



# **Ordinary Meeting of Council Minutes**

**Monday 12 December 2016  
At 7 pm**

**Council Chamber  
Functions Centre  
45 Princes Highway  
Werribee**



# MINUTES

## ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 45 PRINCES HIGHWAY, WERRIBEE ON MONDAY 12 DECEMBER 2016

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The meeting commenced at 7.00 pm.

**PRESENT:** Cr Aaron An  
Cr Henry Barlow  
Cr John Gibbons  
Cr Josh Gilligan  
Cr Tony Hooper  
Cr Intaj Khan  
Cr Peter Maynard  
Cr Kim McAliney  
Cr Mia Shaw  
Cr Walter Villagonzalo

**IN ATTENDANCE:** Kelly Grigsby Chief Executive Officer  
Jenny McMahan Director City Life  
Stephen Thorpe Director City Operations  
Steven Lambert Director City Transformation  
Emily Keogh Manager Council & Community Relations  
Nicole Battle A/Coordinator Governance & Community Engagement  
Tammy Williamson Governance Administrator Officer

1. **OPENING PRAYER & WELCOME**

The Mayor, Cr Henry Barlow, welcomed all in attendance to the meeting.

2. **APOLOGIES & REQUESTS FOR LEAVE**

**APOLOGY**

CRS KIM MCALINEY / PETER MAYNARD

That apologies be accepted for Cr Heather Marcus.

(CARRIED)

3. **DECLARATION BY COUNCILLORS OF DISCLOSURE OF CONFLICT OF INTEREST/CONFLICTING PERSONAL INTEREST IN ANY ITEM OF THE AGENDA**

Nil

4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION:**

CRS JOHN GIBBONS / KIM MCALINEY

That the minutes of the Ordinary Council Meeting held on Monday 28 November 2016, as prepared and circulated, be confirmed.

(CARRIED)

5. **DEPUTATIONS AND PRESENTATIONS**

The Mayor, Cr Henry Barlow, read the following statement regarding the Werribee South Green Wedge Policy and Management Plan:

*Ladies and Gentleman, I understand that some of you are here tonight as you are concerned about the Werribee South Green Wedge Policy and Management Plan following a recent article in the local press.*

*Council's current position is for the ongoing support for the Green Wedge in line with State Governments policy. As some of you would be aware, Council is required to review the Policy every 5 years and that is what we are currently doing. At last month's Council meeting we unanimously voted to support the matter being referred to an independent panel for consideration and we will await their recommendations, however Council's position to date has been to maintain the status quo.*

*The matter was referred to the independent panel as it is required under the Planning and Environment Act as there were a range of submissions that would not be resolved.*

*Once the independent Panel makes a recommendation it will come back to Council for further consideration, but what I must impress on you at this stage is that no decision has been made to alter the Council's existing position.*

*Some comments made in the press by an individual Councillors are not reflective of the broader view of this Council and that was something I just wanted to clarify with you. If you do have any further concerns, officers are available to talk to you after the meeting and we thank you for your attendance tonight.*

6. **OFFICERS' REPORTS (incorporating questions with notice)**

6.1 **PETITIONS**

6.1.1 RESPONSE TO PETITION: OBJECTION TO LEASING OF LAND AT 2 BOYANICH COURT, HOPPERS CROSSING (CORNER OF MORRIS & HOGAN'S ROAD, HOPPERS CROSSING) FOR A TELECOMMUNICATIONS TOWER

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6.2 **STRATEGIC REPORTS**

NIL

<b>6.3</b>	<b><u>POLICY/ADVOCACY</u></b>	
	NIL	
<b>6.4</b>	<b><u>STRATEGIC &amp; TOWN PLANNING</u></b>	
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	NIL	

12. **URGENT BUSINESS**

NIL

13. **CONFIDENTIAL BUSINESS**

NIL

14. **CLOSE OF MEETING**

The meeting closed at 8.06pm.

Unconfirmed

FILE NO: A23568

ITEM NO: 6.4.1  
DIRECTOR CITY ECONOMY  
INNOVATION & LIVEABILITY - KATE  
ROFFEY**PUBLIC CONSULTATION FOR THE IMPLEMENTATION OF THE HOUSING AND  
NEIGHBOURHOOD CHARACTER STRATEGY 2015****Summary**

The Wyndham Housing and Neighbourhood Character Strategy was adopted by Council at the Ordinary Council Meeting on 24 August 2015. The Strategy was prepared to provide a framework for the implementation of the new residential zones introduced by the State Government into the Victoria Planning Provisions in June 2013. The purpose of the Strategy is to guide the growth and change of residential areas in Wyndham.

The Strategy is now ready to be implemented into the Wyndham Planning Scheme, by applying new residential zones to existing residential areas; updating the Municipal Strategic Statement and relevant local policies, and applying overlays to specific precincts requiring special guidance. Draft planning scheme controls have been prepared based on the Strategy findings, and refined using internal workshops and consultation with Councillors and planning officers, as well as being tested on live planning permit applications.

The purpose of this report is to seek Council's approval to consult with the community on the draft planning scheme controls and use the feedback to refine the controls, before seeking any formal amendments to the Wyndham Planning Scheme.

**Attachments**

1. Reference Documents - *printed in separate document*

**Officers' Declaration of Interests**

Under Section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Director City Economy Innovation & Liveability – Kate Roffey

In providing this advice as the Director, I have no disclosable interests in this report.

Manager Urban Futures – Aaron Chiles

In providing this advice as the Manager, I have no disclosable interests in this report.

Principal Planning Projects Officer - Maureen Tesoro

In providing this advice as the Author, I have no disclosable interests in this report.

**Key Issues**

- Planning Scheme Amendment Documents
- Consultation Approach
- Further Work
- Next Steps

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ITEM NO: 6.4.1  
DIRECTOR CITY ECONOMY INNOVATION &  
LIVEABILITY - KATE ROFFEY**PUBLIC CONSULTATION FOR THE IMPLEMENTATION OF THE HOUSING AND  
NEIGHBOURHOOD CHARACTER STRATEGY 2015 (cont'd)****RECOMMENDATION**

That Council:

1. Endorse the draft planning scheme controls for public consultation as part of the implementation of the Wyndham Housing and Neighbourhood Character Strategy 2015;
2. Endorse changes to be made to update the Wyndham Housing and Neighbourhood Character Strategy 2015 for the purposes of consultation;
3. Agree to seek the communities' comments on the draft planning controls from 19 January to 17 March 2017; and
4. Note that the draft planning scheme controls are not necessarily the final planning scheme amendment controls and are subject to review following community feedback.

**MOTION**

CRS INTAJ KHAN / JOHN GIBBONS

That Council:

1. Endorse the draft planning scheme controls for public consultation as part of the implementation of the Wyndham Housing and Neighbourhood Character Strategy 2015;
2. Endorse changes to be made to update the Wyndham Housing and Neighbourhood Character Strategy 2015 for the purposes of consultation;
3. Agree to seek the communities' comments on the draft planning controls from 19 January to 17 March 2017; and
4. Note that the draft planning scheme controls are not necessarily the final planning scheme amendment controls and are subject to review following community feedback.

(CARRIED)

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ITEM NO: 6.4.1  
DIRECTOR CITY ECONOMY INNOVATION &  
LIVEABILITY - KATE ROFFEY**PUBLIC CONSULTATION FOR THE IMPLEMENTATION OF THE HOUSING AND  
NEIGHBOURHOOD CHARACTER STRATEGY 2015 (cont'd)**

## 1. Background

The Wyndham Housing and Neighbourhood Character Strategy was adopted by Council at the Ordinary Council Meeting on 24 August 2015. The Strategy was prepared to provide a framework for the implementation of the new residential zones introduced by the State Government into the Victoria Planning Provisions in June 2013. The purpose of the Strategy is to guide the growth and change of residential areas in Wyndham.

Extensive consultation was undertaken during the preparation of the Strategy and community and stakeholder engagement has been a key foundation in its development. Consultation included Wyndham Neighbourhood Listening Posts, Council's website, focus groups, advertisements in the local newspaper, Wyndham News, posters and postcards in key Council locations, letters to key stakeholders and three community drop-in sessions.

The Strategy responds to significant changes happening in the City as a result of rapid population growth, change in demographics, need for diversification of housing stock and housing affordability.

An Implementation Plan and Consultation Strategy was endorsed by Council on 23 November 2015, which outlined the next steps and priorities of the Strategy. The Strategy is now being used in the assessment of permit applications as an adopted Strategy of Council and has been largely successful. Permits that have been appealed at VCAT have resulted in commentary within the VCAT decisions that highlights an urgency to implement the Strategy through the new zones and other changes to the Wyndham Planning Scheme discussed in this report.

The draft controls have been prepared and updated based on a workshop with Councillors and seeking comments from Council planning officers. The draft schedules have also been tested in assessing live planning permit applications.

## 2. Discussion

### 2.1 Planning Scheme Amendment Documents

To implement the Strategy, a Planning Scheme Amendment needs to be prepared. This has been nominated as a high priority (1-3 years) in the Implementation Plan.

Changes to the Wyndham Planning Scheme that are proposed include:

- Applying the new residential zones,
- Updating the Municipal Strategic Statement and local policies; and
- Applying overlays to specific precincts.

These controls if adopted will give statutory effect to what the Strategy says in relation to residential development.

#### Proposed Schedules to the Residential Zones

The Strategy sets three housing change areas in the municipality that will then be translated to new residential zones. The three key change areas in the Strategy are:

- a. **Limited Change** to be translated to Neighbourhood Residential Zone;



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- b. **Incremental Change** to be translated to General Residential Zone; and
- c. **Substantial Change** to be translated to Residential Growth Zone.

Criteria have been developed to create a consistent and justifiable basis for the application of the change areas, and in turn the application of the new zones.

The **Limited Change areas** within the City have a significant and established neighbourhood character, heritage and environmental values, large lot sizes or significant development constraints. The proposed Neighbourhood Residential Zone will restrict housing growth and seek to protect identified neighbourhood character. The proposed zone will include limitations for the number of dwellings able to be built on the land as well as subdivision restrictions.

The **Incremental Change areas** encompass residential areas without any significant redevelopment constraints, generally located outside reasonable walking distances of key public transport routes and services. The proposed General Residential Zone aims to ensure development respects and preserves neighbourhood character while allowing modest housing growth and diversity. **Incremental Change with Access** incorporates land located within 800m within an existing or proposed train station, 400m of a neighbourhood activity centre and 400m of selected parts of a Principal Public Transport Network (PPTN).

The **Substantial Change areas** will provide for housing growth with increased densities along the Principal Public Transport Network (PPTN), around larger activity centres and train stations as well as for strategic development sites. Housing change will generally be in the form of apartment, shop-top, townhouse and unit developments of up to four storeys (around the PPTN) and above (around larger activity centres and train stations). The proposed Residential Growth Zone enables new housing growth and allows greater diversity in appropriate locations while providing certainty about the expected built form outcomes. This zone encourages the greatest residential density and scale of development amongst the three new residential zones.

Council officers have drafted a number of schedules to each zone based on local context (i.e. landscaping, setbacks, etc.). The schedules provide minimum requirements for setbacks, landscaping, site coverage, private open space, permeability, front fence heights and heights of buildings. The schedules will be considered in all planning applications for residential development primarily for construction or extension of a dwelling on a lot less than 300sqm or for construction of two or more dwellings on a lot (multi-unit developments).

#### The Municipal Strategic Statement and Local Policies

The Municipal Strategic Statement (MSS) sets out the vision, objectives and strategies for managing land use and development. It will be updated to implement the high level policy direction of the Strategy. The Strategy applies to all existing and future residential land in the City of Wyndham and the MSS will provide the guidance and direction as to what change areas are and how they are applied.

In addition, local policies that help Council exercise its discretion on certain matters will be amended. This includes the Non-Residential Uses in Residential Zones Policy and the Neighbourhood Character Policy which will be impacted by the proposed changes to the Residential Zones. The changes in policy will reflect the criteria in the Housing and Neighbourhood Character Strategy for Limited Change Areas and update the Neighbourhood Character Policy.

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NEIGHBOURHOOD CHARACTER STRATEGY 2015 (cont'd)**Draft Design and Development Overlay (DDO) – Protection of Major Infrastructure

The purpose of the DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. The DDO aims to protect the White Oil Pipeline that runs through the municipality, specifically affecting residential land bounded by the Princes Highway, Werribee train line and Derrimut Road in Hoppers Crossing. The overlay has been developed in response to, and in collaboration with Viva Energy, who manages the pipeline.

A Safety Management Study Report prepared in collaboration with Viva Energy considered the area for substantial change and recommended various mechanisms being put in place to manage development.

The proposed DDO will be applied to specific properties affected by the pipeline and gives guidance on the development of the land and ensures that:

- all buildings and works and in particular buildings planned to accommodate people are sufficiently separated from major pipeline infrastructure;
- development does not inhibit access to the site by authorised officers for pipeline surveillance and maintenance;
- risks associated with any development are identified and managed in accordance with the relevant Australian Standards under the *Pipelines Act 2005* and *Pipelines Regulations 2007*.

Heritage Overlay

The Strategy has also identified an area in Carter Avenue as a place of significance for historical and aesthetic reasons. Carter Avenue, which is an offshoot of the main Carter Estate around Mary Avenue was developed from the 1940s and into the 1960s. The houses in the precinct use materials such as face brick and tile which was consistent with the materials of the houses within the Carter Estate.

The Strategy recommended a Heritage Overlay to be applied to the Carter Avenue Precinct, subject to a Statement of Significance being prepared. The Statement of Significance has now been prepared and the extent of the overlay, as determined by the heritage advisor, is shown in the image below.

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### Updating the Housing and Neighbourhood Character Strategy

Since the adoption of the Strategy, errors have been corrected where the incorrect housing change area has been applied. For example, errors have incurred due to commencement of residential development after the Strategy has commenced and some boundary changes.

Council officers have recently identified that incorrect boundaries have been used for the East Werribee Employment Precinct Structure Plan (PSP) as well as incorrect locations for Local Town Centres in the Truganina PSP and the Ballan Road PSP. The maps will be updated to reflect the correct boundaries and locations in these PSPs.

Other minor amendments are being made to make the Strategy more coherent. The Strategy is also being updated to move Limited Incremental Areas into the Limited Change Area maps. The Limited Incremental Areas suit this change area better than the Incremental Change Area because of its more restrictive requirements on development consistent with the criteria in the Strategy. The maps in the Strategy that show these areas will be updated as well.

A new suite of maps will be included in the proposed public consultation materials to make sure that the community is aware of these changes. A summary table of changes is attached with this report which includes some minor wording changes and detailed description of mapping changes.

## **2.2 Consultation Approach**

A cross-organisational control group has been established including representation from Planning Policy & Projects, Strategic Communications & Marketing and Governance & Community Engagement. The purpose of this group is to manage the consultation milestones, approve messaging in any consultation material that will go out to the community and to provide assistance in reaching out to as many residents as possible.

The purpose of the first stage of consultation is to promote Council's adopted Housing & Neighbourhood Character Strategy and to gauge interest in the draft controls and identify community concerns. A mixture of online and paper information will be used for the consultation period as well as face-to-face meetings. Key groups within the community that will be interested in the draft schedules to the Residential Zones have been identified (for example residents in

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the Limited Change Areas, Tarneit and Sayers Road precinct residents, heritage community groups, planning permit applicants and developers), and targeted consultation will occur with these groups.

The community will be asked to comment on the proposed zones and whether the schedules are appropriately drafted to respect the character of their neighbourhood. Some community members may have comments regarding which zone their property will be in (particularly where two change areas as identified in the Strategy apply, i.e. the change areas in the Strategy are less detailed than the proposed zone boundaries).

The proposed public consultation will be for an extended period beginning 19 January to 17 March 2017. This will give the residents time to know more about the changes proposed by the new residential zones and submit their comments to Council officers.

The consultation will inform the public of changes that are proposed to be made with regards to the residential zones and their submissions will be considered prior to the legislated public exhibition.

During the public consultation, the Town Planners will be requested to assess live applications against the most up to date versions of the draft schedules to the Residential Zones. This will put the draft schedules in the context of a variety of applications for development that are received on a daily basis.

### 2.3 Further Work

The Strategy also identified other work that needs to be undertaken to improve housing outcomes in the City such as Design Guidelines for High Density Housing, preparation of a Housing Diversity Strategy and Housing Affordability Strategy. The Planning Scheme Amendment does not address these items, but all of this work is outlined in the Implementation Plan adopted by Council on 23 November 2015 and will be developed by various Departments as part of future business planning and budgetary processes.

### 2.4 Next Steps

After the public consultation, Council will be asked to consider the comments made by the community and stakeholders, and determine what changes if any need to be made to the controls.

Council will be asked to consider whether the draft controls are in a format to proceed to the preparation of a Planning Scheme Amendment. Subject to Council's support, the amendment will be prepared and exhibited in accordance with the requirements of the *Planning and Environment Act 1987* and any direction from the Minister for Planning.

At this stage, the community will have another opportunity to comment on the revised planning controls. During this stage, where a submission cannot be resolved, an independent Planning Panel will be convened to provide advice.

## 3. City Plan

Sustainable Growth - To ensure Wyndham's population growth is matched by the development of new physical, social and economic infrastructure, while protecting the City's existing assets

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LIVEABILITY - KATE ROFFEY**PUBLIC CONSULTATION FOR THE IMPLEMENTATION OF THE HOUSING AND  
NEIGHBOURHOOD CHARACTER STRATEGY 2015 (cont'd)****4. Wyndham 2040 Vision****• People and Community:**

The implementation of the Housing and Neighbourhood Character Strategy provides for certainty in the community which will encourage the people of Wyndham to be connected to each other.

**• Places and Spaces:**

The implementation of the Housing and Neighbourhood Character Strategy will facilitate diverse range of housing types within the City.

**5. Council Policy**

Council adopted the Wyndham Housing and Neighbourhood Character Strategy in August 2015. The amendment documents have been drafted to implement the vision and objectives of this adopted Strategy.

The Vision

*“The City of Wyndham will contain a variety of dwelling types, designs and lot sizes which meet the needs of current and future residents. Housing will be affordable, environmentally sustainable and responsive to its surrounding context.*

*Medium and high density housing will be located in walkable catchments around public transport networks and activity centres. Lower density housing will be retained and protected in the City’s semi-rural suburbs.*

*Residential streets will be leafy and green, with substantial landscaping within the public and private realm. New housing will be well designed and contribute to the area’s preferred neighbourhood character. New housing will enhance Wyndham’s great community spirit and strong sense of identity.”*

**6. Financial Implications**

The implementation of the Strategy will involve two stages of public consultations. This will be the first stage of consultation and will involve costs on media support, print communication, online communication and face-to-face consultations.

**7. Social Implications**

The Strategy considers housing related social issues within Wyndham City such as housing diversity, housing affordability and sustainability. The Strategy on which this implementation is embedded provides a framework of actions that will enable Council to determine its role in the resolution of these issues.

An extensive public consultation will help the community understand how the new draft schedules to the Residential Zones will impact on their property. They will have an opportunity to provide their comments through a number of different consultation processes as discussed above.

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Directing housing growth to appropriate locations will enable the better utilisation of existing services. Higher density housing along public transport routes and surrounding activity centres will provide an alternative to car based transport. This will have positive implications for the environment and sustainability.

**9. Economic/Employment Considerations**

The proposed draft schedules will direct higher density development around activity centres that will strengthen the catchment of smaller activity centres, allowing greater viability.

**10. Community Consultation**

Subject to Council's endorsement, consultation on the draft controls will occur between 19 January and 17 March 2017 and will involve:

- Publications to all Wyndham ratepayers;
- Letters to owners/occupants in Limited Change Areas;
- Direct notice to key stakeholders;
- Postcards / posters displayed in locations across Wyndham (libraries, community centres);
- Dedicated website;
- Video promotion; and
- Information sessions (across various locations in Wyndham).

**11. Communication Strategy**

A cross-organisational control group has been established including representation from Planning Policy & Projects, Strategic Communications & Marketing, and Governance & Community Engagement. The purpose of this group is to manage the consultation milestones, approve messaging in any consultation material that will go out to the community and providing assistance in reaching out to as many residents as possible.

This report relates to the first phase of consultation. The second phase of consultation will occur as part of the planning scheme amendment process, once all submissions on phase one have been considered. Submitters to the planning scheme amendment will have an opportunity to present and be heard by an independent panel if their concerns cannot be addressed.