



MANNINGHAM

## Ordinary Meeting of the Council

# MINUTES

<b>Date:</b>	<b>Tuesday, 24 March 2020</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

## INDEX

<b>1</b>	<b>OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT .....</b>	<b>2</b>
<b>2</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3</b>	<b>PRIOR NOTIFICATION OF CONFLICT OF INTEREST.....</b>	<b>2</b>
<b>4</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>3</b>
<b>5</b>	<b>PRESENTATIONS.....</b>	<b>3</b>
	5.1 Passing of Peter Mulcahy .....	3
<b>6</b>	<b>PETITIONS .....</b>	<b>3</b>
<b>7</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>8</b>	<b>ADMISSION OF URGENT BUSINESS .....</b>	<b>4</b>
<b>9</b>	<b>PLANNING PERMIT APPLICATIONS.....</b>	<b>4</b>
<b>10</b>	<b>CITY PLANNING &amp; COMMUNITY .....</b>	<b>5</b>
	10.1 Yarra Valley Water Doncaster Hill Recycled Water Project .....	5
<b>11</b>	<b>CITY SERVICES.....</b>	<b>16</b>
<b>12</b>	<b>SHARED SERVICES .....</b>	<b>16</b>
<b>13</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>17</b>
	13.1 ALGA and MAV Motions 2020 .....	17
	13.2 Appointment of Authorised Officers - Planning and Environment Act 1987 .....	21
	13.3 Record of Assembly of Councillors .....	25
<b>14</b>	<b>URGENT BUSINESS.....</b>	<b>33</b>
	14.1 Proposed Amendment to Instrument of Delegation from Council to Chief Executive Officer.....	33
	14.2 Documents for Sealing.....	41
<b>15</b>	<b>COUNCILLORS' QUESTION TIME .....</b>	<b>42</b>
	15.1 Manningham's Response to COVID-19 .....	42
	15.2 COVID-19 and Small Businesses .....	43
	15.3 Library Support Services for Aged Care.....	43
	15.4 Citizenship Ceremonies .....	43
<b>16</b>	<b>CONFIDENTIAL REPORTS .....</b>	<b>44</b>
	16.1 2 - 14 Websters Road, Templestowe - Feasibility Study Findings .....	45
	16.2 Proposed New Park on Hepburn Road in Doncaster Hill .....	54

**MANNINGHAM CITY COUNCIL  
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL  
HELD ON 24 MARCH 2020 AT 7:00PM  
IN COUNCIL CHAMBER, CIVIC CENTRE  
699 DONCASTER ROAD, DONCASTER**

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The meeting commenced at 7:00pm.

**PRESENT:** Councillor Paul McLeish (Mayor)  
Councillor Mike Zafiroopoulos (Deputy Mayor)  
Councillor Anna Chen  
Councillor Andrew Conlon  
Councillor Geoff Gough  
Councillor Dot Haynes  
Councillor Michelle Kleinert  
Councillor Paula Piccinini

**OFFICERS PRESENT:** Chief Executive Officer, Mr Andrew Day  
Acting Director City Planning & Community, Mr Matt Slavin

**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

An apology was received from Councillor Sophy Galbally.

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

The Chairperson asked if there were any written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

## 4 CONFIRMATION OF MINUTES

### COUNCIL RESOLUTION

**MOVED:** CR MIKE ZAFIROPOULOS  
**SECONDED:** CR ANNA CHEN

**That the Minutes of the Ordinary Meeting of Council held on 25 February 2020 be confirmed.**

**CARRIED**

## 5 PRESENTATIONS

### 5.1 Passing of Peter Mulcahy

The Mayor acknowledged the recent passing of former Mayor and Councillor Peter James Mulcahy.

Mr Mulcahy served as a Councillor for the Shire and City of Doncaster and Templestowe from 1975 to 1982, including one term as Mayor in 1980/81.

### COUNCIL RESOLUTION

**MOVED:** CR GEOFF GOUGH  
**SECONDED:** CR ANDREW CONLON

**That Council:**

- **place on record its sadness and regret at the recent passing of Mr Peter James Mulcahy;**
- **record its appreciation for the contribution by Mr Mulcahy during his term as Mayor and Councillor for the Shire and City of Doncaster and Templestowe; and**
- **extend its sympathy and condolences to Mr Mulcahy's family at this very difficult time.**

**CARRIED**

## 6 PETITIONS

There were no Petitions.

## 7 PUBLIC QUESTION TIME

There were no questions from the public.

## 8 ADMISSION OF URGENT BUSINESS

**COUNCIL RESOLUTION**

**MOVED:** CR PAULA PICCININI  
**SECONDED:** CR MICHELLE KLEINERT

**That Council admits for consideration the following urgent business reports at item 14 of this meeting: -**

- **Item 14.1 Proposed Amendment to Instrument of Delegation from Council to Chief Executive Officer; and**
- **Item 14.2 Documents for Sealing.**

**CARRIED**

## 9 PLANNING PERMIT APPLICATIONS

There were no Planning Permit Applications.

## 10 CITY PLANNING & COMMUNITY

### 10.1 Yarra Valley Water Doncaster Hill Recycled Water Project

File Number:	IN20/123
Responsible Director:	Director City Planning and Community
Attachments:	1 Letter from Yarra Valley Water, 20 February 2020 <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*The purpose of this report is to consider revoking a previous resolution of Council on 28 August 2012 regarding a proposal by Yarra Valley Water (YVW) for a Doncaster Hill Recycled Water Facility.*

*The original site selected for a water recycling facility was Tram Road Reserve in Doncaster (a Council owned reserve). However the associated planning application to construct the facility was refused by Council in 2012 on various grounds including adverse amenity impacts, loss of open space and vegetation. Subsequently, Council at this time also resolved to not lease or sell its land in Koonung Ward for a Recycled Water or Sewerage Treatment Plant.*

*This prompted YVW to initiate a community engagement process in 2017 to identify an alternative site, led by an Independent Panel. The Panel identified a preferred site at Eram Park in Box Hill North in the City of Whitehorse, and planning progressed to investigate this option.*

*However, since this time, it has been determined by YVW that the alternative location at Eram Park is no longer viable. This is due to the proposed impact of the North East Link (Eastern Freeway widening) and flood/drainage implications. Based on this advice, YVW have determined Tram Road Reserve as the most viable location and the focus of its future plans.*

*Revoking the motion of 2012 will provide the opportunity for YVW to work with Council to more adequately plan and consider the impacts / opportunities of a proposed facility at Tram Road Reserve. Revoking this previous motion does not however imply that Council supports the proposal at this time. Key issues and community concerns will need to be considered as part of the planning process, with the proposal subject to all the necessary planning and statutory approvals associated with such a facility on public land. It will provide the opportunity however for YVW to engage with Council as a key stakeholder and the land owner to consider a proposal that addresses the need for more sustainable water management practices in urban metropolitan Melbourne.*

*It should be noted that the current proposal has changed significantly from the previous planning application and now includes:*

- to underground the facility (versus a previous above-ground facility);*
- greater retention of open space, minimal structures above ground with the majority of vegetation being retained;*
- potential for park enhancements based on community preferences;*
- a proposed Regional Recycled Water scheme proposed to service a broader area (not just Doncaster Hill) and community assets.*

*YVW undertook community consultation and engagement in February 2020, and provided an update to Council. Feedback from the community engagement identified that there is general support for initiatives which will improve the reliability and resilience of our water system, but concerns exist about the impacts of a facility in close proximity to residential areas. These concerns are acknowledged as issues that need to be addressed through the design phase.*

### **COUNCIL RESOLUTION**

**MOVED: CR ANDREW CONLON**  
**SECONDED: CR GEOFF GOUGH**

**That Council:**

- A. revoke Part (B) of its resolution of 28 August 2012 as follows;**
- (B) Council undertakes not to lease or sell its land in Koonung for a Recycled Water or Sewerage Treatment Plant.**
- B. note that Yarra Valley Water are reconsidering the proposal to construct an underground recycled water facility at Tram Road Reserve Doncaster to supply Doncaster Hill.**
- C. note that Yarra Valley Water undertook stakeholder and community engagement in February 2020 to address key concerns previously raised by residents. Submission of a planning application to Council for the proposal would be expected in 2021.**

### **PROCEDURAL MOTION**

**MOVED: CR MIKE ZAFIROPOULOS**  
**SECONDED: CR GEOFF GOUGH**

**That Councillor Haynes be permitted an extension of time to speak in accordance with clause 44.6 of the Manningham City Council Meeting Procedure Law 2017.**

**CARRIED**

### **DIVISION**

A Division was called by Councillor Chen and Council divided as follows:

**FOR (7):** Councillors Paul McLeish, Mike Zafiroopoulos, Andrew Conlon, Geoff Gough, Dot Haynes, Michelle Kleinert and Paula Piccinini.

**AGAINST (1):** Councillor Anna Chen.

**THE SUBSTANTIVE MOTION WAS DECLARED CARRIED**

## 1. BACKGROUND

- 1.1 As a result of a three-way Memorandum of Understanding (MoU) signed in 2009, Yarra Valley Water (YVW), Manningham Council and Melbourne Water undertook a joint study to look at the implications of development in Doncaster Hill and the Eastern Golf Course (Tullamore) on local water supply and sanitation and stormwater management.
- 1.2 As a result of the MoU, a consultant was engaged to look at a range of water management options and projected population growth. This work identified that there may be constraints in water supply that could arise at the full build-out of Doncaster Hill. The provision of alternate water sources (i.e. recycled water) could augment the mains supply and offered improved environmental outcomes.
- 1.3 The *Doncaster Hill Strategy (2004)* and Manningham Council's Planning Scheme requirements for Doncaster Hill encourage the consideration of sustainable resource objectives. The prospect of an alternate water source was seen as a compatible outcome.
- 1.4 In 2010, YVW used its legislative powers to declare Doncaster Hill and the adjoining Eastern Golf Course site as a mandated recycled water supply area. As such, all properties within the area are required by regulation to provide purpose built plumbing to connect toilets to YVW's recycled water network.
- 1.5 At its meeting on 27 July 2010, Council adopted a recommendation to include a requirement for new development in Doncaster Hill to include 'third pipe' plumbing to supply all toilet and laundry needs.
- 1.6 In 2012, YVW submitted a planning application to Council for the construction of a recycled water facility in Tram Road Reserve (Koonung Creek Linear Park), which was subsequently refused by Council. In addition to refusing the permit application on largely amenity grounds, the motion also sought to prohibit land being made available in the Koonung Ward (Doncaster) for the purposes of a recycled water treatment plant.
- 1.7 Since the recycled water area was declared in 2010, over 2,000 dwellings have been constructed in the recycled water area, and there has been a network of underground mains constructed in the Tullamore estate. All residences have internal plumbing that is 'ready' to receive recycled water once it is available.
- 1.8 As such, YVW is again looking to develop a local recycled water facility to supply water into the area.
- 1.9 After further site investigations, YVW has expressed interest in constructing an underground water recycling facility at Tram Road Reserve in Doncaster.
- 1.10 At the SBS meeting on 19 November 2019, YVW presented their revised proposal to Council, outlined their rationale for proceeding with this proposal and outlined their plans to consult with the community.
- 1.11 They also took the opportunity to ask Council to consider how they would like to be engaged and what they would like to see included to achieve a positive outcome for the community.



- 1.12 On 7 February 2020, YVW formally wrote to Council (see **Attachment 1**) regarding the following:
- Outlining some of the historic context and an update on YVW's progress on developing a new proposal for a recycled water treatment facility;
  - Outlining how their revised approach (which included constructing an underground facility) responded to previous community concerns around amenity impacts;
  - Potential mechanisms to improve the community offering beyond just servicing development in the mandated area (e.g. water for irrigation, activation of parkland/ open space improvements in Tram Road Reserve); and
  - Requesting consideration given that components of the previous Council decision relating to land being made available be revoked.
- 1.13 Revocation of part of the motion relating to land tenure would provide an opportunity to further explore improved outcomes for the community prior to any formal planning application process commencing.

## 2. DISCUSSION / ISSUE

### Previous Council decision (2012)

- 2.1 On 28 August 2012, Council considered a proposal to construct a treatment plant within Tram Road Reserve Doncaster to create a source of recycled water to be supplied to new developments in the Doncaster Hill area and the Eastern Golf Course site.
- 2.2 This included the creation of a level site, buildings and works including above ground building to house water treatment equipment, storage tanks, ventilation structures and an access driveway to Grange Park Avenue.
- 2.3 A total of 207 objections were received to the application.
- 2.4 At this meeting, and after a division was called, Council rejected a proposal to defer permit determination until after the status of a referral to EPA was known.
- 2.5 A subsequent motion was proposed and passed as follows:

*That*

*(A) Having considered all objections A REFUSAL be issued in relation to Planning Application No. PL12/022631 for Use and development of land for a Utility Installation (Recycled Water Treatment Plant) on the following grounds:*

- 1. The proposal represents an unacceptable loss of parkland area;*
- 2. The operation of the proposal will result in an unacceptable reduction in the functionality of the parkland area;*
- 3. The proposal represents an unacceptable impact on existing native vegetation; and*

4. *The visual impact of the proposed buildings and works represents an unacceptable amenity impact on local parkland and on local neighbourhood character.*

*Council undertakes not to lease or sell its land in Koonung for a Recycled Water or Sewerage Treatment Plant.”*

- 2.6 The EPA subsequently granted works approval to the YVW application.

#### **In the interim**

- 2.7 Since the refusal decision, there has been a considerable amount of building activity in Doncaster Hill and Tullamore which will require a solution to ensure recycled water can be provided.
- 2.8 There have also been progression in state level water policy, which seek to promote the importance of Integrated Water Management (IWM) and place-based planning.
- 2.9 It is considered that the example provided by the development of Doncaster Hill has been influential in setting the IWM agenda with Doncaster Hill continuing to provide an exemplar model for development in established suburbia and at the forefront of leading practice.
- 2.10 The technical work that was undertaken through the MoU process was at the forefront of practice at the time, and was recognised as a finalist in the 2011 Premier’s Sustainability Awards, and received a high commendation from Engineers Australia.

#### **Yarra Valley Water revisit proposal (2017)**

- 2.11 In 2017 YVW re-affirmed its commitment to the project, and developed a deliberative community engagement approach to engaging with the community to understand concerns, and to evaluate potential sites.
- 2.12 An independent panel was appointed to consult with the community.
- 2.13 Council was briefed prior to the panel commencing its consultation, and provided with a summary of outcomes.
- 2.14 The Independent Panel report identifies that 2,300 responses were received from community members which included opportunities for one-on-one consultation and online feedback.
- 2.15 The Independent Panel recommended Eram Park in Box Hill North (City of Whitehorse) as the preferred location, with Tram Road Reserve in Doncaster as the next alternative suitable location.
- 2.16 In relation to Tram Road Reserve, the Independent Panel synthesised community feedback, and identified that an underground facility was the most popular choice.

**Revised Proposal (2019)**

- 2.17 The Independent Panel's preferred location, Eram Park has been ruled out as feasible after discussions with the North East Link Authority (NELP) due to potential impacts to Eram Park as a result of the widening of the Eastern Freeway. In addition, the site also presents a number of flooding constraints.
- 2.18 The location at Tram Road Reserve was the second preference identified by the Panel. YVW have indicated that the North East Link alignment does not impact the viability of the Tram Road Reserve site.
- 2.19 YVW will have to undertake further technical feasibility assessments prior to progressing any proposal at Tram Road Reserve.
- 2.20 A broader community engagement program will be undertaken to gather the community's ideas about the design and construction of the proposed facility and park improvement opportunities.
- 2.21 While the focus of YVW has returned to the original site, the nature of the project has changed considerably, informed by extensive stakeholder and community engagement and addressing key concerns previously raised by residents.
- 2.22 Most significant is that the undergrounding of the facility will retain existing open space and addresses the substantive issues articulated in the previous permit refusal.
- 2.23 There will be impacts during construction, and reinstatement will need to be factored in so that open space is retained and potentially enhanced. On the basis of concepts presented thus far, this is considered possible.
- 2.24 Since 2012, an underground recycled water facility has been constructed in Yarra Park (located immediately outside the MCG) that is of a similar capacity. This provides a comparative benchmark against which to assess any proposal from YVW.
- 2.25 Based on YVW's correspondence any revised proposal will substantially differ from previous, with key changes are summarised below:

<b>Previous Proposal (2012)</b>	<b>Current Proposal (2019)</b>
Above ground facility	Underground facility
Loss of open space	Retains open space, minimal structures, retains majority of vegetation – potential park enhancements based on community preferences.

<p>Only supplies Doncaster Hill development (no apartments yet constructed)</p>	<p>Regional Recycled Water scheme proposed to service a broader area and community assets</p> <ul style="list-style-type: none"> <li>• 1300 properties are now ready for recycled water, and recycled water can be available for future development.</li> <li>• Supply of recycled water to irrigate community parks, ovals and gardens.</li> <li>• Discounted recycled water process for community assets – 50% reduction in cost of water to Council</li> <li>• Opportunity to irrigate nearby residents' gardens.</li> </ul>
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### 3. COUNCIL PLAN / STRATEGY

3.1 Under the *Council Plan 2017-21*, consideration of this issue relates to the following goals:

- A healthy, resilient and safe community
- 2.4 Well utilised and maintained community infrastructure
- 3.2 Reduce our environmental impact and adapt to climate change

3.2 The *Doncaster Hill Strategy (2004)* actively promotes principles for Ecologically Sustainable Development (ESD) including for water conservation that consider emerging technology and continuous innovation to ensure the successful development of a sustainable urban village. Such ESD principles have been embedded into Manningham's Planning Scheme requirements (e.g. through conditions placed on permits in relation to recycled water) since YVW mandated its recycled water supply area in 2010. YVW state that this proposal has the potential to provide recycled water to 5,000 properties and will help save 2.5 million litres of drinking water every week.

3.3 At its meeting on 28 January 2020 Manningham Council unanimously agreed to declare a climate emergency. Supporting sustainable development and alternate water sources are tangible ways in which the adverse impacts of climate change can be mitigated.

### 4. IMPLEMENTATION

4.1 Timing

4.1.1 Adopting the recommendation to revoke the previous resolution will provide Council the opportunity to engage in discussions with YVW about the proposal. YVW will then develop a proposal in consultation with Council and the community subject to feedback received from the community information sessions to be held in February 2020.

4.1.2 It is expected that a revised planning application will be lodged with Council in 2021.

4.2 Finance / Resource Implications

4.2.1 There are no direct financial implications to Council as a result of the recommendation being adopted.

4.3 Communication and Engagement

4.3.1 In February 2020 YVW notified local media and approximately 12,000 residents of its intention to progress the development of an underground recycled water treatment facility.

4.3.2 On 22 and 26 February 2020, YVW conducted a drop in session which was attended by 69 people. Feedback from these sessions show that the majority of people understood the need for and were generally supportive of recycled water, but there were concerns about the location and impacts. YVW have identified these as issues that will need to be addressed through subsequent design phases.

4.3.3 Yarra Valley Water propose further consultation as the design progresses. Until a formal proposal is received, Council is unable to provide comment other than to note that due process will be followed should a planning application be received.

4.3.4 All community enquiries on the proposal will be directed to YVW as the proponent of the project.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



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20 February 2020

Mr Andrew Day  
CEO  
Manningham City Council  
699 Doncaster Rd  
Doncaster VIC 3108

### **Doncaster Hill Recycled Water Project**

Dear Andrew,

I am writing to provide an update on our progress towards building an underground water recycling facility to service residents in Manningham. We are keen to discuss next steps to consolidate a partnership approach as Yarra Valley Water prepares to launch the next round of engagement with the community in 2020.

As you are aware, the project has a long history, commencing with a Memorandum of Understanding between Manningham Council, Melbourne Water and Yarra Valley Water to explore alternative servicing and mandating Doncaster Hill as a recycled water area. This included requiring new developments to install a third 'purple pipe' system for flushing toilets and irrigation. The agreement arose due to a joint desire to pursue growth that is more sustainable, concerns about a hotter and drier climate and to help drought-proof our city and secure our water supply for the future.

The original site selected in conjunction with Manningham for a water recycling facility was Tram Road Reserve, however the Council of the day rejected a planning permit in response to community feedback. This prompted Yarra Valley Water to initiate an extensive community engagement process in 2017 to identify a suitable site, led by an Independent Panel. The Panel identified Eram Park in Box Hill North as the preferred site and also recommended considering an underground facility. Since that time Yarra Valley Water has focused its investigation and planning on Eram Park as the preferred site for an underground facility.

The Victorian Government's North East Link (NEL) project has progressed in tandem with ours, and Yarra Valley Water has worked closely with NEL to coordinate our project with their proposals. Most recently, following detailed investigations undertaken by both projects, and consultation with Melbourne Water, it became clear that due to the proposed changes to the Eastern Freeway there will be an increase in the extent of water run-off expected to occur at the park which provides flood water storage.

On 5 December, the Minister for Planning released the North East Link's Independent Inquiry and Advisory Committee's recommendations, together with an assessment of the environmental effects of the project. The release of these documents was important in order to fully understand whether the proposed changes to the Eastern Freeway would be impacted by the recommendations.

We have now carefully considered these recommendations, and in mid-January 2020 NEL confirmed that, notwithstanding ongoing efforts to reduce the footprint of the Eastern Freeway in this area, the important role of Eram Park in storing floodwater will remain critical. This advice has definitively confirmed that Eram Park is no longer a viable site for an underground facility. Given the information provided by NEL, we have revisited the Independent Panel's recommendations, which identified Tram Road Reserve in Doncaster as the next most preferred site. Tram Road Reserve is now the focus of our investigations. Discussions with NEL indicate that this Reserve is outside the construction footprint of NEL.

While we have returned our focus to the original site, our project has changed considerably, informed by extensive stakeholder and community engagement and addressing key concerns previously raised by residents. I have summarised the key changes below:

Previous Proposal	Current Proposal
Above ground facility	Underground facility
Loss of open space	Retains open space, minimal structure, retains majority of vegetation – potential park enhancements based on community preferences
Only supplies Doncaster Hill development (no apartments yet constructed)	Regional Recycled Water scheme proposed to service a broader area and community assets <ul style="list-style-type: none"> <li>• 1300 properties are now ready for recycled water, and recycled water can be available for future development</li> <li>• Supply of recycled water to irrigate community parks, ovals and gardens</li> <li>• Discounted recycled water prices for community assets – 50% reduction in cost of water to Council</li> <li>• Opportunity to irrigate nearby residents' gardens</li> </ul>

Council's support is crucial for this project to proceed and to deliver the best outcomes for the community we both serve. Yarra Valley Water has commenced community engagement on the design, park amenity, access to recycled water and construction and operational impacts of the underground recycled water facility. At the same time, we will need to work with Council to acquire an easement in Tram Road Reserve and obtain any required planning permits - and address Council's former resolution not to sell land in Koonung Ward for a recycled water facility.

Attached to this letter is a short presentation providing further detail on the project, including a draft timeline of proposed next steps.

This is an exciting opportunity for Council to partner with us and for both organisations to demonstrate progressive leadership in environmental sustainability and climate change response. I welcome the opportunity to further discuss and formalise how we can move forward collaboratively to bring recycled water to Manningham.

Yours sincerely,



## **11 CITY SERVICES**

There were no City Services reports.

## **12 SHARED SERVICES**

There were no Shared Services reports.

## 13 CHIEF EXECUTIVE OFFICER

### 13.1 ALGA and MAV Motions 2020

File Number:	IN20/174
Responsible Director:	Chief Executive Officer
Attachments:	1 2020 - ALGA NGA - Motion - Waste <a href="#">↓</a>
	2 2020 - MAV May State Council Motion - Waste <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*Each year local government is given the opportunity to submit advocacy motions to peak bodies; Municipal Association of Victoria (MAV) and the Australian Local Government Association (ALGA).*

*This report seeks endorsement of the proposed motion for the ALGA National General Assembly, June 2020 and the May MAV State Council.*

#### COUNCIL RESOLUTION

**MOVED: CR MIKE ZAFIROPOULOS**  
**SECONDED: CR MICHELLE KLEINERT**

**That Council endorse the advocacy motions for the 2020 ALGA National General Assembly and the May 2020 MAV State Council as shown in Attachments 2 and 3.**

**CARRIED**

## 2. BACKGROUND

The Australian Local Government Association (ALGA) is the national voice of local government, representing 537 councils across the country. ALGA National General Assembly (NGA) 2020 is focussed on partnerships and working together. Motions should have an emphasis on how Local Government can work in partnership with the Australian Government to address the challenges our communities face or the opportunities that are arising.

The Municipal Association of Victoria (MAV) is the state peak body for local government. MAV motions must have state-wide significance to the sector, relate to one of the sector's priority issues in the MAV Strategic Plan 2019 - 2021 and MAV will not consider issues that have already been adopted at a previous meeting of State Council or are current campaigns.

### 3. DISCUSSION / ISSUE

#### 3.1 ALGA National General Assembly

To be eligible for inclusion, and subsequent debate at NGA, motions must be:

- relevant to the work of local government nationally
- not be focussed on a specific location or region
- be consistent with the theme of NGA
- complement or build on the policy objectives of the association.
- propose a clear action and outcome
- not be advanced on behalf of a third party that may seek the use the NGA to apply pressure on Board members or gain political exposure for positions that are not directly relevant to the work of, or in the national interest of local government.

#### 3.2 MAV State Conference

Issues already adopted at a previous State Council constitute policy directions of the MAV and remain active until the issue is resolved.

New motions should relate to either new, or variations to, existing policy directions'. A number of key advocacy issues for Manningham are already included in the MAV Strategic Workplan.

### 4. IMPACTS AND IMPLICATIONS

If the motion was successful in stimulating changes, there could be significant social and economic benefit to our community.

### 5. IMPLEMENTATION

#### 5.1 Finance / Resource Implications

There will be no finance / resource implications in submitting the motion

#### 5.2 Communication and Engagement

There will be no communication and engagement implications in submitting the motion

#### 5.3 Timelines

The Motion will need to be considered at the March Ordinary Council Meeting to meet the ALGA NGA and MAV State Council timelines.

### 6. DECLARATIONS OF CONFLICT OF INTEREST

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**ALGA National General Assembly June 2020 Motion**

**That the National General Assembly call on the Federal Government to provide leadership and allocate appropriate funding to local government to cover the extra resources and costs needed to implement a coordinated response to the waste management crisis occurring in Australia.**

*National Objective – Why is this a national issue and why should this be debated at NGA?  
250 words*

- Australia is struggling to respond to the waste crisis and all state governments are developing siloed approaches to manage this. For instance the Victorian State Government has produced the 'Recycling Victoria' policy, which recognises significant change and investment is required in Victoria's waste sector to minimise waste and improve recovery of valuable resources.
- Victoria's policy will introduce a fourth (purple lidded) kerbside bin; promote investment in recycling infrastructure; market development for recovered materials; introduction of a container deposit scheme; community education campaigns and strengthened industry oversight, as well as introduce a new regulatory body. It is clear that without a coordinated approach and leadership from the national level, duplication of effort and possible conflicting solutions to the issue is inevitable.
- Victoria's policy also acknowledges that councils will need to tailor service models to meet the needs of their communities; there is no one-size-fits-all approach. Leadership on a National standard for kerbside system and service delivery is needed.
- The lack of leadership and action by the Commonwealth on waste issue is frustrating as it forcing State Governments across Australia to 'go it alone'.
- To assist in achieving the State's goals, it is imperative that the Commonwealth introduce national product stewardship schemes which require companies to minimise waste output or otherwise take responsibility for the environmental impacts of their products.
- The decision by the State to double the landfill levy over the next three years is not unexpected however there is a concern that the money raised through the levy is not being fully invested back into the resource recovery system

*Summary of key argument - background information and supporting arguments*

- Every State is struggling to implement the behavioural change required to achieve lasting beneficial outcomes to the way we produce, consume and dispose of goods.
- Without strong coordinated leadership from the national level, State governments will inevitably create policies, and less sustainable implementation solutions to achieve the desired circular economy outcomes.
- To implement the policy recommendations to reduce waste levels it is imperative that both seed and ongoing funding is allocated to councils to cover the costs of implementing and delivering waste initiatives as well as incentivise, guide and embed solutions that turn the tide on waste.
- It is anticipated that the \$129 million funding support for kerbside bin reform will only cover a portion of the implementation costs for councils. The long term operational costs of any new initiative will be far greater than any introductory cost and will be a cost borne by the councils. More funding assistance will be required to reduce impacts on households.
- It will be critical that the Federal Government works closely with State and Local Governments, industry and others to achieve best outcomes for the community.

**2020 MAV May State Council Motion****1. Name of Motion – Waste****2. Motion**

That the State Council call on the State Government to allocate appropriate funding to cover the extra resources and costs needed to implement the new circular economy policy, *Recycling Victoria*.

**3. Rationale for Motion**

- Change is required in the way we produce, consume and dispose of goods to achieve lasting beneficial outcomes to the community.
- The State Government's 'Recycling Victoria' policy recognises significant change and investment is required in Victoria's waste sector to minimise waste and improve recovery of valuable resources.
- This policy will promote investment in recycling infrastructure; market development for recovered materials; introduction of a container deposit scheme; community education campaigns and strengthened industry oversight.
- The policy acknowledges that councils will need to tailor service models to meet the needs of their communities; there is no one-size-fits-all approach.
- As with all policies, effective implementation will be essential to achieve the desired circular economy outcomes.
- To implement the policy recommendations to reduce waste levels it is imperative that both seed and ongoing funding is allocated to councils to implement waste initiatives as well as incentivise, guide and embed solutions that turn the tide on waste.
- The decision to double the landfill levy over the next three years is not unexpected however there is a concern that the money raised through the levy is not being fully invested back into the resource recovery system.
- It will be critical that the State works closely with councils, industry and others to achieve best outcomes for the community.

### 13.2 Appointment of Authorised Officers - Planning and Environment Act 1987

File Number:	IN20/175
Responsible Director:	Chief Executive Officer
Attachments:	1 Instrument of Appointment and Authorisation - Stewart Mala <a href="#">↓</a>
	2 Instrument of Appointment and Authorisation - Emily Vile <a href="#">↓</a>

#### EXECUTIVE SUMMARY

*In accordance with the Planning and Environment Act 1987(the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed below as Authorised Officers pursuant to Section 147(4) of the Act.*

#### COUNCIL RESOLUTION

**MOVED: CR ANDREW CONLON**  
**SECONDED: CR PAULA PICCININI**

**In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation, Council resolves that:**

- A. the following Council Officers be appointed as authorised officers:**
- **Stewart Mala – Planning Compliance Officer**
  - **Emily Vile – Town Planner**
- B. the instruments will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instruments or the officer ceases their employment with Council; and**
- C. the Instruments be signed and sealed.**

**CARRIED**

## 2. BACKGROUND

- 2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.
- 2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.

- 2.3 The Instruments of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.
- 2.4 The appointments will come into force immediately upon execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.
- 2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officer, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.
- 2.6 The appointment form will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

### **3. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Stewart Mala**

**By this instrument of appointment and authorisation Manningham City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 24 March 2020.

The Common Seal of                    )  
Manningham City Council            )  
was hereunto affixed                )  
in the presence of:                    )

Mayor .....

Chief Executive Officer .....

Date: .....



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Emily Vile**

**By this instrument of appointment and authorisation Manningham City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 24 March 2020.

The Common Seal of                    )  
Manningham City Council            )  
was hereunto affixed                )  
in the presence of:                    )

Mayor .....

Chief Executive Officer .....

Date: .....

### 13.3 Record of Assembly of Councillors

File Number:	IN20/107
Responsible Director:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none"><li>1 Healthy City Advisory Committee - 19 February 2020 <a href="#">↓</a></li><li>2 Open Space and Streetscape Advisory Committee - 24 February 2020 <a href="#">↓</a></li><li>3 Arts Advisory Committee – 26 February 2020 <a href="#">↓</a></li><li>4 Access and Equity Advisory Committee - 2 March 2020 <a href="#">↓</a></li><li>5 Strategic Briefing Session - 3 March 2020 <a href="#">↓</a></li><li>6 Strategic Briefing Session – 10 March 2020 <a href="#">↓</a></li></ol>

#### EXECUTIVE SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.*

#### COUNCIL RESOLUTION

**MOVED:** CR ANDREW CONLON  
**SECONDED:** CR DOT HAYNES

**That Council:**

1. **Note the Records of Assemblies for the following meetings:**
  - **Healthy City Advisory Committee - 19 February 2020**
  - **Open Space and Streetscape Advisory Committee - 24 February 2020**
  - **Arts Advisory Committee – 26 February 2020**
  - **Access and Equity Advisory Committee 2 March 2020**
  - **Strategic Briefing Session – 3 March 2020**
  - **Strategic Briefing Session – 10 March 2020**
2. **Amend the Open Space and Streetscape Advisory Committee Assembly of Councillors to show Cr Dot Haynes as being present; and**
3. **Incorporate the Records of Assemblies into the minutes of this meeting.**

**CARRIED**

## 2. BACKGROUND

2.1 An Assembly of Councillors is defined in the *Local Government Act 1989* as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of the Council staff which considers matters that are intended or likely to be:-

2.1.1 The subject of a decision of the Council; or

- 2.1.2 Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.
- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves the meeting.

### **3. DISCUSSION / ISSUE**

- 3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of the following Assemblies are attached to this report.
- Healthy City Advisory Committee - 19 February 2020
  - Open Space and Streetscape Advisory Committee - 24 February 2020
  - Arts Advisory Committee – 26 February 2020
  - Access and Equity Advisory Committee 2 March 2020
  - Strategic Briefing Session – 3 March 2020
  - Strategic Briefing Session – 10 March 2020

### **4. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Record of an Assembly of Councillors

Manningham City Council

## **Healthy City Advisory Committee Meeting**

**Meeting Date:** Wednesday 19 February  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 3pm

1. **Councillors Present:**  
Cr Paul McLeish, Mayor

**Officers Present:**

Angelo Kourambas, Director City Planning and Community  
Matt Slavin, Manager Integrated Planning  
Bronwyn Morphett, Coordinator Social Planning and Community Development  
Barb Ryan, Community Planner  
Janae Hendrey, Social Planning and Development Officer  
Katrine Gabb, Community Development Officer

2. **Disclosure of Conflicts of Interest**  
n/a

3. **Items Considered**

1. **Welcome to Country and Introductions**
2. **Apologies**
3. **Confirmation of previous minutes**
4. **Strategic Planning Presentation**
5. **Afternoon Tea**
6. **Healthy City – planning for the Healthy City strategy 2021-25 and Planning for next Healthy City Action Plan iteration 20-21**
7. **Healthy City Partnership Evaluation Review**
8. **Collaborative Actions Areas**
9. **Other Business**
10. **Next Meeting**

**Finishing time** - The meeting ended at 5pm

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Open Space and Streetscape Advisory Committee**

**Meeting Date:** Mon 24 February 2020  
**Venue:** Koonung Room  
**Starting Time:** 6pm

**1. Councillors Present:**

Cr Geoff Gough (Chair)  
Cr Anna Chen  
Cr Andrew Conlon  
Cr Dot Haynes

**Officers Present:**

Matt Slavin  
Carrie Lindsay  
Helen Napier

**2. Disclosure of Conflicts of Interest**

No conflicts

**3. Items Considered**

1. Welcome and introductions
2. Apologies
3. Conflicts of interest
4. Confirmation of previous minutes
5. Action Items
6. Whether to co-op a community member to replace the one who resigned due to no show
7. Streetscape across the municipality as a result of the success of George Streets ornamental pear planning. Do we have an updated strategy and action plan?
8. Concerns around the fire risk associated with the extent of the undergrowth and dead wood in our parks
9. Update on new park for Hepburn Road
10. Update on Ruffey Lake Park landscape Masterplan
11. Update on Urban Design Capital upgrades
12. Open Space Land Acquisition
13. Yarra Strategic Plan
14. NELP
15. Next Meeting

**Finishing time**

The meeting ended at 8.05pm

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Arts Advisory Committee**

**Meeting Date:** Tuesday 26 February 2020

**Venue:** Function Room 2, Civic Office, 699 Doncaster Rd, Doncaster

**Starting Time:** 4pm

**1. Councillors Present:**

Councillor Paula Piccinini – Heide Ward

**Officers Present:**

Lee Robson, Group Manager Community Programs

Justin Hanrahan, Manager Economic & Community Wellbeing

Michelle Zemancheff, Arts & Culture Lead

**2. Disclosure of Conflicts of Interest**

No conflicts of interest declared.

**3. Items Considered**

3.1. Minutes of the previous meeting.

3.2. Business arising.

3.3. Annual review survey.

3.4. Imagine Manningham 2040.

3.5. Prospective assessment panel representation.

3.6. Arts Manningham network development.

3.7. Other business.

**Finishing time**

The meeting ended at 5.30pm

Record of an Assembly of Councillors

Manningham City Council

## **Access and Equity Advisory Committee**

**Meeting Date:** Mon 2 March 2020

**Venue:** Koonung Room

**Starting Time:** 5pm

**1. Councillors Present:**

Cr Paul McLeish

**Officers Present:**

Bronwyn Morphet

Katrine Gabb

Janae Hendrey

**2. Disclosure of Conflicts of Interest**

No conflicts

**3. Items Considered**

1. **Welcome and introductions**
2. **Confirmation of Previous Minutes and Actions**
3. **Welcoming Cities**
4. **Manningham City Council front counter and foyer re-development**
5. **Committee partnership strategic planning and next steps**
6. **State disability plan consultation update**
7. **Committee Members update**
8. **Other Business**
9. **Next Meeting Dates Proposed Bi-Monthly**

**Finishing time**

The meeting ended at 7.15pm

\*\*\*\*\*

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 3 March 2020  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6:30pm

### **1. Councillors Present:**

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen, Cr Andrew Conlon, Cr Geoff Gough, Cr Dot Haynes, Cr Michelle Kleinert and Cr Paula Piccinini

#### **Apologies from Councillors:**

Cr Sophy Galbally

#### **Executive Officers Present:**

Angelo Kourambas, Acting CEO  
Leigh Harrison, Director City Services  
Philip Lee, Director Shared Services  
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk

#### **Other Officers in Attendance:**

Carrie Bruce, Senior Governance Advisor  
Kim Tran, Governance Officer  
Matt Slavin, Manager Integrated Planning  
Lydia Winstanley, Senior Strategic Planner  
Andrew Allan, Strategic Water Engineer  
David Bellchambers, Manager Information Technology  
Molley Qi, Manager Procurement

### **2. Disclosure of Conflicts of Interest**

Nil.

### **3. Items Discussed**

- 3.1 Doncare – Social Support Services Contract Update
- 3.2 Liveable City Strategy and Doncaster Hill Strategy Review Update (confidential)
- 3.3 Yarra Valley Water Doncaster Hill Recycled Water Project
- 3.4 Cyber Security Overview
- 3.5 Social Procurement Strategy

The meeting ended at 10.22pm

\*\*\*\*\*



Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 10 March 2020  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6:30pm

### **1. Councillors Present:**

Cr Paul McLeish (Mayor), Cr Mike Zafiroopoulos (Deputy Mayor), Cr Anna Chen,  
Cr Andrew Conlon, Cr Sophy Galbally, Cr Geoff Gough, Cr Dot Haynes,  
Cr Michelle Kleinert and Cr Paula Piccinini

#### **Apologies from Councillors:**

Nil.

#### **Executive Officers Present:**

Andrew Day, Chief Executive Officer  
Grant Jack, Acting Director City Services  
Angelo Kourambas, Director City Planning & Community  
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk

#### **Other Officers in Attendance:**

Carrie Bruce, Senior Governance Advisor  
Matt Slavin, Manager Integrated Planning  
Frank Vassilacos, Coordinator City Planning  
Gabrielle O'Halloran, Senior Strategic Planner  
Anna Bunbury, Senior Open Space Planner  
Cormac McCarthy, Senior Open Space Development Officer  
Jude Whelan, Manager Communications

### **2. Disclosure of Conflicts of Interest**

Nil.

### **3. Items Discussed**

- 3.1 2 - 14 Websters Road, Templestowe - Feasibility Study Findings (Confidential)
- 3.2 Draft 10 Year Parks Improvement Program (Confidential)
- 3.3 Open Space Land Acquisitions (Confidential)
- 3.4 Schramms Cottage Visitor Centre
- 3.5 Proposed new park on Hepburn Road in Doncaster Hill (Confidential)
- 3.6 Mountain Biking in Manningham
- 3.7 ALGA Motion 2020
- 3.8 Advisory Committees

The meeting ended at 10.12pm

\*\*\*\*\*

## 14 URGENT BUSINESS

### 14.1 Proposed Amendment to Instrument of Delegation from Council to Chief Executive Officer

File Number: IN20/190  
Responsible Director: Chief Executive Officer  
Attachments: 1 Draft Instrument of Delegation from Council to the Chief Executive Officer [↓](#)

#### EXECUTIVE SUMMARY

*Council is authorised by the Local Government Act 1989 (the Act) to delegate any power, duty or function of the Council under the Act or any other Act applying to Council in order to streamline and make more efficient the day-to-day decision making role of the Council and thereby reduce delays in the business operations of Council.*

*This report proposes an amendment to the Instrument of Delegation from Council to the Chief Executive Officer (CEO). The amendment proposes to enable the CEO to exercise certain powers in defined circumstances, in particular if there is a state of emergency declared under the Public Health and Wellbeing Act 2008 where the delegate forms the opinion that any meeting of Council which would otherwise determine the matter has lapsed for want of a quorum. The inability to gain a quorum may cause problem in the coming months because of the public health concerns surrounding transmission of COVID-19.*

#### COUNCIL RESOLUTION

**MOVED: CR PAULA PICCININI**  
**SECONDED: CR MICHELLE KLEINERT**

**In the exercise of the powers conferred by s 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Manningham City Council (Council) resolves that –**

- A. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.**
- B. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- C. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- D. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- E. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with s 98(3) of the Act.**

**F. paragraph A of the schedule to the Instrument of Delegation be amended by inserting a comma after the words Council and thing.**

**CARRIED**

## **2. BACKGROUND**

- 2.1 Councils in Victoria, as statutory authorities, are given extensive powers by numerous Acts and associated regulations. Council as a legal entity can only make decisions in one of two ways; by resolution or through others acting on its behalf with delegated authority.
- 2.2 In response to the challenges raised by COVID-19 and advice received from Local Government Victoria, Officers have considered a range of contingencies relating to the conduct of Council meetings and decision making.
- 2.3 To enable continued Council operations, it has been recommended that Councils consider the need to increase the exercise of delegated decisions to Council's CEO to maximise the opportunity for business continuity.

## **3. DISCUSSION / ISSUE**

- 3.1 Officers have sought legal advice from Maddocks Lawyers on the most appropriate way to increase the CEO's delegation during this period of uncertainty. This report proposes an amendment to the Instrument of Delegation from Council to CEO which enables him to exercise certain powers in defined circumstances. The defined circumstances relate to a state of emergency being declared under the Public Health and Wellbeing Act 2008. The powers would only be able to be exercised where the delegate forms the opinion that any meeting of Council which would otherwise determine the matter has lapsed for want of a quorum.
- 3.2 The inability to gain a quorum may cause a problem in the coming months because of the public health concerns surrounding COVID-19. There are a number of significant matters on the horizon for Council's consideration, most notably the budget. The Local Government Act 1989 does not provide the capacity to exempt or vary quorum requirements. As a result, if Council is unable to gain or maintain a quorum, the meeting will lapse and those decisions before the Council may not be able to be made unless the CEO has delegated authority to make the decision.
- 3.3 The current delegation to the CEO is broad and enabling. The CEO can undertake most powers of the Council which ensures that virtually every decision the Council can make by resolution, the CEO can make as a delegate.
- 3.4 There are however some exceptions, such as those prescribed in s 98(1) of the Local Government Act 1989. This includes matters such as the power to declare a rate or charge, the power to borrow money and the power to approve expenditure not contained in a budget to name a few.
- 3.5 There are some other typical exclusions, such as adopting the budget, approval of the Council Plan and appointing Councillor or community delegates. Unlike the exceptions in s 98 of the Act, these other exclusions are not prescribed and there is some flexibility to delegate these decision making powers to the CEO.

3.6 The draft Instrument of Delegation from Council to the CEO shown at Attachment 1 is consistent with the current powers delegated to the CEO, the Act and provides flexibility for the CEO to exercise certain powers in defined circumstances. It has been redrafted in certain parts for clarity, but there is no material change in content.

3.7 It is recommended that Council approve the draft Instrument of Delegation from Council to the CEO to maximise business continuity in these uncertain times.

#### **4. IMPLEMENTATION**

4.1 The draft Instrument of Delegation from Council to the Chief Executive Officer will come into force immediately upon execution.

#### **5. DECLARATIONS OF CONFLICT OF INTEREST**

5.1 No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**Manningham City Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

**Instrument of Delegation**

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, Manningham City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 24 March 2020;
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it; and
- 3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by s 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of )  
 MANNINGHAM CITY COUNCIL )  
 was hereunto affixed in the presence of: )

.....  
 Mayor/Councillor

.....  
 Chief Executive Officer

Dated .....

**SCHEDULE**

1. The power to
  - 1.1 determine any issue;
  - 1.2 take any action; or
  - 1.3 do any act or thingarising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.
2. Without limiting the above, this includes the power to:
  - 2.1 negotiate the sale of Council properties;
  - 2.2 affix the common seal to:
    - 2.2.1 documents that are of a routine administrative nature incidental to a decision made by Council or a duly authorised Council delegate;
    - 2.2.2 applications for funding grants;
    - 2.2.3 documents which are consequential to conditions applicable to a planning permit; and
    - 2.2.4 documents which are consequential to a decision of a tribunal or similar body;
  - 2.3 negotiate the sale of easements and laneways or of land identified under the Planning Scheme to be acquired by public authorities, upon the recommendation of the City Valuer as a Qualified Valuer and after all statutory requirements have been met; and
  - 2.4 negotiate the purchase of land following an in principle decision by Council to purchase the property and in accordance with any conditions approved by Council including the price range.

**Conditions and Limitations**

- A. Only if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the delegate forms the opinion that any meeting of Council, which would otherwise determine the issue, take the action or do the act or thing, will lapse for want of a quorum may the delegate:
  1. exercise the powers in paragraph 2 above without reporting their exercise in the Councillor Bulletin;
  2. make a local law under Part 5 of the Act;
  3. approve the Council Plan under s 125 of the Act;
  4. adopt the Strategic Resource Plan under s 126 of the Act;
  5. prepare or adopt the Budget or a Revised Budget under Part 6 of the Act;

6. adopt the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  7. approve resort and recreation payments and "cash-in-lieu" of car parking payments which are inconsistent with Council policy;
  8. approve liquor licensing or gaming licence applications contrary to Council policy;
  9. adopt a Council Policy other than a policy relevant to the day to day administration of Council;
  10. determine pursuant to s 37 of the Act that an extraordinary vacancy on Council not be filled;
  11. exempt a member of a special committee who is not a Councillor from submitting a return under s 81 of the Act;
  12. appoint Councillor or community delegates or representatives to external organisations; or
  13. return the general valuation;
  14. appoint an Acting Chief Executive Officer for a period exceeding four weeks;
  15. appoint an Acting Chief Executive Officer without consulting the Mayor;
  16. appoint an authorised officer under s 147(4) of the *Planning and Environment Act 1987*; and
  17. determine an issue, take action or do an act or thing which would or would be likely to involve a decision which is inconsistent with a:
    - 17.1 policy; or
    - 17.2 strategyadopted by Council.
- B. The delegate must not determine the issue, take the action or do the act or thing:
1. if the issue, action, act or thing is an issue, action, act or thing which requires expenditure not contained in a budget approved by Council;
  2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
  3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  4. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a), (b), (c), (e) and (f) of the Act or otherwise; or
  5. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



- C. The delegate may only negotiate the sale of a Council property below the reserve previously set by Council where such reserve was not reached at public auction, subject to:
- the sale price being no more than 10 per cent below the reserve set by Council;
  - the delegate consulting the Mayor; and
  - the delegate acting upon the recommendation of a Qualified Valuer.

## 14.2 Documents for Sealing

File Number: IN20/186  
Responsible Director: Chief Executive Officer  
Attachments: Nil

### EXECUTIVE SUMMARY

*The following documents are submitted for signing and sealing by Council.*

### COUNCIL RESOLUTION

**MOVED: CR DOT HAYNES**  
**SECONDED: CR MICHELLE KLEINERT**

**That the following documents be signed and sealed:**

**Consent to Build Over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and Chaudhry Property Developments Pty Ltd  
69 Blackburn Road, Doncaster East**

**CARRIED**

## 2. BACKGROUND

The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the recommendation section of this report.

## 3. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

## 15 COUNCILLORS' QUESTION TIME

### 15.1 Manningham's Response to COVID-19

Councillor Zafiroopoulos asked if an update could be provided on what measures Council is taking to reduce the impact of the COVID-19 Coronavirus in the community and how Council is ensuring we deliver the best service in the current circumstances.

*The Mayor responded that he recognises the significant impact COVID-19 is having on the community and stated Council has progressively closed many of its community facilities, cancelled functions and temporarily suspended day to day activities in line with the Chief Health Officer's recommendations to preserve social distancing and to reduce the risk of infection within our community.*

*As an organisation and from an operational perspective, Manningham is well positioned having made significant investments in technology which has enabled staff to transition to work-from-home, preserving many of our services and minimising disruption to our community.*

*The Mayor noted the significant impact this has had on the sporting community and affirmed whilst it is disappointing to see, the decision to suspend all sporting events and activities is necessary and has been made across all sporting associations in Victoria.*

*The Mayor advised that the advice from the Chief Health Officer is to maintain social distancing as a key defence against infection. Keeping a distance of 1.5 metres is critical and he encouraged everyone to follow this advice to ensure the health and wellbeing of the community. The Mayor also reiterated the importance of good hygiene and for people to avoid touching when greeting and to wash hands frequently.*

*The Mayor thanked the community for stepping up, checking in on neighbours, and helping those who are vulnerable and isolated in the community. The Mayor on behalf Council and the community, acknowledged the dedicated time, hard work and extraordinary efforts of health sector employees many of whom have worked tirelessly to protect the Australian community.*

*The Chief Executive Officer, Mr Day echoed the Mayor's statements and reassured the community that Council is doing its level best to stabilise as quickly as possible, in a changing environment, to provide the best service to the community. He thanked staff for adapting quickly and the community for working with Council in providing feedback on their needs. Mr Day encouraged community members to visit Council's website for the latest updates to our service delivery.*

*Mr Day emphasised that things are changing on daily basis and encouraged citizens to follow the advice from the Commonwealth Government and the Department of Health and Human Services websites as a source of truth. He advised that Council is in constant contact with the State Government following any State related plans to provide consistent information across our community and adjusting services accordingly.*

*The Mayor also thanked Councillors for their efforts in supporting the community during these trying times.*

## 15.2 COVID-19 and Small Businesses

Councillor Chen asked what level of local government support, and key messages, can Council provide to Manningham's small businesses?

*The Chief Executive Officer, Mr Andrew Day responded that he is aware of the impact COVID-19 is having on small businesses in the community. Mr Day advised that Council has an area specifically focussed on connections with local businesses and collecting information to gain a greater understanding of the range of impacts in our community.*

*Mr Day stated that small businesses are the primary source of industry in our community and we continue to connect with State and Federal Government, gathering and collecting information on any initiatives and trying to feed information through as quickly as possible.*

*As a Council, Manningham is considering what opportunities we have through our processes to support small business, as it becomes clearer as to what those impacts are and how long those impacts might last.*

## 15.3 Library Support Services for Aged Care

Councillor Haynes asked whether retirement villages and aged care facilities were able to access modified library services.

*The Chief Executive Officer, Mr Andrew Day confirmed that the library is continuing to provide some of their outreach services to the community. Mr Day advised that the libraries are currently looking to enhance and utilise the resources they have to upgrade and increase their focus on outreach type services.*

*Mr Day advised that the most up to date information on library services can be found on the Whitehorse Manningham Regional Library website.*

## 15.4 Citizenship Ceremonies

Councillor Haynes asked for an update on Council's Citizenship Ceremonies.

*The Chief Executive Officer, Mr Andrew Day responded that it was unfortunate the citizenship ceremony was cancelled last night. Mr Day advised that officers have been in touch with the relevant Commonwealth department regarding citizenship ceremonies and at this stage, it has been deemed a non-essential service.*

*Mr Day stated that Council is working with the department on opportunities to hold citizenship ceremonies in a different way and noted that this is an issue across Australia. He advised there has been no clear direction at the moment and as soon as Council is further informed, we will notify individuals through the department and update Councillors.*

**16 CONFIDENTIAL REPORTS****COUNCIL RESOLUTION****MOVED: CR PAULA PICCININI****SECONDED: CR GEOFF GOUGH**

**That the Council close the meeting to the public pursuant to *section 89(2)(h) of the Local Government Act 1989*, to consider Item 16.1 2 - 14 Websters Road, Templestowe - Feasibility Study Findings and Item 16.2 Proposed New Park on Hepburn Road in Doncaster Hill both concerning matters which the Council considers would prejudice the Council or any person.**

**CARRIED**

*The Meeting was closed to the public at 7:53pm to consider the following reports and was re-opened at 7:57pm.*

## 16.1 2 - 14 Websters Road, Templestowe - Feasibility Study Findings

File Number: IN20/165  
Responsible Director: Director City Planning and Community  
Attachments: 1 Websters Road Feasibility Study - Confidential

### EXECUTIVE SUMMARY

*The purpose of this report is to outline the findings of the confidential 'Websters Road Feasibility Study: Examining the Opportunities for Displaced Bulleen Industrial Precinct Businesses' (February 2020) ('the Study'), prepared for the North East Link Project (NELP) authority by Urbis consultants. The Study examines whether it is viable to redevelop the 4.5 hectare Council-owned site at 2-14 Websters Road, Templestowe for industrial / commercial purposes.*

*This proposal was raised during the North East Link (NEL) Environment Effects Statement (EES) Independent Advisory Committee (IAC) hearing whereby Council and NELP adopted a common position that the land should be explored as a potential relocation site for some of the businesses in the Bulleen Industrial Precinct (BIP) who will be displaced as a result of the NEL project. The investigation of Websters Road was subsequently supported in-principle by the Minister for Planning in his assessment of the EES (forming one of the 29 recommendations).*

*Urbis undertook the Study in close collaboration with Council and NELP. It identifies five (5) different planning pathways and delivery models/options along with expected timeframes associated with each option.*

*The preliminary findings conclude that it is feasible (financially and physically) to develop Websters Road as a future industrial / employment precinct. However, it is considered unlikely and possibly not feasible to construct the site in time to suit the immediate needs of the displaced businesses of the BIP (the earliest scenario option suggests September 2022), and NELP's preferred timeframe for the project.*

*The planning considerations and tight timeframe present several complexities for the proposal. The key objective in this initial Study is for the Websters Road site to be available by early 2022, so that businesses from the BIP could transition from their existing premises to the newly developed site. More recently, NELP have advised that BIP properties/businesses are scheduled to be vacated no later than 24 to 30 months from March 2020 as they proceed to issue notices to acquire, as part of the State's Land Acquisition and Compensation Act (1986) process.*

*The site also presents several planning challenges. Primarily, that it is located outside the Urban Growth Boundary (UGB) and any alteration to the UGB needs to be ratified by two houses of Parliament. A rezoning of the site (to industrial) will also be required to enable the development.*

*Irrespective of whether NELP's preferred timeframe could be met regarding the BIP businesses, the Study highlights that the subject land still provides the opportunity to create additional employment land in the municipality, to regain/offset some of the industrial land and employment opportunities lost as a result of the NEL project. It should be noted that the loss of the BIP accounts for 12 of the 13 hectares of total industrial land located within the City of Manningham.*

*On this basis, NELP have provided in-principle support to continue to provide assistance to Council with any further assessments of this proposal, so as to meet the objective to provide an overall offset to the business operations that will be lost from BIP.*

*In summary, it is recommended that the Websters Road proposal is disassociated as an immediate solution to the loss of businesses from the BIP however, still be progressed as a broader solution to address the loss of industrial land as a result of the NEL project. Albeit, to progress the process in a less time-constrained and more considered manner as part of Council's broader master plan of the wider Websters Road precinct. This is consistent with the option endorsed by Council at its meeting of 22 October 2019 (recommendation D) whereby 'Council can reconsider (or cease to pursue) its position to redevelop the Webster's Road site in the form currently contemplated, should the feasibility study or other matters indicate that the proposal would not result in a feasible outcome'.*

*This recommendation aligns with the advice of both the NEL Inquiry and Advisory Committee (IAC) and the Minister for Planning, whereby they support the investigation of Websters Road to address the broader loss of industrial / employment land within the municipality, not just as a solution to provide an alternative site for BIP businesses to relocate to.*

## **COUNCIL RESOLUTION**

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR MICHELLE KLEINERT**

**That Council:**

- A. Note the findings of the 'Websters Road Feasibility Study: Examining the Opportunities for Displaced Bulleen Industrial Precinct Businesses' (February 2020) prepared by Urbis (on behalf of NELP).**
- B. Note the findings of the above regarding timing; that Websters Road will unlikely be available in time for Bulleen Industrial Precinct businesses to relocate (early-mid 2022) to meet the earliest scenario presented in the findings (September 2022).**
- C. Distribute a letter to advise residents and businesses surrounding Websters Road and other interested parties of the outcomes of the feasibility study. The Study would not be publicly released but the letter would identify the general findings and expected next steps.**
- D. Continue to investigate the feasibility of developing Websters Road in association with the North East Link (NEL) project on the merits of facilitating it as an alternative site for industrial / commercial purposes in the municipality, lost as a result of the NEL project (as referred to by the Minister for Planning in his Assessment of the NEL EES).**
- E. Write to the Minister for Planning to advise of Council's position, confirm his ongoing support for Council to continue to explore options to redevelop 2 – 14 Websters Road, Templestowe for industrial purposes and advise that Council may seek the use of Ministerial intervention powers to facilitate the development of the site for employment land.**

- F. Council officers seek to meet with representative of NELP and Department of Environment, Land, Water and Planning to discuss possible planning pathways for land at 2 -14 Websters Road, Templestowe including the Minister's acceptance of preparing a Ministerial amendment and modifying the Urban Growth Boundary.
- G. Declare this report and resolution, excluding confidential Attachment 1, no longer confidential information and the report and resolution be included in the open minutes of this meeting.

CARRIED

## 2. BACKGROUND

- 2.1 Manningham's key industrial precinct, the Bulleen Industrial Precinct (BIP), will be acquired by the State Government and used as a construction compound and future freeway interchange associated with the North East Link (NEL) project. It is estimated that of the 110 businesses in this precinct, 96 businesses would be acquired, which will have a significant impact on the economic and well-being of our community. The BIP represents 12 hectares of the 13 hectares of total industrial zoned land within the City of Manningham. There is currently no other vacant industrial or commercial zoned land available in our municipality to directly offset the loss of BIP.
- 2.2 At the NEL Environment Effects Statement (EES) Independent Advisory Committee (IAC) hearing, the North East Link Project (NELP) authority and Manningham City Council adopted a common position to work together to determine the feasibility of redeveloping 2-14 Websters Road, Templestowe (also known as the Paddles site) for industrial / commercial purposes. This work is required given businesses in the BIP will be displaced as a result of the NEL project.
- 2.3 Subsequently, in late 2019 NELP engaged Urbis consultants to undertake a feasibility study. In February 2020, Urbis provided the final *'Websters Road Feasibility Study: Examining the Opportunities for Displaced Bulleen Industrial Precinct Businesses'* ('the Study'). The Study will remain confidential due to commercial sensitivities contained within the findings.
- 2.4 The Study was undertaken in response to the Minister for Planning's recommendation contained in the *'North East Link Minister's assessment of environmental effects, November 2019'* whereby he supported, in-principle, for *'The Department of Transport, in consultation with the City of Manningham, [to] facilitate providing replacement industrial land in Websters Road, Templestowe, including rezoning the Council green waste site to an appropriate use'* (recommendation 12).
- 2.5 The Minister's Assessment acknowledges the impact that the NEL project has on Manningham's supply of industrial land. His assessment states that: *'The acquisition of land in the BIP for project infrastructure will also result in the permanent loss of industrial land in the region. Planning policy seeks to ensure the availability of land for industrial purposes and, while BIP is not identified as a state significant industrial precinct, it is the primary area of industrial land in Manningham and is a valuable part of eastern Melbourne's industrial land supply.....'*



- 2.6 His assessment further states: ....'I support the investigation of alternative locations, including Websters Road, that would enable the continuation of suitable industrial or commercial land uses... (pg53)'.
- 2.7 NELP initially advised that any redevelopment of the site would need to be completed (fully constructed) by June 2021 so that businesses could seamlessly migrate from Bulleen to the new premises at Websters Road. However, since this time, NELP has revised this deadline to early 2022 – to reflect the 24 month period in which businesses are required to vacate BIP in accordance with the acquisition process timeframes prescribed in the *Land Acquisition and Compensation Act (1986)*.
- 2.8 The subject land is owned by Manningham Council, is currently zoned as Public Use Zone (PUZ6) and is covered by various overlays. Importantly, it is located outside the Urban Growth Boundary (UGB) which poses a significant planning challenge, as any change to the UGB needs to be ratified by two Houses of Parliament.
- 2.9 At the Council meeting of 22 October 2019, it was determined that the Websters Road proposal would be pursued, and Council endorsed the recommendation (D) to '*note that Council can reconsider (or cease to pursue) its position to redevelop the Webster's Road site in the form currently contemplated, should the feasibility study or other matters indicate that the proposal would not result in a feasible outcome*'. At this same meeting, it was determined that whilst Council is working to support the BIP businesses by providing a possible relocation site, it is likely that some BIP businesses may be interested in the Websters Road site, and others may not. It is fundamental that any economic feasibility of the land demonstrates that there is a demand for employment related uses irrespective of whether or not businesses from BIP show interest to relocate to the Websters Road site.
- 2.10 Following this same Council meeting, a letter was sent to the Minister for Planning requesting his support and possible ministerial intervention to expedite the process of unlocking the Websters Road site for employment purposes should it be considered feasible. This request was acknowledged by the Minister in his Assessment and ultimate recommendation regarding the NEL EES.
- 2.11 The IAC also provided the following response to the Minister for Planning in their NEL EES IAC Report (October 2019) regarding an adjustment to the UGB to accommodate development of Websters Road: "*The UGB is fixed for good reasons, and changes to it have often attracted strong community interest and resistance. In this case however, the IAC considers the extenuating circumstances make it a proposal that should be seriously considered. These circumstances include the need, the current use and condition of the land, the setting on the edge of the UGB and the surrounding land use. Given these circumstances the IAC considers there is low risk of setting a precedent (pg. 94)*".
- 2.12 In November 2019, letters were sent to nearby residents, businesses and other relevant stakeholders advising them that Manningham Council and NELP are undertaking a feasibility study of the subject land and they would be advised of the outcomes of the Study.
- 2.13 Urbis Pty Ltd was commissioned by the NELP to undertake a feasibility of developing the site for future industrial / commercial development. The following information was collected to inform the Study:

- An assessment of the site's constraints, which included a review of land and environmental matters, access and movement networks, utilities arrangements, and Council's ongoing land requirements.
  - A survey of owners and occupants of BIP to test the demand for the Websters Road proposition. The survey also identified the requirements and drivers of these businesses when seeking to relocate.
  - Analysis of market trends and recent case studies to determine the broader market's appetite for new industrial premises on the site.
- 2.14 Five planning pathways and anticipated timeframes were developed, to indicate the likelihood of the site being developed to meet the deadline. Importantly, the timeframe is based on commencing the process from 1 March 2020.
- 2.15 The Study concludes that the timeframe is extremely ambitious, but indicates that there are two options that may result in businesses occupying new premises around September 2022. This however would be contingent on NELP delaying the time the businesses need to vacate from BIP. The timing of these options would also be conditional on the project progressing without any delays which is unrealistic.
- 2.16 Irrespective of whether the NELP timeframe could be met, importantly the Study highlights that the subject land still provides an opportunity to create additional employment land in the municipality, and regain some of the industrial land and employment opportunities lost as a result of the NEL project.

### 3. DISCUSSION / ISSUE

#### Planning Pathways and Urban Growth Boundary (UGB)

- 3.1 The planning considerations and tight timeframe present several complexities for the project. A major issue that needs to be resolved is whether the UGB should be amended. Presently the Environmental Significance Overlay – Schedule 3 (Buffer Conservation Areas supporting sites of Biological Significance') applies to the subject site, which seeks to protect the ecological values of Buffer Conservation Areas and ensures that development is in keeping with the semi-rural character of the area. The site is immediately adjacent to Tikalara Park and just over 40 metres south of the Mullum Mullum Linear Trail, and has planning controls to protect the environmental values of the area. Residential development is also located nearby, which offers a distinctive lifestyle quality to residents in the municipality.
- 3.2 The presence of the UGB is a significant issue. For the site to have market appeal to industrial developers there needs to be certainty regarding the future zoning of the site and the status of the UGB. Once these issues are resolved, developers would be willing to engage with Council on an outright purchase, joint venture development, or a development agreement basis.
- 3.3 It can be reasonably anticipated that any proposal to amend the UGB may face objection from the community and potentially be a politically sensitive matter. There is also the question as to whether the State Government would be receptive to realign the boundary given the precedent that this could set (irrespective of the IAC's recommendation), as noted in Section 1.11 of this report.

- 3.4 Urbis' Study suggests/ or recommends that NELP and or Council engage(s) with DELWP and the Minister for Planning to confirm how the issue of the UGB is resolved. Whilst technically a rezoning of the land could take place without altering the UGB, there is a reputational risk to Council and State Government that this planning option is not transparent and undermines the integrity of the principles of having a Green Wedge.
- 3.5 Urbis identifies that further work is required as part of any future planning approval and development process relating to: site contamination, impact of flooding on the surrounding area, native vegetation, landscape buffer strategy to mitigate impact with interface with land owned and managed by Parks Victoria, vehicular access from Websters Road and consultation with residents and state agencies regarding any proposed land use change.

### Timing

- 3.6 NELP's key objective is for the Websters Road site to be available by early 2022, so that businesses from BIP could transition seamlessly to their new premises.
- 3.7 The most expeditious option is contingent on the Minister for Planning amending the Manningham Planning Scheme without giving formal notice to affected property owners and other interested stakeholders. Importantly, the Minister for Planning and / or DELWP representatives have not been consulted on this proposed approach.
- 3.8 A proposed planning pathway suggests rezoning the site to an industrial or commercial zone, and introducing a Development Plan Overlay (DPO) and an Incorporated Document which is aimed to provide all necessary planning approvals for subdivision, use and development of the proposed industrial estate. Planning permits would only be required if a proposal is not in accordance with the Incorporated Document.
- 3.9 Council's experience to date with Incorporated Documents has not been ideal, as this form of planning tool tends to be inflexible.
- 3.10 None of the proposed planning pathways clearly address community consultation, and it can be reasonably expected that consultation may take around 6-8 weeks. This is a considerable limitation, given that when officers of Manningham Council and NELP met with the Director State Project Facilitation from the Department of Environment, Land, Water and Planning (DELWP) on 17 September 2019, he advised that should a request be made to the Minister to authorise any planning scheme amendment at a future date, the Minister would need to be satisfied that consultation with the community and considerable detailed investigation and a robust risk assessment had been undertaken that explored all possible options.
- 3.11 More particularly, Council (as the land owner) and NELP (as the state government authority involved in the process) would need to demonstrate that they have:
- Engaged with community, service providers and other interested stakeholders on a particular proposal;
  - Identify what issues were raised by the community; and
  - Outline how Council/NELP responded to the issues.

### **Broader Master planning of the Site**

- 3.12 In addition to the Websters Road site, it is considered appropriate that Council consider master planning for the broader precinct, over the longer term that would encompass the adjoining Council owned sites, namely the Council depot and quarry sites, which were identified in the Macroplan report titled '*Employment Lands Planning Study*' as potential sites to investigate as future employment land. The study area could also encompass the existing industrial zoned land on south side of Websters Road.
- 3.13 Examining a broader precinct would provide Council with an opportunity to adopt a more strategic approach to its assets and operations, and ensure that its properties are utilised in an efficient, co-ordinated and orderly manner over the short, medium and long-term.
- 3.14 Importantly however, the future planning of this precinct should not prejudice, or compromise the reinstatement of the industrial land of the BIP. The Minister's assessment of the EES concludes:
- 'I support return of the residual land at the Manningham Road interchange for employment, including industrial land uses (IAC recommendation 7).*
- 3.15 The impact to the City of Manningham as a result of the loss of 12 of the 13 hectares of industrially zoned land in BIP as a result of the NEL project, has been highlighted in Council's submission to the State Government's draft '*Melbourne Industrial and Commercial Land Use Plan*'. The draft Plan does acknowledge that the City of Manningham has the lowest supply of industrial zones land in Melbourne's eastern region and the impact that the NEL project will have on this already low supply. Council's submission to this Plan does reiterate our request that Websters Road be considered as a potential site to offset any loss as a result of the NEL project.

## **4. COUNCIL PLAN / STRATEGY**

- 4.1 Key Themes from the Council Plan relevant to this proposal include to support a:
- Vibrant and Prosperous Economy – Grow our local business, tourism and economy (4.1);
  - Well Governed Council – A financially sustainable Council that manages resources effectively and efficiently (5.1); and
  - Elements of Liveable Places and Spaces (2.1 – 2.4).

## **5. IMPACTS AND IMPLICATIONS**

- 5.1 The findings of the Study conclude that it is not considered likely that the development of Websters Road would be undertaken in time to provide a suitable location for BIP businesses to relocate to. Therefore, it is recommended that the Websters Road proposal disassociate as a solution to address the immediate loss of businesses from BIP.

- 5.2 However, Websters Road should continue to be explored as a broader solution to address the loss of industrial land as a result of the NEL project, albeit progress the process in a less time-constrained and more considered manner as part of Council's broader master plan of the wider Websters Road precinct.
- 5.3 The Study highlights that the subject land still provides the opportunity to create additional employment land in the municipality, to regain/offset some of the industrial land and employment opportunities lost as a result of the NEL project.
- 5.4 On this basis, NELP have provided in-principle support to continue to provide assistance to Council with any further assessments of this proposal, so as to meet the objective to provide an overall offset to the business operations that will be lost from BIP. Through this process, it could be considered reasonable to request NELP to provide funding or resource support to progress this proposal (i.e. fund further studies or a project management support role).
- 5.5 A more considered and less time-constrained approach also provides the opportunity to mitigate and manage risks associated with the development process. This includes:
- Rationalisation of existing Council operations currently undertaken on site;
  - Consideration of alternative options for the site;
  - Working with the power authority to relocate or rationalise an existing powerline easement (which currently does not contain any assets) that traverses the southern portion of the site;
  - Provide Council the time to clearly define a broader masterplan process.
  - Manage community feedback and support for the redevelopment of Websters Road.

## 6. IMPLEMENTATION

### 6.1 Finance / Resource Implications

6.1.1 Urbis' Study concludes either a built form or land subdivision are financially feasible.

6.1.2 Council would also need to consider the appointment of a full-time resource to project manage the process and development should it proceed.

### 6.2 Communication and Engagement

6.2.1 Officers will work with NELP to develop appropriate communication material to notify interested parties of the outcomes of the Study. In addition, it would be intended to inform the community that the Websters Road proposal will not be undertaken in time to serve as an immediate relocation option for any interested BIP businesses.

6.2.2 To date, BIP businesses have been in limbo with regards to the impact of the NEL project regarding their current and future operations. It would be considered fair and reasonable to advise them as early as possible of this prospect, to provide them clarity and the information necessary once they start to receive letters of Notice of Intent to Acquire their properties by the Department of Transport / NELP (expected from March/April 2020).

6.2.3 In late 2019, Council officers wrote to approximately 100 residents and businesses located around the existing Websters Road precinct, advising that the feasibility Study was being undertaken. This correspondence informed them that a further letter will be provided in early-mid 2020 to provide an update on the Study. It is therefore suggested, that Officers provide this further update. The letter will summarise the key findings and inform that Websters Road will continue to be explored as a viable option.

6.2.4 The ongoing success of the Websters Road proposal also relies on Council and NELP liaising with DELWP to gauge their level of support for preparing a Ministerial Planning Scheme Amendment, without consulting with the community, and ascertaining the appetite to adjust the UGB.

6.2.5 As a priority, Council and NELP will meet with DELWP to discuss the best approach to resolve the issue of the UGB and how best to progress the investigation and planning pathways.

### 6.3 Timelines

6.3.1 Realistically, it is considered that the timeframe of early 2022 for having the subject site developed to enable businesses of BIP to transition to the new site cannot be reasonably achieved. The earliest date outlined by the various options presented in the Study is September 2022.

6.3.2 Council should however pursue the development options for this site through a more timely and considered approach with regard to planning for the broader Websters Road precinct, and have regard to the preferred future land uses of the BIP area once the NEL project is completed in 2027. This process could be progressed through DEWLP's Bulleen Precinct Land Use Framework Plan and associated Advisory Committee, expected to progress in mid-late 2020.

6.3.3 Communication of this approach should be communicated within the next month to the BIP community along with the residents and businesses surrounding the Websters Road precinct. This will provide the BIP community with some clarity and certainty that Websters Road may not provide a solution to their relocation considerations in the short term.

## 7. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**16.2 Proposed New Park on Hepburn Road in Doncaster Hill**

*This information has been designated in writing as confidential information by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant ground applying is S89(2)(h) of the Act concerning any other matter which the Council or special committee considers would prejudice the Council or any person.*

The meeting concluded at 7:57pm

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Chairperson  
CONFIRMED THIS 28 APRIL 2020