85,985** | **75,093** |

*COVID-19 Impact Analysis*

The COVID-19 pandemic has impacted on several projects because of disruptions in the normal planning, tendering and construction activities. The two weeks construction industry lockdown and ongoing supply chain issues are continuing to influence the deliverability of this year’s program.

It is anticipated that projects to the value of $11.74 million will be carried forward to the 2022-23 financial year. Further, an additional amount of $10.8 million has been identified as “at risk” of not being delivered in 2021-22, which will likely result in additional projects being carried forward to the 2022-23 year. The combined impact is an expected carry forward of $22.54 million. A further update to project impacts will be provided as part of the third quarter report as further information comes to hand.

*Project Budget Adjustments*

Several minor changes to the Capital Works Program are proposed in the second quarter. These adjustments are a result of several projects not proceeding and additional funds required to enable the completion of projects where progress has been impacted by site conditions and increased costs of materials and services.

The proposed project adjustments result in a reduction to the previously approved Revised Budget of $2.72 million, giving a revised total Capital Works Program budget following the second quarter of $86.83 million. The proposed budget adjustments are listed in (Attachment 5).

*Infrastructure Grants*

A summary of recent infrastructure grants outcomes is included in the Grants Status Report (Attachment 4). Grant programs in the first half of the financial year have been limited, however the annual program of grant opportunities will increase in the second half of the financial year. A total of $4.1 million in applications have been successful so far this financial year, including $3.5 million in Growing Suburbs Funding. Applications to the value of $1.83 million are still awaiting outcomes/announcements.

**Financial Performance**

The Financial Performance Report for the period ended 31 December 2021 includes the following financial statements included in Quarterly Corporate Performance Report (Attachment 1):

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

**Operating performance**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **YTD  Actual $'000** | **YTD  Budget $'000** | **YTD  Variance $'000** | **Adopted**  **Budget $'000** | **Quarter 2 Forecast $'000** |
| **Operating** |  |  |  |  |  |
| Income | 214,335 | 226,302 | (11,967) | 375,786 | 379,418 |
| Expenditure | 116,784 | 114,020 | (2,764) | 229,335 | 234,695 |
| **Surplus (deficit)** | **97,551** | **112,282** | **(14,731)** | **146,451** | **144,723** |
| Capital and other revenue |  |  |  |  |  |
| Share of other comprehensive income of associate | - | - | - | - | - |
| Capital non-recurrent grants | (2,826) | (12,867) | 10,041 | (16,260) | (18,888) |
| Developer contributions | (7,231) | (8,298) | 1,067 | (121,418) | (120,942) |
| **Adjusted underlying surplus** | **87,494** | **91,117** | **(3,624)** | **8,773** | 4**,893** |

For the quarter ended 31 December 2021, Council has recorded an operating surplus of $97.55 million, which is ($14.73 million) unfavourable to the year-to-date budget.

Council is forecasting a $144.72 million full year operating surplus, which is ($1.73 million) unfavourable to the Adopted Budget.

Further detail and analysis on key financial variances in included in Attachment 1 to this report.

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

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

*COVID-19 Impact Analysis*

A comprehensive review of Council’s budgeted revenue and expenditure for the remainder of the financial year has been undertaken to quantify the impacts of the pandemic on service delivery and financial performance.

As at the end of December 2021, the financial impact of the COVID-19 pandemic to date is as follows:

* Direct COVID-19 expenditure to the end of December 2021 is ($0.43 million)
* Income impact of ($0.95 million), which relates to community and leisure facilities from forced facility closures during state government lockdown restrictions. Further analysis on the impact of COVID-19 on this income will continue to be undertaken.

**Community Consultation and Engagement**

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

**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, deliver efficient and effective services and initiatives, make decision in the best interest of our community, and deliver value to our community

**Considerations**

**Environmental**

No implications

**Social, Cultural and Health**

No implications

**Economic**

No implications

**Financial Implications**

All matters raised in this report, which have a financial implication, have been reflected in the Quarterly Corporate Performance Report for the quarter ended 31 December 2021 (Attachment 1).

**Link to Strategic Risk**

**Strategic Risk** *Financial Sustainability - Inability to meet current and future expenditure*  
This report provides Council with an oversight of the City of Whittlesea’s key financial information and performance obligations to enable monitoring and to ensure City of Whittlesea’s financial position is sustainable.

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

Performance reporting is an effective existing treatment enhancing governance of Council’s operations.

**Implementation Strategy**

**Critical Dates**

This report is intended to go to:

* A Council meeting on 21 February 2022
* An Audit and Risk Committee meeting on 24 February 2022.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.  
  
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Conclusion**

For the quarter ended 31 December 2021, Council’s operating surplus showed an unfavourable year to date variance of ($14.73 million) against budget. Council’s Capital Works program was $15.67 million behind budget.

Despite the impact of COVID-19 on Council operations, 51 of the 54 Community Plan key initiatives commenced are reported on track. Council is closely monitoring progress and investigating mitigating actions where necessary to ensure timely progress.

**6 Notices of Motion**

Nil Notices of Motion

**7 Urgent Business**

Nil Urgent Business

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

**9.1 Confidential Connected Communities**

Nil reports

**9.2 Confidential Liveable Neighbourhoods**

Nil reports

**9.3 Confidential Strong Local Economy**

Nil reports

**9.4 Confidential Sustainable Environment**

Nil reports

**9.5 Confidential High Performing Organisation**

Nil reports

**9.6 Confidential Notices of Motion**

Nil reports

**12 Closure**