



WHITEHORSE
CITY COUNCIL



Whitehorse City Council

AGENDA

Council Meeting

on

Monday 2 February 2026 at 7:00 PM

**To be held in the
Council Chamber
Nunawading Civic Centre**



Members:	Cr Kirsten Langford	Mayor
	Cr Kieran Simpson	Deputy Mayor
	Cr Peter Allan	
	Cr Blair Barker	
	Cr Prue Cutts	
	Cr Andrew Davenport	
	Cr Daniel Griffiths	
	Cr Jarrod Gunn	
	Cr Jason Martin	
	Cr Ben Stennett	
	Cr Hayley Weller	

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AGENDA

1 Welcome

Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

Acknowledgement of Country

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today.

2 Apologies

Cr Peter Allan, leave of absence granted at 24 November 2025 Council Meeting.

3 Disclosure of Conflicts of Interest

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 08 December 2025

RECOMMENDATION

That the minutes of the Council Meeting 08 December 2025 be confirmed.

5 Urgent Business

6 Requests to Speak

7 Public Question Time**8 Petitions****9 Notices of Motion****9.1 Notice of Motion - Soft Plastic Recycling**

Submitted by Cr Kieran Simpson

That Council receives a report into the establishment of a trial soft plastics recycling service including:

1. Options and costs for collection and recycling, and;
2. Options for collection points, including at the Whitehorse Recycling and Waste Centre.

9.2 Notice of Motion - CCTV Libraries

Submitted by Cr Andrew Davenport

That Council:

1. Notes increased level of safety incidents at Whitehorse Libraries;
2. Notes that no CCTV is available;
3. Notes that CCTV can act as a deterrent to harassment and socially unacceptable behaviour, and;
4. Seeks a report from Officers that discusses immediately allocating \$50K from Whitehorse Council surplus to the Whitehorse Manningham Regional Library Corporation to install CCTV cameras in high-risk locations.

10 Council Reports

10.1 Draft Bennettswood Reserve Master Plan Endorsement for Round 2 Community Consultation

Department	Leisure and Recreation Services
	Manager Leisure and Recreation
Attachment	

SUMMARY

This report seeks Council endorsement of the Draft Bennettswood Reserve Master Plan (the Master Plan) to proceed to Round 2 community and stakeholder engagement.

The Master Plan sets a clear 15-year vision for improvements at Bennettswood Reserve, shaped by community feedback, technical investigation, and site-specific opportunities and constraints.

The Master Plan responds to extensive community engagement in 2024. Feedback was received from a wide range of reserve user groups, residents, the broader Whitehorse community, council staff, and key stakeholders including Deakin University.

The Master Plan is consistent with Council's strategic frameworks, including the Whitehorse Open Space Strategy and Draft Play and Social Recreation Action Plan currently in development.

Subject to Council endorsement, the Master Plan will be released for public consultation in March - April 2026, allowing the community and stakeholders to provide feedback that will inform the final Draft Bennettswood Reserve Master Plan for Council consideration later in 2026.

RECOMMENDATION

That Council endorses the Draft Bennettswood Reserve Master Plan and approves its release for Round 2 community and stakeholder consultation.

KEY MATTERS

Background

Bennettswood Reserve is in Burwood within the Wattle ward. The Reserve is approximately 4.8 hectares and is maintained by Whitehorse City Council. The scope of Master Plan covers approximately 9 hectares and includes a section of Gardiners Creek where it interfaces Bennettswood Reserve on its eastern embankment. The Reserve is classified as municipal open space in the draft Whitehorse Open Space Strategy 2025 (WOSS). Council has entered a Memorandum of Understanding (MOU) with Deakin University. Deakin University has provided written endorsement of the draft Master Plan to support Round 2 community engagement.

10.1 (cont)

The highly complex project includes key considerations:

- The Master Plan must be cognisant of the multiple land ownership arrangements between the Council, Department of Energy, Environment and Climate Action (DEECA), and Deakin University.
- Due to significant population growth anticipated as part of Suburban Rail Loop development and the ongoing needs of Deakin University's Exercise and Sport Science programs, Council and Deakin University are collectively exploring the potential activation of the North part of the reserve for both organised sports and informal recreational uses. This Master Plan would be implemented jointly by both parties under a mutually agreed shared-use arrangement.
- A sensitive approach has been taken to conserve the environmental value of Gardiners Creek Corridor while increasing recreational use at Bennettswood Reserve.
- Land contamination, as the site is a former landfill listed on the Victorian Landfill Register, calls for appropriate planning and delivery techniques to minimise public safety risks and cost escalation.

DISCUSSION, OPTIONS AND ANALYSIS

Key Recommendations

The Master Plan recommends improvements to Bennettswood Reserve over the next 15 years to create a vibrant, sustainable community space, that is well connected, offers diverse recreational opportunities for all ages and cultures, within the ecologically rich Gardiners Creek corridor. The proposed improvements are grouped into four key themes as below.

1. Amenity:

The Master Plan proposes to diversify recreational opportunities for all ages and cultures, in line with the principles of WOSS and community feedback, including:

- To establish one senior soccer pitch, overlayed with two junior soccer pitches, with floodlighting.
- Bennettswood Pavilion extension to support the additional sports fields.
- Expansion of the existing cricket nets from four lanes to six, incorporating retractable netting to enable shared use for soccer warm-ups and training or other complementary training.
- Installation of up to three golf training nets to the east of the cricket cage to diversify sporting opportunities, and
- Development of a social and recreational area featuring two undercover multipurpose courts, fitness equipment, picnic settings and table tennis tables. The multipurpose courts will be funded and delivered by Deakin University, support Deakin University's sport science program, and remain accessible for community.

10.1 (cont)

2. Movement and Access

Bennettswood Reserve and Gardiners Creek Trail present accessibility challenges due to its topography. Currently there is no accessible path connection between the sporting pavilion and the Gardiners Creek Trail. Community and stakeholders have consistently provided feedback on the connectivity and accessibility issues during and outside the community engagement period.

In response to community feedback, this Master Plan proposes:

- Enhancing the existing 2-2.5m wide eastern Gardiners Creek Trail to a 3m wide gravel shared use path from Burwood Highway to Station Street.
- Providing wildlife sensitive lighting along the eastern Gardiners Creek Trail from Burwood Highway to Glengarry Avenue Roundabout.
- Creating a new accessible pathway connecting Gardiners Creek Trail to the sports amenities, improving overall site connectivity.
- Providing a new entrance point to Gardiners Creek Trail at Fletchers Parade North.
- Consolidating the Holland Avenue car park to improve safety, circulation, and wayfinding.

3. Environment

The Master Plan actions will deliver on the Urban Forest Strategy and Integrated Water Management Strategy outcomes through:

- Increasing canopy coverage from 38% to 50% across Bennettswood Reserve and Gardiners Creek sections in scope.
- Foster a resilient and ecologically balanced landscape by incorporating a diverse range of vegetation that supports and attracts local wildlife.
- Implement water sensitive urban design (WSUD) principles in the sports field formalisation and car park design, including passive irrigation of trees to improve stormwater management.
- Enhance Gardiners Creek as the green corridors to facilitate wildlife movement and contributing to the overall ecological health of the area.

4. People and Culture

The Master Plan will provide meaningful experiences that meet the evolving needs of the community, while honouring and acknowledging the cultural heritage of the site.

- Actively involve the community in vegetation management and environmental activities, fostering a shared sense of responsibility and care for the Reserve's natural and cultural resources.

10.1 (cont)

- Create opportunities through signage and wayfinding for the community to learn about the site's key values, particularly cultural heritage and environmental.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Built, We aspire to develop safe, accessible, and attractive public spaces and infrastructure that meet community needs and adapt to growth.</p> <p>The Master Plan will assist with delivering several themes of the Community Vision 2040 and the Strategic Directions of the Integrated Council Plan 2025-2029 including:</p> <ul style="list-style-type: none">• Theme 1 - Diverse and Inclusive Community• Theme 2 – Movement and Public Spaces• Theme 5 – Sustainable Climate and Environmental Care• Theme 6 – Whitehorse is an Empowered Collaborative Community• Theme 7 – Health and Wellbeing <p>Meanwhile, the final plan is affiliated with a wide range of Council policies and together they will be delivering the overarching vision and strategic directions as outlined above. The policies include:</p> <ul style="list-style-type: none">• Whitehorse Open Space Strategy 2025• Whitehorse Play Strategy 2011 / Play and Social Recreation Action Plan (in development)• Whitehorse Urban Forest Strategy 2021-2031• Whitehorse Integrated Water Management Strategy 2022-2042• Whitehorse Recreation Strategy 2015-2024• Domestic Animal Management Plan 2025-2029• Whitehorse Climate Response Strategy 2023-2030
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10.1 (cont)

Financial and Resource Implications	<p>There are no financial or resource implications arising from the recommendation contained in this report.</p> <p>The Master Plan contains high, medium and low priority projects that if implemented will impact on Council's Capital and Recurrent budgets.</p> <ul style="list-style-type: none">• High priority projects are proposed from years 1-5 (FY2026/27 - FY2031/32) – Total cost of \$6,135,500.• Medium priority projects are proposed from year 6-10 (FY2032/33 - FY2035/36) – Total cost of \$2,891,200.• Long term projects are proposed for from year 11-15 (FY2037/38 - FY2040/41) – Total cost of \$2,052,124 <p>The following items are excluded from the Master Plan costing, as they will be funded and delivered by Deakin University:</p> <ul style="list-style-type: none">• High priority: Development of two new multipurpose courts with a canopy – estimated cost of \$3,161,000• Low priority: a satellite pavilion near the recreational facilities to support teaching, educational and community programs - estimated cost of \$1,000,000 <p>Implementation is considered to commence in FY26/27.</p> <p>The indicative cost for all projects is estimated at \$11 million, inclusive of project management fees where applicable. These cost estimates are preliminary and subject to further feasibility assessments and detailed design processes, which will refine and confirm the cost of each component.</p> <p>To deliver on the Master Plan objectives and works, it is anticipated that all identified projects will require a combination of funding sources, including Council contributions from rates and open space and development reserves and other levels of government.</p> <p>A targeted funding mix is proposed to indicate the potential funding sources. The indicated percentage is developed based on the <i>Principles for Application of Financial Reserves for Capital Improvement Projects</i> which is adopted by Council as part of the <i>Council Budget FY25/26 (Table 1)</i>. All identified projects will be subject to availability of reserve balances and require a combination of funding sources.</p>
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10.1 (cont)

	<p>Table 1. Recommended application of funding split for Reserve funded Capital improvement projects. Exact funding split will be assessed and applied for each individual project based on scope and alignment to the reserve principles.</p> <table border="1" data-bbox="552 428 1346 1102"> <thead> <tr> <th rowspan="2">Project Type</th><th colspan="3">Funding Split</th></tr> <tr> <th>Open Space Reserve</th><th>Development Reserve</th><th>Rates / External Funding</th></tr> </thead> <tbody> <tr> <td>Open Space Acquisition</td><td>100%</td><td>0%</td><td>0%</td></tr> <tr> <td>Open Space Improvements</td><td>100%</td><td>0%</td><td>0%</td></tr> <tr> <td>Open Space Planning</td><td>50%</td><td>0%</td><td>50%</td></tr> <tr> <td>Major Project (Recreation)</td><td>25%</td><td>50%</td><td>25%</td></tr> <tr> <td>Recreation Infrastructure Project</td><td>25%</td><td>25%</td><td>50%</td></tr> </tbody> </table>	Project Type	Funding Split			Open Space Reserve	Development Reserve	Rates / External Funding	Open Space Acquisition	100%	0%	0%	Open Space Improvements	100%	0%	0%	Open Space Planning	50%	0%	50%	Major Project (Recreation)	25%	50%	25%	Recreation Infrastructure Project	25%	25%	50%
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Recreation Infrastructure Project	25%	25%	50%																									
Legislative and Risk Implications	There are no legal or risk implications arising from the recommendation contained in this report.																											
Equity, Inclusion, and Human Rights Considerations	<p>The Master Plan supports Council's obligations under relevant human rights, gender equality, disability and child safety legislation by promoting inclusive, safe and equitable access to open space.</p> <p>A Gender Impact Assessment (GIA) has been undertaken for the Master Plan in accordance with <i>the Gender Equality Act 2020</i>. The assessment considered equitable access, safety, participation and benefit across genders and intersecting users. The Master Plan is expected to deliver positive gender equity outcomes through flexible shared-use facilities, improved safety and amenity, and inclusive design, with no adverse gendered impacts identified.</p> <p>The Master Plan incorporates contemporary shared-use and inclusive design principles to support participation by a diverse community, including women and girls, people with disability and culturally diverse communities. Design considerations relating to accessibility, safety, amenity and community access are embedded in the Master Plan. No material limitations on</p>																											

10.1 (cont)

	human rights have been identified. Any temporary impacts during future implementation would be managed through appropriate communication and equitable transition planning.
Community Engagement	<p>The Master Plan has been informed by input from the Park's reserve user groups, landowners, residents, the broader Whitehorse community, council staff, and key stakeholders.</p> <p>Round 1 community and stakeholder engagement was undertaken between 14 April 2024 and 2 June 2024 to collect feedback on current uses and future aspirations for Bennettswood Reserve.</p> <p>Community awareness of the surveys was achieved by a combination of letterbox drops to residents, signs erected at key entries, pop ups at the Reserve and Deakin University, and social media post during the survey periods.</p> <p>Council received a total of 245 survey responses through the Your Say community engagement platform.</p> <p>Further details regarding stakeholder and community engagement activities and outcomes are provided in the Engagement summary as part of the draft master plan Report.</p> <p>Once endorsed by Council, officers will prepare and deliver Round 2 community consultation in collaboration with Deakin University to seek feedback on the draft master plan.</p>
Innovation and Continuous Improvement	<p>The Master Plan provides a clear, evidence-based framework to support Council advocacy and access to grant funding opportunities. The funding application process aligns with Council's 2024–2025 continuous improvement initiative to strengthen grant advocacy by clearly defining project scope, staging and community benefit, thereby improving Council's readiness and competitiveness for external funding.</p> <p>Key highlights of the MOU across innovation, community, and environmental outcomes include:</p> <ul style="list-style-type: none"> • A formalised student internship program and the promotion of Council roles to Deakin University students. • Partnering on key funding and grant applications. • Exploring shared community safety initiatives.

10.1 (cont)

	<ul style="list-style-type: none"> • Collaborating on research and conservation of local history. • Coordinating restoration and environmental enhancement activities along Gardiners Creek. • Working collaboratively on developing a plan to enhance the Bennettswood Reserve. <p>The Master Plan adopts contemporary approaches to shared-use sporting infrastructure, including flexible facility design and water-sensitive urban design, to maximise community benefit and support innovation in the planning and delivery of the precinct.</p>
Collaboration	<p>The Project Manager from the Recreation and Open Space Development team has collaborated with Council officers in the below internal departments and teams:</p> <ul style="list-style-type: none"> • Project Delivery and Assets • Major Transport • Community Safety • Parks and Natural Environment • Positive Aging • Active Communities • Arts and Cultural Services • Community Strengthening and Engagement • Communications, Advocacy and Investment <p>Consultation and collaboration have also been undertaken with Deakin University and Suburban Rail Loop Authority as part of the masterplan development process.</p>
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

- 1 Draft Bennettswood Reserve Master Plan
- 2 Draft Bennettswood Reserve Master Plan Report

10.2 Contract 30315 and Contract 30320 Extension - Provision of Landfill Services

Department	City Services
	Director Infrastructure
<hr/>	
Attachment	

SUMMARY

Landfills are required to dispose of waste collected by Council's kerbside garbage service and to dispose of waste from the Whitehorse Recycling and Waste Centre.

This report considers the extension of the contracts for Provision of Landfill Services which is a collective procurement arrangement administered by the Department of Environment Energy and Climate Action (DEECA). The DEECA reference for the arrangement is No. 2020-23. The Council references are Contract 30315 for disposal of kerbside garbage, and Contract 30320 for disposal of waste from the Whitehorse Recycling and Waste Centre.

The initial term of both contracts under the arrangement was 1 April 2021 to 31 March 2025, with an option for two, two-year extensions. The contract was extended to 31 March 2027. This report is to consider extending the contract for a further two years from 1 April 2027 to 31 March 2029.

Council officers along with DEECA, as part of the collective procurement user group, have agreed to recommending that participating councils extend the arrangement and have negotiated revised landfill disposal rates. Council approval is now sought to extend the Contracts and for the estimated expenditure for the contract extension period.

The term of the proposed extension is two years from 1 April 2027 to 31 March 2029, except for the contract with Veolia Recycling and Recovery Pty Ltd which is limited from 1 April 2027 to 30 June 2027 due to limited available space and planned closure of the landfill.

Further arrangements will be considered beyond this time if Council cannot commence disposal of waste under the Advanced Waste Disposal Contract with the South East Metropolitan Advanced Waste Processing Pty Ltd collaborative contract, currently scheduled for 2029.

10.2 (cont)

RECOMMENDATION

That Council approves the extension of Provision of Landfill Services which is a collective procurement arrangement administered by Department of Environment Energy and Climate Action (DEECA), DEECA reference No. 2020-23, for the period from 1 April 2027 to 31 March 2029, for the following services:

1. For disposal of kerbside garbage with Cleanaway Pty Ltd (ABN 79 000 164 938) and Veolia Recycling and Recovery Pty Ltd (ABN 70 002 902 650) using a common gate fee to be administered by DEECA (Council Contract 30315). The contract with Veolia Recycling and Recovery Pty Ltd is limited from 1 April 2027 to 30 June 2027; and
2. For disposal of waste from the Whitehorse Recycling and Waste Centre with Heidelberg Materials Australia Resource Recovery Pty Ltd (ABN 59 006 299 832) and Cleanaway Pty Ltd (ABN 79 000 164 938) (Council Contract 30320).

KEY MATTERS

The Provision of Landfill Services is a collective procurement arrangement administered by the DEECA. The DEECA reference for the arrangement is No. 2020-23. The Council references are Contract 30315 for disposal of kerbside garbage, and Contract 30320 for disposal of waste from the Whitehorse Recycling and Waste Centre.

The current contractors are:

- For disposal of kerbside garbage there is a Common Gate Fee administered by DEECA (Council Contract 30315) for:
 - Cleanaway Pty Ltd; and
 - Veolia Recycling and Recovery Pty Ltd.
- For disposal of waste from the Whitehorse Recycling and Waste Centre:
 - Heidelberg Materials Australia Resource Recovery Pty Ltd (Council Contract 30320/1); and
 - Cleanaway Pty Ltd (Council Contract 30320/2).

All contractors have agreed to continue to provide landfill services and provided revised pricing subject to Council's endorsement. Veolia Recycling and Recovery Pty Ltd can only commit to a contract extension period of 1 April 2027 to 30 June 2027 due to limited available space and planned closure of the landfill.

10.2 (cont)

DISCUSSION, OPTIONS AND ANALYSIS

Background

In 2021, the former Metropolitan Waste and Resource Recovery Group (MWRRG) conducted a collective procurement process for landfill services. As a result of legislative changes, the contracts are now administered by DEECA.

The objective of the procurement was to aggregate volumes to enable metropolitan councils to access cost effective services for the disposal and transfer of waste that cannot be recovered or reused through other means.

On 15 March 2021, Council approved Provision of Landfill Services collective procurement. The DEECA reference for the arrangement is No. 2020-23. The initial term of the arrangement is from 1 April 2021 to 31 March 2025, with options to extend for two further terms of two years. The contracts that were awarded are:

- For disposal of kerbside garbage with Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd using a common gate fee to be administered by DEECA (Council Contract 30315).
- For disposal of waste from the Whitehorse Recycling and Waste Centre with Hanson Landfill Services Limited (Council Contract 30320/1) and Cleanaway Pty Ltd (Council Contract 30320/2).

On 19 January 2022, Suez Recycling and Recovery Pty Ltd became part of Veolia Recycling and Recovery Pty Ltd.

In November 2024, Hanson Landfill Services Limited changed to Heidelberg Materials Australia Resource Recovery Pty Ltd.

As part of awarding the Contracts, Whitehorse and eleven other councils agreed to enter a Common Gate Fee arrangement for kerbside garbage where waste would be distributed between the Cleanaway South East Melbourne Transfer Centre (SEMTS) in Dandenong South, and the Veolia Hampton Park Landfill, in the most efficient manner and the costs apportioned between councils on an equitable basis. Cleanaway transports the waste from SEMTS to the Cleanaway Melbourne Regional Landfill (MRL) in Ravenhall.

The Common Gate Fee is administered by DEECA with the objectives to minimise the overall costs for participating councils and where possible ensure that waste is transported to the most convenient location.

The landfill waste from the Whitehorse Recycling and Waste Centre is taken directly to either the Heidelberg Materials Wollert Landfill, or the Cleanaway MRL in Ravenhall. The decision as to what landfill is used is based on best value for money and service needs considering traffic conditions, wait times at the facilities and the time taken for a return trip.

10.2 (cont)

Discussion and options

Participating in this joint procurement arrangement remains the best option for Council due to the aggregated volume pricing offered. All contractors under this agreement have consistently met the performance standards around site availability, site access and minimising turnaround times. All landfill sites meet the relevant Environment Protection Authority (EPA) licencing requirements.

Veolia Recycling and Recovery Pty Ltd have indicated that during the term of the extension of this contract, the landfill will reach capacity and close. Plans are currently being developed for this scenario, and a further report will be provided to Council if there is a change required for Whitehorse.

If Council does not accept this extension, it could conduct its own procurement for landfill services but would not achieve the volumes of waste required for discounted pricing and therefore be subject to higher rates as all providers of landfill services provide lower rates for higher disposal tonnages. This collaborative arrangement aggregates waste from multiple councils to maximise volume-based discounts.

Transporting waste to landfill remains Council's only option until the South East Metropolitan Advanced Waste Processing Pty Ltd contract provides for waste disposal, currently scheduled for 2029.

Even with increasing FOGO and recycling options diverting more waste from landfill, the total amount of waste and recycling continues to grow, resulting in no material changes to the required landfilling in the immediate future.

Consultation

Council's Procurement team has been consulted to ensure that the contract extension is compliant with the Procurement Policy. The scoping of the services and evaluation was undertaken with input from the relevant officers within Council.

This is a collaborative procurement and DEECA and the other participating councils have negotiated this contract extension outcome that is being recommended to Council.

Financial and resource implications

The revised pricing is provided in Confidential Attachment 1.

The estimated total expenditure under the proposed arrangements requires estimating the total future volumes of waste disposed to landfill, estimating the Landfill Levy increases and CPI contract increases. The tables below show the actual waste disposed and costs for the first four year Contract term, first six years (including first Contract extension) and estimate for the second (this) Contract extension to 2029.

10.2 (cont)

Table 1 – Totals to 31 March 2025, first term (4 years)

	Tonnes to landfill	Contract Charges	Landfill Levy	Total Charges Plus Landfill Levy
Kerbside collection	103,272	\$6,888,334	\$12,245,462	\$19,133,796
Whitehorse Recycling and Waste Centre	147,692	\$6,906,877	\$17,579,978	\$24,486,856
Total	250,964	\$13,795,211	\$29,825,441	\$43,620,652

Table 2 – Estimated totals to 31 March 2027, including first two-year extension (6 years)

	Tonnes	Contract Charges	Landfill Levy	Total Charges Plus Landfill Levy
Kerbside collection	153,298	\$10,765,944	\$19,308,220	\$30,074,164
Whitehorse Recycling and Waste Centre	217,466	\$10,337,943	\$27,432,753	\$37,770,696
Total	370,764	\$21,103,887	\$46,740,973	\$67,844,860

Table 3 – Estimated totals to 31 March 2029, including both two-year extensions (8 years)

	Tonnes	Contract Charges	Landfill Levy	Total Charges Plus Landfill Levy
Kerbside collection	203,324	\$15,041,010	\$27,094,910	\$42,135,920
Whitehorse Recycling and Waste Centre	287,466	\$14,132,196	\$38,328,471	\$52,460,667
Total	490,790	\$29,173,206	\$65,423,381	\$94,596,587

10.2 (cont)

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Strategic Direction 4 - Natural</p> <p>Objective 4.3 A Council that responsibly and sustainably manages waste.</p> <p>The relevant Council strategy is the Whitehorse Waste Management Strategy 2018-2028. The Strategy, while promoting increased landfill diversion rates, recognises that landfilling will still be required for several years.</p> <p>Kerbside collection of recycling and waste is a core Council service to households.</p>
Financial and Resource Implications	<p>Estimated expenditure is provided in the report and details are provided in Confidential Attachment 1.</p> <p>The costs associated with the landfilling under this contract are recouped through the Waste Service Charge or the gate fees at the Whitehorse Recycling and Waste Centre.</p>
Legislative and Risk Implications	<p>Council requires a reliable service to dispose of waste collected from household kerbside bins and from the Whitehorse Recycling and Waste Centre. This is a key service area and not having a sustainable disposal arrangement is a key risk to the provision of this service.</p> <p>The objective of these contracts is to provide a waste service, in line with the State Government's Recycling Victoria Policy that is compliant with the relevant EPA requirements.</p>
Equity, Inclusion, and Human Rights Considerations	<p>It is considered that the subject matter does not raise any human rights issues.</p>
Community Engagement	<p>No community engagement was required for this report as there are no service changes proposed as a result of extending the contracts.</p>
Innovation and Continuous Improvement	<p>There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.</p> <p>The negotiations as part of preparing this recommendation to extend the contract involved price review, legislative operating environment review and operations reviews to leverage the lowest cost model.</p>

10.2 (cont)

Collaboration	This is a collaborative procurement arrangement involving eleven councils administered by DEECA.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

1 30315 30320 Confidential Contract Extension Pricing - Landfill Services

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) g(ii) of the *Local Government Act 2020*. This ground applies because the matter concerns commercially sensitive information.

10.3 Sale of Land - Part Former Laneway Adjacent to 25 Bentley Street, Surrey Hills

Department	Property and Leasing Director City Development
Attachment	

SUMMARY

At its meeting on 27 October 2025, Council resolved to publish notice of its intent to sell a section of former roadway (Lot 1 on LP13101) for a price of \$75,000 plus GST and commence a community engagement process in respect of the proposed sale pursuant to Section 114 of the *Local Government Act 2020*.

The land, which is part of a former laneway discontinued by Council in 2017, measures 1.7m wide x 44.2m long and has an area of approximately 75m², has a narrow 1.7m frontage to Bentley Street. Given its shape, location, and fact that this narrow strip is not required for current or future community purposes, officers consider that its best use is to be sold and incorporated in the adjoining owner's property with Council directing sale proceeds to more effective community benefit.

The owners of the adjacent property at 25 Bentley Street have agreed in-principle to purchase the land at a market value which has been determined by independent valuation, in line with Council policy and Local Government Best Practice Guidelines.

By the conclusion of Council's engagement period, eight community comments were received in relation to the proposal, with none of those objecting to the proposal.

Council Officers have now undertaken all statutory processes in accordance with section 114 of the *Local Government Act 2020* and Council is now required to make a decision as to the sale of the land to the adjoining property owner as outlined above.

RECOMMENDATION

That Council:

1. Having complied with the requirements of the Local Government Act 2020 determines that the 75m² section of former laneway known as Lot 3 on TP954305 (the Land) is no longer reasonably required for Council purposes;
2. Resolves to sell the Land for the amount of \$75,000 + GST by private treaty to the adjacent owner at 25 Bentley Street, Surrey Hills, and;

10.3 (cont)

3. Authorises the Director City Development to finalise and execute the Contract of Sale and any associated documentation and undertake all actions to complete the sale.

KEY MATTERS

At its meeting on 27 November 2025, Council resolved that:

1. *Being of the opinion that the section of former road known as Lot 3 on TP954305 is not required for municipal or community use, resolves to publish notice of its intention to sell the land to the adjacent owner of (Lot 1 on LP13101) for a price of \$75,000 +GST, and commence a community engagement process pursuant to Section 114 of the Local Government Act 2020 (the Act)*
2. *At the conclusion of the engagement process, receive a further report which incorporates Community feedback received, to consider whether the land should or should not be sold.*

Now, having fulfilled its obligations under section 114 of the Act and with consideration of the community feedback received, details of which are included within this report, Council can decide on the proposed sale.

The Land

In 2017 Council resolved to discontinue a section of laneway which ran between properties at 23 and 25 Bentley Street and adjacent to the rear of 32 Erasmus Street, and to sell the land to adjacent owners by private treaty on the basis that the laneway was not reasonably required as a road for public use.

Upon the discontinuance of the laneway, the sale and transfer of the subject section adjacent to 25 Bentley Street was not completed with the then owners, resulting in the land being left vested in Council. In February 2025, Council undertook procedures pursuant to Section 207D of the *Local Government Act 1989* to secure title to the land.

The subject land, measuring approximately 1.7m wide x 44.2 metres long and being approximately 75m² in area, has a narrow 1.7m wide frontage to Bentley Street and is currently incorporated within the fenced boundary of 25 Bentley Street, forming part of their driveway. The land, known as Lot 3 on Title Plan 954305S (Certificate of Title Volume 12596 Folio 174), is zoned Neighbourhood Residential Zone - Schedule 5, in line with neighbouring residential properties.

In recent months, the current owners of the adjacent property at 25 Bentley Street expressed interest in acquiring the section of former road, agreeing in-principle to purchase the land at the market value as determined by independent valuation subject to Council completing all statutory community engagement requirements and passing resolution to sell the land.

Given the subject land's narrow shape and location, and that it's not currently accessible to the community nor is it considered to be reasonably required for broader community access or use into the future, officers

10.3 (cont)

consider that its best and most practical use is for it to be sold and incorporated in the adjoining owner's property. The value held in the land could then be used for more effective community benefit. The current proposal to sell the land reaffirms Council's 2017 resolution that the land be sold to adjacent properties by private treaty.

Plan #1 – Location Plan



10.3 (cont)

Plan #2 – Aerial Plan

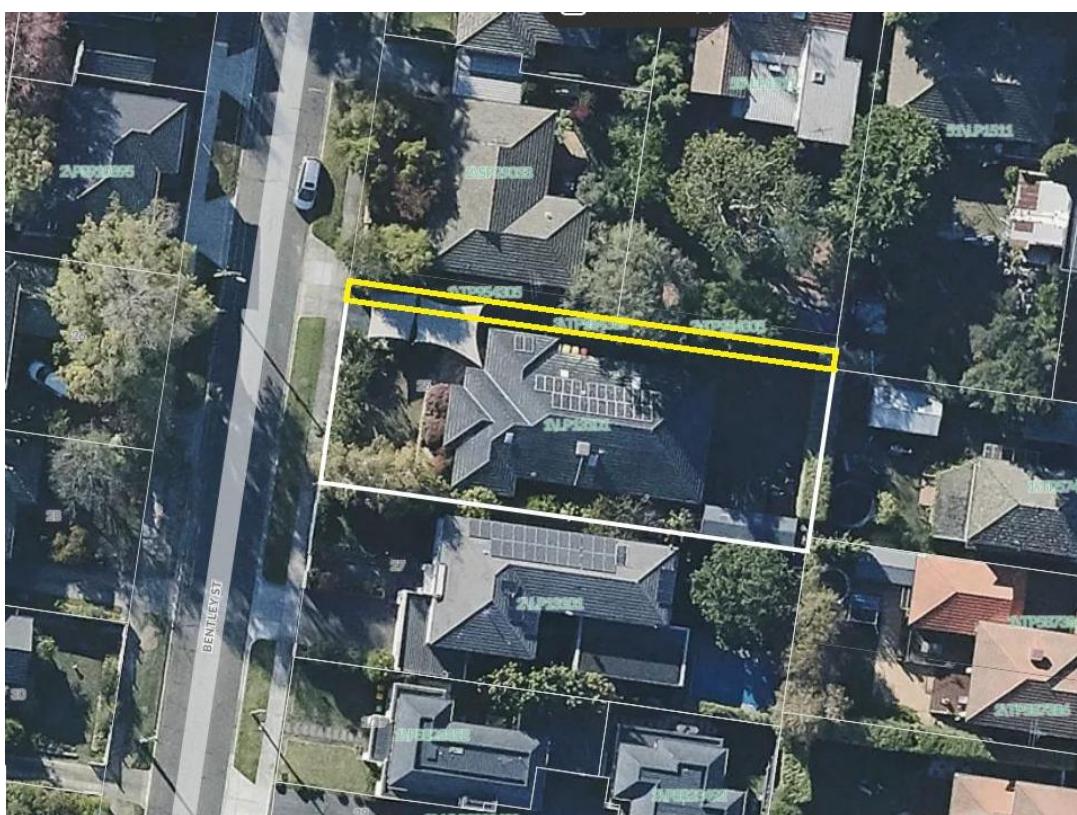


Image #1 - Streetview



10.3 (cont)

DISCUSSION, OPTIONS AND ANALYSIS

Options

Having now fulfilled its obligations under s114 of the *Local Government Act 2020*, Council has the following options:

Sell the land

As a narrow section of the former laneway, the land is not of sufficient size nor is it appropriately located for community access or use. Sale of the land to the adjacent owner would allow proceeds realised from the sale to be directed for more effective community benefit. This option reaffirms Council's resolution of 2017.

Retain the land

As holder of the title, Council is entitled to reclaim possession of the land, however given that the land provides very limited alternate community usage opportunities, this would not be considered a practical outcome at this time.

As an alternative to selling, Council could instead consider retaining and leasing the land to the occupying party, however this would not meet the objectives of the applicant purchaser, and it is considered that the optimal outcome is to realise full financial value through selling the land, with proceeds used in other Council facilities and programs.

Alignment to Best Practice Guidelines

Council land sales are undertaken in line with the Local Government Best Practice Guidelines for the Sale or Exchange of Land (the Best Practice Guidelines).

Though the Best Practice Guidelines generally require local government land sales be undertaken by competitive process (such as auction, public tender or expressions of interest) there are a number of circumstances under which it is acceptable and more appropriate to sell by private treaty, including:

- rear laneways and rights-of-way;
- disused/closed roads; and
- allotments in inappropriate subdivisions.

Under such circumstances, prospective purchasers of this type of land may include owners of adjacent properties, as is the case with this proposal.

Feedback received during the community engagement period

By the conclusion of the community engagement period at 11:59pm on 28 November 2025, Council had received eight community comments via the Have Your Say page on the Whitehorse City Council website.

Of the comments received, eight expressed support for Council selling the land, with none opposing the proposal.

10.3 (cont)

Given the responses received and lack of opposition to the proposal, it is recommended that Council, having fulfilled its obligations pursuant to the *Local Government Act*, resolve to proceed with the sale.

Community feedback received is provided in Attachment 1 to this report.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Governance, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.</p> <p>The proposed land sale aligns with Strategic Direction Governance in the Council Plan, with the following objectives applying to this proposal:</p> <p>Objective 5.1: An open, transparent, accountable and responsible Council – Deliver clear and transparent reporting and communications.</p> <p>Objective 5.3: A Council that actively engages with the community for genuine feedback and input – Provide tailored approaches to community engagement to listen and respond to a variety of community voices.</p> <p>This proposal, which seeks to realise the most effective community benefit through the sale of the subject land, demonstrates a commitment to responsible and sustainable financial management and strong advocacy, facilitating Council's ability to secure the resources for today and the future, needed to fulfil community priorities.</p>
Financial and Resource Implications	<p>The <i>Local Government Act 2020</i> requires that selling land Council must obtain from an appropriately qualified property valuer a valuation of the land which is made not more than 6 months prior to its sale.</p> <p>Accordingly, officers sought a valuation by independent valuation firm Herron Todd White at Seventy-Five Thousand Dollars (\$75,000) excluding GST and would be sold at that price accordingly.</p> <p>Refer Attachment 2: Confidential Valuation Report dated 9 December 2025.</p> <p>All expenses related to the statutory process will be borne by the Property & Leasing 2025-2026 Recurrent Budget and these expenses are estimated to total approximately \$7,500 + GST.</p>

10.3 (cont)

Legislative and Risk Implications	There are no legal or risk implications arising from the recommendation contained in this report as the process has been undertaken in accordance with all statutory requirements.
Equity, Inclusion, and Human Rights Considerations	In developing this report to Council, the subject matter has been considered in accordance with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006</i> . It is considered that the subject matter does not raise any human rights issues
Community Engagement	<p>Section 114 of the <i>Local Government Act 2020</i> includes a requirement that when considering the sale of land, Council publish notice of its intent to do so and undertake a community engagement process in accordance with its Community Engagement Policy.</p> <p>Whitehorse City Council's Community Engagement Policy 2025-29 specifies a 'Participatory' engagement (Consult) process as the suitable level of engagement for the selling of Council land.</p> <p>Accordingly, Council's proposed engagement process included:</p> <ul style="list-style-type: none"> • Publishing a Notice of Intention to Sell the land in The Age newspaper and on Council's website on 29th October 2025, which provided detail of the proposal and opportunity to provide feedback. • Direct mail to nearby property owners. • A 'Have Your Say' page on Council's website which provided information regarding the proposal and an opportunity for interested parties to provide feedback. <p>At the conclusion of the feedback period which closed at 11:59 pm on Friday 28 November 2025, Council had received eight comments on its Have Your Say webpage, with all being in support of the selling the land.</p> <p>Community feedback received is provided in Attachment 1 to this report.</p>
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

10.3 (cont)

Collaboration	No collaboration was required for this report.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

- 1 Community Feedback Received
- 2 Confidential Valuation Report - 9 Dec 2025

Whitehorse City Council designates this attachment and the information contained in it as Confidential Information pursuant to Section 3 (1) (a) of the *Local Government Act 2020*. *This ground applies because the matter concerns Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*

10.4 Delegation under the Planning and Environment Act 1987

Department	Governance and Integrity
	Manager Engineering and Investment

Attachment

SUMMARY

Recent amendments to the *Planning and Environment Act 1987* have introduced new and amended planning powers requiring an updated delegation structure. In response to these legislative changes, Council's lawyers have reviewed and provided an updated delegation's package to include a new s6A Instrument of Delegation, designed to enable Council to delegate the relevant new or amended powers to Council staff.

To ensure legislative compliance and to maintain continuity of planning decision-making, it is recommended that Council adopt the new s6A Instrument of Delegation as at Attachment 1 and the amended s6 Instrument of Delegation as at Attachment 2. This will also prepare Council for the 2026 integration of these provisions into the standard Planning delegation referred to as the s6 Delegation from Council to Staff.

RECOMMENDATION

That Council

1. In the exercise of the powers conferred by the legislation referred to in the attached instruments of delegation, Whitehorse City Council (Council) resolves that:
 - a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
 - b) These instruments come into force immediately upon this resolution being made and are to be signed by the Council's Chief Executive Officer;
 - c) On the coming into force of the instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked, and;
 - d) The duties and functions set out in the instruments 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.
2. Resolves that a planning consultation forum must be convened for:

10.4 (cont)

- a) An application for non-residential use and/or development where there are 20 or more objectors properties; or
- b) An application for residential use and/or development where there are 5 (five) or more objector properties other than for a 'deemed to comply' application.

KEY MATTERS

Amendments to the *Planning and Environment Act 1987*, introduced new and amended planning powers, some of which councils are now required to administer. These reforms altered the way certain planning functions must be exercised, and importantly, created powers that cannot lawfully be delegated under Council's existing s6 Delegation from Council to Staff.

Since the release of the Victorian Government Housing Statement in September 2023 there have been ongoing reforms to the planning system including the *Housing Statement Reform Act 2025*. As part of this there are amendments to the *Planning and Environment Act 1987* including the introduction of two new sections (S48A & S48C) pertaining to the rejection of incomplete planning applications.

In addition to these new legislative sections, and as previously reported to Council, planning reforms have also included the introduction of 'deemed to comply' provisions for the development of dwellings. This includes single dwellings on a lot of less than 300m² as well as multi dwelling development. These provisions remove third party appeal rights for applications that meet the deemed to comply requirements and necessitate changes to the preamble of the s6 Instrument of Delegation. The previous resolution of Council also requires updating in relation to consultation forums for 'deemed to comply' applications. This requirement is addressed and incorporated in the resolution at part 2.

DISCUSSION, OPTIONS AND ANALYSIS

Legislative Context and Need for Action

The legislative reforms introduced new powers that could not be exercised under Council's existing s6 delegations. To support operational continuity and compliance, Council's lawyers developed the s6A Instrument of Delegation specifically to capture these new and amended powers. Without adoption, Council will risk:

- Unauthorised decision-making
- Delays in statutory planning processes
- Potential invalidation of planning decisions

The instrument therefore represents an essential governance update.

10.4 (cont)

Operational Impact and Position-Based Delegation

A key requirement of the s6A Instrument of Delegation was the inclusion of officer positions within the instrument. Appropriate roles and classification levels were identified to provide clear lines of authority.

Adopting the s6A Instrument of Delegation and the amended s6 Instrument of Delegation ensures officers can continue to perform planning functions without interruption and prepare Council for the transition into the updated delegation framework in 2026.

Options

As the amendments to the *Planning and Environment Act 1987* create a mandatory requirement for Council to delegate the new and amended planning powers through the s6A Instrument of Delegation, there are no alternative options available.

Council must adopt the s6A Instrument of Delegation and the amended s6 Instrument of Delegation to ensure:

- Compliance with the amended legislative framework.
- Officers have lawful authority to exercise the new and amended functions.
- Planning decisions remain valid and are made within statutory timeframes.
- Governance and legal risk are minimised.

Failure to adopt these instruments is not a viable option and would leave Council non-compliant and unable to lawfully perform key planning functions.

Overarching Governance Principles and Supporting Report Details

Strategic Alignment	<p>Governance, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.</p> <p>This report supports Council's Governance goal by ensuring planning decisions remain transparent, accountable and legally compliant. Adopting the s6A Instrument of Delegation and the amended s6 Instrument of Delegation allows authorised officers to carry out planning functions efficiently and continue delivering core services in a reliable and legislatively correct way.</p>
Financial and Resource Implications	<p>There are no financial or resource implications arising from the recommendation contained in this report. Should the recommendation not be adopted, there are potential financial risks from legislatively inaccurate decisions being challenged.</p>

10.4 (cont)

Legislative and Risk Implications	<p>There are no legal or risk implications arising from the recommendation contained in this report.</p> <p>If the recommendation is not adopted there are risks relating to unauthorised planning decisions, delays to the planning process, and having planning decisions invalidated.</p> <p>Officers have been advised by Council's lawyers that the current instrument of delegation is required to reflect the changes to the Act.</p>
Equity, Inclusion, and Human Rights Considerations	The subject matter does not raise any human rights issues.
Community Engagement	No community engagement was required for this report.
Innovation and Continuous Improvement	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
Collaboration	No collaboration was required for this report.
Conflict of Interest	Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENT

- 1 s6A Instrument of Delegation under the Planning and Environment Act 1987
- 2 Update to s6 Preamble - marked up
- 3 s6 Instrument of Delegation - Members of Council Staff (Includes Updated Preamble)

10.5 Statutory Planning Report November 2025

Department	City Development
	Director City Development

Attachment

SUMMARY

At the 25 August 2025 Council Meeting, Council adopted a Motion which requires:

That Council:

...

2. Receives a noting report each month at Council Meetings on town planning applications lodged, dealt with under delegation by Council officers and under consideration by VCAT (or other authority i.e. State Planning Minister)

This report includes the following for noting by Council:

Report	November
Applications lodged (for the month)	99
Applications determined under officer delegation (for the month)	69
Matters currently under consideration by VCAT	6
Other Matters under consideration by the state government within Whitehorse	0

RECOMMENDATION

That Council receives and notes the Statutory Planning report for the month of November 2025.

KEY ISSUES

Officers note that there could be omissions in the reports on State Government matters due to the way these matters are communicated with Council by the state government.

ATTACHMENT

- 1 Councillor Reporting Lodgements - November
- 2 Councillor Reporting Delegated Decisions - November
- 3 Councillor Reporting VCAT - November
- 4 Councillor Reporting Ministerial Permits - November

10.6 Records of Informal Meetings of Councillors

Department	Governance and Integrity
	Director Corporate Services

Attachment

SUMMARY

This report presents the Records of Informal Meetings of Councillors held since the last Council Meeting. In line with the *Local Government Act 2020* and Council's Governance Rules, noting these Records promotes transparency, supports informed decision-making and ensures any conflicts of interest are publicly disclosed.

Records of Informal Meetings of Councillors are non-decision-making briefings used to share information and discuss matters that may later come before Council. Reporting these Records is standard governance practice and forms part of Council's public accountability framework.

RECOMMENDATION

That Council notes the Records of Informal Meetings of Councillors attached to the report.

ATTACHMENT

- 1 Pre Council Meeting Briefing - 8 December 2025
- 2 Councillor Briefing - 15 December 2025
- 3 Strategy Meeting - 19 January 2026

11 Councillor Delegate and Conference / Seminar Reports**11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance**

Department	Governance
	Coordinator Governance

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business.

RECOMMENDATION

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.

12 Confidential Reports

13 Close Meeting