

**Agenda**

**Scheduled Council Meeting**

Tuesday 20 May 2025 at 6pm

Council Chamber,

25 Ferres Boulevard, South Morang

Councillors

Cr Martin Taylor, Mayor South Morang Ward

Cr Daniela Zinni, Deputy Mayor Bundoora Ward

Cr Nic Brooks Thomastown Ward

Cr Blair Colwell Mill Park Ward

Cr Lawrie Cox Ganbul Gulinj Ward

Cr Deb Gunn Painted Hills Ward

Cr Jarrod Lappin Mernda Ward

Cr David Lenberg Epping Ward

Cr Christine Stow North Ward

Executive Leadership Team

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

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

**Question Time:**

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

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

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

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

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

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair, Cr Martin Taylor will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Craig Lloyd, *Chief Executive Officer*

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

Emma Appleton, *Director Planning and Development;*

Agata Chmielewski, *Director Community Wellbeing;*

Sarah Renner, *Director Corporate and Customer Services;*

Amanda Dodd, *Acting 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 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 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 Council:**

1. **Confirm the Minutes of the preceding meetings, as circulated:**
2. **Scheduled Meeting of Council held on 15 April 2025; and**
3. **Unscheduled Meeting of Council held on 24 April 2025.**
4. **Note the Hearing of Submissions Committee meeting held on 6 May 2025.**

**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 Planning Permit Application 719904 to Allow for a Multi Lot Residential Subdivision and Creation of Easements at 158 Barry Road and Downs Road, Lalor

**5.1 Planning Permit Application 719904 to Allow for a Multi Lot Residential Subdivision and Creation of Easements at 158 Barry Road and Downs Road, Lalor**

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

**Report Author:** Planning Officer

**In Attendance:** Manager Building & Planning  
Planning Officer

# Executive Summary

The purpose of this report is to seek Council’s approval of planning permit application no. 719904 for the multi-lot residential subdivision (25 Lots) and creation of easements at 158 Barry Road and Downs Road, Lalor. The application is being presented to Council for decision as the proposal is on Council land.

The proposal (Attachment 1) includes the creation of 25 residential lots, roads and associated infrastructure and creation of a restriction on title to implement design guidelines for the future dwellings (Attachment 2), to ensure the amenity of adjacent residences is upheld and the interface to the Whittlesea Public Gardens is successfully managed.

Whittlesea Public Gardens is a located at the western end of Barry Road. The City of Whittlesea Open Space Strategy (2016) nominated the Gardens as one of four most important municipal open spaces within the municipality. The Strategy had identified issues to be addressed in a Masterplan, including an improvement to the visibility and safety by way of upgrading the eastern interface to the park. The *Whittlesea Public Gardens Master plan* (Attachment 3), endorsed by Council on 4 September 2018, proposes to establish a new road and residential development facing onto the Gardens along Downs Road to improve passive surveillance and public safety.

At the Council meeting held on 5 March 2019, Council resolved to undertake the process required to discontinue the land known as Downs Road. Following the community consultation process, at the Council meeting held on 7 May 2019, Council resolved to discontinue the section of Downs Road. Due to a number of amendments to the subdivision application, it was later identified that a section of the existing Sarissa Street, north of the former Downs Road was also to be discontinued to facilitate the proposal.

On 20 November 2024, the Chief Executive Officer, under delegation, authorised the commencement of the statutory process for the discontinuance of part of Sarissa Street, Lalor. Council, at its meeting held on 18 March 2025 resolved to discontinue the final section of Sarissa Street under Section 206 of the *Local Government Act 1989*.

This report details the Council Officers assessment of the proposal against the planning policy of the Whittlesea Planning Scheme, as well as a response to submissions received from public notice of the application.

The site is located within the discontinued road reserve of Downs Road, Lalor and the eastern most portion of Whittlesea Public Gardens. Downs Road was never constructed and is currently a linear area of unused open space to the rear of residential allotments to the east and Whittlesea Public Gardens to the east. The *Whittlesea Public Gardens Masterplan* has identified that passive surveillance onto the park is an important factor to improve the usability and safety of the park, as the current secluded nature from the dense tree planting on the gas easement and rear fences facing the park does not lend to an adequate view and access to the park.

The proposal seeks to subdivide the land previously to be utilised as a road reserve and to construct a north-south road within the Gas Easement which runs directly west of the Downs Road reserve. All lots will front onto Whittlesea Public Gardens, with a street providing separation in addition to car parking along the eastern boundary of the park. The road will enable through traffic from the north to the south, increasing passive surveillance along this otherwise non-active portion of the park.

As a result of the public notice of the application, a total of five submissions were received and one petition with 56 signatures. The submissions lodged detailed concerns with security and passive surveillance, reduction of property values, privacy impacts, loss of amenity, loss of garden view, traffic impact, noise, pollution, loss of ecological values, and health concerns. Concern was also raised about the lack of community consultation.

The proposal is consistent with the objectives of the relevant Planning Policy and the decision guidelines of the Whittlesea Planning Scheme and approval of the application is recommended, subject to conditions. The proposed subdivision appropriately responds to the existing neighbourhood and connects well to the existing road network. The proposal aims to deliver the endorsed *Whittlesea Gardens Masterplan*, by allowing for housing to front the Whittlesea Public Gardens. Design guidelines will be implemented on the proposed residential lots to ensure future constructed dwellings will integrate with the Whittlesea Public Gardens, improve public access and provide for high-quality housing that integrates with the existing residential area.

There are 60 conditions proposed to be included in the planning permit (attachment 4). The conditions are required to ensure good design outcomes; engineering, vegetation management, landscape planting requirements, and the provision of services to the residential subdivision. The design guidelines lodged with the application and amended as conditions seek to respond to concerns raised by the adjacent residents, ensuring amenity is maintained and high-quality residential development is delivered.

# Officers’ Recommendation

**THAT Council:**

1. **Approve Planning Permit Application No. 719904 and issue a Notice of Decision to Grant a Permit for the multi lot residential subdivision (25 lots) and creation of easements in accordance with the endorsed plans and subject to the following conditions within Attachment 4.**
2. **Note the response to submissions detailed in Attachment 7.**
3. **Note the inclusion of design guidelines included as a restriction on title to ensure the amenity of adjacent residences is upheld and the interface to the Whittlesea Public Gardens is maintained.**
4. **Note Council Officers will notify the submitters to the application of Council’s decision and provide a copy of the Notice of Decision to Grant a Permit.**

# Background / Key Information

Council, at its meeting held on 4 September 2018, endorsed the *Whittlesea Public Gardens Masterplan* which provided a blueprint for redeveloping the park to meet the recreation needs of Lalor’s changing community. The Whittlesea Public Gardens Master Plan recommended the establishment of a new road and residential housing facing onto the gardens, along Downs Road, to improve passive surveillance and public safety in the reserve (Attachment 3, page 6).

At the Council meeting held on 5 March 2019, Council resolved to undertake the statutory process required to discontinue the land known as Downs Road. Following the community consultation process, at the Council meeting held on 7 May 2019, Council resolved to discontinue the section of Downs Road under Section 206 of the *Local Government Act 1989*. The Victoria Government Gazette notice was published on 16 May 2019, and later corrected in a subsequent notice issued on 23 July 2020, to include easement rights for Yarra Valley Water. Due to a number of amendments to the subdivision application, it was later identified that a section of the existing Sarissa Street, north of the former Downs Road was also to be discontinued to facilitate the proposal as this was not included in the initial Council approval in 2019. On 20 November 2024, the Chief Executive Officer, under delegation, authorised the commencement of the statutory process for the discontinuance of part of Sarissa Street, Lalor. Council, at its meeting held on 18 March 2025 resolved to discontinue the final section of Sarissa Street under Section 206 of the *Local Government Act 1989*.

**Subject Site and Surrounding Area**

The subject sites are 158 Barry Road which is land within the Whittlesea Public Gardens and Downs Road, which is a discontinued road reserve.

158 Barry Road Site Description

158 Barry Road is the location of the Whittlesea Public Gardens and has an area of 14.78 hectares. Its facilities include playground, barbecue, basketball ring, walking and bike track, public toilets with accessible toilets, car parking, off-leash dog park and access to Craigieburn Bypass shared path.

The area to be utilised for the subdivision has an APA gas easement and contains a number of planted trees (Attachment 5). The APA gas easement is 35 metres in width and runs along the eastern edge of Downs Road. The gas pipeline runs north-south and a portion of the existing Atarhi Parade is constructed within this easement. APA Group who manages the gas easement has consented for up to 15 metres of the width of the easement to allow for the road construction.

Downs Road Site Description

Downs Road is a discontinued road reserve which measures 20 metres by 433 metres. The land is grassed and is vacant of any structures and significant vegetation. The northern most point of land contains a small portion of constructed road which connects to Sarissa Street and is approximately 184 square metres in size.

Surrounding Area

To the north, east and south of the subject site are residential dwellings on lots from 300 to 600 square metres.

*North*

To the north is Sarissa Street which provides an east-west connection through to Gillwell Road and to existing residential areas to the north-west. A small portion of road connecting to Sarissa Street has been constructed on the northern most point of the subject site which will be removed as discussed above. Residential lots are located further north of Sarissa Street, with mainly detached dwellings, with a few examples of townhouse development.

*East*

To the east are a number of lots with the rear backyard fencing directly abutting the proposed subdivision. Benaroon Road, an existing road connection is along the east. These dwellings also form part of an older subdivision that back onto the *Whittlesea Public Gardens*.

*South*

To the south is Barry Road which provides an east-west connection through to Edgars Road. Further south is the Marran Run housing estate currently in development.

*West*

To the direct west of the proposed lots is the Whittlesea Public Gardens which includes a number of park facilities. Further to the west of the park is the Craigieburn Bypass.

The nearest bus stops are the 554 and 557 bus routes, with stop located approximately 700 metres to the east along Barry Road. The wider area is serviced by the nearby Edgars Road, a north-south arterial road.

**Proposal**

This planning permit application proposes a 25-lot residential subdivision within 158 Barry Road, Lalor and the discontinued road reserve of Downs Road (Attachment 1). The application will also include the construction of a north-south local road and the creation of easements to facilitate the subdivision.

The proposal seeks to subdivide the land previously utilised as a road reserve and to construct a north-south road within the Gas Easement which runs directly west of the Downs Road reserve. Proposed Lot 2 through 25 range in area from 306 square metres to 321 square metres and will front the proposed local road, towards Whittlesea Public Gardens. Proposed Lot 1 is 614 square metres and will front onto Sarissa Street.

A proposed 15-metre wide local road will provide separation between proposed lots 4 through 25. The road includes car parking along the eastern boundary. The road will enable through connection to Barry Road and Benaroon Drive and have an extended driveway at the north end abutting lots 2 and 3. The proposed 12-metre-wide extended driveway complies with the shared driveway standard within the City of Whittlesea Neighbourhood Design Manual. The shared driveway is provided with a vehicle turning area to allow for a passenger vehicle to perform a three-point turn, with waste collection to be collected from the kerbside of the proposed local road, rather than within the shared driveway.

The existing 2W Atarhi Parade open space reserve located at the intersection of Atarhi Parade and Sarissa Street will be retained (Attachment 5).

The proposal will require the removal of a number of planted trees to the west of the Downs Road reserve and within the APA Gas Easement. The trees are planted and do not require planning permission to remove and while of a native species, these trees are not deemed to be of a significant quality.

All lots are proposed to be connected to reticulated electricity, water and sewerage; as well as telecommunication and NBN connections. No gas supply is proposed, in line with State Government expectations.

Design Guidelines

The design guidelines (Attachment 2), lodged with the application and amended via conditions, will be included as a restriction on each lot. The purpose of these design guidelines is to provide design outcomes that deliver high-quality public realm, facilitate connection to the *Whittlesea Public Gardens*, achieve appropriately scaled built form, good architectural quality and enable an enduring landscape character.

A minimum five metre rear setback to the rear of the existing dwellings and a minimum three metre front setback will be required for the residential homes. Additional sustainability measures have also been included as conditions to deliver further sustainability outcomes on the site, including sustainable building materials and appropriate landscaping.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**

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

*Response:* The proposed residential subdivision complements the existing residential interface and provides connections to the existing pedestrian and street network, while not negatively affecting the existing street network.

**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.

*Response:* The proposal aims to increase housing in Lalor and enhance public safety to a significant public open space.

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

Financial Management

The required statutory planning permit application fee has been paid to Council.

**Probity**

Council is the landowner, and the applicant is Urbis, a planning consultancy firm. Urbis has engaged the services of consultants for the preparation of the application submission documents, which have been further reviewed by Council Officers, with changes made as requested. The application was assessed by the Council Planning Officer based on its merit and against the decision guidelines of the Whittlesea Planning Scheme.

Community Consultation and Engagement

Notice of the application was given in accordance with the *Planning and Environment Act 1987,* which sets out the minimum requirements. For this application, advertising was extended for an additional two weeks due to the Christmas and End of Year Holiday period.

Public Notice and Submissions

Public notification was undertaken which included two signs, one located on the southern boundary facing Barry Road and one sign located on the northern boundary facing Sarissa Street. 54 letters were posted to surrounding residents and landowners (Attachment 6). The letters were sent on 11 December 2024 and the notice sign was displayed on the site from the 13 December 2024 to 7 January 2025.

Five submissions and one petition with 56 signatures were received as a result of the public notification. Council Officers have considered the submissions received and a response is provided in this report (Attachment 7).

**Submissions and Response**

Loss of security and surveillance

One submission was received due to the proposed development obscuring views to the park for the residents on Killara Street, Network Drive and Benaroon Drive. The perceived loss of public surveillance for these dwellings would therefore impact security risks.

*Response:* Downs Road (discontinued road reserve) is a very poor interface to the Whittlesea Public Gardens and rear fences backing onto the Whittlesea Public Gardens do not provide for passive surveillance to the gardens. The proposal allows for residential lots and a street to front onto the Whittlesea Public Gardens which will improve passive surveillance, public safety and increase pedestrian activity with access to the gardens which is in line with the recommendation of the *Whittlesea Public Gardens Masterplan*.

Property Values

A total of three submissions were received relating to perceived decreases in property values as a result of amenity impacts and loss of privacy.

*Response:* The *Planning and Environment Act 1987* does not require the Responsible Authority to consider property values when making planning decisions. Instead, it emphasises factors such as sustainable development, environmental protection, and community well-being.

Privacy

Five submissions were received relating to the concern of privacy impacts to the future residential dwellings. Specifically, concerns with the loss of privacy in their balconies and backyards.

*Response:* Overlooking matters have been addressed in the *Whittlesea Public Gardens - Residential Edge Design Guidelines*. The Design Guidelines establish that any overlooking must be designed to comply with Clause 54.04-6 (Overlooking objective) in the *Whittlesea Planning Scheme*.

Loss of Amenity

Three submissions with concerns regarding the loss of amenity were submitted. Specifically, this related to the loss of views to the Gardens, reduced access to sunlight and overshadowing as a result of any development west of the existing dwellings on Killara Street, Network Drive and Benaroon Drive.

*Response:*

* *Loss of views to the Whittlesea Public Gardens*: Prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. Any views into the Gardens itself are currently mostly obscured by the vegetation planting and rear back fences.
* *Reduced access to sunlight and increased overshadowing*: The proposed building envelope on all residential lots abutting existing dwellings Killara Street, Network Drive and Benaroon Drive will have a five-metre rear setback as per the design guidelines. This will ensure that all future dwellings are well setback from existing dwellings, therefore not impacting on access to sunlight and overshadowing of existing dwellings and private open space.

Traffic Impact

All five submitters provided a response regarding the impact of traffic, specifically due to the increase of vehicular traffic impacting congestion on local roads and intersections.

*Response:* A Traffic Impact Report has been prepared by the proponent and reviewed by Council’s engineers. The report confirms that the existing street network has sufficient capacity to accommodate this increase without causing undue congestion. Specifically, the proposed residential subdivision is expected to generate a total of approximately 25 vehicle movements during the peak periods, and 218 daily vehicle movements, both of which are expected to be comfortably accommodated by the proposed road and existing road network. The proposal includes 3 traffic calming devices in the form of speed humps to reduce vehicle speed and encourage low-speed movements.

Car Parking and Safety

There is one submission related to a reduction in car parking, as well as concern for the safety of the roads if both sides of the street are utilised for parking.

*Response:* A total of 39 indented car parking bays will be provided on the western side of proposed Downs Road and no car parking bays on the eastern side. The 39 car parking bays is considered sufficient to provide for additional car parking for the residents. The road reserve is 15 metres wide and designed to accommodate two-way traffic. Existing car parking for visitor to Whittlesea Public Gardens is located within the park itself, located at the end of Barry Road.

Noise and Pollution

There are four submissions relating to noise and pollution. Specifically in relation to the potential of the proposed road to create noise disturbance and pollution due to increased vehicle users, as well as the width and lack of preventative measures to dissuade local drag racing. Additionally, there were concerns regarding the impact to existing residences during the construction phase of the development.

*Response:* The proposed traffic calming devices will ensure the road is kept as a low-speed local road. The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements.

Noise during construction is governed by Environmental Protection Authority legislation (1934.1: Civil construction, building and demolition guide) which seeks to eliminate or reduce the risk of harm to human health and the environment during construction. Additionally, a Site Environmental Management Plan will be required prior to commencement of construction and will be managed by Council's Asset Protection Officers.

Loss of Ecological Values

Four submissions were received in relation to loss of vegetation along the eastern boundary of the Whittlesea Public Gardens and will result in reduction in negative impacts on local flora and fauna.

*Response:* The vegetation to be removed as part of the proposal is planted and while native, is not of a significant quality. The requirements to obtain a planning permit does not apply to planted vegetation under Clause 52.17 (Native vegetation) of the *Whittlesea Planning Scheme*. Landscape embellishment and tree planting, including the provision of street trees, will be delivered as a part of the development upon the completion of the street.

Health Concerns

There were two submissions in relation to health concerns, specifically the negative health implications as a result of the loss of green space. Concerns also related to air quality, mental health, physical activity, and social isolation, as well as increased urban heat island effect.

*Response:* The proposal improves on the interface to the Whittlesea Public Gardens and will include additional street tree planting within the proposed road. The tree removal along the eastern boundary of the Whittlesea Public Gardens will alter the interface to the residential area, however it is foreseen that the removal of trees will increase the passive surveillance and improve on interaction to the Whittlesea Public Gardens in-line with the *Whittlesea Public Gardens Masterplan.* Additionally, the design guidelines will require new trees within each lot, one in the front yard and one to the rear.

Lack of Community Consultation

Two submission raised concerns for the perceived lack of community consultation and engagement with local residents.

*Response:* The application was advertised in accordance with the *Planning and Environment Act 1987.* 54 letters were sent toadjoining landowners and occupiers to the subject site and included two signs, one located on the southern boundary facing Barry Road and one sign located on the northern boundary facing Sarissa Street (Attachment 6).

Additionally, other Council projects related to the *Whittlesea Public Gardens Master Plan*, approved in 2018 have been communicated to residents. The road discontinuation application approved at a Council meeting on 18 March 2025 was advertised concurrently and included a wider update on the *Master plan* project.

**Referrals**

The following referral authorities were provided notice of the application in accordance with Section 55 of the *Planning and Environment Act 1987:*

* APA Group - No objection, subject to conditions.
* AusNet - No objections, subject to conditions.
* Department of Transport and Planning - No objection, no conditions.
* Fire Rescue Victoria - No objection, subject to conditions.
* Melbourne Airport - No objections, notation provided.
* Melbourne Water - No objection, subject to conditions.
* Yarra Valley Water - No objections, subject to conditions.

All conditions recommended by the referral authorities are supported by Council Officers.

As part of the assessment process, the traffic report, storm water management plan and urban design guidelines were referred to internal departments for assessment. Below is the response.

*Traffic Report*

The Traffic Report was assessed by Council engineers who confirmed the proposal addresses Council’s engineering standards for vehicle movement. The proposed street is a 15-metre wide local access road with traffic calming devices to maintain a low-speed environment. The proposed 12-metre wide shared driveway allows for a vehicle turning area and complies with Council’s Neighbourhood Design Manual. 39 car parking spaces will be provided on the western side of the street which will allow for one visitor car parking space per dwelling.

*Stormwater Management Plan*

The Stormwater Management Strategy was assessed and requires minor revisions. The revisions are detailed within condition 2 (Attachment 8).

*Design Guidelines*

The Design Guidelines included recommendations to improve sustainability and design outcomes. Condition 5 (Attachment 8) requires a few additional requests for greater sustainability by requiring lighter colour materials, preferences for native vegetation planting and prohibiting synthetic turf. Amendments to the Design Guidelines will also require high-quality materials to be included in the design, at the suggestion of Council’s Urban Design team.

# 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. 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.
2. Council information must be publicly available unless—
3. the information is confidential by virtue of the *Local Government Act* or any other Act; or
4. 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.

# Council Policy Considerations

Environmental Sustainability Considerations

The proposed subdivision will adhere to environmental sustainability considerations, by providing an opportunity to create sustainable, well-integrated housing that supports additional connections to the Whittlesea Public Gardens and design guidelines which facilitate canopy tree planting within the front and rear setbacks of each future dwelling.

The Design Guidelines will include measures to increase the overall sustainability outcomes of each dwelling, including vegetation planting guidelines and the provision of light colour materials to mitigate the urban heat island effect.

Social, Cultural and Health

The proposed subdivision will contribute to the community by providing new housing options that face onto Whittlesea Public Gardens, promoting connection and safety. The development aims to enhance public safety by improving passive surveillance to the parkland, which is expected to have positive effects on the safety of park users.

Economic

The development of residential lots for dwellings is expected to generate increased economic activity through the construction phase through additional jobs and the proposal would allow for greater housing diversity and choice. The introduction of new residents to the area will also have long-term benefits, such as increased local spending in the local economy.

**Legal, Resource and Strategic Risk Implications**

The process for the planning permit application is in accordance with the *Planning and Environment Act 1987*. The recommendation of this report is for approval which opens the opportunity for a submitter to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

**Planning Assessment**

**Planning Policy Framework**

The proposal is consistent with the Planning Policy Framework, particularly regarding the policies relating to urban growth, settlement and infrastructure.

* Clause 11.02 (Managing Growth) of the Whittlesea Planning Scheme seeks *to ensure the availability of land for residential development and to create functional, attractive and safe urban environments.*

*Response:* The proposal provides for additional residential lots within an established area which has access to existing services and infrastructure.

* Clause 13.02 (Bushfire) of the Whittlesea Planning Scheme seeks *to strengthen community resilience to bushfire and grassfire and protect environmental and cultural values*.

*Response:* The application was referred to Fire Rescue Victoria who raised no objection subject to conditions.

* Clause 15.01 (Urban Environment) seeks *to create a safe, functional and walkable neighbourhood with access to existing vehicle and pedestrian connections*. Clause 15.01-1S and Clause 15.01-1L (Urban design) contains strategies which seek to provide further guidance on how to create liveable neighbourhoods. Clause 15.01-3S and Clause 15.01-3L (Subdivision design) is specific for this subdivision application and includes such strategies as providing links to parks, designing new subdivisions that are compatible with adjacent land uses and integrating with the surrounding environment and land use.

*Response:* The subdivision will activate the eastern edge of the Whittlesea Public Gardens, which currently has poor connectivity and passive surveillance given the existing dwellings back onto the park. The layout logically integrates with the existing subdivision network and extends existing pedestrian and vehicle connections where available.

* Clause 18.02 (Movement Networks) of the Whittlesea Planning seeks *to facilitate an efficient and safe walking network* (Clause 18.02-1S) and *facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure* (Clause 18.02-4S).

*Response:* The proposal provides for safe and efficient road and pedestrian connections that connects to existing infrastructure.

* Clause 19.03 (Development Infrastructure), specifically Clause 19.03-2S seeks *to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community*.

*Response:* Condition 28 requires a public open space contribution which goes towards the provision of public open space infrastructure. The rate is 5% of the land value.

* Clause 15.03-2S (Aboriginal Cultural Heritage) seeks *to require protection and management of significant Aboriginal heritage sites*.

*Response:* The subject land is located within a culturally sensitive area which can include registered Aboriginal cultural heritage places, as well as landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. A Cultural Heritage Management Plan has been prepared and approved, which includes an assessment of the potential impact of the proposed activity.

It outlines measures to be taken before, during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area should artifacts be found during development.

**Zones**

General Residential Zone - Schedule 5 (Clause 32.08)

Part of the site falls within the General Residential Zone (Attachment 8). The purpose of this zone is:

* *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
* *To encourage development that respects the neighbourhood character of the area.*
* *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
* *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3 of the Whittlesea Planning Scheme a permit is required to subdivide land in the General Residential Zone.

Public Use Zone - Schedule 6 (Local Government) (Clause 32.08)

Part of the site falls within the Public Use Zone. The purpose of the zone is as follows:

* *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
* *To recognise public land use for public utility and community services and facilities.*
* *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Schedule 6 specifies that the purpose of the Public Use Zone is for Local Government purposes.

Pursuant to Clause 36.01-2 of the Whittlesea Planning Scheme a permit is required to subdivide land.

**Overlays**

Design and Development Overlay - Schedule 2 (Clause 43.02)

The site is partially affected by the Design and Development Overlay (Schedule 2). The purpose of the overlay is as follows:

* *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
* *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule 2 relates to the *Hume Freeway – Metropolitan Ring Road to the north of Craigieburn*.

Pursuant to Clause 43.02-3, a permit is required to subdivide land within the Design and Development Overlay.

Melbourne Airport Environs Overlay Schedule 2 – Clause 45.08

The purpose of the overlay is:

* *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
* *To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.*
* *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.*
* *To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure.*

Pursuant to Clause 45.08-3, a permit is required to subdivide land, with Schedule 2 specifying that each lot must be at least 300 square metres.

Development Contributions Plan Overlay - Schedule 3 (Clause 45.06)

The purpose of the overlay is:

* *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
* *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

**Particular Provisions**

Easements, Restrictions and Reserves – Clause 52.02

The purpose of the provision is:

* *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

Pursuant to Clause 52.02, a permit is required under Section 23 of the *Subdivision Act 1988* to create an easement and a reserve.

Public Open Space contribution and subdivision – Clause 53.01

A public open space contribution is required to be made as part of any application to subdivide land at rates according to the Schedule to Clause 53.01. This requirement will be included as a condition on any permit that is issued.

Officer Recommendation

The proposal for the 25-lot subdivision and creation of easements is consistent with the Planning Policy Framework, General Residential Zone, Public Use Zone, Design and Development Overlay, Melbourne Airport Environs Overlay, Development Contributions Plan Overlay and the relevant particular provisions of the Whittlesea Planning Scheme.

The proposal has been designed to logically connects with the existing residential area and will provide for greater surveillance to Whittlesea Public Gardens.

An application to subdivide residential land in a General Residential Zone must meet the decision guidelines of the zone, the decision guidelines of Clause 65 of the Whittlesea Planning Scheme and the requirements of Clause 56 (Residential Subdivision) of the *Whittlesea Planning Scheme* (Attachment 9).

The Clause 65 decision guidelines are as follows:

| **Decision Guideline** | **Response** |
| --- | --- |
| The suitability of the land for subdivision | The land is located within the residential zone which envisages moderate housing growth. Given the location in an existing residential area with access to existing services and infrastructure, the proposal will integrate to the surrounding area and provide for a positive interface to the Whittlesea Public Gardens. |
| The existing use and possible future development of the land and nearby land. | It is not anticipated that the proposal will impact development opportunity on surrounding land uses which is either residential or public open space. |
| The availability of subdivided land in the locality, and the need for the creation of further lots. | Demand for housing in Metropolitan Melbourne is strong, particularly in established suburbs. This is in line with the State Government plans. |
| The effect of development on the use or development of other land which has a common means of drainage. | The proposal does not impact on the wider drainage strategy for the corridor. The application was referred to Melbourne Water who is the drainage authority. They did not object to the grant of a permit subject to conditions. |
| The subdivision pattern having regard to the physical characteristics of the land including existing vegetation. | The subdivision pattern has been designed in a way that responds to the physical characteristics of the site and provides for a positive interface to the Whittlesea Public Gardens.  The vegetation to be removed as part of the proposal is planted. The requirements to obtain a planning permit does not apply to planted vegetation under Clause 52.17 (Native vegetation) of the Whittlesea Planning Scheme. Opportunities exist for landscape embellishment, including the provision of street trees upon the completion of the road. |
| The density of the proposed development. | The lots are considered to be a standard density size, with lots over 300 square metres, which is similar to surrounding residential lots. |
| The area and dimensions of each lot in the subdivision. | The area and dimension proposed can accommodate a standard sized dwelling in the future. |
| The layout of roads having regard to their function and relationship to existing roads. | The road layout will ensure that connections are provided through to Barry Road and Benaroon Drive. |
| The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots. | Pedestrian and vehicle movements throughout the subdivision will be via the proposed new 15-metre-wide road, which will connect through to the existing roads and footpath networks. Additionally, pedestrian connections will be provided to Whittlesea Public Gardens. |
| The provision and location of reserves for public open space and other community facilities. | The proposal will have direct access to the Whittlesea Public Gardens. |
| The design and siting of buildings having regard to safety and the risk of spread of fire. | The application was referred to Fire Rescue Victoria who did not object to the grant of a planning permit subject to conditions. |
| The provision of off-street parking. | 39 indented car parking spaces are provided on the western side of the road. |
| The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas. | All services will be provided, except gas. As of 1 January 2024, all new dwellings are prohibited from connecting to reticulated natural gas. |
| Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas. | The native vegetation proposed to be removed is planted and therefore exempt from the requirement of a planning permit. Due to the road layout, the vegetation could not be retained, if the vegetation was retained, it would make the subdivision unviable. |

# Implementation Strategy

Communication

If the planning permit application is approved and a Notice of Decision to Grant a Permit is issued, all objectors to the application will receive a copy of the notice, including proposed conditions/recommendations.

# 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. Subdivision Plan [**5.1.1** - 1 page]
2. Whittlesea Public Gardens Design Guidelines [**5.1.2** - 8 pages]
3. Whittlesea Public Gardens Master Plan [**5.1.3** - 21 pages]
4. Conditions [**5.1.4** - 19 pages]
5. Site Context Plan [**5.1.5** - 1 page]
6. Advertising Map [**5.1.6** - 1 page]
7. Submission and Officer Response Table [**5.1.7** - 9 pages]
8. Zoning Map [**5.1.8** - 1 page]
9. Clause 56 [**5.1.9** - 18 pages]

5.2 2388 Plenty Road Whittlesea Development Plan

**5.2 2388 Plenty Road Whittlesea Development Plan**

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

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures  
Strategic Planner

# Executive Summary

The purpose of this report is to consider the *2388 Plenty Road Whittlesea Development Plan* (Development Plan), prepared and submitted by Whiteman Property and Associates.

The site subject to the Development Plan is 2388 Plenty Road, Whittlesea *(refer Attachment 1*). The site is approximately 4.5ha in size and bound by Plenty Road to the west, an industrial estate to the north, the former rail reserve and ‘green wedge’ land to the east and existing low density residential development to the south (Retland Estate).

The Development Plan proposes that the site be developed for a residential aged care facility, medical centre, retirement living and a shared resident’s garden for the majority of the site and non-residential (commercial) uses in the north-west corner of the site fronting Plenty Road. The mix of uses has been proposed as an appropriate response to the surrounding uses and as a transition between the industrial use to the north and residential use to the south.

The Development Plan has been prepared in accordance with Schedule 2 to the Development Plan Overlay (DPO2) at Clause 43.04 of the Whittlesea Planning Scheme and the *Whittlesea Local Structure Plan 1998* (LSP).

The draft Development Plan and supporting documents were placed on non-statutory exhibition in November and December 2024. Neighbouring and nearby properties, and relevant agencies, were notified and provided with the opportunity to comment on the proposal.

A total of 29 submissions were received from affected and adjacent landowners/residents as well as agencies, which are summarised in *Attachment 2*. In response to submissions, officers recommended a number of changes be made to the exhibited documents which have been incorporated by the proponent into the final Development Plan (*refer to Attachment 3*).

The Development Plan has been assessed as meeting the relevant requirements of the Whittlesea Planning Scheme and satisfactorily responds to the existing site features and local context. It provides for use and development that meets a community need for medical and residential aged care services and accommodation. In particular, the proposed residential aged care use responds to state planning policy which aims to facilitate additional residential aged care facilities to enable residents to access diverse housing options in their community. The Development Plan also provides a transition between and response to the mix of uses surrounding the site and aligns with the *Whittlesea Local Structure Plan* and *Whittlesea Township Plan* (2021)*.*

Given the Development Plan’s alignment with the Whittlesea Planning Scheme including relevant planning policy and the updates made to the Development Plan by the proponent in response to community feedback, the report to Council recommends that Council approves the *2388 Plenty Road Whittlesea Development Plan*.

# Officers’ Recommendation

**THAT Council:**

1. **Note the *2388 Plenty Road Whittlesea Development Plan* at *Attachment 3* which proposes to develop the subject land for health, residential aged care and retirement living purposes with a commercial use abutting the industrial estate to the north.**
2. **Note the outcomes of non-statutory exhibition and officer recommendations detailed in the report at *Attachment 2*.**
3. **Approve the *2388 Plenty Road Whittlesea Development Plan* in the form contained at *Attachment 3*.**
4. **Note Council officers will notify the submitters and proponent of this resolution.**

# Background / Key Information

**Site Context**

The subject site is located on the eastern side of Plenty Road at the southern edge of Whittlesea Township (*refer Attachment 1)*.

The land directly north of the subject site is zoned Industrial 3 (IN3Z) and is occupied by commercial tenancies, including a veterinary surgery, factories, mail sorting facility and Ambulance depot in 6m-7m tall, concrete warehouses. Transport zoned land to the north-east (the former rail reserve) contains a Council works depot and a timber yard.

The land to the south is zoned Low Density Residential Zone (LDRZ) and contains single storey residences on lots ranging in area from 6000 to 7000sqm, developed in the 1990’s and known as the Retland Estate.

The Funfields Theme Park is located directly opposite the site with its frontage dominated by a large area of carparking *(refer to Attachment 4 for site and surrounding zoning).*

The subject site is developed with a single dwelling near its northern boundary and is currently used for grazing. The majority of the subject site is zoned LDRZ, with a section along the eastern boundary zoned Green Wedge (GWZ). The LDRZ land is approximately 3.85 hectares in area and the GWZ land is approximately 0.59 hectares in area.

The main retail activity for Whittlesea Township occurs in Church Street, approximately 1-2km to the north of the site. Public transport in the area is confined to a bus service, with a bus stop available just to the south of the subject site.

As noted, the subject site is located between employment use to the north and the low density residential Retland Estate to the south. There are no connections to the subject site from either of the adjoining parcels. While the zoning of the subject site enables a low-density residential outcome, it was not developed at the time of the other low density residential land in the Retland Estate to the south and has remained vacant.

Over the past several years, there have been many enquiries and discussions over the future of the subject site, mainly in respect to potential commercial proposals. It has been challenging to find a land use outcome for the site which responds to the low-density residential nature of the land to the south and industrial interface to the north.

The subject Development Plan proposes a land use that responds to a community need for residential aged care in the area and adopts a site planning and built form strategy which seeks to make an appropriate transition from the residential uses to the south to the industrial land to the north.

As a significant gateway site into Whittlesea, it will be important the interface to Plenty Road is of a high quality. The presentation of the development to Plenty Road will be guided by objectives and design guidelines set out in the Development Plan and assessed in more detail through the subsequent planning permit application process. The Development Plan includes the requirement for a landscaping strip along Plenty Road.

In summary, the Development Plan proposal seeks to respond to this land use context by proposing a residential aged care facility to meet a community need and other uses including commercial and retirement living which are compatible with and provide a transition between adjoining uses.

**The Development Plan Process at City of Whittlesea**

The subject land is affected by a Development Plan Overlay (DPO). This is the principal planning tool applied to the older structure plan areas that originally converted rural land to urban use in Whittlesea Township, Mernda, Doreen, South Morang, Wollert, Epping, and Epping North. The Development Plan process is explained further at *Attachment 5* and the location of Development Plans in the planning document hierarchy is shown at *Attachment 6*.

The Development Plan Overlay Schedule 2 applies to the subject site and implements the requirements of the *Whittlesea Township Local Structure Plan 1994*.

Council in its role as the responsible authority for administering the Whittlesea Planning Scheme is required to make a decision as to whether the proposed Development Plan satisfies the requirements of the scheme.

**Planning Context**

The majority of the subject site is zoned Low Density Residential Zone Schedule 1 (LDRZ) in the Whittlesea Planning Scheme. The primary purpose of the LDRZ is to provide low density residential development and provide treatment and retention of sewage if required.

A portion of the site in the northeast corner is zoned Green Wedge Zone (GWZ). The primary purpose of the GWZ is to recognise, protect and conserve non-urban land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities.

The site is also affected by the Development Plan Overlay Schedule 2 (DPO2). This requires the approval of a Development Plan before a permit can be granted to use or develop the land. The DPO2 imposes a number of requirements the development plan must respond to, including compliance with the Local Structure Plan, the inclusion of bicycle and pedestrian paths in the internal road network, the subdivision layout, and a drainage plan.

Use of the site has been considered in two Council Strategic Plans, the incorporated *Whittlesea Township Local Structure Plan (1998)* and the *Whittlesea Township Plan (2021)*.

The site is within Precinct 5 of the *Whittlesea Township Local Structure Plan.* The objective of this precinct is to provide an attractive entrance to Whittlesea Township and a buffer between the town to the north and rural land to the south.

This need for a transition of uses is further supported by the *Whittlesea Township Plan* which specifically considers the subject site and notes it provides an opportunity for a range of land uses to be considered that provide a transition between the current land uses to the north (employment) and the south (low density residential).

**Development Plan Proposal**

The Development Plan proposes a mix of uses across the site, including residential aged care, retirement living and commercial use, which provide interface treatments and responses to manage transitions to the surrounding land uses. The Development Plan proposal has been supported and informed by a number of background technical reports and assessments.

Specifically, the Development Plan proposes:

* A residential aged care facility with a building height up to 13.5m and 4 storeys in the north-east quadrant, which will provide a site specific acoustic and built-form response to the industrial development to the north. This will also directly interface with the GWZ zoned land to the east.
* The GWZ land along the eastern boundary is proposed to be embellished and used as open space by the residential aged care and retirement village residents.
* A medical centre with upper storey independent living units with a building height up to 10m and 3 storeys in the centre of the site. The medical centre will support the retirement and residential aged care village and provide a transition from the commercial uses along the north-west boundary, to the residential uses in the south of the site.
* A retirement village with 1 and 2 storey buildings with heights of 6m-9m in the south of the site which transition to low density residential use south of the site.
* Two commercial sites in the north-west quadrant with elements of built form (determined by the use) allowed up to 12m. This use will interface with the industrial development to the north and provides a transition from that use to the residential uses proposed to the south. Commercial uses allowed under the zone, but require a planning permit, include:
  + Car wash,
  + Convenience store,
  + Service Station,
  + Convenience restaurant, and
  + Food and drink premises.
* A single point of access to the site through a new roundabout from Plenty Road. The roundabout allows for continual flow of traffic. It also provides the potential to add an additional fourth, western leg to expand the road network in the immediate area and improve current conditions in respect to both congestion and safety.
* Shared path along Plenty Road frontage connecting the bus stop to the south of the site to the existing footpath which currently terminates to the north of the site.
* The following development conditions and planning permit application requirements form part of the Development Plan:
  + To ensure the delivery of the roundabout as the first stage of any development. No interim access arrangements will be considered.
  + To provide information on how the balance of the land will be managed and developed, and the timing of development.
  + To provide additional assessment of aged care demand at the time of the planning permit.
  + Acoustic assessment to support the amenity for future residents of the residential aged care building.
  + Agreements with neighbouring landowners and managers for stormwater and drainage provision.
  + Design guidelines requiring high quality architectural form and landscape treatment along Plenty Road, in line the with gateway location of the site.

**Non-statutory Exhibition**

*Submissions*

In total, 29 submissions were received during exhibition. One submission expressed support for the proposal, 17 submissions objected to the proposal, six submissions expressed conditional approval, and several submissions did not address the draft Development Plan but instead suggested alternative uses. Several themes emerged across the submissions, which are discussed in detail below. *Attachment 2* details all submissions received and provides responses to all other matters which are not discussed below.

*Plenty Road and Roundabout Access*

Sixteen submissions raised a concern regarding the impact that the proposed roundabout access will have on existing traffic congestion and safety along Plenty Road. The draft Development Plan proposes a roundabout access on Plenty Road immediately south-west of commercial uses, which will be the sole access to the site and will service all proposed uses.

In addressing the submitters concerns, Council officers note that any form of development on the subject site will result in increased traffic volumes in the area.

The traffic volume data from the Traffic Engineering Assessment which accompanied the draft Development Plan indicates that this increase in traffic volume will be negligible and will be accommodated by the existing road network. Council’s engineering officers and the Department of Transport and Planning consider that the roundabout access arrangement will provide a safe and effective option that provides for the continual flow of traffic, calms traffic and reduces the opportunity for accidents compared to other treatment options such as service or turning lanes.

Submissions also specifically mention the existing congestion and traffic impact along Plenty Road adjacent to the subject site. While addressing this issue directly is beyond the scope of assessing this Development Plan application*,* Council engineering officers and the Department of Transport and Planning noted the roundabout presents an opportunity to provide a fourth, western leg which would improve the road network in the immediate area. This could help address and alleviate some of these existing traffic issues, both in relation to congestion and safety generated by existing uses in the vicinity of the subject site.

The Development Plan has been updated to note the fourth leg and include a preliminary design showing the expanded roundabout with the fourth, western leg. The timing of and responsibility for delivery of the fourth leg is outside the responsibility of this landowner and will be determined through further detailed assessment by others.

As Plenty Road is managed by Department of Transport and Planning (zoned Transport Zone 2), any application for future works associated with the modification of Plenty Road must be approved by the Department of Transport and Planning. The Department of Transport and Planning’s submission to the exhibition of the Development Plan provided conditional approval for a single entry into the site from Plenty Road, in the form of a roundabout or signalised intersection. Thorough planning and design work is to follow the adoption of the Development Plan. Through this, Council will advocate for the removal of an existing gravel driveway on the west side of Plenty Road, as this is a potential conflict point.

The draft Development Plan initially provided secondary site access through service lane access to the commercial uses, and left in, left out (LILO) entrances south of the roundabout. The service lanes and LILO access points were subsequently removed from the Development Plan in response to feedback from Department of Transport and Planning, which did not support those treatments, citing them as potential conflict points and noting the increased risk of traffic incidents on Plenty Road. This position is also supported by Council's traffic engineering officers.

*Industrial Interface*

One submission was received from the owner of the industrial development to the north of the subject site, regarding the proximity of existing industrial uses to proposed sensitive uses (i.e. the residential aged care use in the north-east portion of the site). The industrial park at 2396 Plenty Road, Whittlesea, includes tenants with 24/7 operating hours, including a mail distribution centre and Ambulance Victoria depot. The noise and light spill associated with these industrial uses will need to be addressed. The onus lies with the developer of the subject site to manage and buffer these impacts in a way that maintains residential amenity for aged care users and ensures the ongoing operational viability of the existing industrial tenants.

Accordingly, the Development Plan has been updated to include a future application requirement for an acoustic assessment and design response that addresses the need to buffer and mitigate noise and light spill. Additionally, the maximum building height of the residential aged care site has been maintained at 13.5m and four storeys, in part to ensure that the facility:

* Has substantial massing to absorb and divert noise/light transmission away from the retirement and medical uses in the southern portion of the site.
* Has the operational capacity to incorporate any additional noise attenuating design features (e.g., acoustic fencing, noise attenuating building materials).

*Building Heights and Neighbourhood Character*

Eleven submissions were received by neighbouring residents and community members who raised concern about the proposed building heights being disproportionately high compared to the existing semi-rural character of the area. Overall, the submissions suggest that the *Development Plan* proposal is an overdevelopment for the township and does not align with the existing neighbourhood character of the area.

Specifically, submissions cited concerns regarding the building heights obstructing views to the hills, impacting privacy to residents to the south of the property, and overshadowing Plenty Road.

It is noted that the zone applying to the site does not specify a maximum building height limit nor do any of the adjoining zones to the site. As a comparison, the maximum building height in the General Residential Zone, which applies to the majority of residential areas in the Whittlesea township, is 11m however, there is a dispensation for residential aged care buildings which can be built up to 16m in height, (this is explained in further detail below).

In response to the concerns raised in submissions, Council officers further reviewed the proposed built form controls, and a number of changes were requested by officers to the building heights, setbacks, building articulation and fencing for the site.

These changes have been made to reduce the visual impact of the development to the properties at the southern interface and along the Plenty Road frontage. The changes have included:

* reducing the recommended maximum allowable building heights / number of storeys as per below:
  + medical centre 13.5m and 4 storeys to 10m and 3 storeys;
  + club house from 13.5m and 4 storeys to 12m and 3 storeys;
  + retirement village southern extent 7m and 2 storeys to 6m and 1 storey.
* increasing upper storey setbacks for the medical centre building from 0m to 2m.
* requiring landscaping buffers of 6m along Plenty Road south of the roundabout.

In the Development Plan*,* taller buildings have been located in the east and north of the site, approximately 95m from Plenty Road and 110m from the southern boundary and residential interface. These heights reduce to the interface with Plenty Road. For development in the southern section of the site, new height and storey limits are reduced to 6m and single storey to be consistent with the height of dwellings in the low density residential development of the south.

The more intense activity and built form will be on the northern part of the site which interfaces to the industrial land uses. In this location the Development Plan proposes a maximum building height for a residential aged care building of up to 13.5m or 4 storeys. This more closely aligns with the recommendations of the *Managing Residential Development Advisory Committee – Residential Zones Review report* (2016) and responds to different built form and functional requirements of residential aged care facilities, to enable them to be delivered.

In this respect, it should be noted that the State Government has also introduced planning controls via Planning Scheme Amendment VC152 in 2018 to overwrite height limits, site coverage, built form and neighbourhood character considerations for residential aged care facilities in a number of residential zones including the General Residential Zone. This includes a variation to the height limits to permit residential aged care buildings up to 16m in height, in areas where the maximum building height for other residential buildings is less (for example, 11m in the General Residential Zone).

This variation for residential aged care facilities recognises the Victorian Government’s drive to be able to access all forms of housing including residential aged care facilities within the communities in which they live. The controls also recognise that residential aged care facilities have different functional and built form requirements (including height, scale and mass). While these controls don’t apply to the LDRZ (noting the LDRZ does not have a default maximum building height), it provides a benchmark in respect to a standard maximum building height control for residential aged care buildings.

In this instance, the development plan process has allowed Council officers to negotiate a reduced height limit and the siting of the residential aged care building to minimise potential visual impacts.

The outcomes of the final Development Plan (*refer Attachment 3*) including changes made following exhibition of the draft Development Plandocument, are detailed below:

* In the northern quadrant of the site, building height maximums will be maintained at 12m and 13.5m respectively for the commercial sites and residential aged care facility. This is to ensure that the commercial sites can accommodate a variety of uses and access requirements, and manage the industrial interface as referenced above. The commercial sites will now feature a 4m landscaped buffer along Plenty Road for a consistent street presentation.
* In the second quadrant to the south, the visual impact of the medical centre has been reduced at the Plenty Road interface, through the adoption of a 6m landscaped setback, and an additional upper-level setback of 1.5 – 2m from the western site boundary. This site will have a maximum building height of 10m and 3 storeys, increasing to 12m and three storeys in the independent living facility that is positioned further east of the Plenty Road interface.
* In the third quadrant, retirement units will maintain a maximum building height of 9m and two storeys.
* The fourth quadrant heights are reduced to 6m and one storey to transition to the low-density residential land to the south of the site. Council officers consider that the five metre landscaped buffer, in addition to the width of the internal access road will adequately setback the retirement village units in the southern portion of the site from Plenty Road and the residential interface to the south.

It is considered that the combination of these features will ensure the development will sit appropriately in the landscape and aid the privacy, views, and amenity of residents, while aiding the transition from the industrial uses north of the subject site, to the residential uses to the south.

*Aged Care/Medical uses*

Seven submissions were received raising concerns about the proposed residential aged care and medical uses on the site. Residents and community members were concerned that there are already an adequate number of medical and residential aged care facilities to meet community demand in the Whittlesea Township, and submitters either did not see the need for another medical and/or residential aged care facility, or expressed desire for a different use instead, most commonly a supermarket. The latter request cannot be supported because a supermarket use is prohibited by the LDRZ zoning.

Council officers consider the residential aged care and medical uses effectively support the transition of land uses between the industrial uses to the north and the low-density residential development to the south of the site. With access to the site constrained and reliant on Plenty Road, this use will also minimise the amount of traffic generated compared to a purely commercial use.

The community infrastructure assessment prepared as a background report to support the *Whittlesea Township Plan* (2021) identified a need for two additional residential aged care facilities in Whittlesea by 2035. This is based on the current provision and responds to the increased need due to anticipated population and demographic changes. It is considered the proposed use represents a community benefit to Whittlesea Township. Further, stateplanning policy aims to o facilitate the development of well-designed and appropriately located residential aged care facilities, recognising their role in providing diverse housing options for the community.

Although the need for additional residential aged care facilities has been strategically identified, the Development Plan requires a further needs assessment at the time of future planning permit application via requirement, listed in Section 6.2:

*“When proposing health & aged care, retirement living or medical centre land uses on the land, an appropriate written justification of a demonstrated need or lack of similar services readily available to residents. This may include an accompanying needs assessment and/or economic advice prepared by a suitably qualified professional or agency.”*

The above application requirement effectively ensures that the applicant will need to provide contemporary evidence which defines the need for residential aged care at the time of the planning permit application.

As the various uses within the Development Planare likely to be delivered at different times and independent of each other, we have also included a permit application requirement that requests details on how the site will be managed, and the order and timing of development of the various uses, including the residential aged care facility.

**Discussion**

The submitted Development Plan provides for a land use and built form response on a challenging site that poses a number of contextual issues and competing priorities. The proposal provides a balanced mix of uses which draws on a range of permissible uses within the LDRZ to respond to and provide a transition between the surrounding low density residential, commercial, and industrial uses, as well as the limited opportunities to access the site from a main road.

The need for additional residential aged care facilities in the Whittlesea township, identified through the *Whittlesea Township Plan* and supported by state planning policy, anchors the proposed mix of uses. In assessing the proposal, consideration of competing objectives and policy has been required, and the proposal seeks to provide a balanced outcome that delivers a community benefit including more diverse housing options and additional employment opportunities to the Whittlesea township through the provision of the residential aged care facility, complementary medical uses and retirement living.

The proposed uses have influenced the built form in the development plan increasing building heights compared to existing development. The Development Plan seeks to minimise impacts on neighbouring use and development through building siting, materials to be used, setbacks and landscape buffers.

The character of the low density residential development to the south of the site and Plenty Road to the west is responded to through the lower scale retirement village component of the Development Plan and through built-form setbacks and landscaping buffers. The industrial uses to the north are responded to through commercial uses and the higher scale residential aged care building which can mitigate any noise or light spill issues with its built form. Heights are concentrated in the north and east of the site to support the built form required for the proposed uses while limiting the impact on residential neighbours and the township entrance. The retirement and residential aged care facilities are complemented by the medical centre and a new embellished open space for use by residents in the green wedge land.

It is recommended that the Development Plan, as provided at *Attachment 3*, is approved by Council.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**

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

*Response:*

The *Development Plan* has been prepared to respond to the strategic framework for the site which seeks a transition between low density residential and industrial uses. The proposed mix of uses across the site provides for majority residential use complimented with commercial uses to interface with existing industrial development to the north.

**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.

*Response:* The proposed uses including; commercial, medical, residential aged care, will generate employment opportunities for local residents.

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

Financial Management

The proponent has paid a statutory fee to Council for the assessment of the Development Plan.

Community Consultation and Engagement

The draft Development Plan was exhibited to owners and occupiers within the surrounding precinct, and relevant authorities from 6 November 2024 until 6 December 2024.

Although there is no statutory requirement to advertise the Development Plan, the City of Whittlesea undertakes non-statutory exhibition as part of its established notification practices to affected and adjoining properties and relevant agencies. This is to ensure that any owners/occupiers impacted by the proposal, and agencies with relevant expertise, can provide comment on the draft Development Plan for Council’s consideration.

Council officers have considered the submissions received and adopted a range of changes in response to the submitter concerns. These are discussed in detail in the above ‘Non-Statutory Exhibition’ section and in *Attachment 2*.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

Public Transparency Principles

(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 proposed *Development Plan* contains a number of Environmentally Sustainable Design principles to be met at the permit stage.

Social, Cultural and Health

The development of the site for retirement and residential aged care uses provides an ability to age in place and maintain existing social connections.

Economic

The proposed uses of the site will have a positive economic effect by providing on-going employment opportunities.

**Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the *Planning and Environment Act 1987* a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

**Planning Policy**

Planning Policy Framework

The Development Plan is generally consistent with the provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme, including:

* Clause 11 - Settlement: The Development Plan responds to the needs of the community by providing for housing diversity and choice.
* Clause 15- Urban Design: The Development Plan provides landscaping that supports amenity, attractiveness and safety of the public realm. And enhances the appearance of the municipality’s major gateways through prominent and distinctive built form.
* Clause 16.01-5S – Housing – Residential Aged Care Facilities: The objective of this policy is to: “To facilitate the development of well-designed and appropriately located residential aged care facilities.”

Relevant strategies include:

* “Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.”
* “Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).”

The Development Plan responds to the need for a mix of housing for older people with appropriate access to care and support services in the Whittlesea Township. This will enable local residents to have access to this form of residential accommodation in the community which they live. The Development Plan also recognises that residential aged care facilities have a different built form (including height, scale and mass) and provides for controls which responds to this built form.

Low Density Residential Zone

* The Development Plan includes land uses permissible in the zone. The proximity of the site to industrial uses affects its suitability for low density residential uses at the northern interface. The proposed uses provide a transition from existing low density residential development adjoining the site to the south to the industrial uses to the north.

Green Wedge Zone

* The Development Plan protects the Green Wedge Zoned land from urban development by designating it as private open space.

Development Plan Overlay Schedule 2

The DPO2 requires the approval of a Development Plan before a permit can be granted to use and develop the land. Specifically, the proposed Development Plan responds to the following requirements of DPO:

* Compliance with the Whittlesea Local Structure plan.
* Providing for an internal road network including cycle and pedestrian paths.
* A drainage plan addressing stormwater.

# Implementation Strategy

Communication

The Council decision will be communicated to the proponent and the submitters.

Critical Dates

January 2023 – Development Plan submitted to Council.

November – December 2024 – Non-statutory exhibition of the draft Development 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. Subject Site Plan [**5.2.1** - 1 page]
2. Summary of Submissions and Officer Response Table [**5.2.2** - 10 pages]
3. 2388 Plenty Road Development Plan - May 2025 [**5.2.3** - 37 pages]
4. Zoning Plan [**5.2.4** - 1 page]
5. Development Plan Assessment Process [**5.2.5** - 1 page]
6. Planning Document Hierarchy [**5.2.6** - 1 page]

5.3 Planning for our Waterways – Submission

**5.3 Planning for our Waterways – Submission**

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

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

**In Attendance:** Acting Manager Strategic Futures  
Senior Strategic Planner

# Executive Summary

The purpose of this report is to provide an overview of the State Government’s ‘Planning for our Waterways’ project and present a Council officer submission to the proposed project for endorsement.

The ‘Planning for our Waterways’ project forms part of a broader program to improve protection of Metropolitan waterways in relevant planning schemes. These are being sequentially applied to waterways across the wider Melbourne area. Work to protect the Yarra River commenced with interim planning protection in 2017, followed by protections for the ‘Waterways of the West’ and ‘Rivers of Barwon’ being introduced in 2022.

It is proposed that new planning controls will be applied to 17 rivers and over 750 kms of waterways in the northern metropolitan area, including the Plenty River, Merri Creek, Darebin Creek, and Edgars Creek in the City of Whittlesea (refer to Attachment 1).

The Department of Transport and Planning (DTP) are drafting a Planning Scheme Amendment that will apply the Significant Landscape Overlay (SLO) to these waterways and their environs. The default overlay extent that will be applied to the rivers is 200m either side (noting that in areas where development has already occurred or is planned as part of activity centres etc. this will be reduced). Attachment 2 shows the extent of the default overlay and provides data on the size of the geographical area (hectares) proposed to be covered by the overlay for the City of Whittlesea.

The aim of these controls is to help protect the landscape across different areas, including private and public land. New planning protections will require landowners to obtain a permit before doing certain types of clearing or building work on their property, such as removing native plants, significant earthworks, erecting tall structures or buildings or putting up fences. They will also support the recognition of waterways as living, connected entities that reflect the cultural values of the Traditional Owners. Implementation of the new controls will be supported by an update to state planning provisions (Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs), and a new Planning Practice Note (PPN).

Council officers, along with other key stakeholders, have been engaged by DTP over the course of this project. As part of the public consultation process, Council officers were invited to provide feedback on the proposed project by 23 March 2025.

Noting the short timeframe for feedback, Council officers prepared a submission to the project (refer to Attachment 3) and is now seeking endorsement of that submission. The CoW submission notes that from the information provided, the proposed planning control is logical and appropriate in achieving the planning objectives expressed by DTP. However, Council officers are seeking in-principle support to apply subsequent and complementary planning controls to waterways included in this new SLO, to provide additional and more tailored protection of their environmental values, in addition to the landscape values to be protected by DTP’s proposed Amendment.

DTP are currently reviewing the feedback received as part of the consultation exercise and will provide recommendations to the Minister for Planning in relation to finalisation of the Amendment. There is an expectation that the Amendment will proceed under Section 20(4) of the Planning and Environment Act 1987 (Act), which exempts the Minister from the usual notice requirements. It is expected that the Minister for Planning will make a decision on the amendment in mid-2025.

Noting that the DTP project team will be disbanded as of 30 June 2025, Council officers have also identified the need for further engagement by DTP with affected landholders upon gazettal of the amendment.

This report recommends that Council endorses the Council officers’ submission to

the State Government’s ‘Planning for our Waterways’ project.

# Officers’ Recommendation

**THAT Council:**

1. **Note that the Victorian Government is proposing to amend the Whittlesea Planning Scheme to apply controls to help protect the landscape surrounding the Plenty River, Merri Creek, Darebin Creek, and Edgars Creek by requiring landowners to get a planning permit before doing certain types of clearing or building work on their property.**
2. **Note the Council officer submission to the State Government’s ‘Planning for our Waterways’ project in March 2025.**
3. **Endorse the Council submission to the State Government’s ‘Planning for our Waterways’ project at Attachment 3 of this report.**
4. **Request the Chief Executive Officer write to the Minister for Planning to confirm that the Department of Transport and Planning will:**
   1. **Work with Council to apply appropriate, additional controls to the Plenty River, Merri Creek, Darebin Creek and Edgars Creek, including an Environmental Significance Overlay, to provide appropriate protection for the environmental values in these areas.**
   2. **Provide landowners affected by the proposed Amendment with accurate maps, and a description of the planning controls pertaining to their land, prior to the Minister approving the Amendment.**
   3. **Consider further targeted consultation of the affected landowners, prior to gazettal, to provide more effective and informed feedback to the proposals.**

# Background / Key Information

**The ‘Planning for our Waterways’ project**

The Department of Transport and Planning (DTP) proposes to prepare a Planning Scheme Amendment to various planning schemes including the Whittlesea Planning Scheme to apply a Significant Landscape Overlay (SLO) to 17 waterways and adjoining land across northern metropolitan Melbourne. This includes four waterways located within the City of Whittlesea.

The SLO a planning tool used to identify, protect, and enhance the visual and aesthetic qualities of specific areas, requiring planning permits for certain development activities like building, works, and vegetation removal.

The SLO will not prevent development but will guide it responsibly. It will help ensure that activities near waterways are appropriately managed to avoid harm. Landowners will be required to get a permit before doing certain types of clearing or works on their property to ensure these activities respond to the landscape and waterway setting.

Specifically, it is proposed that a planning permit will be required for:

* new developments or significant alterations to buildings on properties along waterways, in order to protect waterway landscapes;
* the siting of a development if less than 50m from the bank of a waterway;
* a development above 6 meters in height (in some specific areas, this will not apply);
* a development with a floor area greater than 50 square meters along waterways in order to protect waterway landscapes;
* changes of to the ground level of 600mm or more near a waterway;
* constructing a fence (other than a visually transparent fence, such as a post and wire fence) along waterways; and
* the removal of native vegetation.

The extent of the proposed controls was developed by DTP through a detailed technical landscape assessment of the waterways. In general, it will apply to areas of public and private land abutting the identified waterways that include significant landscapes (e.g. escarpments) or were identified by Traditional Owner groups. In the City of Whittlesea, this includes approximately 4,500 hectares of land, across about 7,600 properties (see Attachment 2).

**Council Officer Submission**

DTP provided the draft SLO ordinance, and mapping of potentially impacted properties to Council for review on 21 February 2025. This was provided to Council on a confidential basis and was not made available to potentially affected landowners.

The final extent of the SLO area, background documents, and SLO ordinances will be released to Councils following gazettal of the Amendment (anticipated mid-2025).

Council feedback was invited as part of a wider community engagement process that was housed on the Engage Victoria website [Planning for our Waterways | Engage Victoria](https://engage.vic.gov.au/planning-for-our-waterways). Noting the limited timeframe, a submission was prepared and submitted by Council officers (refer to Attachment 3). The submission acknowledged that the SLO controls proposed are logical and appropriate in delivering the planning objectives of the ‘Planning for our Waterways’ project, but raises issues related to the extent of the community consultation process, and the importance of robust governance processes.

**The key recommendations raised in the submission are summarised below:**

Choice of Planning Controls:

Previous waterway protection projects completed by DTP (e.g. Waterways of the West) applied other planning controls in addition to the SLO. These included the Environmental Significance Overlay (ESO) and the Design and Development Overlay (DDO) to provide more specific protections to those waterways.

The ESO protects areas of environmental value from impacts of development by requiring permits for certain building and works. For example, a permit may be required to construct a building or remove native vegetation to ensure that development is compatible with identified environmental values. This is in contrast to the SLO, which protects the visual amenity, e.g. landscape views, of an area. The DDO identifies land that is affected by specific requirements relating to the design and built form of new developments. For example, it may limit building heights to minimise overshadowing of streets or public parks. A comparison of these SLO, ESO and DDO controls, is included in the submission (refer to Attachment 3).

Earlier ‘Planning for our Waterways’ projects to waterways such as the Yarra River, Waterways of the West and Barwon River also included the opportunity to consider application of the ESO and DDO planning controls (by councils in conjunction with DTP) therefore providing a more complete range of protections than is being afforded the waterways in this current project. This is particularly relevant to the environmental values of these waterways. This more limited approach will achieve DTP’s objective of creating consolidated waterway controls within the timeframes they are working to, however, it does reduce the scope of the waterways’ protections.

Council officers are currently preparing background work to support the application of an ESO control to selected waterways in the municipality, to protect environmental values not captured in the scope of the proposed SLO. This work and proposed Amendment will be presented to Council for consideration in the future.

As part of the submission, Council officers seek in-principal support from the DTP for the application of the ESO to land included in the proposed SLO amendment so as not to prejudice a potential future Amendment.

Public Consultation and Engagement:

As part of the public consultation process, postcards were distributed to the approximately 7,600 potentially affected landowners in the municipality by DTP (Victorian Government). These postcards directed recipients to the State government’s Engage page to provide feedback on proposed waterway protections (as per the provided distribution map files included in the submission). This Engage page provides high-level mapping of the targeted waterways, and notes that properties directly adjoining a waterway, or its parkland are likely to be affected by the SLO controls.

While the available information was helpful, the lack of clear mapping of the extent of the proposed overlay and unavailability of the proposed controls made it difficult for landowners to understand the impact of the proposed SLO on individual properties. Impacted residents were asked to provide feedback both on the possible extent of the SLO and the associated planning permit triggers without the information that would normally be made available to them through the exhibition of a planning scheme amendment.

Council officers understand that DTP will review feedback during March and April with a view to providing final recommendations to the Minister for Planning in May/June 2025 for a decision and gazettal of the Amendment soon afterwards. Council officers are conscious that the finalisation of SLO ordinance and mapping, and gazettal of the SLO controls will require a renewed need to engage with residents about the controls and their impacts on landowners. Council officers are hopeful that this renewed engagement effort will be formalised in more detail, and more consideration is given to communicating the finalised controls to affected landowners.

Integration with other State Led Planning Scheme Amendments:

The Planning for Waterways project is being completed at a time when there are numerous, related State government projects and amendments also being undertaken. In particular, Melbourne Water is currently working on updated flood mapping that will inform implementation of flooding controls across all metropolitan municipalities. This project is due to be finalised for the City of Whittlesea in 2026 and is currently out for early community engagement.

It is likely to affect the same community of property owners (with properties adjoining waterway corridors) also impacted by this project. Council officers are concerned that these multiple projects occurring at the same time will be confusing and necessitates a more nuanced approach to public consultation by the Victorian Government.

# 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.

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

Financial Management

It is anticipated that the project outcomes will be progressed through a section 20(4) amendment, which does not incur costs to Council. However, due to the DTP project team being disbanded prior to the gazettal of the amendment, the notification of the application of the SLO to the impacted landowners may become Council’s responsibility. The submission requests DTP take responsibility for notification of landowners regardless of the status of the project team.

Community Consultation and Engagement

Community consultation and engagement is discussed in previous sections of this report, and also in the submission to DTP at Attachment 3.

# 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.

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

Public Transparency Principles

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

# Council Policy Considerations

Environmental Sustainability Considerations

The planning controls proposed by DTP will assist in the protection of the visual amenity, e.g. landscape views, of the four waterways included in the City of Whittlesea.

However, given the high biodiversity value of waterways and also their sensitivity to impacts such as erosion, Council officers suggest they would benefit from the additional planning controls as outlined in the Council submission.

Social, Cultural and Health

Waterways are recognised for their high level of amenity which can assist in better community health outcomes particularly mental health.

Waterway protections are particularly relevant to Traditional Owner groups from a cultural values perspective.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

Assuming the Minster for Planning uses section 20(4) of the Act, this removes the opportunity for landowners to make a submission on the planning controls or request a planning panel. This could result in landowner’s frustrations being expressed to Council, particularly given the disbandment of the DTP project team.

Should the responsibility for post-gazettal communication with landowners fall to Council, there could be a need for resources to be allocated to this task.

# Implementation Strategy

Communication

The submission will be included on Council’s website.

As the project is being led by the State Government, communication of the final planning controls will be the responsibility of the State Government. However, if State Government do not adequately notify affected landowners or explain the changes then Council may need to help community members understand the changes. The submission has requested clarification on this point.

Critical Dates

The date for submission of feedback was the 23 March 2025.

The proposed Amendment is anticipated to be gazetted by 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. Planning for our Waterways - Map showing Whittlesea Waterways, March 2025 [**5.3.1** - 1 page]
2. Map of 200 metre Major River Buffer in the City of Whittlesea [**5.3.2** - 1 page]
3. City of Whittlesea Submission to Planning for our Waterways Project, May 2025 [**5.3.3** - 13 pages]

5.4 Emergency Services Volunteers Fund

**5.4 Emergency Services Volunteers Fund**

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

**Report Author:** Unit Manager Strategic Research & Analytics

**In Attendance:** Chief Customer Officer

Unit Manager Financial Development & Accountability  
Unit Manager Strategic Research & Analytics

# Executive Summary

This report is to investigate and assess the impact of the new Emergency Services and Volunteers Fund (ESVF) on the rate payers of the City of Whittlesea.

The ESVF is likely to commence in the 2025-26 financial year and replace the current Fires Services Property Levy (FSPL).

The new fund will result in increases on all rate notices in the 2025-26 financial year. The table below shows the comparison between this year’s FSPL and next year’s ESVF.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sector** | **Current rates (2024-25)** | | | **Proposed rates (2025-26)** | | |
| **Variable rate (cents per $1,000 CIV)** | **Fixed charge ($)** | **Median liability ($)** | **Variable rate (cents per $1,000 CIV)** | **Fixed charge ($)** | **Median liability ($)** |
| Residential PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Residential  non-PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Commercial | 66.4 | 267 | 748 | 133 | 276 | 1,240 |
| Industrial | 81.1 | 267 | 859 | 133 | 276 | 1,247 |
| Primary Production | 28.7 | 267 | 621 | 83 | 276 | 1,299 |
| Public Benefit | 5.7 | 267 | 320 | 5.7 | 276 | 329 |
| Vacant | 29.0 | 267 | 503 | N/A | N/A | N/A |

Analysis of all rate assessments was undertaken to determine how much extra each owner will be required to pay in the 2025-26 financial year.

The ESVF is made up of a fixed payment, plus a variable payment based on the Capital Improved Value. The variable component increases will impact all ratepayers, especially commercial, industrial and primary producers.

The new fund charges are likely to cause community concern, which in turn may drive extra calls to customer service and result in confusion and further payment plan requests delaying cashflow.

# Officers’ Recommendation

**THAT Council:**

1. **Note the proposed Emergency Services and Volunteers Fund (ESVF) is a State Government initiative, not Council.**
2. **Request the Chief Executive Officer provide further information of the impact on rural residents that will be paying more than the city residents, should the proposed Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025 be passed by the Victorian Parliament. In particular, the approximately 200 residents facing a $5,000 increase on their Council rates notice.**
3. **Advocate, in partnership with local Councils, Municipal Association of Victoria and other advocating bodies, that the proposed ESVF levy and its collection be removed from Local Government and ensure that cost recovery arrangements remain with the State Government.**

# Background / Key Information

From 1 July 2025, it is anticipated that the Fire Services Property Levy (FSPL) will be replaced by the Emergency Services and Volunteers Fund (ESVF).

The ESVF consists of the following components:

* Fixed rates will continue to be set in alignment with CPI;
* The Treasurer will set ESVF rates each year through a process similar to the old FSPL; and
* The variable levy is based on Capital Improvement Value and will increase over 100%.

Like the FSPL, the ESVF will be calculated based on a fixed charge that varies by property type and a variable charge based on property value.

Pensioners, veterans and single farm enterprises will continue to receive concessions with fixed rates continuing to be set in alignment with CPI (Consumer Price Index). The Treasurer will set ESVF rates each year through a process similar to the FSPL, with the ESVF still being collected through local councils.

Table 1 below highlights the comparison of the 2024-25 FSPL and the 2025-26 ESVF variable rates.

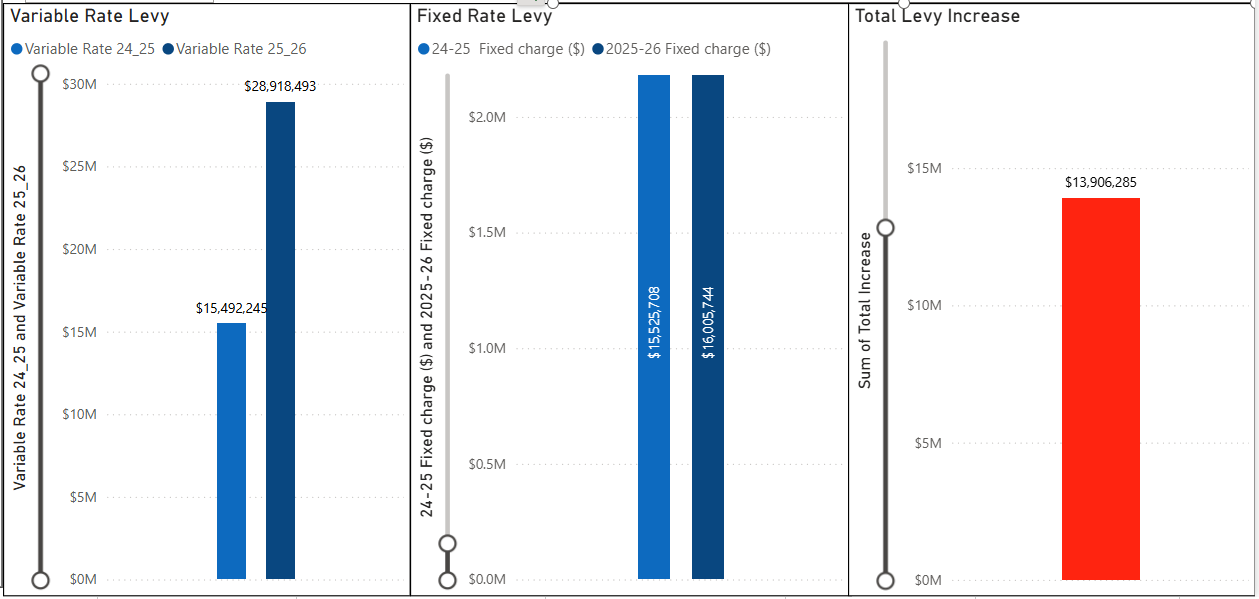
**Table 1: Comparison of 2024-25 FSPL and 2025-26 ESVF variable rates (cents per $1,000 CIV).**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sector** | **Current rates (2024-25)** | | | **Proposed rates (2025-26)** | | |
| **Variable rate (cents per $1,000 CIV)** | **Fixed charge ($)** | **Median liability ($)** | **Variable rate (cents per $1,000 CIV)** | **Fixed charge ($)** | **Median liability ($)** |
| Residential PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Residential  non-PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Commercial | 66.4 | 267 | 748 | 133 | 276 | 1,240 |
| Industrial | 81.1 | 267 | 859 | 133 | 276 | 1,247 |
| Primary Production | 28.7 | 267 | 621 | 83 | 276 | 1,299 |
| Public Benefit | 5.7 | 267 | 320 | 5.7 | 276 | 329 |
| Vacant | 29.0 | 267 | 503 | N/A | N/A | N/A |

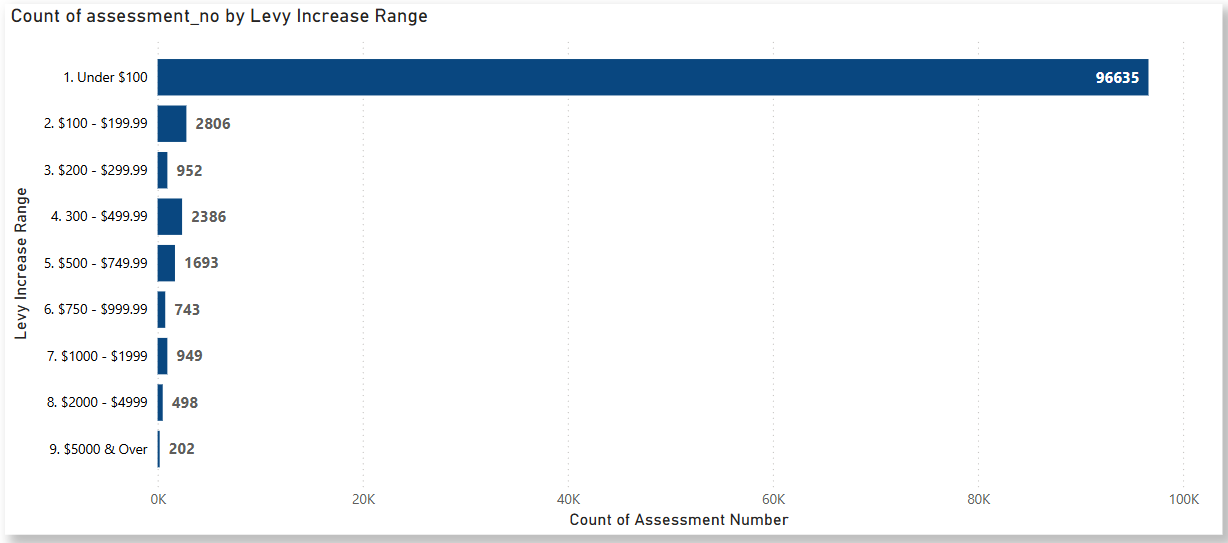
The below graphs outline the potential fee increase for City of Whittlesea Ratepayers.

Based on the 2024-25 financial year rate notices, the total extra amount payable from City of Whittlesea ratepayers is just under $14m.

While most ratepayers are likely to experience a smaller increase of less than $100 to their annual rate notices, there are several properties expected to incur a substantial increase of more than $5,000.



There are 8,774 properties that will have a variable fee in excess of $250 next financial year.



On 3 April 2025, it was reported that the State government had delayed the legislation after it did not pass through the Legislative Council.

The legislation is expected to raise an extra $2bn. State parliament resumes on 30 April 2025, and the legislation will be subject to further discussion.

# 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.

**Strong Local Economy**

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

**Sustainable Environment**

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

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

Financial Management

The cost of rates payment plans and associated delays and defaults is not included in the current budget.

This will need to be modelled with Council’s Finance team to estimate the size of the financial impact for 2025-2026 financial year.

Community Consultation and Engagement

In preparation, Officers would engage State Government to ensure the relevant information, FAQ and contact number is obtained. This information would be made available to residents on Council’s website.

# 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.

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

Public Transparency Principles

(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

There is a potential impact on environmental sustainability in the Rural North. Properties designated as a Primary Producer in the Rural North will receive the biggest increases in the ESVF.

Additionally, new Environmental Overlays are currently being mapped and will likely impact the activities and value of the properties in the Rural North.

The combined effect will have a large financial impact on these property owners. The environmental impact will be assessed when the new Environmental Overlays are confirmed.

Social, Cultural and Health

Increases in household stress are expected, which may impact on mental health, increase in associated stigma and stability of families.

Investors are likely to either:

* Pass increased costs on to tenants. This will impact those in the community who can least afford it.
* Sell investment properties leading to displacement of renter families and potentially impact homelessness.

Economic

The cost of rates payment plans, and associated delays and defaults is not included in the current budget. This will need to be modelled with the finance team to estimate the size of the financial impact for 2025-26 financial year.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

In preparation, the following implementation approach proposed would include:

* Update the rates notice to highlight the state government charges;
* Update Council’s website to outline the changes and link to any relevant State Government website;
* Share any messaging that the State Government release on this topic; and
* Develop key messaging for customer service and revenue staff to be able to respond to ratepayer enquiries.

**Critical Dates**

* March to 3 May 2025 - Federal Election Advocacy.
* 30 April 2025 - State parliament resumes.
* May to June 2025 - Expected passage of legislation through parliament.
* May to June 2025 - Redesign the Rates Notice and associated ESVF FAQ inserts (subject to final legislation).
* June 2025 - Commence communications campaign (subject to final legislation).
* 1 July 2025 - ESVF commences.
* August 2025 - Rate Notices delivered.

# 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

5.5 Financial Hardship Policy

**5.5 Financial Hardship Policy**

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

**Report Author:** Financial Hardship Officer

**In Attendance:** Chief Financial Officer  
Unit Manager Financial Development & Accountability

# Executive Summary

The City of Whittlesea is committed to supporting community members experiencing genuine financial hardship and facing difficulties in meeting their financial obligations to Council. The Financial Hardship Policy (Attachment 1) ensures that all individuals, regardless of their circumstances, are treated with dignity, respect, and understanding. This policy aims to mitigate additional financial burdens, such as penalties and fees, for those least able to afford them.

Council recognises the importance of ongoing improvement in financial hardship assistance and is dedicated to working with community partners and experts in financial vulnerability to enhance the support available.

This policy provides clear guidance on eligibility, available support options and implementation measures, ensuring a structured and equitable approach. It also aligns with the City of Whittlesea’s Connected Community Strategy principles of equity, access and inclusion, reinforcing Council’s commitment to achieving positive community outcomes.

# Officers’ Recommendation

**THAT Council endorse the revised Financial Hardship Policy at Attachment 1 to this report.**

# Background / Key Information

Council is responsible for collecting revenue necessary to maintain essential services and deliver infrastructure projects that benefit the community. Timely collection of revenue is crucial however, Council acknowledges that some individuals may experience financial hardship preventing them from meeting their obligations.

To adapt the policy to the current financial climate, the following additions and alterations have been included in the attached draft policy document:

* Alter the policy specification from ‘to any person, business or group who have a financial obligation to Council’ to the following statements:
* Ratepayer’s principal place of residence within the City of Whittlesea.
* Other property type that owners may apply for under this policy in limited circumstances at the discretion of Council.
* This policy applies to revenue included on the rate notice (rates, waste charges, fire services property levy, legal costs, interest, and other relevant charges) and/or Council owned fees.
* Define the various avenues of support for those experiencing financial hardship including; payment plan, deferral, waivers of interest and collection costs (1.1, 1.2, 1.3).
* Expand on ‘waivers of interest and collection costs’ to include clear criteria and define exceptional circumstances (1.3 (a)(b)(c).
* Add statement ‘Council can only extend the full support of this policy when the required documentation has been submitted.’ (2.2).
* Add statement ‘investment properties and/or applicants with significant assets are not eligible under this policy.’ (2.3).
* Removing COVID-19 from the policy and revising compassionate grounds to family violence, family breakdown, medical treatment, mortgage stress and exceptional circumstances.
* The addition of the capability to provide financial assistance in the form of waiver of general rates of up to $500, as was reflected in the 2019 Financial Hardship policy (1.4).

The above-listed adjustments to the policy will best support the Financial Hardship Officer to provide clear and concise assistance to vulnerable ratepayers.

The Financial Hardship Policy aims to balance Council’s need to collect revenue with its responsibility to support vulnerable members of the community. The policy includes multiple avenues of assistance, including:

* Payment Plans: Structured payment schedules for individuals struggling with one-off financial difficulties.
* Deferrals: Temporary postponement of rate and charge payments under specified conditions.
* Waivers of Interest and Debt Collection Costs: Consideration of waivers under exceptional circumstances or Council errors.
* Partial Waiver of Rates: A one-time waiver of up to $500 for eligible applicants experiencing severe financial hardship.
* Referrals to Support Services: Assistance in connecting individuals to financial counselling, welfare, and legal services.

The policy applies primarily to ratepayers whose principal place of residence is within the City of Whittlesea. Other property owners may apply under limited circumstances at Council’s discretion. The eligibility assessment process considers various factors, including income levels, government support, and unforeseen personal hardships such as family violence, medical emergencies, or family breakdowns.

To ensure transparency and accessibility, Council will communicate the policy through multiple channels, including social media, the Council website, printed materials, and rate notices. The effectiveness of the policy will be periodically reviewed, with reports detailing application volumes and levels of financial assistance provided, ensuring confidentiality and adherence to the Victorian Charter of Human Rights and Responsibilities.

The Financial Hardship Policy aligns with a range of codes, charters, legislation and Council’s broader strategic frameworks, including:

* *Local Government Act 2020.*
* Council’s Revenue and Rating Plan 2025-26 to 2028-29.
* Whittlesea 2040: A Place for All.
* Council’s Community Plan 2025-26 to 2028-29.

Council Officers have begun to undertake a gender impact assessment on the current policy ensuring the document continues to support all communities. Recent data and modelling were considered to further define the main issues (family violence, cost of living, mortgage stress, physical and mental disability) experienced by residents with the sole purpose of enhancing access, promotion and support.

Through this policy, Council reaffirms its commitment to a compassionate and fair approach to financial hardship within the community.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2025-2029

**Connected Communities**

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

Financial hardship is a key focus area in the drafting of the Community Plan 2025-26 to 2028-29 as limited income and access to economic resources are one of the fundamental causes of negative health and wellbeing outcomes. These factors determine access to material goods and services, ability to pay for health-related expenses, housing, education and capacity to choose healthy lifestyle behaviours and participate in the community.

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

Council upholds all recommendations identified by key local community health and welfare agencies (Whittlesea Community Futures Partnership, Whittlesea Community Connections and Uniting Kildonan) in the Financial Hardship Policy.

A further review of the current policy was also undertaken by Thriving Communities Australia (TCA) based on best practice guidelines. The recommended principles have also been included.

# 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.

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

Public Transparency Principles

(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

Providing access to economic support affects community health and wellbeing.

Economic

Financial relief to community members.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

Council will communicate this policy to our customers through a variety of channels including, but not limited to, social media pages, council website, print media and on Council’s rate notices.

Critical Dates

20 May 2025 – Effective policy date

# 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. Financial Hardship Policy [**5.5.1** - 6 pages]

5.6 Quarterly Corporate Performance Report - Q3 ended 31/3/2025

**5.6 Quarterly Corporate Performance Report - Q3 ended 31/3/2025**

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

**Report Author:** Senior Financial Services Accountant

**In Attendance:** Chief Financial Officer  
Manager ePMO & Change  
Unit Manager Corporate Planning  
Coordinator Capital Programming & Reporting  
Unit Manager Financial Strategy & Performance

# Executive Summary

This report provides the Quarterly Corporate Performance (Q3) outcomes and comprehensive summary for the period ended 31 March 2025 provided at Attachment 1 relating to:

* Council’s financial performance;
* Community Plan Action Plan 2024-25;
* Good Governance Actions; and
* 2024-25 Capital Works program.

# Officers’ Recommendation

**THAT Council:**

1. **Note the Quarterly Corporate Performance Report for the period ended 31 March 2025 in Attachment 1.**
2. **Note the financial performance for the period ended 31 March 2025 contained within Attachment 1.**
3. **Note that the action “Support the development of the Australian Food Innovation Centre (AFIC)” will no longer be proceeding in the format that Council originally supported. This is due to the Australian Food Innovation Centre ceasing operations and for that reason we are recommending removing it from the Community Plan Action Plan 2024-25.**

# Background / Key Information

**Introduction**

The Quarterly Performance Report for the period 31 March 2025 has been prepared in accordance with the *Local Government Act 2020*. This report is designed to identify major variances against the March year to date budget.

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

* Community Plan Action Plan 2024-25 to 31 March 2025;
* Good Governance actions to 31 March 2025;
* 2024-25 Capital Works program to 31 March 2025; and
* Council’s financial performance to 31 March 2025.

The report includes the following comparisons for the nine months ended 31 March 2025:

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

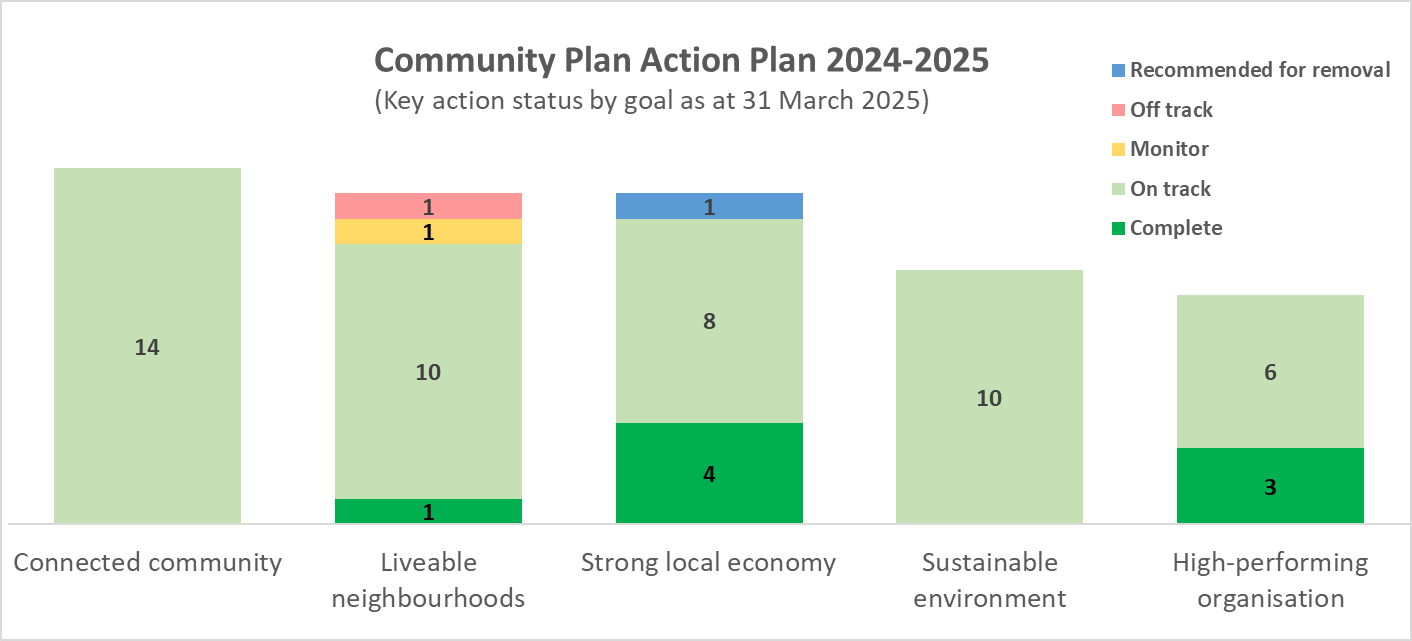
**Community Plan Action Plan**

The Community Plan 2021-25 includes 61 key initiatives. 59 related key actions are included in the Community Plan Action Plan for delivery in the 2024-25 financial year.

Of 59 key actions included in the Community Plan Action Plan 2024-25:

* Eight are reported as “Complete”;
* 48 are reported “On Track”;
* One action is reported “Monitor”;
* One action is reported “Off Track”; and
* One action is recommended for removal from the Community Plan Action Plan 2024-25.

These are the key actions currently reported in the Community Plan 2024-25:



Below are the key actions reported as “Monitor”, “Off Track”, and “Recommended for removal”:

|  |  |  |
| --- | --- | --- |
| **Goal 2: Liveable neighbourhoods** |  |  |
| Finalise construction of a signalised intersection at Plenty Rd and Everton Drive, Mernda | | MONITOR |
| Comment: The construction of the Plenty Road and Everton Drive signalised intersection recommenced in January 2025. Significant delays have been experienced as a result of requests made by the Department of Transport and Planning. The works are still scheduled to be completed by mid-2025. | | |
| Commence construction of the streetscape around the Boulevard shops in Thomastown | | OFF TRACK |
| Comment: The design phase was delayed while we awaited the outcome of grant submissions from the Federal government. Design is nearing completion and the tender for construction is anticipated to be publicly tendered in June 2025. Construction works are now planned for the 2025-26 and 2026-27 financial years. | | |
| **Goal 3: Strong local economy** |  |  |
| Support the development of the Australian Food Innovation Centre (AFIC) | | Recommended for removal from the Community Plan Action Plan 2024-25 |
| Comment: La Trobe University have confirmed that the Australian Food Innovation Centre will be ceasing operations. For that reason, it is recommended to be removed from the Community Plan Action Plan 2024-25. | | |

**Good Governance**

During the reporting period, several actions were undertaken to ensure continuous improvements are made. Council continued to deliver good governance and make informed decisions.

During the reporting period, 10 Councillors completed their mandatory induction requirements and signed the required written declaration. The remaining Councillor completed their mandatory induction training two weeks after the required due date. During this time, the Councillor allowance was withheld until training was completed.

Through many workshops and briefings, Councillors have been progressing diligently with the CEO and Council staff in preparing the following key strategic documents:

* Draft Council Budget 2025-26, including the draft Fees and Charges;
* Draft Financial Plan 2025-26 to 2024-35;
* Draft Revenue and Rating Plan 2025-26 to 2028-29;
* Draft Asset Plan;
* Council (Community) Plan; and
* Review of the Community Vision: Whittlesea 2024 A place for all.

Other key achievements for Q3 relating to continuous and improved good governance include:

* Ensuring open and transparent decision-making, scheduled Council meetings continued monthly, except for the January meeting due to the holiday period. During this reporting period, five Council resolutions remain open.
* To support open, transparent and informed decision-making, five Council Briefings were held during the reporting period, providing Councillors with key information ahead of upcoming Council meeting decisions.
* Two Unscheduled Council meetings were held in February:
  + The 4 February 2025 meeting was confidential with the focus to discuss potential breaches of the Model Councillor Code of Conduct by the Mayor, Cr McLindon.
  + The 25 February 2025 meeting focused on the adoption of the Election Period Policy, Councillor Social Media Policy and Councillor Communications Policy.
* In addition to the two Unscheduled meetings, there were two Scheduled Council meetings held during the reporting period.
  + The 18 February 2025 meeting covered three Planning Scheme Amendments, the Rainbow Advisory Committee Terms of Reference and the Quarterly Corporate Performance Report for the period ending 31 December 2024.
  + The 18 March 2025 meeting covered the Quarter 1 and 2 Community Grant Updates, the tender award for stage two works of the Regional Sports Precinct and the Waste Taskforce to prevent illegal dumping.
* During the reporting period, the Youth Council convened twice on 3 February 2025 and 3 March 2025. No meeting was held in January due to the holiday period. During these meetings, Council officers sought input and feedback on the health priorities detailed in the Municipal Public Health and Wellbeing Plan and Disability Action Plan, participated in the 2025 Community Festival and Career Networking Expo and elected the 2025-26 Youth Mayor and Deputy Youth Mayor.
* During the reporting period, the Audit and Risk Committee met once on 25 February 2025. During this meeting, they continued to consider several matters including Council’s financial and performance reporting, risk management, internal assurance, internal and external audit outcomes, systems of internal control, governance and compliance.

**Transparency**

In accordance with the *Local Government Act 2020*, biannual personal interest returns were circulated to nominated officers on 1 March for completion by 31 March 2025. Due to annual leave, there was a delay in receiving returns from four nominated officers, however, all four have since been submitted and no non-compliances were required to be reported.

In relation to Freedom of Information, during this quarter there were:

|  |  |
| --- | --- |
| New FOI Applications Received | 15 |
| Completed/Closed FOI Requests | 15 |
| Current FOI’s In Progress | 11 |

Current FOI applications received in this reporting period include:

* Three building and planning matters;
* Two relating to public liability incidents / claims;
* One related to a call recording;
* One related to sex work;
* Two related to diary / calendar information;
* Three animal management investigation;
* One relating to the communications during a Streetscape upgrade;
* One relating to a Workcover file; and
* One relating to staff conduct complaints.

In addition to the new applications, one Office of the Victorian Information Commissioner (OVIC) decision was received for a complaint lodged in the previous financial year. OVIC’s decision was to release additional documents relating to the FOI request, no appeals were received, and documents were released as directed.

During this period, the following three minor privacy matters were received:

* One related to an email sent externally to the wrong address;
* One related to an email sent internally to a group address opposed to an individual; and
* One complaint of sensitive health data shared between departments (no evidence found, no breach).

In addition to the above, one matter was lodged with an external integrity agency for investigation and is still pending.

**Capital Works Program**

Council adopted the 2024-25 Capital Works Program on 21 May 2024 with a budget of $107.5 million. The Capital Works Annual Budget also includes 2023-24 carry forwards of $16.92 million, providing a total budget of $124.42 million.

A summary of the Capital Works program is detailed below:



The financial expenditure performance of the Capital Works program to 31 March 2025 is detailed below:



As at 31 March 2025, capital expenditure stands at $65.91 million, compared to the year-to-date Annual Budget of $67.27 million, reflecting a variance of $1.37 million behind budget.

The forecast for the year ending 30 June 2025 anticipates total capital expenditure of $108.94 million, which is $15.48 million below the Annual Budget of $124.42 million.

**Program impacts and carry forwards**

The delivery of projects within the 2024-25 capital works program have been impacted throughout the year due to the following themes:

* service authority approvals; and
* timeline adjustments due to delays experienced in the previous year.

This has resulted in an estimated forecast of $10.72 million to be carried over into the 2025-26 financial year which is 8.6% of the total capital works budget, performing better than the previous financial years carry forward of 17%. Project progress will continue to be reported to the Enterprise Portfolio Board to assist in early identification and mitigation of risks to delivering this year's capital works program.

**Infrastructure Grants**

A total of $46.16 million in applications have been successful to date this financial year with notable successful grants being:

* $31.5m funding for the Mernda Regional Sports Precinct.
* $10m from the Victorian Governments Growth Areas Infrastructure Contribution Fund towards transport infrastructure surrounding the precinct.
* $10m from the Victorian Governments Community Sport and Recreation Grants for the Indoor Stadium.
* $10m from the Australian Governments Thriving Suburbs Program for the Indoor Stadium.
* $1.5m from the Australian Governments Play Our Way program for the construction of the outdoor netball courts.
* $2.8m funding from the Australian Governments Thriving Suburbs Program for the Revitalisation of The Boulevard Shops in Thomastown.

A summary of all recent infrastructure grant outcomes is included in the Grants Status Report (Attachment 2). Applications to the value of $54.88 million are awaiting outcomes and $29.23 million have been unsuccessful.

**Financial Performance**

The Financial Performance Report for the period ended 31 March 2025 includes the following financial statements included in the Corporate Performance Report (Attachment 1):

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

The financial performance of the operating program for the period ended 31 March 2025 is detailed below:

For the nine months ended 31 March 2025, Council recorded an operating surplus of $229.96 million, which is $57.74 million favourable to the year-to-date budget. Council's operating surplus is impacted early in the year by the timing of rate revenue being reported. The forecast for the year ending 30 June 2025 is expected to have an operating surplus of $205.43 million, which is $61.07 million favourable to the Adopted Budget. Detailed information regarding forecast variances can be found in Attachment 1.

**Operating Surplus**

Whilst the operating surplus may look like a significant surplus, it is important to note that it is not a cash surplus or immediately available funds for Council. A significant portion of this surplus is tied to non-cash items or restricted by legislation as per the following:

1. Gifted assets: These are non-cash contributions received from developers such as roads, parks or infrastructure from developers.
2. Development contributions: These are contributions received from developers and are restricted by legislation on how and when they can be used.
3. Capital grants: The grant received for a specific infrastructure project and usage is restricted by the funding agreement.
4. Capital Works program: A significant portion of the available surplus is invested towards maintaining, upgrading or delivering new critical infrastructure for our growing community.

Once items (a) to (c) are excluded, the adjusted underlying surplus is forecasted to be $23.03 million favourable to budget for the financial year ending 30 June 2025.

It is important to note that this $23.03 million is also fully committed through existing project obligations, future infrastructure needs and the replenishment of important infrastructure reserves.

These reserves are critical to ensuring Council can fund future capital works projects and respond to emerging community priorities. Therefore, if item (d) is excluded the adjusted underlying surplus is forecasted to be $2.78 million favourable to budget.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the nine months ended 31 March 2025 (Attachment 1).

**Community Consultation and Engagement**

The Community were extensively engaged and consulted in developing the 2024-25 budget.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

**Public Transparency Principles**

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

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

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

# Declaration of Conflict of Interest

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

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

# Attachments

1. Corporate Performance Report March 25 [**5.6.1** - 31 pages]
2. Capital Grant Status update March 2025 [**5.6.2** - 3 pages]

5.7 Governance Report

**5.7 Governance Report**

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

**Report Author:** Unit Manager Council 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 for the following governance related matters:

* Summary of Informal Meetings of Council.
* Reviewed Instruments of Delegation.
* Attendance at the Australian Local Government Association (**ALGA**) National General Assembly 2025.
* Attendance at the National Growth Areas Alliance National Congress 2025.
* Appointment of Councillor Representative to Committees/Board.

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

# Officers’ Recommendation

**THAT Council:**

1. **Note the Governance Report for May 2025.**
2. **Note the summary of Informal Meetings of Council for the period 12 March to 13 May 2025 at Attachment 1.**
3. **Adopt the following Instruments of Delegation:**

**a. S5 Instrument – Council to Chief Executive Officer;**

**b. S6 Instrument – Council to Staff; and**

**c. S18 Instrument – Sub-delegation from Council to Staff under the *Environment Protection Act 2017.***

1. **Authorise the Mayor, Cr Taylor, Deputy Mayor, Cr Zinni, Cr Cox and Cr Gunn to attend the ALGA National General Assembly conference to be held in Canberra between the period 24 to 27 June 2025, at an approximate cost per Councillor to attend being $3080.**
2. **Authorise the Mayor, Cr Taylor and Cr Cox to attend the National Growth Areas Alliance National Congress, in Perth between the period 30 to 31 July 2025, at an approximate cost per Councillor to attend being $3225.**
3. **Resolve to appoint the below representatives to Committees and Board until 18 November 2025, and appoint a representative to the Epping Cemetery Trust for the remainder of this Council term:**
   1. **Councillor \_\_\_\_\_\_\_\_\_\_\_\_ to the CEO Employment Matters & Advisory Committee (CEMAC);**
   2. **Councillor \_\_\_\_\_\_\_\_\_\_\_\_ to the Yarra Plenty Regional Library Board (YPRL);**
   3. **Councillor \_\_\_\_\_\_\_\_\_\_\_\_ to the Hearing of Submissions Committee; and**
   4. **Councillor \_\_\_\_\_\_\_\_\_\_\_\_ to the Epping Cemetery Trust.**

# Background / Key Information

**Informal Meetings of Council**

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

* is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
* 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 Council at Attachment 2 is reported to Council in accordance with this requirement.

**Instruments of Delegation**

Section 11 of the *Local Government Act 2020* (Act) provides Council the power by instruments of delegation to delegate to the Chief Executive Officer (CEO), and members of a delegated committee, which Council currently has none.

In accordance with section 11 (7) of the Act, delegations made and still in force under section 11 must be reviewed within 12 months of a general election.

The instrument of delegation to the CEO is the **S5 Instrument - Council to CEO** which delegates the CEO or a person acting in the role of CEO, the powers, duties and functions set out in the Schedule of the Instrument. There are no suggested amendments to the CEO delegation.

In addition, other Instruments of Delegations are reviewed biannually to incorporate legislative updates and organisational changes. Those specific delegations relevant to Council are:

* **S6 Instrument - Council to Staff:** Includes updates to reflect new legislative provisions and changes in position titles.
* **S18 Instrument - Sub-Delegation under the Environment Protection Act 2017**: Reflects changes in position titles following organisational modifications.

The Instruments of Delegation to members of Council staff ensures that staff exercise the appropriate powers, duties, and functions on behalf of Council.

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

**Delegation Review Process**

The S6 and S18 Instruments of Delegation are reviewed biannually to incorporate legislative updates and reflect changes to the organisational structure. Council subscribes to a legislative update service provided by Maddocks Lawyers, which delivers biannual notifications of changes to the various legislation applicable to Council and supports the timely and accurate updating of relevant delegation information.

**S5 Instrument of Delegation - Council to Chief Executive Officer**

The S5 delegation includes specific limitations and conditions that outline the scope of power granted to the Chief Executive Officer (CEO), ensuring decisions made are in line with the policy objectives of the Council and legislative requirements. The instrument covers areas such as personnel management, budget approvals, and routine administrative decisions, while major decisions still require Council approval.

Section 11 (2) of the Act specifies the powers, duties or functions the Council is unable to delegate to the CEO. Some examples under s 11 (2) include:

* power for the CEO to sub-delegate any of the powers, duties or functions delegated by Council;
* power to elect a Mayor or Deputy Mayor;
* power to approve or amend the Council Plan;
* power to adopt or amend any policy that the Council is required to adopt under the Act;
* power to adopt or amend the Governance Rules; and
* power to make, amend or revoke a local law.

It is important that the instrument aligns with the statutory framework and reflects the Council’s governance structure, ensuring transparency, accountability, and compliance with the Act.

**S6 Instrument of Delegation - Council to Members of Council Staff**

The Instrument of Delegation to Members of Council Staff was most recently reviewed and adopted by Council on 17 December 2024.

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

* 1 new legislative provision has been added as follows:

Section 12(2)(b) of the *Road Management Act 2004* – This section delegates the function of providing consent to the Head of Transport for Victoria for the discontinuance of a road or part of a road.

* This function is proposed to be delegated to the CEO, Director Infrastructure and Environment, Manager Urban Design and Transport, and Unit Manager Traffic and Transport.
* The following provision has been removed from the delegations due to adjustments in the relevant Act:

Section 125(1) of the *Planning and Environment Act 1987* – Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.

* The delegates of the following provision have been adjusted:

Section 173(1A) of the *Planning and Environment Act 1987*: This section delegates the power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.

* The Manager Strategic Property and Development is proposed to be included into the current delegates.
* Administrative adjustments to position titles have been made as follows:
* Strategic Planning Officer is now titled Strategic Planner; and
* Unit Manager Animal Management is now titled Head of Operations wat djerring and Unit Manager wat djerring Animal Facility.

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

There have been no legislative amendments made the S18 however, administrative amendments were made to staff position titles as follows:

* Unit Manager Regulatory Services is now titled Unit Manager Regulatory Services and Prosecutions.
* Local Laws Enforcement Officer is now titled City Compliance Officer.

**Interstate Conferences**

In accordance with the Councillor Support and Expense Policy, Council approval is required for Councillors proposing to attend interstate conferences.

The Australian Local Government Association (**ALGA**) National General Assembly is being held in Canberra and the National Growth Areas Alliance National Congress in Perth.

The total cost per Councillor to attend each conference includes conference fees, flights and accommodation.

**Australian Local Government Association (ALGA) National General Assembly 2025**

The ALGA National General Assembly will be held in Canberra between 24 to 27 June 2025 and the below Councillors are seeking approval to attend either for the full or part of the conference:

* Cr Taylor, Mayor;
* Cr Zinni, Deputy Mayor;
* Cr Cox; and
* Cr Gunn.

**National Growth Areas Alliance National Congress**

The National Growth Areas Alliance National Congress will be held from 30 to 31 July in Perth. Cr Taylor, Mayor and Cr Cox are seeking approval to attend.

**Appointment of Councillor Representatives to Committees**

Following a recent VCAT decision to void the Lalor Ward election result, Council need to appoint representatives to the following Committees up until 18 November 2025:

* **CEO Employment Matters & Advisory Committee (CEMAC)**
  + The Advisory Committee is to make recommendations to Council on CEO contractual employment matters, performance matters and any other functions or responsibilities prescribed by the *Local Government Act*.
* **Yarra Plenty Regional Library Board (YPRL)**
  + The Board has responsibility for the provision and management of the library service and comprises two representatives from each of the three member Councils - Whittlesea, Banyule and Nillumbik.

Meetings of the Board are governed by its constitution which provides for two persons from each of the three member Councils to be on the Board. One person must be a Councillor while the second appointee can be any other person

* **Epping Cemetery Trust (this appointment is for the full Council term)**
  + Epping cemetery is a closed Class B cemetery with historical and regional aesthetic significance. It is situation on Crown Land Reserve but an asset of Council.
* **Hearing of Submissions Committee** 
  + Council’s Governance Rules allow for sub-committees to be established to hear submissions from community members ie. submissions relating to the budget or discontinuance of roads.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High Performing Organisation**

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

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

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

There is no community consultation or engagement required for this report.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

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

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

(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.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

There are no economic implications with Council’s approval of the proposed delegations and sub-delegations.

**Legal, Resource and Strategic Risk Implications**

To minimise any legal or risk implications, it is imperative Council staff are acting under current delegated or sub-delegated powers.

# Implementation Strategy

Communication

Once approved, the signed Instruments of Delegations will be communicated to relevant Council staff and published on Council’s website.

Critical Dates

There are no other critical dates associated with the report.

# Declaration of Conflict of Interest

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

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

# Attachments

1. Informal Meetings of Council [**5.7.1** - 6 pages]
2. S5 Instrument of Delegation Council to CEO [**5.7.2** - 4 pages]
3. S6 Instrument of Delegation from Council to Members of Counc [**5.7.3** - 91 pages]
4. S18 Instrument of Sub Delegation under the EPA 2017 [**5.7.4** - 5 pages]

**6 Notices of Motion**

6.1 CEO Employment Matters Advisory Committee Membership

**6.1 CEO Employment Matters Advisory Committee Membership**

**Councillor: Cr Martin Taylor**

**NoM No:** **2025/03**

At the 15 April 2025 Scheduled Council Meeting, Cr Taylor gave notice that it was their intention to move the following Motion. Council resolved at the April Council meeting to lay the Notice of Motion on the table until the 20 May 2025 Scheduled Council Meeting.

# Motion

**THAT Council:**

1. **Resolve Cr Aidan McLindon (Cr McLindon) be immediately removed as a councillor representative on the CEO Employment Matters Advisory Committee (CEMAC).**
2. **Amend the City of Whittlesea CEO Employment and Remuneration Policy to reflect that membership will comprise of three councillors, noting Councillors Colwell and Kozmevski have already been appointed to the CEMAC.**
3. **Appoint Cr Martin Taylor as the third councillor representative on the CEMAC.**
4. **Notes the reappoinment of the Mayor of the day to CEMAC will form part of next annual consideration of membership to all internal and external Committees and Boards.**

**Notice Received:** 31 March 2025

**Notice Given to Councillors:** 1 April 2025

**Date of Meeting:** 15 April 2025

**PREAMBLE**

The purpose of this motion is for Council to formally express the importance of ensuring that councillor representation on the CEMAC remains impartial, fair, and reflective of the best interests of the Council and the City of Whittlesea municipality. Council refers to publicly available digital recordings from a gathering on Tuesday, 18 March 2025, during which a statement was made by Cr McLindon, calling for the immediate stepping aside of the Chief Executive Officer. This is cited as an example of potential bias and a basis for reconsideration of councillor representation on the CEMAC.

**7 Urgent Business**

**8 Reports from Councillors and CEO Update**

**9 Tabled Reports**

9.1 Audit & Risk Committee Biannual Report

**9.1 Audit & Risk Committee Biannual Report**

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

**Report Author:** Compliance & Governance Officer

# Executive Summary

In accordance with s54 (5) of the *Local Government Act 2020*, the Audit and Risk Committee (Committee) is required to prepare a biannual report on its activities. The Committee’s biannual report is tabled for Council information and public transparency.

# Attachments

1. Audit and Risk Committee Bi Annual Report [**9.1.1** - 8 pages]

**10 Confidential Business**

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

# Recommendation

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

**11 Closure**