



Agenda

Scheduled Council Meeting

Tuesday 20 August 2024 at 6pm

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

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

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Christian Zahra AM Administrator

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

Senior Officers

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

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**Note:**

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

**Question Time:**

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

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

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

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

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

**1 Opening**

**1.1 Meeting Opening and Introductions**

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

Administrator, Peita Duncan;

Administrator, Christian Zahra; and

Chief Executive Officer, Craig Lloyd.

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

Emma Appleton, Director Planning and Development;

Agata Chmielewski, Director Community Wellbeing;

Sarah Renner, Director Corporate and Customer Services;

Debbie Wood, Director Infrastructure and Environment;

Janine Morgan, Executive Manager Public Affairs; and

Jacinta Stevens, Executive Manager Office of Council and CEO.

**1.2 Apologies**

**1.3 Acknowledgement of Traditional Owners Statement**

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

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

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

**1.4 Diversity and Good Governance Statement**

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

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

**1.5 Acknowledgements**

**2 Declarations of Conflict of Interest**

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

# Recommendation

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

* **Scheduled Meeting of Council held on 16 July 2024.**

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

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

5.1 Whittlesea Business Network update

**5.1 Whittlesea Business Network update**

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

**Report Author:** Senior Business Engagement Officer

**In Attendance:** Acting Manager Economic Development

Senior Business Engagement Officer

# Executive Summary

The purpose of this report is to present to Council an update on the membership, outcomes, and to seek endorsement of the updated Terms and Conditions of the City of Whittlesea Business Network (Network).

The Network was endorsed by Council on 21 March 2022 to enhance and complement the Economic Development departments engagement with the local business community. In the resolution it was agreed that the progress of the Network would be reported to Council.

The Network aligns with Council’s Strong Local Economy Strategy 2022-2026 and the key direction to support successful, innovative local businesses to ensure a strong local economy.

Outcomes of the Network to date include:

* 378 businesses have joined the Network;
* Seven network events have been hosted and attended by 248 businesses;
* 77 members accessed business learning opportunities;
* 74 members nominated in the 2024 City of Whittlesea Business Awards;
* 254 members opted in to be listed on Council’s business directory online platform; and
* One Network member sits on Council’s Business Advisory Panel.

The Network is supported by City of Whittlesea Business Network Terms and Conditions (Terms and Conditions) that detail membership eligibility and benefits. The Terms and Conditions have been updated to support the membership needs and maintain the integrity of the Network.

After two years of operation the Network holds its position as a vital program that strengthens business to business connections and capacity building.

The Network is operational, and members of the Network have no delegation of authority or decision-making powers. Due to the operational and administrative nature of the Network, it is proposed that it will continue to be managed through the Economic Development department.

# Officers’ Recommendation

**THAT Council:**

1. **Endorse the updated City of Whittlesea Business Network Terms and Conditions at Attachment 3 and note any future updates to the Terms and Conditions will be endorse by the Director Planning and Development and approved by the Chief Executive Officer.**
2. **Note the success of the City of Whittlesea Business Network (Network) since its establishment on 21 March 2022 as outlined in the body of this report.**
3. **Note the results of the recent ‘Shaping the future of the City of Whittlesea Business Network’ engagement survey at Attachment 2 conducted between 5 February 2024 and 18 February 2024.**
4. **Note the Network will continue to be managed by the Economic Development department.**

# Background / Key Information

The Network was endorsed by Council on 21 March 2022 to enhance and complement the Economic Development department’s engagement with the local business community. In the resolution it was agreed that the progress of the Network would be reported to Council.

The Network provides a central network for all businesses. The Network aligns with the Council’s Strong Local Economy Strategy 2022-2026 and the key direction of fostering successful, innovative local businesses to ensure a robust local economy. The Network is managed by the Economic Development department.

Terms and Conditions have been established for the Network, which include membership eligibility and benefits.

The membership offers:

* Exclusive invitation to Network only events;
* Eligibility to enter the City of Whittlesea Business Awards;
* Business listing on Council’s business directory online platform;
* Exclusive access to opportunities for increased business skills, capability and lifelong learning; and
* Opportunity for one Network member to sit on Council’s Business Advisory Panel.

Brand elements and marketing materials support the promotion and the identity of the Network. To drive membership, the Network is actively promoted through the business eNewsletter and face-to-face business engagement as well as supported through Council’s corporate channels including Local Scoop, the corporate website and social media channels. The target of the Network is to increase membership by 100 members per year. This target will be reviewed in line with the development of any new Economic Development Strategy.

Members of the network have no delegation of authority or decision-making powers.

**Membership**

Since its inception, 378 businesses have joined the Network. These members vary in size, based on employee numbers and industry sectors, as shown in the Business Network Membership Snapshot (Attachment 1).

Among the members, 86 businesses have fewer than five employees. The professional services sector has the highest representation, with 76 members, followed by the health care and social assistance sector, with 56 members.

Additionally, 44 businesses applied for membership but were deemed ineligible according to the Terms and Conditions due to not being located within the City of Whittlesea and/or having a valid ABN.

Reflecting global 'work from home' trends, the Network includes 172 home-based business operators residing in the City of Whittlesea. Businesses using co-working spaces within the municipality are also part of the membership.

Network Engagement Survey

In February 2024, a Network engagement survey was conducted among members. The survey aimed to understand the key motivations for membership, the most valued aspects by members, and the benefits they have gained. A total of 32 members responded to the survey (Attachment 2).

The key findings are as follows:

* Networking opportunities offered by the Network have the highest engagement with 78% of respondents attending an event;
* 63% of respondents reported experiencing benefits or advantages through connections made at Network events;
* 72% of respondents have attended two or more Network events.

When asked about the benefits or advantages experienced, responses included new business relationships, new customers, referrals, and professional development opportunities.

Respondents also indicated that one of the barriers to attending events was the fixed schedule, specifically events held on Thursdays from 9am to 11am. This feedback has been addressed, and events are now scheduled on different days of the week, resulting in an increased number of registrations.

The new event schedule is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Day** | **Time** | **Location** | **# of Registrations** |
| Tuesday 30 April 2024 | 9:00am – 11:00am | Base, South Morang | 62 |
| Wednesday 31 July 2024 | 9:00am – 11:00am | Slices, Doreen | 71 |
| Thursday 21 November 2024 | 5:30pm – 7:30pm | TBC, Epping | TBC |

Networking Events

Seven networking events were exclusively hosted for Network members, attracting a total of 248 businesses.

Here is a breakdown of attendance for each event:

| **Day** | **Location** | **# of Attendance** |
| --- | --- | --- |
| 28 July 2022 | Republic Tavern, Epping | 42 |
| 6 September 2022 | Whittlesea Tech School, Epping | 27 |
| 23 February 2023 | Farm Vigano, South Morang | 40 |
| 24 August 2023 | Slices, Doreen | 31 |
| 15 November 2023 | PRACC, South Morang | 29 |
| 30 April 2024 | Base, South Morang | 33 |
| 31 July 2024 | Slices, Doreen | 46 |
| 21 November 2024 | TBC, Epping | pending |
| **Total** | | **248** |

Business Learning Opportunities

Members have been provided learning opportunities through an externally hosted online portal. Currently, 77 businesses have registered for portal access, with 35 members having completed the full suite of modules covering topics such as Business Strategy, Growth, Digital transformation and Innovation.

However, there is low awareness and engagement of the current static online learning format. There is an opportunity to revitalise the learning experience for members including hosting smaller, more frequent face-to-face workshops and seminars. These sessions would involve industry professionals, offering not only relevant content but also valuable networking opportunities.

This face-to-face approach has been tested with successful ‘spin-off sessions'. Two spin of sessions were held in May and June 2024 and consisted of 1.5-hour workshops presented by local business subject matters experts on the topics of Cyber Security and Growth Acceleration. These sessions delivered tailored learning content and fostered networking amongst participants.

Business Listing

254 businesses have chosen to feature on Council’s online business directory platform. Updates have been implemented on the platform in conjunction with the new Council website, promising a more personalised experience for members, enabling them to independently manage their business listing.

The business directory will be actively promoted through various Council communication channels, including Local Scoop, social media platforms, the Council’s website, the Economic Development eNewsletter, and through regular individual business interactions. One notable advantage of the directory is its potential to facilitate cross-promotion within the Network, fostering growth as part of our internal business directory listing approval process.

City of Whittlesea Business Awards

74 businesses nominated in the 2024 City of Whittlesea Business Awards 42 were existing members of the Network. An additional 32 businesses joined the Network specifically to participate in the awards program. These awards are extensively promoted through all Council communication channels. They provide businesses with a platform to enhance their brand, build trust, and establish themselves as leaders in their industry. The 2024 event saw attendance from over 200 business representatives.

### **Business Advisory Panel**

Through an expression of interest process, one member from the Network is appointed for a two-year period to the Business Advisory Panel. This offers the opportunity for the member to provide advice to the Business Advisory Panel that represents the voice of the Network members.

## Terms and Conditions

Following the review of the Network, the Terms and Conditions (Attachment 3) have been revised to formalise operational adjustments made since their initial endorsement. These changes are aimed at enhancing the integrity of the Network and ensuring its exclusivity for the City of Whittlesea business community.

Key updates include:

* Updating the eligibility criteria from ‘operates in the City of Whittlesea’ to ‘located in the City of Whittlesea’;
* Removing the $10 membership fee;
* Deleting reference to operational duration and future management, which were originally included in the Council-endorsed Terms and Conditions;
* Restricting attendance at events to a maximum of two representatives per business membership; and
* The Economic Development Department can modify the Terms and Conditions to be responsive to the Network’s needs which are required to be authorised by the Director Planning and Development and endorsed by the Chief Executive Officer.

Below details the updates to the Terms and Conditions.

### Membership

Updates include general changes to the format and wording for clarity. The key updates are as follows:

* Eligibility criteria from ‘operates in the City of Whittlesea’ to ‘located in the City of Whittlesea’ to support and focus on local businesses and their growth;
* Adding the wording, ‘Approved membership is ongoing until such a time they cease to be a member or circumstance change’. The reason for the change is due to the removal of the fee, the term of membership becomes inconsequential provided eligibility is still met; and
* Adding the following wording, to ensure good governance and maintain the integrity of the network.

1. Membership is open to all businesses that:

(d) ‘are not owned by a current employee or Councillor of the City of Whittlesea’

1. Membership will cease under the following circumstances:
   1. By request of the member to Economic Development;
   2. The business no longer holds a valid ABN; and
   3. The business ceases to operate from a physical location within the City of Whittlesea municipal boundaries.

### Membership Benefits for Business

Updates to the Membership Benefits for Business include general changes to the format and wording for clarity as well as to formalise benefits that are being offered that were not identified in the endorsed Terms and Conditions.

The key updates are as follows:

* Education
  + Automatic subscription to Economic Development’s monthly eNews.
* Business Awards
* Exclusive eligibility to enter the annual City of Whittlesea Business Awards.

### Membership Fee

The Council endorsed the Terms and Conditions, which included a $10 membership fee. However, a cost-benefit analysis demonstrated that administering this fee, including setup and collection costs, was not financially sustainable for the Council. Consequently, membership is now offered free of charge, limited to businesses located within the City of Whittlesea and holding a valid Australian Business Number (ABN). The wording has been updated to:

* ‘Membership is free of charge’.

**Management**

The following wording has been included to provide clarity that the Network is managed by the Economic Development department:

* ‘The Network is managed by the Economic Development department and will be reviewed in line with the development of any new Economic Development Strategy’.

**Term**

The following wording has been included to ensure the City of Whittlesea can cease the Network as needed:

* ‘The management of the Network has no set end date however the Economic Development department has the power to cease management of the Network at its discretion, related to operational priorities‘.

**Code of Conduct**

The following wording has been included to ensure members are transparent and honest regarding their eligibility:

* ‘Members must advise the Economic Development department of any change in circumstance that directly impacts membership eligibility’.

**Amendment, Modification or Variation**

The following wording has been included or amended to ensure that the Terms and Conditions are to be reviewed annually by the Economic Development Department and give the authority to the Director Planning and Development to amend, modify or make a variation to the Terms and Conditions as required:

* ‘The Terms and Conditions and Membership will be subject to review every year to support the Network to grow and adapt to business needs.’
* All amendments, modification and/or variations must be authorised by the Director Planning and Development endorsed by the Chief Executive Officer.

The Network was designed with the goal of achieving self-sufficiency and transitioning to external management by 1 July 2026. Over its two years of operation, the Network has provided the Economic Development department with valuable insights into the local business community, solidifying the Network as a crucial program supporting the robust local economy.

Due to the mutual benefit derived from the Network being managed by City of Whittlesea, it is proposed that the Network is continued to be managed by the Economic Development department.

Council Officers leverage their extensive knowledge of Network members, the broader business community, and industry trends to enhance member experiences through introductions and referrals.

Through ongoing management and strengthened Terms and Conditions, mechanisms are in place to foster continued growth of the Network. This includes offering training and programs that meet the evolving needs of businesses both now and in the future.

# 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.

Key Direction Three Successful and Innovative Local Businesses:

1. Our businesses innovate and thrive by adapting to technology and the circular economy.
2. Our economy has a diverse base that fosters small business development.
3. Our community has vibrant and competitive business precincts.

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

An engagement survey with members was undertaken in February 2024 to understand the main drivers for membership and what aspects are most valued by members. There were 32 respondents to the survey and the results have informed this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

The Network will continue to connect local businesses to increase local goods and service transactions. Fostering local trade can contribute to reducing transportation, carbon emissions and waste management.

Social, Cultural and Health

The Network will continue to provide the opportunity to improve mental health and wellbeing through connections with peers particularly for those working from home and in isolated conditions.

Economic

The Network supports economic outcomes and aligns with Whittlesea 2040's vision: A place for all. It offers local businesses opportunities to thrive, upskill, and increase business-to-business transactions. All costs associated with networking events are reinvested locally to support our local economy.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

The Network is actively marketed and will continue to be communicated and promoted through the Economic Development department channels including the business eNewsletter, and face-to-face business engagement.

Promotion is supported though Council’s corporate channels including, Local Scoop, the website and social media channels. Cross promotion also occurs through the Business Awards program and other Council or Economic Development department events.

Following a decision by Council the following will need to occur:

* Notification to members of the updated Terms and Conditions.
* Updated Terms and Conditions published on Council’s website.

Critical Dates

No critical dates.

# Declaration of Conflict of Interest

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

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

# Attachments

1. Business Network Membership Snapshot [**5.1.1** - 1 page]
2. Business Network Engagement Survey [**5.1.2** - 9 pages]
3. City of Whittlesea Business Network Terms and Conditions July 2024 [**5.1.3** - 3 pages]

5.2 Planning Scheme Amendment C266 - Rezoning 240 O'Herns Road, Epping - Request for Authorisation

**5.2 Planning Scheme Amendment C266 - Rezoning 240 O'Herns Road, Epping - Request for Authorisation**

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

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures  
Coordinator Strategic Land Use Planning

# Executive Summary

The purpose of this report is to seek Council approval to request authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C266 (the proposed Amendment). The proposed Amendment applies to 240 O’Herns Road, Epping (refer to Attachment 1) and proposes to rezone the subject site from the current Farming Zone to Comprehensive Development Zone Schedule 4: Aurora Comprehensive Development Plan (CDZ4). This will facilitate urban development of the site in accordance with the adopted strategic plans for the precinct.

In 2007, the majority of land in the Aurora precinct was rezoned to facilitate urban development. However, smaller individual parcels within the Aurora precinct that were in separate ownership at the time, including the subject site, were not rezoned and remained in the Farming Zone. The subject site is one of three properties remaining in the Farming Zone (refer to Attachment 2).

The initial Planning Scheme Amendment also applied planning controls to implement strategic plans to guide future development of the Aurora precinct. These plans were the *Aurora Comprehensive Development Plan (*ACDP) and the *Aurora Development Plan Part 2* (ADP2) (refer to Attachment 2 for the ADP2 Land Use Plan).

The plans nominate the subject site to be developed for a number of uses including commercial uses at the O’Herns Road frontage, mixed use incorporating high density residential in the centre of the site and medium density residential development in the northern half of the site.

The proposed Amendment will facilitate the development in accordance with the strategic plans and is limited to only changing the zoning of the land. The proposed Amendment will not apply any additional overlay or other planning controls, as they are already in place.

This follows the same approach taken for other properties not rezoned by the initial Amendment.

It is a Council requirement that prior to the rezoning of land in the Aurora precinct, the landowner must enter into a standardised Section 173 Agreement to specify relevant infrastructure contribution payments to provide the Aurora Infrastructure Requirements. The landowner for 240 O’Herns Road Epping has now entered into this agreement and will make the infrastructure contribution payments upon the development of the land.

Based on alignment with the strategic plans for the area, the proposed Amendment is deemed administrative in nature. The recommendation of this report is for Council to request the Minister for Planning authorise Council to prepare and exhibit the Amendment. Given the administrative nature of the Amendment, officers intend to apply to the Minister for Planning for an exemption to give notice of the Amendment in a newspaper and the Government Gazette. Adjoining owners and occupiers and relevant government agencies will be notified.

Noting the upcoming Local Government election, the recommendation notes that should the Minister for Planning grant authorisation, that the exhibition period will not commence until after the conclusion of the Local Government elections. The Amendment process will require Council to consider any submissions received from the exhibition period to be considered at a future Council Meeting.

# Officers’ Recommendation

**THAT Council:**

1. **Seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whittlesea Planning Scheme to amend the planning controls for the land at 240 O’Herns Road, Epping as follows:**
2. **Rezone the site from Farming Zone to Comprehensive Development Zone Schedule 4 in accordance with Attachment 3.**
3. **Note, should the Minister for Planning authorise Council to exhibit the Amendment:**
4. **Under delegated authority officers will apply to the Minister for Planning in accordance with section 20(1) of the *Planning and Environment Act 1987* to exempt Council from publishing a notice of the Amendment in a newspaper and in the Government Gazette.**
5. **The exhibition of the Amendment will not commence until after the Local Government elections which conclude on 26 October 2024.**
6. **Any submissions received during the exhibition period will be subject to a subsequent report to the incoming Council.**
7. **Note that officers will advise the owner of 240 O’Herns Road, Epping of Council’s decision.**

# Background / Key Information

**Site Context**

The subject site is located at 240 O’Herns Road Epping and is approximately 1.8ha in area. The site currently supports a dwelling and large shed. The site is generally rectangular in shape and is bounded by O’Herns Road to the south, Edgars Creek to the east, and future development land (zoned CDZ4) to the north and west. The site is in the southern extent of the Aurora precinct. It is approximately 500m west of the future Aurora Southern Town Centre and 1,500m south of the partially delivered Aurora Northern Town Centre. It is approximately 400m to the east of the O’Herns Road/Hume Freeway diamond interchange.

On the southern side of O’Herns Road is the Cooper Street Employment Area.

The site is currently affected by the Development Plan Overlay Schedule 23 (DPO23), the Vegetation Protection Overlay Schedule 2 (VPO2) and the Rural Floodway Overlay (RFO).

The overlay controls are not proposed to be altered under this Amendment.

The site is one of the last three properties in Aurora to be rezoned from Farming Zone (refer Attachment 2 – Aurora Precinct Zoning).

**Background Context- Aurora Estate History and Process**

The subject site is part of the original urban growth precinct of Aurora which covers part of the suburbs of Epping and Wollert. Whittlesea’s growth areas since expanded to the north with the extension of the Urban Growth Boundary and the gazettal of seven additional Precinct Structure Plans.

Amendment C41wsea Pt 1 which was gazetted in 2007, rezoned the majority of land within the Aurora precinct (approximately 87%) to CDZ4, incorporated the Aurora Comprehensive Development Plan, applied a Development Plan Overlay to the whole precinct (including the subject site), and exhibited the Aurora Development Plan. This development plan, the ADP2, was prepared in accordance with the Aurora Comprehensive Development Plan and Development Plan Overlay Schedule 23. The ADP2 was exhibited during the exhibition of C41wsea Pt1, and comment was invited. The APD2 was subsequently approved by Council in 2007. An amended version of the plan was approved in 2016.

The ADP2 provided the strategic plan for the development of the Aurora Precinct. This includes:

* Residential development for approximately 25,000 new residents
* Two town centres
* Two Community Activity Centres
* A rail corridor for the future Wollert Rail including two potential stations
* A library
* Three schools

*Development Contributions*

As the majority of the Aurora precinct was under one ownership, Development Victoria (Vic Urban at the time), it was determined that development contributions would be managed under Section 173 Agreements, rather than a Development Contributions Plan Overlay.

For the remaining private land holdings in the precinct, such as the subject site, the individual owners are required to enter into a Section 173 Agreement for Development Contributions when they are ready to develop their land. Once the agreement is executed, a Planning Scheme Amendment to rezone the land to the CDZ4 can commence.

Since the gazettal of Amendment C41wsea Pt 1, the Aurora precinct has been progressively developed in accordance with the ADP2. Land not rezoned with the initial Amendment has been rezoned via subsequent amendments C41 Pts 2-4 (2008, 2009 & 2012), C69 (2017) and C90 (2016) following the signing of Section 173 Agreements securing Development Contributions as part of the future development of the subject land.

**Amendment Process and Proposal**

Council received the request to rezone the site via the owner’s planning consultants, Human Habitats, in January 2022. The drafting of the Section 173 Agreement was based on the existing template for Aurora’s private landholdings. The Agreement imposes the liability to pay Development Contributions as the site is developed and details the per hectare rate to be applied and the indexation method. The relevant Agreement was signed by Council officers under delegated authority on 16 November 2023.

Once the agreement was signed, the Amendment has been able to progress. The updated Amendment documents have subsequently been submitted by the proponent and reviewed by Council officers.

The Amendment proposes to rezone the subject site to the CDZ4 (refer to Attachment 3), which references the incorporated document, *Aurora Comprehensive Development Plan*.

No other changes to the Whittlesea Planning Scheme are required as other planning controls have already been applied to the site as part of Amendment C41 Part 1 which implemented the planning controls to the broader Aurora precinct. These planning controls included:

* Development Plan Overlay Schedule 23,
* Vegetation Protection Overlay Schedule 2,
* Incorporated the Aurora Comprehensive Development Plan.

ADP2 has subsequently been approved under Development Plan Overlay Schedule 23 and provides for a range of uses across the subject site (refer to Attachment 2).The O’Herns Road frontage is nominated for commercial development, the centre of the site for mixed use development incorporating high density residential use and the rear half nominated for medium density residential development. Along the eastern boundary of the site will be a waterway reserve incorporating the Edgars Creek environs.

The application of CDZ4 is required to permit the uses nominated for the site in the APD2.

**Request for Exemption from Notification**

Due to the administrative nature of the Amendment and the previous significant and extensive exhibition of the original C41 Amendment and the 2016 amendment to the APD2, Council officers have had preliminary discussions with officer at the Department of Transport and Planning in respect to possible exemption from some of the statutory notification requirements for the Amendment by the Minister for Planning.

Amendments C41 pt 2-4, C69 and C90 which also rezoned private landholdings within Aurora, received either full or partial exemption from notification.

Noting the previous public exhibition of C41 and the ADP2 2016 amendment, the Department of Transport and Planning have indicated that they would likely support a partial exemption from broad notification of this Amendment. It is proposed that Council directly notify adjoining properties owners and occupiers, Prescribed Ministers and relevant statutory authorities of the Amendment. Council officers have “in principle” exemption from the Minister for Planning for broader advertising in newspapers and the Government Gazette.

**Contaminated Land Assessment**

The initial submission of Amendment documents and supporting assessments included a Preliminary Site Investigation (PSI) analysing the site’s potential for land contamination. Due to the presence of an above ground storage tank and the previous importation of fill from unknown sources, the PSI found the site posed a medium risk of land contamination.

In accordance with Planning Practice Note 30, Council officers requested further assessment be performed to determine if the site is potentially contaminated.

Soil sampling has occurred on site in response to the request for further assessment. This has advised there is no contamination on site including in the imported fill. The updated assessment has advised the site does not meet the definition of potentially contaminated land and there is no risk to human health.

In accordance with Ministerial Direction 19 – Amendments that may impact on the environment, amenity and human health, Council has engaged the Environmental Protection Agency (EPA) to provide preliminary advice on the Amendment. Noting, the presence of the above ground storage tank, the EPA’s preliminary advice recommends that a Preliminary Risk Screening Assessment (PRSA) be undertaken to review the preliminary site investigation and subsequent sampling, to confirm the adequacy of the assessment and that it has been done in accordance with the relevant standards. Noting, that the initial assessments have concluded that the site is not contaminated, it is considered that the PRSA and review can occur concurrently with the authorisation process and be finalised prior to exhibition.

**Rationale for Recommendation**

The proposed Amendment is considered strategically justified, as it aligns with all strategic plans for the Aurora area, applies the Aurora-specific Comprehensive Development Plan Zone Schedule 4 and adopts the approach taken to previous rezonings of properties within the Aurora precinct.

The Amendment is therefore considered administrative in nature. The report recommends Council resolve to begin the formal Amendment process through requesting Authorisation to prepare and exhibit the Amendment from the Minister for Planning.

If the recommendation is accepted, the future elected Council will be able to consider the merits of the Amendment and public submissions at a future Council Meeting and ultimately decide on whether the Amendment is adopted or abandoned.

# 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.

Aurora has been master-planned through the Aurora Comprehensive Development Plan and the Aurora Development Plan Part 2. This has provided for an innovative and environmentally sustainable approach to estate planning, has secured land for a future rail line extension and new stations, has oriented town centres around these future public transport hubs, has provided areas of commercial use, residential use and mixed use which support the urban area, and is complementary to surrounding development. This report continues to support the implementation of this plan.

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

Financial Management

The proponent is required to pay statutory fees to Council for the processing of the Amendment. Prior to Council submitting the Authorisation request, the proponent will also be required to agree to pay the costs of any Planning Panel which may be required for the Amendment. Council would need to cover the costs of any representation required at a Planning Panel. Noting the administrative nature of the Amendment it is considered that any issues to be reviewed by a Panel would be minor in nature.

Community Consultation and Engagement

If the Minister for Planning provides authorisation to prepare and exhibit the Amendment, it will be exhibited to adjoining landowners and occupiers for one month, in accordance with S19(1)(b) of the *Planning and Environment Act 1987.* Notice will also be given to prescribed Ministers and relevant statutory authorities. As noted in the report, it is proposed that Council will apply to the Minister for Planning for an exemption to giving notice in newspapers and the Government Gazette, noting that previous consultations completed and administrative nature of the Amendment.

Any submission received during exhibition will be reported to Council at a future Council Meeting and incorporated into consideration of the merit of the Amendment.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. Council decisions are to be made and actions taken in accordance with the relevant law.
2. The municipal community is to be engaged in strategic planning and strategic decision making.

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

The Amendment will implement the *Aurora Development Plan Part 2* which imposes a waterway reserve along the eastern portion of the site protecting and enhancing the existing natural feature, Edgars Creek.

Social, Cultural and Health

The Amendment will facilitate the delivery of diverse housing types through high and medium density dwellings. This creates more choice and opportunity for alternative household types to what was traditionally considered in growth area planning.

Economic

The nomination of the site for commercial uses as part of a secondary activity centre in the ADP2 will see varied and complementary uses to the adjacent Southern Town Centre. This creates and encourages the prospect of employment attracting uses, such as offices, providing the opportunity for living and working locally.

**Legal, Resource and Strategic Risk Implications**

No implications. A Preliminary Site Investigation has concluded that the site is not contaminated.

**Planning Assessment**

The Amendment responds to and implements a number of policy objectives from the Whittlesea Planning Scheme at the subject site. This is detailed in the Amendments draft Explanatory Report included at Attachment 4.

A summary of key relevant clauses from the Municipal Planning Strategy is outlined below:

* 02.03-1 Settlement – Urban Growth:
* 02.03-5 Built environment and heritage – Urban and building design through retention of local environmental features and landscape qualities.
* 02.03-5 Built environment and heritage – Neighbourhood character through incorporation of elements of the natural environment in the future development.
* 02.03-6 Housing – Housing Diversity by supporting greater housing choice in terms of size, type, and style to meet the needs of a diverse and changing population.
* 02.03-9 Development infrastructure and contributions by requiring development and infrastructure contributions to support the delivery of essential infrastructure in the growth areas and in established areas undergoing renewal.

A summary of key relevant clauses from State and Local Planning Policy is outlined below:

* 11.02-2S Structure Planning by implementation of the ADP2.
* 12.01-1L – Protection of biodiversity by facilitating the provision of buffers along waterways, wetlands and between sites of biodiversity value and urban infrastructure.
* 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs by:
* Protecting the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.
* Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
* 11.04-1S Contaminated and potentially contaminated land by ensuring contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.
* 16.01-1S Housing supply by:
* facilitating diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
* implementation of the ADP2 which in a growth area context provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.
* 17.01-1S Diversified Economy by protecting and strengthen existing and planned employment areas and plan for new employment areas.
* 17.02-1S Business by supporting development that meets the community’s needs for retail, entertainment, office and other commercial services.
* 19.03-1L Development and infrastructure contributions by apportioning costs fairly between landowners for development to the degree that each is assessed as contributing to the need for each item of infrastructure.

# Implementation Strategy

Communication

Council officers will notify the proponent for the Amendment of Council’s decision. As noted in the report above, if the Amendment proceeds to exhibition, adjoining landowners and occupiers will be notified of the Amendment.

Critical Dates

* Execution of Section 173 Agreement securing Development Contributions: November 2023.
* Council Meeting to resolve to seek Authorisation: 20 August 2024.
* Local Government Elections (caretaker period): 17 September – 26 October 2024.

# Declaration of Conflict of Interest

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

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

# Attachments

1. Subject Site and Context Plan [**5.2.1** - 1 page]
2. Aurora Land Use and Zoning Plan [**5.2.2** - 1 page]
3. C266 Proposed Zoning Plan [**5.2.3** - 1 page]
4. C266 Draft Explanatory Report [**5.2.4** - 11 pages]

5.3 Planning Scheme Amendment C251 - Rezoning 307 Bridge Inn Road & 390 Masons Road, Mernda - Exhibition Outcomes

**5.3 Planning Scheme Amendment C251 - Rezoning 307 Bridge Inn Road & 390 Masons Road, Mernda - Exhibition Outcomes**

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

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures  
Coordinator Strategic Land Use Planning

 Attachment 6 has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

# Executive Summary

This report details the outcomes of the public exhibition of Planning Scheme Amendment C251 and includes consideration of submissions and the recommended next steps.

Amendment C251 applies to approximately 56 hectares of land across two parcels of land at 307 Bridge Inn Road and 390 Masons Road, Mernda (subject site). The sites are bisected by the Urban Growth Boundary (UGB), with the land within the UGB currently zoned Farming Zone (FZ) and the land outside the UGB zoned Green Wedge Zone (GWZ).

The Amendment proposes to rezone the urban land within both parcels, totalling 21Ha, from FZ to General Residential Zone 1 (GRZ1), apply the Development Plan Schedule 27 (DPO27), and the Vegetation Protection Overlay Schedule 1 (VPO1) to the rezoned land to guide its future development. The balance 35 hectares of non-urban land will remain in the existing Green Wedge Zone (GWZ). Please refer to Attachment 1 for a context plan of the subject sites.

The Amendment will facilitate the development of the ‘urban’ land for residential purposes including opportunities for housing at similar densities to adjoining residential areas and potential for retirement living and aged care, which will be further resolved at the Development Plan stage of the planning process.

The amendment also facilitates the assemblage of the Quarry Hills Regional Parkland (the Parkland), now known as Quarry Hills Parkland, with the GWZ land transferred to Council and incorporated into the Parklands. The new residential community will benefit from the amenity and recreational opportunities afforded by being in close proximity to the Parkland.

Council resolved to requested Authorisation from the Minister for Planning to prepare and exhibit the Amendment at its March 2023 Council Meeting. The Amendment (refer to Attachment 2) was then exhibited to surrounding owners, occupiers and potentially affected agencies and prescribed Ministers in August and September 2023. Sixty-eight owners and occupiers were notified, including the owners and operators of the Wollert Landfill which is approximately one kilometre to the west of the subject site.

Nine submissions were received including; one from the Landfill operator, four from residents, two from consultants (one on behalf the proponent and one on behalf of a potential purchasers), one from a local real estate agent and one from the Environmental Protection Agency (EPA). One resident’s submission included a petition signed by 175 residents opposing the Amendment.

The issues raised in submissions included: land use compatibility with the nearby landfill, noise and disruption during development, impact on the road network, loss of open space and views, and current noise and odour issues from the landfill operations. These issues are discussed in more detail in the body of the report. All submissions are summarised and recommended officer responses provided in Attachment 3.

As a number of submissions can not be resolved, the report recommends that Council request that the Minister for Planning appoints an independent Planning Panel to consider all submissions. Further, in line with standard practice, the report recommends that Council Officers be authorised to continue discussions to seek resolution of unresolved submissions in the lead up to the Planning Panel hearing.

Following the hearing, the report and recommendations of the Planning Panel will be reported to a future Council. Council will be required to consider the Panel report and make a decision on the proposed Amendment.

# Officers’ Recommendation

**THAT Council:**

1. **Request the Minister for Planning appoint an independent Panel to consider all submissions made in relation to Planning Scheme Amendment C251 to the Whittlesea Planning Scheme.**
2. **Note that officers will refer all submissions to the Panel once appointed by the Minister for Planning.**
3. **Note that for the purposes of submissions to the Planning Panel, the preferred Amendment Documents should be generally in the form of the exhibited documents at Attachment 2.**
4. **Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations within this report and Attachment 3.**
5. **Advise the proponent, submitters and Planning Panels Victoria of point 1 above.**

# Background / Key Information

**Subject Site**

The subject site consists of two properties located in Mernda between Bridge Inn Road to the south, Masons Road to the south, west of the established residential and east of Darebin Creek (refer to Attachment 1). The properties are located at the interface of the urban area of Mernda and Green Wedge land. The properties are currently used for farming, mainly grazing.

To the south and east of the properties, the land is residential and was developed in accordance with the Mernda Strategy Plan and Amendment VC68 (Delivering Melbourne’s Newest Sustainable Communities) which expanded the UGB in 2010. Land to the north and west is in the Green Wedge. The two sites total approximately 56 hectares in area, 21 hectares of which is proposed to be rezoned for residential development. The balance of 35 hectares is proposed to be transferred to Council and incorporate into the Quarry Hills Parkland.

**Expansion of Urban Growth Boundary (UGB)**

In 2010, Planning Scheme Amendment VC68 (Delivering Melbourne’s Newest Sustainable Communities) was enacted by the Minister for Planning and expanded the UGB around Melbourne’s growth areas. The UGB is a boundary around Melbourne which directs all metropolitan growth and activity inside this boundary and protects the land outside the boundary for peri-urban and rural uses (known as the ‘green wedge’). The VC68 process identified new parcels of non-urban land which were potentially suitable for urban development and incorporated them into the UGB. This was in response to the directions from Plan Melbourne (*Melbourne @ 5 million*) which identified that an additional 600,000 dwellings would need to be accommodated within Melbourne over the following 20 years.

The subject land was partially brought into Metropolitan Melbourne for residential use as part this amendment (refer to Attachment 4), with the UGB expanded to bisect the sites at the 185m contour line. The zoning did not change with the Amendment and remained non-urban (Farming Zone) with the direction being that it could be rezoned for urban use subject to further strategic planning and assessments.

**Quarry Hills Parkland**

Quarry Hills Parkland (the Parkland) was first proposed in the South Morang Local Structure Plan (SMLSP), approved in February 1997. The subdivision of land within the SMLSP facilitated the transfer of the first landholding for the Parkland to Council. The Parkland has since been designated a regional park due to its environmental and cultural significance, as well as the major facilities to be provided.

The North Growth Corridor Plan (GAA, 2012), draft Northern Metro Land Use Framework Plan (Department of Environment, Land, Water and Planning, 2021) and Whittlesea Municipal Planning Strategy (MPS) recognise the Quarry Hills Parkland as regional open space.

The Parkland has been master-planned by Council to expand the former Quarry Hills Bushland Park ensuring vital recreation, habitat and biodiversity facilities are protected and enhanced. The transfer of land for the Parkland from private ownership to Council ownership has been linked to the rezoning of land brought into the UGB since the 2010 expansion. As the UGB is determined by the 185m contour line, rather than property boundaries, most properties feature land both inside and outside of the UGB. As landowners seek the rezoning of the urban portion of their properties, the non-urban portion is transferred to Council for use in the Parkland. This is secured via a voluntary Section 173 Agreement.

The Parkland currently comprises 400 hectares in Council ownership, with the ultimate size being potentially 1,100 hectares by 2040. The parkland will also contribute to Department of Transport and Planning’s strategy for establishing a Grassy Eucalypt Woodland Protected Area (MSA 2021).

The *Quarry Hills Regional Parklands Future Directions Plan* has been prepared in partnership with DELWP, through collaboration with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, and through consultation with the community and stakeholders.

The Plan has identified five key objectives to achieve the vision for the Parkland:

* The creation of 1100 hectares of Parkland will be valued for its ancient and ongoing Wurundjeri Woi-wurrung connection and the opportunities for exchange of knowledge.
* Council commits to a process of self-determination, to return cultural practices on Country, to Traditional Owners.
* The Parkland will be regenerated to ecological health and vitality, to underpin health and wellbeing of the community.
* The Parkland will provide rich cultural, and landscape experiences for the community, a place for exploration, reconciliation healing and learning.
* Lead by a governance model where Council, and Traditional Owners become partners in the future direction of the Parkland.

**Amendment Process**

In 2020, Council received the request to begin the rezoning process from the landowners, Pitamara Pty Ltd. (the proponent). As mentioned above, before the Planning Scheme Amendment process begins, the transfer of the non-urban land to Council following rezoning must be secured via a Section 173 Agreement.

In respect to the open space land the agreement requires that the land be transferred to Council within 90 days of the Gazettal date of this Amendment. The agreement also requires that the land be free of encumbrances and contamination prior to transfer.

This agreement also covers the requirement to pay Development Contributions to fund local infrastructure, open space and community facilities in the surrounding area and the imposition of a Growth Area Infrastructure Contribution (GAIC) equivalent contribution. This is a contribution is usually charged by the State to fund higher order infrastructure in the broader area. In this instance, the State GAIC is not triggered as the land will not be rezoned to the Urban Growth Zone. In lieu of this, Council imposes an equivalent charge which Council will manage and use to contribute to the provision of higher order infrastructure.

The Section 173 Agreement was signed and sealed by the Council delegate on 25th August 2022.

**Amendment Proposal**

Council resolved to requested Authorisation from the Minister for Planning to prepare and exhibit the Amendment at its March 2023 Council Meeting.

The Amendment proposes to rezone the urban portion of the subject site within the UGB from Farming Zone to the General Residential Zone to enable development for residential purposes consistent with the North Growth Corridor Plan (Growth Areas Authority (GAA), 2012). The Amendment will facilitate the development of the ‘urban’ land for residential purposes including opportunities for housing at similar densities to adjoining residential areas and potential for retirement living and aged care, which will be further resolved at the Development Plan stage of the planning process.

The new residential area will benefit from the amenity and recreational opportunities afforded by its proximity to the Quarry Hills Parkland. The new homes will be also well serviced by existing services and infrastructure in Mernda including schools, shops, community and recreational facilities.

In addition, it is proposed to apply the Development Plan Overlay (Schedule 27) and the Vegetation Protection Overlay (Schedule 1) to the land proposed to be rezoned.

This is in line with the rezoning of neighbouring sites which were brought into the UGB with the 2010 expansion and have subsequently been rezoned. The DPO and VPO will ensure logical, coherent development that considers conservation values. The future Development Plan assessment will consider appropriate interfaces to the Quarry Hills, ensuring its protection from urban encroachment.

Land to be transferred to the Quarry Hills Parkland will be retained in the Green Wedge Zone.

**New EPA buffer distances – December 2022 exhibition**

In December 2022 the EPA exhibited new draft guidelines for industry separation and landfill buffer distances. The proposal saw the current landfill buffer distance increase from 500 metres to 1,500 metres.

This had the potential to bring the subject site within the proposed buffer distance of the existing Wollert Landfill. Council Officers consulted with the EPA to determine if the Amendment would be impacted by the new draft guidelines.

The EPA provided Council officers with a plan of the landfill site identifying former, current and future approved landfill cells, and advised features to measure from to determine the separation distance. It was determined and confirmed by the EPA that the subject sites remained outside the proposed 1500 metre buffer distances (refer Attachment 5). With this advice, exhibition of the Amendment was advanced.

# 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.

Residential development of the subject sites will be guided by a Development Plan to ensure well planned and orderly development. The land to be incorporated into the Parkland will provide for active and passive recreation for future and existing residents.

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

Financial Management

The cost of conducting the Panel Hearing will be borne by the proponent.

In accordance with the Planning and Environment Act 1987, the proponent is also required to pay Council a fee to assist with the resources required to consider submissions.

Council will be responsible for covering the cost of any representation or evidence it requires at the planning panel which will be from its operational budget.

A Section 173 Agreement has been signed with the proponent which provides for the transfer of the non-urban land for $1 consideration. The agreement also requires that the land is free of encumbrances and contamination.

The Section 173 Agreement also implements the requirement to pay development contributions and a GAIC equivalent contribution to contribute to infrastructure.

Community Consultation and Engagement

**Exhibition Details**

The Amendment was publicly exhibited from 29th August 2023 to 1st October 2023. Notifications were sent to 68 owners and occupiers adjacent to the subject sites, to seven potentially affected agencies, including the EPA, and prescribed Ministers. Notification was also published in the Northern Star Weekly on Tuesday 29th August and in the Government Gazette on 31st August.

Nine submissions were received during the exhibition. The key issues are discussed below and summarised in Attachment 3.

**Submissions Response**

Hanson Submission

Hanson, the operator of the Wollert Landfill submitted an objection to the Amendment. The submission stated the Amendment would create land use incompatibility by allowing a sensitive use to establish within the landfill odour buffer. It continues that this is due to the subject sites falling within the draft EPA 1,500m buffer distance. It advised that the EPA supported measurements, detailed above, were incorrect and failed to account of all future approved landfill cells. Hanson also noted the Amendment contained no justification for an apparent reduction to the buffer or any details on how this reduction would be managed and risks mitigated.

Having received this submission, Council officers engaged further with the EPA to establish the distance between the subject site and all former, current and future approved landfill cells. Council officers had relied on the EPA for this calculation as they issue the Works Authority that approves the landfill use and the area to which it applies.

This re-evaluation found the full extent of the Works Authority area had not been shared with Council, with landfill cells further east than originally advised. This brought the subject sites within the 1,500m buffer, with 307 Bridge Inn Road approximately 1,130 metres from the eastern most cell and 390 Masons Road 1,030 metres from the nearest cell.

The draft guidelines feature a noted advising “*The 1500m buffer may be varied to a minimum of 1000m with an appropriate odour risk assessment that demonstrates an alternative buffer is acceptable.”*

The EPA and Council advised the proponent of the new calculations and the need for the odour risk assessment to determine if a reduced buffer was appropriate in this situation. The Amendment was paused while this assessment was undertaken.

The odour assessment, performed by PEC, found that due to the prevailing winds at the Landfill, the risk to health and amenity posed by odour was acceptable in the area 1,000m-1,500m from the landfill at the subject site. EPA has reviewed and endorsed the outcomes of the assessment. They noted the assessment measured the odour risk from the eastern most landfill cell only. They request additional assessment from other cells north of the assessed cell be undertaken for completeness, advising it is unlikely that this will change the results of the assessment. This further assessment has been performed and again finds that due to the prevailing winds, the risk to health and amenity posed by odour was acceptable at the subject sites.

Council officers will forward this onto the EPA for their review. It is considered the Amendment process, and the scheduling of the Planning Panel can progress in the meantime noting the assessment again supports the reduced odour buffer.

Objection and Petition from adjoining Residents

Four submissions were received from neighbouring residents. The submissions included three objections and one advising of their concerns with the Amendment. One submission included a petition signed by 175 residents (refer confidential Attachment 6) from the broader Mernda area objecting to the Amendment.

The key issues raised in the submission are listed below:

*Construction noise and disruption*

One submission noted concerns about disruption during development including increased traffic on the roads, dust, noise and other disruptions. This issue has been reviewed and it is noted that any future permit will require a Construction Management Plan be endorsed by Council and implement control measures to minimise disruptions on existing residents.

Noise and dust are also managed by noise and environmental regulations respectively and compliance action can be taken if the contractors do not accord with the endorsed plans or regulations.

*Traffic and congestion post-development*

Three submissions raised concerns in respect to traffic and congestion. The Amendment proposes to apply DPO27 to the rezoned land to guide future development.

This includes the requirement to prepare a transport strategy which will include a detailed assessment of the existing conditions and response to ensure the additional development is acceptable from a transport and traffic management perspective.

The DPO27 requires the network to have a high degree of connectivity and permeability. There is the opportunity to provide multiple connections from the existing local road network to the development site to appropriately distribute and manage traffic. There are three existing roads that will be extended into 307 Bridge Inn Road from the east and two which will be extended into 390 Masons Road from the east. There is also an opportunity to investigate new connections to Masons Road to improve the distribution of traffic. The development of the site has been factored into higher order transport analysis in respect to the arterial road network.

*Loss of open space, habitat, views, and community identity*

Three submissions were concerned that the Amendment would result in the loss of open space, habitat, views and community identity. In response, it is considered that the proposed Amendment will significantly benefit the provision of and protection of open space as it will facilitate the inclusion of 35 hectares of land into the Quarry Hills Parkland at no cost to the community. The Quarry Hills Parkland will be approximately 1,100 hectares in size once completely assembled and will provide residents with a range of passive and active recreation opportunities and provide an enduring and permanent development boundary preventing any further urban expansion. The Parkland will also protect and conserve significant land of conservation and landscape values.

*Landfill impacts*

One resident’s objection was based solely around concern for the negative amenity impact caused by the Wollert Landfill. This includes smoke and noise from the incinerator and general odour. As discussed above, in response to this issue an odour risk assessment has been undertaken to determine the impact of the landfill on the subject sites. The assessment found that the impact on human health and amenity on sensitive uses at the subject site from the landfill is acceptable. The Assessment has been reviewed, evaluated and accepted by the EPA.

**Rationale for recommendation**

The objections received have all recommended that Council abandon the Amendment for the reasons outlined above. The submissions contain no requested changes to the Amendment or the proposed planning controls.

In accordance with S23(1)(a) - (c) of the *Planning and Environment Act 19*87, Council has the following options:

* change theamendment in the manner requested; or
* refer the submission to an independent panel appointed under Part 8; or
* abandon the [amendment](https://www5.austlii.edu.au/au/legis/vic/consol_act/paea1987254/s3.html#amendment) or part of the amendment.

Noting that the submissions do not request changes, there is no opportunity to amend the proposed planning controls in response to the submissions.

It is considered that the strategic basis for the Amendment remains sound, and the Amendment will produce a net community benefit through the transfer of open space to Council. Therefore, it is recommended that Council request that the Minister for Planning to appoint a Panel and that the submissions received be referred to the independent panel.

The Planning Panel process provides an opportunity for independent Panel to consider the issues raised in the submissions and for the submitters to make representations to the Panel. The Panel will ultimately make recommendations to Council as the Planning Authority on the Amendment. A report will be presented to a future Council meeting on the outcomes of the Planning Panel process and Council will have an opportunity to make a final decision on the Amendment.

It is noted that, in accordance with S30 (1) (a)-(b) of the *Planning and Environment Act 1987*, that the Amendment automatically lapses if it is not adopted by the planning authority within two years of the commencement of exhibition. For this Amendment the date would be 29 August 2025. As such, it is important to keep the Amendment process progressing to provide sufficient time for Council to make a decision on the Amendment prior to this date.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

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

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

Public Transparency Principles

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

# Council Policy Considerations

**Environmental Sustainability Considerations**

The Amendment will protect land of environmental importance by incorporation of land into the Quarry Hills Parkland. This is in line with a number of Council policies that reference or guide the planning of the Quarry Hills Parkland including:

* South Morang Local Structure Plan (1997);
* Open Space Strategy (2016);
* Green Wedge Management Plan (2023);
* Environmental Sustainability Strategy (2013);
* Quarry Hill Bushland Park Masterplan (2009); and
* Quarry Hills Parkland Future Directions Plan (2023).

The DPO27 features a number of sustainability focused requirements for the development of the site. These include:

* Retention of existing native vegetation;
* Incorporation of a cycling network within the street network;
* Innovative subdivision layout, urban design and built form responses that respond to the site and park interface;
* A landscape strategy that is to consider the enhancement of habitat values in open spaces; and
* A stormwater management strategy which considers water sensitive urban design principles which provides for protection of natural systems and integrated water management.

Social, Cultural and Health

The Quarry Hills Parkland Future Directions Plan was created in close collaboration with the traditional owners, the Wurundjeri Woi-wurrung. A key part of the plan is to return cultural practices to Country.

Economic

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

**Legal, Resource and Strategic Risk Implications**

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

With respect to Strategic Risks, the Amendment implements the Parkland assemblage method Council first adopted in the South Morang Local Structure Plan (1997) and which has continued to be a strategic priority. Should the Amendment be abandoned, the continued assemblage of the Quarry Hills Parkland will be put at risk.

The Section 173 Agreement which secures the transfer of the land into the Quarry Hills Parkland ensures that the land is to be transferred free of encumbrances and contamination.

**Planning Assessment**

Municipal Planning Strategy

* Clause 02.03-1 of the Whittlesea Planning Scheme (Settlement – Urban growth) seeks to protect the non-urban breaks between growth areas, to reinforce the urban growth boundary while protecting environmental assets.

*Response*: In rezoning the land, a hard border between urban and Green Wedge land is implemented with protection of the green wedge land a prime consideration.

* Clause 02.03-9 of the Whittlesea Planning Scheme (Settlement – Open space) seeks to facilitate the assembly of the Quarry Hills Regional Parkland.

*Response:* In facilitating the proposed rezoning of part of the subject site, Council will be transferred the balance of 35 hectares of land for the Quarry Hills Regional Parkland.

Planning Policy Framework

* Clause 11.01-1L of the Whittlesea Planning Scheme (Green wedge areas) seeks to define boundaries that preserve the integrity of both rural and urban areas.

*Response:* The amendment supports a natural, landscape-based boundary to urban growth, including use of identified open space, such as Quarry Hills Regional Parkland.

* Clause 11.02-3S of the Whittlesea Planning Scheme (Sequencing of development) seeks to require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport, and roads.

*Response:* If the Amendment is gazetted, the payment of Development Contributions and Growth Area Infrastructure Contribution (equivalent) will be required in accordance with the existing Section 173 Agreement between Council and the landowner.

* Clause 16.01-1S of the Whittlesea Planning Scheme (Housing supply) seeks to ensure an appropriate quantity, quality and type of housing is provided.

*Response:* The proposed rezoning will facilitate 21 hectares of additional residential land in the growth area of Mernda.

The preparation of a Development Plan in accordance with DPO27 will guide the delivery of high-quality residential development and neighbourhood design.

State Government Planning Strategies

The Amendment is consistent with and implements:

* The North Growth Corridor Plan (2012) which identifies the urban land for residential use and the non-urban land for open space as part of the Quarry Hills Regional Parkland.
* Plan Melbourne (2014) which identifies the Quarry Hills Regional Parkland.
* Draft Northern Metro Land Use Framework Plan (2021) which seeks to secure a 15-year supply of housing and protect the green wedge.

# Implementation Strategy

Communication

All submitters and the proponent to the Amendment will be notified of the Council Meeting date and the outcome of the Council meeting as per resolution no. 4.

Critical Dates

* Section 173 Agreement detailing transfer of non-urban land to Council was signed: 25 August 2022
* Council Resolution to seek Authorisation to prepare and exhibit Planning Scheme Amendment C251: 21 March 2023
* Authorisation granted by the Minister for Planning: 24 July 2023
* Exhibition of Amendment: 29 August 2023 – 1 October 2023
* Date the Amendment will lapse if not adopted: 29 August 2025

# Declaration of Conflict of Interest

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

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

# Attachments

1. Context Plans [**5.3.1** - 2 pages]
2. Amendment Documents Exhibition Version [**5.3.2** - 11 pages]
3. Submissions Table and officer response [**5.3.3** - 9 pages]
4. Northern Growth Corridor Plan [**5.3.4** - 1 page]
5. Landfill Buffer Plan [**5.3.5** - 2 pages]
6. CONFIDENTIAL REDACTED - Petition - Opposition to Amendment C251wsea [**5.3.6** - 14 pages]

5.4 VR Michael Reserve Master Plan

**5.4 VR Michael Reserve Master Plan**

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

**Report Author:** Open Space Planner

**In Attendance:** Manager Urban Design & Transport

Coordinator Open Space Planning

# Executive Summary

* The VR Michael Reserve Master Plan was initiated in response to a petition tabled at the Council meeting on 12 December 2022, requesting an increase to car parking spaces and accessible parking at VR Michael Reserve in Lalor. The Council resolved to:
  + Undertake a park masterplan in the 2023-24 Financial Year for a more comprehensive approach to park planning for existing and future uses.
* The Open Space Planning Team has developed the VR Michael Reserve Master Plan which provides a vision, objectives, recommendations and prioritisation for future development of the park over 10 years.
* Consultation and engagement for the VR Michael Reserve Master Plan have now concluded, and changes have been made to the final document for endorsement. The consultation responses on the draft master plan demonstrate strong community support for the Master Plan.
  + As a result, nine new or amended recommendations have been included to address the community's feedback. These are outlined in the Community Consultation and Engagement section.
* The Master Plan significantly improves accessibility and car park provision in response to the petition. In addition to the recently upgraded lower car park, the master plan further recommends extending the main car park and adding a vehicle drop-off area next to the Bocce Social Club.

The purpose of the report is to:

* Provide an update on the outcomes of the community consultation for draft VR Michael Reserve Master Plan; and
* Seek endorsement of the VR Michael Reserve Master Plan for implementation.

# Officers’ Recommendation

**THAT Council:**

1. **Endorse the VR Michael Reserve Master Plan;**
2. **Note the draft VR Michael Reserve Master Plan has been revised to reflect the Youth Council and broader community feedback gathered during the phase two consultation undertaken from 22 April to 20 May 2024;**
3. **Note the funding for the implementation of VR Michael Reserve master plan actions will be subject to Capital Works program budget considerations in future years; and**
4. **Thank all submitters to the VR Michael Reserve master plan for their contribution.**

# Background / Key Information

**Overview of Master Plan**

The VR Michael Reserve Master Plan (the Master Plan) guides and provides direction for future upgrades and improvements to VR Michael Reserve.

The Master Plan proposes a variety of facilities in VR Michael Reserve to cater to different age groups, ensuring that everyone from children to the elderly can enjoy the space. These facilities are designed not only to meet the current needs of the community but also to accommodate the future needs of Epping's growing population as the area develops. The range of existing and proposed methods of access to VR Michael Reserve, as outlined in the Epping Central Structure Plan, will facilitate access to VR Michael Reserve for future communities. This thoughtful planning ensures that the park will contribute to the proposed network of open spaces in Epping Central and will continue to be a valuable and well-used resource for years to come.

The Master Plan responds to insufficient car parking (on days of Bocce Club gatherings), safety issues, connectivity and community needs along with recommendations to improve the natural environment.

The master plan will enhance Council’s preparedness for advocacy, contributing to better open space and urban design outcomes. This includes addressing challenges such as rail corridor land acquisition and ensuring a balanced approach to open space loss.

As per the Council resolution, a plan to upgrade the existing gravel parking lot located in the southeast of VR Michael Reserve has been completed. The upgrade includes the construction of a Disability Discrimination Act (DDA) compliant shared path from the car park to the Lalor Bocce Social Club within the reserve, the extension of the existing footpath along High Street as well as the provision of 24 car parking bays.

**Context**

VR Michael Reserve (the Reserve) has an area of approximately 7.4 hectares which is generally characterised by open grassed area comprising several facilities including play space, Lalor United Bocce Social Club, basketball court, picnic facilities, public toilet and car parking. The Playground equipment was upgraded in 2018. The site exhibits varied topography, particularly noticeable on the eastern side, with a steep slope between High Street and the Bocce Social Club. It is bounded by High Street to the east, Deveny Street to the north and residential back fences on the west and south.

The Reserve is outlined in the City of Whittlesea Open Space Strategy as a Municipal Open Space Reserve in Lalor which is characterised as a predominantly non-sporting reserve.

The Open Space Strategy recommends maintaining the park and providing exercise equipment, more seating and shelters with BBQs.

Geotechnical investigations were completed in 2012, revealing a history that includes basalt quarrying prior to 1960. Subsequently, during the 1960s and 1970s, the area served as a municipal tip, likely operated by the City of Whittlesea. The Environmental Protection Authority (EPA) has confirmed its recognition as a former municipal landfill, operational from 1974 to 1978, spanning 7.5 hectares and accumulating approximately 250,000m3 of waste.

The Epping Central Structure Plan 2023 outlines a proposed off-road shared path and two options for the alignment of the future Wollert Rail Corridor that passes through the eastern side of the reserve diagonally. Council Advocacy Prospectus 2023-25 advocates for the construction of the rail corridor by 2030, however, the Victorian Government has not yet committed to the timing or funding of this project.

The Reserve was identified as one of the most popular in Lalor and Epping in the community survey undertaken in 2018 for the Whittlesea Open Space Strategy.

Key data for Lalor include:

* 23,587 residents in 2021;
* 46.5% of households are couples with children;
* 32% of households are couples without children;
* 23.4% of population are 60+ years of age;
* 30.2% of population are less than 25 years of age;
* Median age is 37;
* 53% were born overseas;
* 70% speak a language other than English at home;
* 35-39 is the dominant age group forming 7.9% of Lalor’s population;
* Italian and Indian are the dominant cultures/groups in Lalor after Australians;
* 6.51% canopy cover (Greening Whittlesea City Forest Strategy, 2020-2040);
* 24 square meter provision of usable (unencumbered) open space per resident (Open Space Plan, 2016); and
* 19 square meter projected provision of usable open space per resident (projected population 2041).

The Dog off-leash Area Policy & Management Plan 2016-2026 proposes VR Michael Reserve as future dog off-leash area. It is outlined as 'open unstructured' dog off-leash area with an allocation of 1.353ha of 7.07ha reserve.

**The vision of the Draft Master Plan**

VR Michael Reserve is an accessible, inclusive and vibrant reserve that offers a variety of informal recreational opportunities for individuals and families, catering to the diverse interests of our community. This reserve is a hub of inclusivity and engagement, where residents can celebrate and share cultural identity and diversity.

**Objectives**

* Promote inclusivity and accessibility;
* Enhance recreational opportunities;
* Improve aesthetics and environmental sustainability;
* Provide meaningful and safe play; and
* Activate and enhance spaces and interfaces of the future Wollert Rail Overpass.

The Master Plan sets out recommendations which are articulated through the key themes of Movement and Access, Informal Recreation and Park Infrastructure, and Environment and Landscape, to achieve the following outcomes for the community (Refer to Attachment 1 - VR Michael Reserve Master Plan Report).

**Movement and Access**

Enhanced Accessibility: The realigned and upgraded concrete paths will make the park more accessible to a wider range of community members, including those with mobility challenges.

Improved Parking Convenience: The integrated and upgraded car parks, along with the proposed lighting and a proposed drop-off area adjacent to the Bocce Social Club, will enhance convenience for park users, ensuring a safer and more accessible parking experience.

Welcoming Entrances: Upgraded entrances with wayfinding signage, feature paving, and landscaping will create a more welcoming atmosphere, guiding visitors and enhancing the overall park experience.

Enhanced Accessibility for Bocce Club Users: Upgraded path connections between the central car park and the Bocce Social Club, proposed drop-off area, and DDA-compliant path from the lower car park to the Bocce Social Club, will significantly improve accessibility for Bocce Club members, ensuring a seamless and inclusive experience for all users. This enhancement will promote ease of access and participation in club activities.

**Informal Recreation and Park Infrastructure**

Increased Youth-Oriented Recreational Opportunities:The proposed outdoor gathering spaces featuring a solar-powered shelter/work station, fitness stations, and diverse informal recreational facilities beneath the future rail overpass including multi-use ball court, table tennis tables, skate features and bouldering wall will increase opportunities for social interaction, and physical activity within the reserve for young adults.

Safe and Diverse Play Experiences: The play space enhancements, including relocation to space further-away from roads, and the addition of nature-based areas, will provide a safe and enjoyable environment for children, fostering community engagement.

Improved Park Support Facilities: The addition of park furniture, signage, and regulated dog park areas will improve overall amenities, creating a more comfortable and informative park experience.

Enhanced public toilet: The proposed medium-term action to relocate the public toilets closer to the existing and proposed play space and picnic area, along with the short-term action of upgrading the access path to the existing public toilet, ensures immediate improvements in accessibility but also creates a more inclusive and convenient public toilet experience in the future.

**Environment and Landscape**

Enhanced Visibility and Safety:The reduction of dense vegetation, improved lighting and activation of the southwest area of the reserve, will enhance visibility, and reduce visual barriers, ensuring a safer environment for park users. Additionally, the proposed bocce court offers passive surveillance opportunities, enhancing public safety for the play space, picnic area, toilet, and exercise station within the vicinity.

Ecological Sustainability:The careful management of vegetation, including planting shade trees and maintaining buffer planting, will contribute to ecological sustainability and create a more environmentally friendly park.

Aesthetic Improvements:Replacing overgrown understory planting with low-maintenance plants and removing dead trees will lead to aesthetic improvements, creating a visually appealing and inviting park.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**  
We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.  
  
**Liveable Neighbourhoods**  
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

Well-planned, accessible open space is proven to have preventative health benefits including opportunities for the community to socially interact and undertake physical activities. The W2040 Liveable Neighbourhoods goal includes an indicator to increase use of open space. Providing additional value in existing open spaces and increased accessibility to these facilities is important to the health of the community.

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

Financial Management

The estimated budget required to implement the Master Plan is subject to further design development. The initial high-level costing estimates the total cost of Master Plan implementation at $4.8m. The inclusion of CPI adjustments over the life of delivery estimates overall implementation to be $6m.

Most of the improvements will be subject to consideration as projects within Council Capital Works programs including Asset Renewal Program, Playground Renewal Program and Greening Whittlesea.

Of the required $4.8m of funding, approximately $1.6m will be funded by existing asset renewal programs. Items requiring additional funding will be referred to Council’s annual budget process and external grant opportunities.

The plan also justifies the council's advocacy for the proposed facilities beneath the rail to be funded by the state government as part of the future Wollert rail project. With the estimated current cost for these facilities being approximately $590,000.

The operational and maintenance estimate to maintain the fully implemented master plan is $15,866p/a. This figure is in addition to maintaining existing elements proposed to be retained.

Community Consultation and Engagement

Feedback from the community and stakeholders have informed the development of the VR Michael Reserve Master plan. The engagement comprised of two phases:

a) Phase one, Information Gathering,26 June to 24 July 2023.

b) Phase Two, Draft Master Plan Exhibition, 22 April to 20 May 2024.

The second phase of consultation was undertaken between the 22 April 2024 to the

20 May 2024 and involved engaging key stakeholders previously consulted in phase 1 and the broader community through pop-up sessions and on Council’s digital engagement platform. The purpose of this engagement was to receive community feedback on the Draft VR Michael Reserve Master Plan and key recommendations, and their preferred priority upgrades to ensure that the future of the reserve reflects our community’s needs. Council officers continued engagement with key stakeholders during phase two consultation.

The project engage page received 226 visitors with 85 community members completing the online survey or providing feedback through pop-up sessions.

Council Officers spoke with 67 people across the three community pop-ups and had a separate meeting with the Lalor Bocce Social club committee.

The following stakeholders were invited to participate:

* Residents within 400m;
* Lalor Bocce Social Club committee and members;
* Epping Primary school;
* Peter Lalor Secondary College;
* Lalor Primary School;
* Lalor Secondary College;
* CALD women and girl groups; and
* Youth Council.

There were 54 contributions to the survey with most respondents supportive of the Master Plan and recommendations.

The following masterplan recommendations have been identified as the communities’ top four priorities for improvement:

1. Proposed lighting along the extended carpark;
2. Proposed integrated and upgraded carpark, comprising over 65 car parking spaces;
3. Realign and upgrade main paths within the reserve to concrete paths; and
4. Relocate the toilet block in proximity to the proposed play space and picnic area.

The consultation responses demonstrate the community supports the Master Plan with the inclusion of the following new or amended recommendations. Below is a summary of the community's comments and changes to the master plan reflecting their feedback:

|  |  |
| --- | --- |
| **Community’s Comments** | **Changes to Master Plan** |
| Specify the number of DDA car park spaces that could be allocated from the additional proposed car parking spaces; | Provide additional DDA parking bays, including two parking bays near the Bocce Social Club and one in the middle of the car park |
| Provide a delivery access path with a loading zone and trolley access path to the club delivery door located on the eastern side of the Bocce Social Club; | Develop a trolley access path to the Bocce Social Club’s delivery door with a loading zone |
| Provide an informal bicycle track/learn to ride loop to be far away from roads; | Develop a graphical bike loop for children as part of the proposed path and a short learn-to ride loop for younger kids next to the nature play area |
| Additional facilities including more seating and drinking fountains; | Provide sensor lighting for after dark use activities including lighting next to the dog park entry/exit and next to the sport court beneath the rail.   * + Note: The public toilet will be closed during evening hours and night time, so no lighting is required for this area and the access path. * Note: The proposed development of a City Public Realm Lighting Guidelines will guide decision-making in this area. |
| Fence off the proposed open unstructured dog off-lead area | Change the proposed unfenced dog off-lead area to a fenced-off area.   * Note: In the medium term, reassess the need for separated spaces for larger and smaller dogs, and consider if a more structured dog park is needed |
| Inclusion of public art in the reserve | Investigate the provision of integrated public art in the reserve and murals on the future Wollert rail corridor piles. |
| **Youth Council’s Feedback** | **Changes to Master Plan** |
| Provide youth-targeted areas within the reserve to include popular Leisure/sports activities for youths such as basketball, skateboarding, volleyball, tennis and general outdoor exercising using gym equipment, additional facilities such as playgrounds, modern seating areas, solar-powered tables for studying outdoors | Council to advocate for the proposed youth-oriented facilities beneath the rail to be delivered by the state government as part of the future Wollert rail project.  Install a solar-powered shelter/workstation in the proposed gathering area, providing renewable energy for device charging, Wi-Fi connectivity and outdoor studying opportunities |
| Safety concerns and request for additional lighting and security cameras | As mentioned above, the Master Plan has proposed lighting for evening use activities.  Regarding safety, the proposed and relocated facilities provide passive surveillance opportunities across the reserve. While the ability to propose activities on the eastern interface is limited due to the topography and steepness of the site, the proposed shared path from High Street and the new entry from the corner of High Street and Deveny Road will activate this interface and provide additional passive surveillance opportunities.   * Note: Council does not have an established CCTV program for the implementation of CCTV in public open space, which is paramount in ensuring privacy of park users. |

The successful implementation of the actions/recommendations outlined in the master plan is contingent upon securing adequate funding and alignment with the priorities of Council’s capital works program. In the event of sufficient budgetary allocation, it is anticipated that these actions could commence as early as the next financial year (2025-2026). Refer to financial implications for more information.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

The VR Michael Reserve Master Plan will contribute to a healthier and more sustainable environment through increased tree canopy cover, biodiversity, and sustainable infrastructure including integrated water management in the car park, passive irrigation of the native pollinator garden and new infrastructure.

Social, Cultural and Health

The VR Michael Reserve Master Plan will provide opportunities for physical activity, recreation, and relaxation. It can foster a sense of community and provide spaces for residents to come together, leading to improved social cohesion.

Economic

Upgrade of existing facilities in VR Michael Reserve and activating underutilised spaces will attract more people to the local area, enhance passive surveillance, improve perception of safety of the precinct, boost property values, and provide a positive impact on local economy contributing to economic growth.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Two phases of the consultation were undertaken as follows:

* 26 June to 24 July 2023: Community Engagement Phase one (Information Gathering).
* 22 April to 20 May 2024: Community Engagement Phase Two (Draft Master Plan Exhibition).

Critical Dates

Late August 2024: Closing the loop and providing update to the community with the final Master Plan.

# Declaration of Conflict of Interest

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

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

# Attachments

1. VR Michael Reserve Master Plan Report [**5.4.1** - 34 pages]

5.5 Delegation to Register for Carbon Offsets

**5.5 Delegation to Register for Carbon Offsets**

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

**Report Author:** Sustainable Organisation Officer

**In Attendance:** Manager Sustainable Environment  
Sustainable Organisation Officer

# Executive Summary

The City of Whittlesea applied and has been offered a grant as part of the State Government’s BushBank program to revegetate a section of the Quarry Hills Parkland. There is the potential to generate carbon offsets as part of the project in the form of Australian Carbon Credit Units. The registration of carbon credits occurs under the *Carbon Credits (Carbon Farming Initiative) Act 2011* with the Clean Energy Regulator.

To enable Council to register with the Clean Energy Regulator, Council must provide evidence that the executive officer has authority to act and sign on behalf of our organisation. The officer recommendation is seeking the necessary authority for the CEO to progress the registration process.

# Officers’ Recommendation

**THAT Council:**

1. **Authorise the Chief Executive Officer** **to act on Council's behalf under the *Carbon Credits (Carbon Farming Initiative) Act 2011.***
2. **Authorise the Chief Executive Officer to sign and execute agreements with the Clean Energy Regulator on behalf of Council.**

# Background / Key Information

**Quarry Hills Releaf Project (BushBank grant)**

City of Whittlesea applied for, and has been offered, a $585,225 grant to revegetate 44 hectares of the western slopes of Quarry Hills. This is from the State Government’s BushBank program which supports revegetation and carbon offsetting. An additional $742,043 financial & in-kind contribution from the City of Whittlesea forms part of this project.

While not required to achieve the grant outcomes, this project has the potential to generate formalised carbon offsets.

**Carbon offsets**

Sequestered carbon is carbon captured from the atmosphere that can be used to ‘offset’ carbon emitted. The clearest way to verify sequestered carbon as offsets in Australia is through the Clean Energy Regulator. Offsets are generated in the form of Australian Carbon Credit Units (ACCUs) under the Carbon Credits (Carbon Farming Initiative) Act 2011. An ACCU represents one tonne of sequestered carbon. ACCUs can either be retired to offset our emissions or sold to fund additional projects.

**Generating ACCUs from Quarry Hills**

The Quarry Hills Releaf Project (BushBank grant) is predicted to sequester 13.7 tonnes of carbon per hectare per year. A total of 15,070 tonnes over the 25-year time horizon. This is potentially 15,000 ACCUs, approximately $500,000 at the current ACCU price, or $30,000 per year. The project must be registered to generate ACCUs before the final investment decision is made.

As there has been limited participation in this market by Councils to date, we do not have a clear pathway to follow for ACCU registration, therefore being able to generate and participate in the offset market for this project is not guaranteed. Issues may also arise around registering the project for the generation of ACCUs. Therefore, the ability for council staff to be delegated powers under the act is necessary to proceed with registration.

Enabling officer delegation to participate in the *Carbon Credits (Carbon Farming Initiative*) Act 2011 including entering into agreements, unlocks the opportunity for Council to participate in the generation of formal carbon credits, and potentially generate income for future climate and biodiversity actions.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

This project is aligned to the following action under the Sustainable Environment Action Plan 2024-26.

* Outcome 1.2 Our land management and land use are sustainable- continue to explore opportunities to generate local carbon sequestration offsets on Council owned and private land.

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

Financial Management

Generating carbon credits could provide the City of Whittlesea with an additional income stream.

Community Consultation and Engagement

Consultation on the Sustainable Environment Strategy 2022-32 was undertaken prior to the strategies endorsement.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

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

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

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

The project supports the council's Sustainable Environment Strategy across multiple focus areas including biodiversity, climate change, green wedge and water. The revegetation at the core of the Quarry Hills Releaf project improves biodiversity, green wedge and water. The development of a ACCU generating project support the climate change focus area and may support the achievement of our Net Zero aims.

Providing a potential return on revegetation work through creation of ACCUs supports this work and potentially provides resourcing for more projects.

Social, Cultural and Health

The project will help us achieve additional greening and urban cooling.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

N/A.

Critical Dates

Registration of offsetting project with the Clean Energy Regulator is required to occur before the final investment decision is made.

# Declaration of Conflict of Interest

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

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

# Attachments

Nil

5.6 Tender Evaluation Report 2024-56 Hilltop Playground & Splash Park

**5.6 Tender Evaluation Report 2024-56 Hilltop Playground & Splash Park**

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

**Report Author:** Unit Manager Parks Development

**In Attendance:** Unit Manager Parks Development

Senior Landscape Architect

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

# Executive Summary

This report summarises the evaluation of the tender submissions received for the Tender 2024-56, Construction of Hilltop Playground & Splash Park.

The Tender Evaluation Panel advises that:

* 12 tenders were received for Separable Portion A (Park and Landscape Works).
* 11 tenders were received for Separable Portion B (Car Park Works).
* The recommended tenderer was the highest ranked and is considered best value.
* This contract relates to a Federal and State Government grant funded project.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the Hilltop Playground & Splash Park, Contract 2024-56 Parts A and B, to Warrandale Industries Pty Ltd at a lump sum price of $2,465,529 excl.**
2. **Note any price variations will be in accordance with the provisions as set out in the conditions of contract.**
3. **Approve the funding arrangements as detailed in the confidential attachment to this report.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

Hilltop Park, Doreen is a 5.18 hectare municipal level open space in a residential area within a 15-minute walk from the Laurimar Town Centre, and a 20-minute drive for all of Doreen.

The park has facilities for active and passive recreation with supporting amenities to encourage longer stays. These include a large play area (approximately 1,100 square metres), a large picnic shelter and barbeque, public toilets, and a small car park. In addition, the park has over 11,000 square metres of open grassed area for informal active recreation, and a path network into the suburban streets for ease of access from all edges.

This project proposes to upgrade the park and playground to include a splashpad and supporting services. This will be the only free public access splashpad in the northern area of the City of Whittlesea and will provide a new type of outdoor recreation facility for the residents of Mernda and Doreen. In addition, the project will improve the play provision in the park to address the changing demographic of the area, bringing the play experiences in line with current best practice and introducing nature play elements.

The proposed contract is made up of two parts – Separable Portion A being the overall park and playground construction including the public amenities and services, and Separable Portion B being construction of the car park.

Public tenders for the contract closed on 9 July 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

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

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

* Price 60%
* Capability 15%
* Capacity 15%
* 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 the achievement of best value. The allocated weightings are standard as per Council’s Procurement Procedures.

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

The evaluation outcome was as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **PART A Score** | **PART B Score** | **Combined Score** | **Rank** |
| **Tenderer A**  **Warrandale Industries Pty Ltd** | **Yes** | **Yes** | **92.6** | **82.3** | **91.7** | **1** |
| Tenderer B | Yes | Yes | 81.0 | 87.4 | 81.5 | 2 |
| Tenderer C | Yes | Yes | 79.8 | 87.9 | 80.5 | 3 |
| Tenderer D | Yes | Yes | 78.6 | 76.4 | 78.4 | 4 |
| Tenderer E | Yes | Yes | 77.8 | 70.8 | 77.2 | 5 |
| Tenderer F | Yes | Yes | 72.9 | 62.9 | 72.1 | 8 |
| Tenderer G | Yes | Yes | 72.8 | 77.7 | 73.2 | 6 |
| Tenderer H | Yes | Yes | 72.7 | 68.3 | 72.3 | 7 |
| Tenderer I | Yes | Yes | 68.8 | 59.2 | 68.0 | 9 |
| Tenderer J | Yes | No | - | 69.6 | - | 10 |
| Tenderer K | Yes | No | - | 68.6 | - | 11 |
| Tenderer L | No | N/A | - | N/A | - | 12 |

# 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 existing park and playground at Hilltop Park was designed and constructed in 2005 and is currently on Council's Park and Playground Renewal Program for upgrading. The project will improve the play provision in the park to address the changing demographic of the area, bringing the play experiences in line with current best practice and introducing nature play elements.

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

Financial Management

Sufficient funding for this contract is available in the 202425 Capital Program for Hilltop Splash Park and Playground (CW-11066) along with a $1.5M Federal Government Grant from the Investing in Our Communities Program and a $500,000 State Government Grant from the Open Space for Everyone - Better Parks and Playgrounds Program.

Community Consultation and Engagement

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

Community consultation and engagement for this project was carried out in two phases in accordance with the project’s Communication and Engagement Plan. The first phase occurred in mid-November 2023 to ascertain community comments of the proposed plan and the type of play equipment and splash park features. A total of 712 contributions were received of which 78% of respondents provided positive comments and feedback. The second phase occurred through March to April 2024 for the draft concept plan to understand community expectations and the current and future needs of groups currently using the space.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

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

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

# Council Policy Considerations

Environmental Sustainability Considerations

Considerations have been made where possible to salvage or repurpose site material through the contract delivery. Recyclable material will be separated from general waste and disposed of at registered local recycling facilities. The design of infrastructure and pumps servicing the water play area includes a recycled water reticulation system which substantially reduces demand on potable water.

Social, Cultural and Health

The project will have a positive social, economic and environmental impact, with the most positive impacts on social benefits. Public open spaces, and play spaces in particular, are well documented to provide safe places for fostering well‐functioning communities and improving social cohesion. When completed the park and splash pad will provide for a new facility providing a service not currently accessible and at no cost to use by visitors.

The below positive social impacts have been identified:

* Improved wellbeing of young people and promoting positive interactions with their family, peers, and wider community, by creating a space for young people to act independently, have fun, feel safe and secure, and feel positive about themselves.
* Improved sense of community through local ownership of the public open space and a shared vision of the community and park.

Economic

The development of the park and playground including the contract expenditure will contribute to a short-term economic impact, while the future maintenance and visitation to the park will provide long term economic benefits to the precinct. Economic benefits will also be realised by utilising local organisations and sub-contractors during the construction period.

Legal, Resource and Strategic Risk Implications

Service Delivery *- Inability to plan for and provide critical community services and*

*infrastructure impacting on community wellbeing.* Construction of the playground and splash park will provide a place for community activities and passive recreation to contribute to the health and wellbeing of residents and visitors.

Life Cycle Asset Management*- Failure to effectively plan for the construction, on-going*

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

Contractor Management *- Failure to manage contractors to deliver agreed outcomes.* Suitably qualified, experienced, and supported Council staff will oversee the construction

activities. The project will be delivered by contractors with a proven record in delivering projects of a similar scale and scope.

# Implementation Strategy

Communication

The decision to award this contract will be communicated via the standard process for

Council Meeting outcomes. In addition, given this will be a project of high interest among

the Doreen and Mernda communities, there will be communication prior and during each of the construction phases via Council’s regular communication channels.

Critical Dates

The project construction is expected to begin in October 2024 and is programmed for completion in mid-2025.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - 2024 56 Tender Evaluation Report [**5.6.1** - 9 pages]

5.7 Tender Evaluation - Contract No 2024-55 - Quarry Hills Regional Park, Trunk Services Infrastructure, Civil and Associated Works

**5.7 Tender Evaluation - Contract No 2024-55 - Quarry Hills Regional Park, Trunk Services Infrastructure, Civil and Associated Works**

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

**Report Author:** Senior Project Manager

**In Attendance:** Manager Capital Delivery

Unit Manager Community Infrastructure Delivery

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

# Executive Summary

This report summaries the evaluation of the six tender submissions received for Contract No. 2024-55, Granite Hills Major Community Parklands and Aboriginal Gathering Place, located in Quarry Hills Regional Parkland.

The tender evaluation panel advises that:

* 6 tenders were received.
* The recommended tenderer was ranked equal highest and is considered best value and least risk because of the demonstrated capability and capacity to deliver this project in accordance with Council’s specified requirements, as well as the reduced contractual risk as explained in the confidential attachment.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the Quarry Hills Regional Parkland, Trunk Services Infrastructure, Civil and associated works, Contract number 2024-55, to 2Construct Pty Ltd at a lump sum price of $6,264,469 excl. GST.**
2. **Note price variations will be in accordance with the provisions as set out in the conditions of contract.**
3. **Approve the funding arrangements as detailed in the confidential attachment to this report.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

The purpose of this report is to seek endorsement of the award of Contract No. 2024-55 for the construction of Trunk Infrastructure Services, Civil and Associated Works for the Granite Hills Major Community Park and Aboriginal Gathering Place located at Quarry Hills Regional Parkland. The Trunk Services Infrastructure, Civil and Associated Works will provide services (water, sewer, electricity and communication), access road and car parking to both the Aboriginal Gathering Place and the Granite Hills Major Community Park facilities.

At the Council Meeting of 6 December 2021, Council endorsed the business case for the construction of the Granite Hills Major Community Park. At the Council Meeting of 18 July 2022, Council endorsed the business case for the construction of the Aboriginal Gathering Place. Both business cases included a commitment for construction of trunk services infrastructure and civil works to service the above two facilities in the park.

At the Council Meeting of the 18 July 2023, Contract No 2022-107, Trunk Services Infrastructure & Civil Works for the Quarry Hills Regional Park was awarded to a civil contractor (Maca Pty Ltd) in July 2023. The contract was later terminated due to unresolved issues with regards to the Ausnet high voltage power supply through the site and its impact to the contract works. Negotiations with Ausnet have progressed and their requirements have now been defined in relation to the relocation of the high voltage powerline through the site. On this basis, the project has been re-tendered along with a greater scope of work that includes the access road and car park to the Aboriginal Gathering Place (which were originally to be tendered separately).

The delivery of this contract will provide approximately 1200 meters of sealed access road, 149 car parks, a roundabout and 600 metres of sewer, water and telecommunication services. Provision has also been included for the installation of 1,000 meters of high voltage powerlines to resolve the conflicting issues with the current Ausnet high voltage powerline.

Public tenders for the contract closed on the 11 June 2024. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

**Evaluation**

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 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 15%
* Capacity 15%
* 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 the achievement of best value. The allocated weightings are standard as per Council’s Procurement Procedures.

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.

Council received six tender submissions, which were evaluated based on the contract conformance and evaluation criteria set out above. Out of six tender submissions only four tender submissions (Tenderer B, C, D and E) were considered to be conforming and competitive. Two tenderers (A and F) did not sufficiently meet the contract requirements or were significantly more than 20% above the average tender price.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer A | Yes | No | N/A | N/A |
| **Tenderer B**  **2Construct Pty Ltd** | **Yes** | **Yes** | **88.2** | **1** |
| Tenderer C | Yes | Yes | 85.3 | 2 |
| Tenderer D | Yes | Yes | 88.2 | 1 |
| Tenderer E | Yes | Yes | 57.7 | 3 |
| Tenderer F | Yes | No | N/A | N/A |

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

The equal highest ranked tenderer was recommended for the award of this contract as they demonstrated greater capability and capacity as outlined in the confidential attachment and were better able to address the project risks.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**

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

**Liveable Neighbourhoods**

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

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

Financial Management

The financial details are included in the confidential attachment.

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 this instance, collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Council’s Alliance consolidated contract register, and this contract relates to a unique need for the City of Whittlesea.

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. However, community consultation and engagement was undertaken for the development of the Granite Hills Major Community Park and the Quarry Hills Future Directions Plan, that included elements of this project.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

# Council Policy Considerations

Environmental Sustainability Considerations

The contract management incudes Key Performances Indicators that relate to the management of environment, waste and site throughout the contract. A comprehensive Environmental Management Plan will be prepared and implemented during the construction phase

Social, Cultural and Health

The contract management will include Key Performance Indicators that relate to

Occupational Health & Safety and traffic and pedestrian management to ensure a safe work site is maintained throughout the contract.

Economic

Economic benefits will be realised through the construction activity. In addition, the project will provide infrastructure that will enable community use of the Granite Hills

Major Community Park and the Aboriginal Gathering Place.

**Legal, Resource and Strategic Risk Implications**

Awarding this contract will enable Council to provide the community with adequate and safe community infrastructure that meet current needs of the community and increase community participation.

# Implementation Strategy

Communication

There is no requirement to communicate the contract award decision of this report to the community beyond the Council minutes. However, information regarding the proposed works will be provided via Council’s communication channels and also to relevant stakeholders.

Critical Dates

It is anticipated that the project will commence in late 2024 and be completed in mid-2025.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - Confidential Tender Evaluation Summary [**5.7.1** - 9 pages]

5.8 Contract Award: 2024-44 Peter Hopper Lake Rehabilitation Works

**5.8 Contract Award: 2024-44 Peter Hopper Lake Rehabilitation Works**

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

**Report Author:** Coordinator Civil Engineering Delivery

**In Attendance:** Manager Capital Delivery

Unit Manager Engineering Design & Construction

This attachment has been designated as confidential in accordance with sections 66(5) and

3(1) of the Local Government Act 2020 on the grounds that it contains private commercial

information, being information provided by a business, commercial or financial undertaking

that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

# Executive Summary

It is proposed that Contract Number 2024-44 Peter Hopper Lake Rehabilitation Works, Mill Park is awarded to Field Form Pty Ltd for the lump price of $2,533,035.95 (excluding GST).

The Tender Evaluation Panel advises that:

* This contract was publicly tendered on 24 April 2024 and tenders closed on 4 June 2024;
* Five tenders were received;
* The recommended tenderer is the highest ranked and has demonstrated the required capability, capacity and qualification;
* Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea; and
* This contract commits capital budget in the 2024-25 Council Budget.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the Peter Hopper Lake Rehabilitation Works, Contract number 2024-44 to Field Form Pty Ltd at a lump sum price of $2,533,036 excl. GST.**
2. **Note price variations will be in accordance with the provisions set out in the** **conditions of contract.**
3. **Approve the funding arrangements as detailed in the confidential attachment to this report.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

Peter Hopper Lake is situated in Redleap Recreation Reserve, Mill Park and is one of Council’s largest waterbodies. It attracts visitors from the local community as well as beyond the municipality. The lake has experienced numerous algae outbreaks and water quality issues, impacting on local wildlife. The local community group, Friends of Peter Hopper Lake have advocated for the lake to be improved and Council has been successful in a $2 million Federal Government grant to undertake these improvements.

The rehabilitation of the lake includes two main parts – the first part being desilting of the lake, which was recently completed separate to this contract. The purpose of this contract (2044-44) is to reconstruct the lake with a new lake bed profile to remove the central island and to also construct a new gross pollutant trap, sediment basin and raingarden to improve the quality of stormwater before it enters the lake.

Public tenders for the contract closed on 4 June 2024. 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 and 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 15%
* Capacity 15%
* 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 to achieve best value. The allocated weightings are standard as per Council’s Procurement Procedures.

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.

Council received five tender submissions, which were evaluated based on the evaluation criteria set out above and contract conformance. Out of five tender submissions only three tender submissions (Tenderer A, B and C) were considered to be conforming and competitive. Tenderer D and E were not sufficiently competitive as their prices were more than 20% above the average tender price and were not considered value for money.

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| **Tenderer A**  **Field Form Pty Ltd** | **Yes** | **Yes** | **76.31** | 1 |
| Tenderer B | Yes | Yes | 75.85 | 2 |
| Tenderer C | Yes | Yes | 71.13 | 3 |
| Tenderer D | Yes | No | N/A | N/A |
| Tenderer E | Yes | No | N/A | N/A |

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

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Sustainable Environment**

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

This lake rehabilitation works will:

* improve stormwater quality that enters the lake to suit a range of purposes, including irrigation and ecological habitat;
* improve the amenity of the water body and attraction of desired ecology;
* substantially reduce the likelihood of toxic algal blooms and associated wildlife impact; and
* improve treatment of all stormwater discharged from the lake.

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

Financial Management

Funding for this contract is available in the Capital Program. The total project cost is $4.7M which includes a $2M contribution from a Federal Government grant. Refer to the confidential attachment for further information.

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.

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.

However, community consultation and engagement was undertaken for the project development using a number of means as well as meetings with Mr Peter Hopper (former City Engineer of the City of Whittlesea) and also with the ‘Friends of Peter Hopper Lake’.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

1. Council decisions are to be made and actions taken in accordance with the relevant law.
2. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
3. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
4. Innovation and continuous improvement is to be pursued.

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

A comprehensive environmental management plan will be prepared and implemented during the construction phase to ensure environmental, and biodiversity impact can be minimised. Ecologist will be engaged to monitor the construction activity to ensure the environmental management plan is implemented correctly.

The contract works are subject to the attainment of all permits and approvals.

Social, Cultural and Health

This lake rehabilitation works will deliver a healthy lake and revitalise the lake ecosystem to ensure it becomes a thriving habitat for diverse flora and fauna. At the same time, the lake transformation will improve the lake amenity which further promotes the lake as a place for surrounding community to have social and cultural gathering.

Economic

Economic benefits will be realised by utilising local businesses or subcontractors during the construction period.

**Legal, Resource and Strategic Risk Implications**

A formal contract will be executed between Council and the successful tenderer prior to the works commencing.

# Implementation Strategy

Communication

There is no requirement to communicate the contract award decision of this report to the community beyond the Council minutes. However, information regarding the proposed works will be provided via Council’s communication channels and to relevant stakeholders.

Critical Dates

It is anticipated the project will commence in September 2024 with a timeline for completion of mid-2025. However, this is subject to the attainment of all permits and approvals.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - 2024 44 Tender Evaluation Summary [**5.8.1** - 5 pages]

5.9 Regional Sports Precinct - Early Works Package Tender

**5.9 Regional Sports Precinct - Early Works Package Tender**

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

**Report Author:** Unit Manager Procurement

This attachment has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that:

1. relates to trade secrets; or
2. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

# Executive Summary

This report summaries the evaluation of the tender submissions received for Tender

2024-37, Regional Sports Precinct - Early Works Package.

The tender evaluation panel advises that:

* 3 tenders were received.
* The recommended tender was the highest ranked and is considered best value.
* In accordance with the Local Government Act 2020, this procurement process meets the requirements of collaborative procurement as it was or undertaken using the State Government Department of Transport Prequalified Panel arrangement.
* This contract relates to a unique need for the City of Whittlesea.
* This contract relates to a Federal or State Government grant funded project.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to award the Regional Sports Precinct – Early Works Package, Contract number 2024-37, to Unyte Southern Pty Ltd at a lump sum price of $5,867,560 excl. GST.**
2. **Note price variations to be in accordance with the provisions as set out in the conditions of contract.**
3. **Approve the funding arrangements as detailed in the confidential attachment to this report.**
4. **Authorise the Chief Executive Officer to sign and execute the contract on behalf of Council.**

# Background / Key Information

The purpose of this contract is to deliver the Early Works package as part of the Regional Sports Precinct project.

Tenders for the contract closed on 10 July 2024. 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 and 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 the standard criteria and weightings:

* Price 60%
* Capability 20%
* Capacity 15%
* Sustainability 5%

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.

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  Unyte Southern Pty Ltd | Yes | Yes | 96.1 | 1 |
| Tenderer B | Yes | Yes | 79.3 | 2 |
| Tenderer C | Yes | No | 47.2 | 3 |

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

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

**Connected Communities**

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

**Liveable Neighbourhoods**

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

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

Financial Management

Sufficient funding for this contract is available in the budget for RSP – Regional Sports Precinct.

Community Consultation and Engagement

In accordance with the Local Government Act 2020, this procurement process meets the requirements of collaborative procurement as it was or undertaken using the State Government Department of Transport Prequalified Panel arrangement.

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

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the Local Government Act or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

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

# Council Policy Considerations

Environmental Sustainability Considerations

Considerations have been made to ensure that environmental sustainability practices are adopted which includes the reuse of excavated materials on-site, sourcing local quarry materials to reduce emissions, and use of recycled materials where practicable.

Social, Cultural and Health

Socially, supporting local talent through training programs and procuring materials from within the City of Whittlesea region.

Economic

Economically, to support and promote resource efficiency and stimulate the local economy by prioritising local suppliers and contractors.

**Legal, Resource and Strategic Risk Implications**

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

Suitably qualified, experienced, and supported Council staff will oversee the construction

activities. The project will be delivered in partnership by contractors with a proven record for delivering projects of a similar scale and scope.

# Implementation Strategy

Communication

There is no requirement to communicate the contract award decision of this report to the community beyond the Council minutes. However, information regarding the proposed works will be provided via Council’s communication channels and also to relevant stakeholders.

Critical Dates

It is anticipated that the project will commence in September 2024 with an estimated timeline of completion of April 2025.

# Declaration of Conflict of Interest

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

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

# Attachments

1. CONFIDENTIAL REDACTED - RASC Early Works Package Tender Report [**5.9.1** - 8 pages]

5.10 Terms of Reference - Whittlesea managed Advisory Committees

**5.10 Terms of Reference - Whittlesea managed Advisory Committees**

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

**Report Author:** Unit Manager Governance

# Executive Summary

In preparation for the return of elected Councillors a review of all external facing Community Advisory Committees (Committees) that require Councillor appointments was conducted.

Following the review, the following Terms of References (ToR) outlined in Table 1 required a refresh to ensure a consistent approach to enhanced governance and transparency practices, for example the expression of interest recruitment processes, membership eligibility, reporting back to Council and the requirement to have Committee agendas, minutes and membership being published on Council’s website.

The ToR for the City of Whittlesea Community Awards Committee, which is also an external facing Committe and represents a cross-section of the community to promote and administer the City of Whittlesea awards, had a slight delay with the review therefore will be presented to the incoming Council for their consideration and adoption.

Table 1 - Advisory Committees

| **Advisory Committee** | **Committee Summary** |
| --- | --- |
| City of Whittlesea Business Advisory Panel | The Business Advisory Panel enables business members to work together with Council in delivering the key objective and advocacy for a Strong Local Economy (one of the four overarching objectives in the Council’s 2040 Plan). |
| Visual Art & Civic History Collections Acquisitions Advisory Group | The Acquisitions Advisory Group is established to make recommendations to Council regarding acquisitions and deaccessions for the City of Whittlesea’s Visual Art and Civic History Collections, as guided by the Visual Art and Civic History Collections Policy. |
| Whittlesea Reconciliation Group | The Group commenced in 2001 as a community-based committee to be a key reference group for Council on the continuing reconciliation process and to foster understanding of historical, cultural and contemporary issues impacting Aboriginal and Torres Strait Islander communities. This is a key reference group for Council. |

# Officers’ Recommendation

**THAT Council:**

1. **Adopt the Terms of Reference at Attachments 1 to 3 to this report.**
2. **Note the Terms of References will come into effect upon the incoming Council appointing Councillor members to all Advisory Committees, external organisations, and Board at its December 2024 Council meeting.**
3. **Note the City of Whittlesea Community Awards Committee Terms of Reference will be presented to the incoming Council for their consideration and adoption.**
4. **Note the Terms of References at Attachments 1 to 3 will be made publicly available on Council’s website after the December 2024 Council meeting.**

# Background / Key Information

Council has established several Committees to facilitate community participation and input into policy and service development, to assist with facility management, projects and event management.

These Committees typically comprise one or more Councillor, Council Officers and a number of community representatives. The community representatives must be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations.

The main enhancements to the Terms of References outlined in Table 1 of the Executive Summary are:

* A consistent structure of each Terms of Reference
* Inclusion of a Transparency section that includes what will be published on Council’s website
* Speaking times to ensure all members have an opportunity to speak
* Recruitment process via an expression of interest and eligibility of individuals wishing to be appointed
* Conflict of interest and the declaration of any general or material interest
* Reporting requirements of the Advisory Committees to Council on a bimonthly basis outlining the activities undertaken

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

There are no financial implications associated with this report.

Community Consultation and Engagement

The is no community consultation or engagement required for the review of the Terms of Reference.

The amended Terms of Reference were consulted with relevant staff and the Whittlesea Reconciliation Group.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

In relation to the Whittlesea Reconciliation Group (WRG) Terms of Reference, consideration was given to the cultural knowledge Aboriginal members bring to the Committee. As such, it was determined, pending Council’s adoption of the ToR, that a $100 sitting fee would be provided to Aboriginal members for each full WRG meeting attended.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Following the Council meeting, the adopted Terms of References will be communicated to each applicable Committee and published on Council’s website after the December 2024 Council meeting.

Critical Dates

The Terms of References are being considered by Council at its August meeting to ensure the incoming Council are setup for success when appointed to the range of Advisory Committees.

# Declaration of Conflict of Interest

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

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

# Attachments

1. Whittlesea Business Advisory Panel Terms of Reference [**5.10.1** - 5 pages]
2. Visual Art Civic History Collections Acquisitions Advisory Group Terms of Reference [**5.10.2** - 5 pages]
3. Whittlesea Reconciliation Group Terms of Reference [**5.10.3** - 7 pages]

5.11 Governance Report

**5.11 Governance Report**

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

**Report Author:** Unit Manager Governance

# Executive Summary

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

The purpose of this report is to provide information and endorsement or noting for the following related matters:

* Summary of Informal Meetings of Administrators.
* Five Council policies and two Council Strategies which have been identified as no longer relevant to Council’s function.
* Instrument of Sub-Delegation under the *Environment Protection Act 2017* (s18).
* Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (s11A).
* Election Period Policy seeking endorsement to go out for community engagement.
* 2024-25 Statutory Fees set by State Government, effective 1 July 2024.
* Findon Pony Club location, transition and future sale of land.

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

# Officers’ Recommendation

**THAT Council:**

1. **Note the Governance Report for August 2024.**
2. **Note the summary of Informal Meetings of Administrators for the period June to August 2024 at Attachment 1.**
3. **Resolve to rescind the following policies and strategies:**
4. **Capital Management Policy;**
5. **Council Official Logo Policy;**
6. **Multiple Sports Strategy;**
7. **Aboriginal Reconciliation Policy;**
8. **Soccer Strategy;**
9. **Sports Club Contribution Policy; and**
10. **Sports Lighting Policy.**
11. **Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* (s18) attached at Attachment 2.**
12. **Resolve to commence operation of the Instrument of Sub-Delegation (S18) under the *Environment Protection Act 2017* at Attachment 2 immediately upon the common seal of Council being affixed to the Instrument.**
13. **Resolves to appoint the Council Officer as an Authorised Officer as set out in the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3.**
14. **Resolve to commence the operation of the Instrument of Appointment and Authorisation (s11A) under the *Planning and Environment Act 1987* at Attachment 3 immediately upon the common seal of Council being affixed to the Instrument.**
15. **Resolve to release the amended Election Period Policy at Attachment 4 for community feedback between the period 21 August 2024 to 27 August 2024 on Council’s Engage web page. Note following engagement, a further report will be presented at a future Council meeting seeking adoption of the revised Election Period Policy.**
16. **Note the State Government Statutory Fees came into effect on 1 July 2024 and will be made available on Council’s website.**
17. **Note during the adoption of the 2021-22 Budget, officers were to report back to Council on the status of the Findon Pony Club. An updated status is outlined in the body of this report.**

# Background / Key Information

**Informal Meetings of Administrators**

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

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

The summary of matters discussed at the meeting must be:

* tabled quarterly at Council meetings; and
* recorded in the minutes of that Council meeting.

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

**Rescinding of Council Policies and Strategies**

In May 2024, officers commenced a review of all Council policies and strategies with the main purpose of rescinding older policies and strategy documents that are outdated and covered by other existing policies, strategies or plans.

This prompted a large-scale review of existing policies to determine whether they are current, need to be updated, or are obsolete and able to be rescinded. During the review, five Council policies and two Council strategies are identified as no longer relevant to Council’s function or are covered by other existing policies or plans.

Table 1 lists Council policies and strategies identified for rescission, the rationale for rescinding and where the content is now documented / located.

**Table 1: Council Policies and Strategies for Rescission**

| **Policy Name** | **Date of Council Endorsement** | **Rationale for Rescission** | **New Location** |
| --- | --- | --- | --- |
| Capital Management Policy | 04/07/2020 | Policy has been replaced by the Borrowing Policy and Investment Policy | Borrowing Policy and Investment Policy |
| Council Official Logo Policy | 21/06/2021 | Policy has been integrated into the Communications Policy | Communications Policy |
| Multiple Sports Strategy | 08/08/2017 | The policy has been integrated into the Active Whittlesea Policy | Active Whittlesea Policy |
| Aboriginal Reconciliation Policy | 25/08/2015 | The policy has been integrated into the Aboriginal Action Plan | Aboriginal Action Plan |
| Soccer Strategy | 03/04/2018 | The strategy has been integrated into the Active Whittlesea Policy | Active Whittlesea Policy |
| Sports Club Contribution Policy | 25/03/2019 | The policy has been integrated into the Active Whittlesea Policy | Active Whittlesea Policy |
| Sports Lighting Policy | 07/12/2020 | The policy has been integrated into the Active Whittlesea Policy | Active Whittlesea Policy |

**S18 Instrument of Sub-Delegation under the Environment Protection Act 2017**

The instrument of sub-delegation under the *Environment Protection Act 2017* ensures staff are exercising the correct powers, duties and functions on behalf of Council.

Delegations are made to positions, not to individuals ensuring they do not become obsolete or ineffective in the event of a position being vacant or a delegate being absent on leave. In such instances, delegated powers are automatically transferred to staff acting in their positions.

The Instruments of Delegations are reviewed to reflect either recent changes in legislation or after organisational structural changes are made to position titles. The Instrument of Sub-Delegation under the *Environment Protection Act 2017* was last adopted by Council on 6 September 2021.

The most recent review and updated Instrument of Sub-Delegation under the *Environment Protection Act 2017* at Attachment 2 included various changes to position titles because of recent position realignments and adding limitations for each nominated position.

**S11(A) Instrument of Appointment and Authorisation under the Planning and Environment Act 1987**

Section 188(2)(c) of the *Planning and Environment Act 1987* requires Council, by resolution, appoint authorised officers to exercise their powers under the *Planning and Environment Act 1987*. This power cannot be delegated to the CEO.

The Instrument of Appointment and Authorisation under the *Planning and Environment Act* 1987 has been prepared at Attachment 3 for a new member of staff who requires authorisation in relation to the administration and enforcement of the *Planning and Environment Act 1987* and carry out the functions outlined in section 313 of the *Local Government Act 2020.*

**Election Period Policy**

In June 2024 the *Local Government Amendment (Governance and Integrity) Act 2024* passed through Parliament amending the Election Period commencement date for the October 2024 General Local Elections.

The Election Period commencement date is now set for 17 September 2024 commencing at 12 noon, previously it was 24 September 2024.

To ensure Council’s Election Period Policy aligns with the Act, minor amendments have been made to the Application of Policy section.

**2024-25 Statutory Fees**

At the 21 May 2024 Council meeting, Council adopted fees and charges of a statutory and non-statutory nature as part of the 2024-25 budget. The statutory fees are made by the State Government in accordance with legislative requirements and are updated and effective as at 1 July each year.

Of note, the Fees and Charges Scheduled adopted as part of the 2024-25 budget contained a statement that the statutory fees, effective 1 July 2024 will be updated on Council’s website.

For transparency, officers are formally advising the statutory fees as set by the State Government, effective 1 July 2024, will be reflected in Council’s Fees and Charges Schedule and made available on Council’s website.

**Findon Pony Club**

The Findon Pony Club have used the land at 70W Regent Street Mernda since 1964, and the land at 65W Regent Street until recently. The Club undertakes a range of community activities including monthly meets, providing opportunities for local community members including those who do not own a horse to participate and also host regular events such as an Easter Egg hunt as well as Come and Try Days.

Since 2012 the Club has been aware of the growth boundary expansion across several areas including Mernda and the impact on this site and the need for the Club to relocate.

In 2019 the land was formally rezoned from a Farming Zone to a general Residential Zone designation and an independent feasibility study was undertaken which outlined there was no other Council land suitable for use by the Club. Council officers have worked with the club for a number of years and both initiated and supported feasibility studies and masterplans to explore multiple alternative sites for relocation. During this time the Club’s lease agreement for the use of the site at Regent Street, Mernda has received multiple extensions whilst Council provides support to the Club in seeking a suitable alternative site and facilitating a move to a new location.

In 2021-22 the Findon Pony Club submitted a Budget Submission to receive support in relocating from its Regent Street site which was endorsed as part of the adoption of the 2021-22 Council budget. The resolution regarding Findon Pony Club including the following:

*Request officers to prepare a Council report to confirm new site tenure and transition agreements for the Findon Pony Club and to provide a timeline on the sale of the land.*

Since this submission Council officers have worked closely with the Club in facilitating discussions with Melbourne Polytechnic regarding the Club’s use of Melbourne Polytechnics’ Northern Lodge campus. The proposed agreement between Council and Melbourne Polytechnic would facilitate Council allocating access to the Pony Club at the Northern Lodge campus with Council supporting International Students studying locally at the Melbourne Polytechnic Epping Campus in undertaking sport and recreation activities. Council officers are currently finalising this agreement with Melbourne Polytechnic with Strategic Property undertaking further work regarding the future use of the land at both 70W and 65W Regent Street, with both pieces of land valued at 3.1 million dollars.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

There are no financial implications relating to this report.

Community Consultation and Engagement

Consultation is required for community feedback from the period 21-27 August on the amended Election Policy. Following consultation, a further report will be prepared seeking the formal adoption of the policy.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

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

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

ii) public availability of the information would be contrary to the public interest.

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

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Updates to the Policy and Strategy lists are communicated via several communication channels. Council-endorsed policies are made available on Council’s website.

Critical Dates

Additional policy reviews and rescissions may be brought to Council at future Council meetings.

# Declaration of Conflict of Interest

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

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

# Attachments

1. Informal Meetings of Administrators [**5.11.1** - 4 pages]
2. Instrument of Sub Delegation under the Environment Protection Act [**5.11.2** - 4 pages]
3. Instrument of Appointment and Authorisation under the Planning Act [**5.11.3** - 2 pages]
4. Election Period Policy August 2024 [**5.11.4** - 11 pages]

5.12 Final Administrators Report

**5.12 Final Administrators Report**

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

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

# Executive Summary

The purpose of this report is to publicly present the final Administrators report which incorporates the significant achievements during their four-year term.

The attached detailed report provides:

* Highlights of key achievements during the Administrators four-year term
* The status of actions implemented to address the Municipal Monitor’s recommendations which led to the appointment of the Panel of Administrators
* Outcomes of the Good Governance Action Plan established at the outset of the Administrators appointment
* The status of processes and practices undertaken and embedded to restore and enhance good governance

The detailed report highlights an incredibly successful and rewarding four-year term with significant achievements not only in relation to good governance but also in strategic planning, responsible financial management, innovation, community engagement, which collectively have created a stable high performing organisation.

A busy and productive four years have seen the organisation transform with fit-for-purpose processes and technology that make it easier for the community to interact with Council, a comprehensive integrated planning framework, best practice governance, exemplary customer service and a comprehensive community engagement program.

# Officers’ Recommendation

**THAT Council:**

1. **Note the final Administrator report at Attachment 1 for the period of June 2020 to August 2024.**
2. **Note a copy of the final Administrator report was provided to the Hon. Melissa Horne, Minister for Local Government and Executive Director Local Government Victoria on 15 August 2024.**

# Background / Key Information

On 19 June 2020 the Acting Minister for Local Government appointed a Panel of Administrators for the City of Whittlesea under the provisions of the *Local Government (Whittlesea City Council) Act 2020.* The Chair of the Panel of Administrators took on the role, functions and duties of the Mayor and the Administrators took on the roles, duties and functions of a Councillor. Together the Panel of Administrators formed the Council of the City of Whittlesea.

During the four-year term of Administrators there were a number of changes to the Panel; The Hon Bruce Billson resigned in March 2021 and was replaced by Chris Eddy who later resigned in December 2022 and was replaced in March 2023 by Christian Zahra AM.

Upon their appointment the Administrators immediately set an ambitious program of improvements to enhance the governance, strategic planning, responsible financial management and community engagement functions and practice of the Council.

**Good Governance**

Administrators have focused on embedding good governance at the City of Whittlesea in accordance with the Municipal Monitor’s report which recommended: *“Administrators develop, implement and publicly report on an action to embed good governance at the Council taking into account the reform opportunities of the Local Government Bill 2019.*”

Administrators consistently supported a culture of good governance at the Council with all decision-making underpinned by rigorous due diligence and transparency. To continue the culture of good governance, a substantial amount of work has been completed establishing a roadmap for the newly elected Councillors’ Induction Program.

**Responsible Financial Management**

Fostering a culture of responsible financial managementhas enabled Council to continue to deliver 147 critical services for the community whilst continuing to invest in much-needed infrastructure and renewal. Careful planning, allocation and monitoring of funds has strengthened accountability and ensured the City of Whittlesea’s financial sustainability.

In the past four years the community has experienced economic challenges from the pandemic followed by increasing cost of living pressures. Cognisant of these challenges, Council has made every effort to boost community resilience and reduce the financial burden.

**Transforming Organisational Planning**

Council’s Community Plan 2021-2025 builds on and re-endorses the long-term community vision – *Whittlesea 2040, A Place for All* – and incorporates the Municipal Public Health and Wellbeing Plan, Disability Action Plan and Pandemic Recovery Plan actions into the one overarching document. Developed following extensive community consultation, the Community Plan focuses on public safety, festivals, events, social connection and sports facilities as well as thriving town centres, new and upgraded parks and playgrounds, transport improvements, clean streets and road safety.

To support the implementation of the plan, yearly Community Plan Actions Plans are developed that outline the key actions delivered each financial year.

**Integrated planning**

During the term Council focused on developing an integrated, long-term approach to strategic planning driven by extensive community engagement and an evidence-based outcomes framework.

This transformed the way planning is undertaken at the City of Whittlesea and this innovative approach has been recognised by the sector in the 2024 LGPro Awards for Excellence when the City of Whittlesea was a finalist in the Innovation Management category.

A lean, well-defined strategic planning framework saw the development of seven core strategies aligned to each of the goal areas under the vision of *A Place for All* with an outcomes framework that supports and enhances extensive reporting mechanisms, articulating the impact on community.

**Customer Service**

With a rapidly growing and diverse municipality, delivering excellence in customer service has been a focus of the past four years. With the introduction of a new post-service delivery survey to monitor satisfaction levels with customer service; satisfaction scores increased from 48% in November 2022 to 84% in July 2024.

**Community Engagement**

Council has invested significantly in rebuilding community trust through a comprehensive program of genuine community engagement to ensure the community’s voice is considered during Council decision-making.

**Advocacy**

During the term of administration Council has taken a collaborative approach to work in partnership with other tiers of government and regional Local Government associations to create and enhance the conditions for economic growth, liveability, and sustainability to meet the needs of the rapidly expanding population.

A strong advocacy program, compelling submissions and grant applications, strategic relationship-building and project preparedness have delivered pleasing results over the term.

**Representation**

During the Administrators term, representation was made on various state-wide, metropolitan, regional, and Whittlesea-based organisations which enabled Council to further its advocacy and engagement goals, and to gather information about sector opportunities and emerging issues to inform decision-making.

Internally, Administrators formed part of the CEO Employment Matters Advisory Committee with an independent external chairperson, and across the four-year term, Chair Administrator Wilson and one other Administrator were actively represented on Council’s Audit and Risk Committee along with four independent external members.

**Pandemic Response**

The City of Whittlesea played an important role in responding to and supporting local community recovery from the COVID-19 pandemic.

A partnership approach with other levels of government, key community agencies including Northern Health, DPV Health and local community networks was paramount to boost local vaccination rates and ensure compliance with health directives.

Supporting immediate needs through lockdowns with food and material supplies was the initial priority which then shifted in focus towards recovery with initiatives to support our community to get back to doing what they love, from dining to leisure and social activities. Council collaborated with and listened to our community to help shape many of our plans and priorities and advocated on their behalf to other levels of government.

Throughout this time, business continuity was a focus and service delivery and good governance continued.

**Connected Community**

During the term Council has sought to foster an inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

This was achieved through strategic planning, ageing well activities and programs, community grant program and a range of community programs, including the establishment and induction of a Youth Council, safety and wellbeing programs, libraries and the way library services are delivered, and sports and recreation programs.

**Liveable Neighbourhoods**

During the term Council has sought to ensure our City is well planned and that our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Strong Local Economy**

During the term Council has sought to make our City a smart choice for innovation, business growth and industry investment as well as supporting local businesses to be successful, enabling opportunities for local work and education.

**Sustainable Environment**

During the term Council has sought to prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green spaces and address climate change.

**High Performing Organisation**

During the term Council has sought to ensure Council engages effectively with the community, delivers efficient and effective services and initiatives, makes decision in the best interest of the community and delivers value to the community.

For information of the extensive highlights and incredible work undertaken by the Panel of Administrators refer to Attachment 1.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

There are no financial implications with publicly providing the final Administrator Report.

Community Consultation and Engagement

N/A.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

Public Transparency Principles

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

(b) Council information must be publicly available unless—

(i) the information is confidential by virtue of the *Local Government Act* or any other Act; or

(ii) public availability of the information would be contrary to the public interest.

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

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

A copy of the Administrator Report will be made available on Council’s website prior to and after the Election Period.

Critical Dates

N/A.

# Declaration of Conflict of Interest

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

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

# Attachments

1. City of Whittlesea Panel of Administrators Final Report 2020-2024 [**5.12.1** - 30 pages]

**6 Notices of Motion**

No Notices of Motion

**7 Urgent Business**

No Urgent Business

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

**9 Confidential Business**

**Close meeting to the Public**

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

# Recommendation

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

9.1

**9.1 Contract 2016-201B - Tree Maintenance Variation Report**

9.1

**9.2 Garden Bed Contract CT2023-1 - Council Variation Report**

**10 Closure**