

Whittlesea Planning Scheme Amendment C275wsea
Implement policy changes from the Whittlesea Planning Scheme
Review 2018

Panel Report

Planning and Environment Act 1987

28 May 2025

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Whittlesea Planning Scheme Amendment C275wsea

Implement policy changes from the Whittlesea Planning Scheme Review 2018

28 May 2025



David Merrett, Chair

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Glossary and abbreviations

the Amendment	Whittlesea Planning Scheme Amendment C275wsea
Council	Whittlesea City Council
PE Act	<i>Planning and Environment Act 1987</i>
planning scheme	Whittlesea Planning Scheme
VRIP	Victorian Recycling Infrastructure Plan

Overview

Amendment summary

The Amendment	Whittlesea Planning Scheme Amendment C275wsea
Common name	Implement policy changes from the Whittlesea Planning Scheme Review 2018
Brief description	Update three local policies at Clause 13.07-1L (Display homes), Clause 19.02-1L (Medical centres) and Clause 19.03-5L (Materials recycling centres)
Planning Authority	Whittlesea City Council
Authorisation	8 April 2024, with conditions
Exhibition	25 June to 16 August 2024
Submissions	Number of Submissions: 6 Opposed: 2 1. Anonymous 2. Peter Mody 3. Daniel Parsons 4. Department of Energy, Environment and Climate Action 5. Hanson Construction Materials Pty Ltd (now Heidelberg Materials) 6. Alex Fraser Group

Panel process

The Panel	David Merrett
Directions Hearing	By video, 31 March 2025
Panel Hearing	Not required (by written process)
Site inspections	Not required
Parties	Whittlesea City Council Heidelberg Materials represented by Robert Asquith of Cogency
Citation	Whittlesea Planning Scheme PSA C275wsea [2025] PPV
Date of this report	28 May 2025

Executive summary

Whittlesea Planning Scheme Amendment C275wsea (the Amendment) seeks to update three local policies at Clause 13.07-1L (Display homes), Clause 19.02-1L (Medical centres) and Clause 19.03-5L (Materials recycling centres) to ensure they are current and respond to key issues identified by key stakeholders.

The policy changes were recommended in the *Whittlesea Planning Scheme Review 2018* (planning scheme review).

There were six submissions. Apart from Submissions 2 and 4 that provide general support for the Amendment, the key issues raised in the remaining submissions were:

- built form, setbacks and site layout in the Medical Centres local policy
- whether an existing State waste and resource recovery facility in the Green Wedge should be specifically mentioned in the Materials Recycling Centres local policy.

One submitter commented on issues beyond the scope of the Amendment, and one was formally withdrawn. The Panel did not consider these further.

The policy changes are based upon recommendations from the planning scheme review and the Panel concludes they are supportive of State policy and add local context to three important issues the planning scheme addresses.

The Panel finds the changes to the Medical Centres local policy are appropriate and should be read as providing discretion to where these centres are located and how they are constructed.

The Panel finds the change to the Materials Recycling local policy is minor and appropriate as it recognises a materials recycling facility at Wollert is currently on Green Wedge land that otherwise would be discouraged. This provides certainty for the submitter and Council.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Whittlesea Planning Scheme Amendment C275wsea be adopted as exhibited subject to the following:

- 1. Amend Clause 19.03-5L (Materials Recycling Centres – City of Whittlesea) as shown in Appendix B to add “(other than those facilities already lawfully operating in accordance with the Planning Scheme)” after “on Green Wedge land”.**

1 Introduction

1.1 The Amendment

The Amendment proposes to update the Planning Policy Framework of the Whittlesea Planning Scheme (planning scheme) by:

- implementing three recommendations from the planning scheme review
- updating three local policies at Clause 13.07-1L (Display homes), Clause 19.02-1L (Medical centres) and Clause 19.03-5L (Materials recycling centres), to ensure they are current and respond to key issues identified by key stakeholders
- updating the structure of the three local policies to improve their useability.

More specifically for each policy the Amendment makes the following changes:

- Display homes policy - includes clearer siting, design, and operational guidance to minimise amenity impacts in growing residential areas.
- Medical centres policy - encourages larger medical centres in activity centres and smaller centres in residential areas, emphasises context-sensitive siting, built form and landscaping and aligns with the approach taken in the local policy for Child Care Centres to manage similar amenity and interface concerns.
- Materials Recycling centres policy - encourages appropriate siting and separation of facilities from sensitive uses, incorporates Environment Protection Authority guidance and planning controls that reflect environmental, operational, and amenity impacts and supports Council's role in the circular economy.

1.2 Relationship to Amendment C249wsea

Amendment C249wsea was concurrently exhibited with the Amendment and introduced other recommendations of the planning scheme review. Amendment C249wsea proposed changes to Clause 02.03-9 that bolster the strategic justification for updated guidance in the Amendment.

These changes include:

- minimising amenity impacts
- protecting long-term industrial and commercial land use
- supporting the transition to a circular economy.

Amendment C249wsea was adopted by Council on 18 February 2025 and is now awaiting Ministerial approval.

1.3 Procedural issues

Prior to the Directions Hearing, Council requested the Panel's consideration of submissions and the Amendment be conducted through by a written process (formerly known as 'on the papers') without the need for a public Hearing. The Panel supported this because:

- one of the six submissions (Submission 3) is unresolved however the submitter did not seek to appear at the Hearing
- Submitter 5 requested 10 minutes to present to the Panel. Council advised the matter raised was addressed with post-exhibition changes to the Materials Recycling Centres local policy at Clause 19.03-5L. The submitter supported the written process and requested the ability to provide an addendum submission to the Panel

- Council confirmed that Submitter 6 had withdrawn from the matter
- the Amendment is a confined matter relating to three local policies and did not require a site inspection.

In its Directions letter (Document 1), the Panel confirmed the matter would be conducted by a written process.

1.4 Post exhibition changes

At its February 2025 meeting the only post-exhibition change supported by Council was to Clause 19.03-5L (Materials Recycling) in response to a specific issue raised by Submitter 5. The Report addresses this further in Chapter 4.

1.5 The Panel's approach

Some submissions proposed changes that were out-of-scope with the Amendment or were withdrawn. The Panel does not address the following submissions in full or in part because:

- Submission 1 is an anonymous submission that raised issues not relevant to the Amendment, such as the growth areas getting too many resources and Bundoora not getting enough resources.
- Submission 6 was formally withdrawn following discussions with Council.

Apart from Submissions 2 and 4 that provide general support for the Amendment, the key issues raised in the remaining submissions were:

- built form, setbacks and site layout in the Medical Centres local policy
- whether an existing State waste and resource recovery facility in the Green Wedge should be specifically mentioned in the Materials Recycling Centres local policy.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme. The Panel considered all written submissions made in response to the exhibition of the Amendment, submissions and other material provided to it.

This Report deals with the issues under the following headings:

- Strategic issues
- Medical Centres local policy
- Materials Recycling local policy.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.03-3 (Environmental risks and amenity) - Clause 02.03-9 (Infrastructure)
Planning Policy Framework	- Clause 13.07-1L (Display home policy) - Clause 19.02-1L (Medical centres policy) - Clause 19.03-5L (Materials Recycling centres policy)
Other planning strategies and policies	- Plan Melbourne Direction 6.7, Policy 6.7.1
Planning scheme amendments	- Whittlesea Amendment C249wsea
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

2.2 Strategic justification

(i) Submissions

Council submitted¹:

The Amendment is underpinned by strong strategic justification derived from the PPF, MPS including clause 02.03 – Strategic Directions, and relevant State and regional planning provisions. Together, these provide a cohesive policy basis to support the proposed updates to local policies on Display Homes, Medical Centres, and Materials Recycling Centres.

Council submitted the updates to local policies were supported by the following parts of the Municipal Planning Strategy:

- Clause 02.03-3 (Environmental Risks and Amenity) which recognises the importance of display homes in new residential areas and the need to manage their amenity impacts.
- Clause 02.03-9 (Infrastructure) which identifies the strategic importance of medical centres and distinguishes between large, multi-practice facilities (preferred in activity centres) and smaller centres (more appropriate in residential areas, subject to amenity controls).
- Clause 02.03-9 (Infrastructure) which recognises the operational and amenity impacts of materials recycling centres and the need for appropriate siting.

¹ Council submission, paragraph 51

Regarding State policy, Council submitted the updates to local policies were supported by the following parts of the Planning Policy Framework:

- Clause 13.07-1S (Land use compatibility) which supports the protection of amenity and safety by ensuring appropriate separation and design of sensitive and potentially adverse uses.
- Clause 19.02-1S – (Health facilities) which encourages the integration of health infrastructure in response to demographic change and service demand.
- Clause 19.02-1R (Metropolitan Melbourne) which promotes co-located, accessible health services across regional and neighbourhood contexts.
- Clause 19.03-5S (Waste and resource recovery) which prioritises reducing waste, enhancing recycling, and ensuring long-term viability of recovery infrastructure.

Council concluded²:

The outcomes implemented by the Amendment are complemented by the changes in Amendment C249wsea, which proposes new strategic content within the Municipal Planning Strategy (clause 02.03-9 – Infrastructure) to support industrial land uses and mitigate potential amenity impacts. The Materials Recycling Centres land use is a sub-category of the “Industry” land use. Amendment C249’s strategic direction provides additional foundational material for interpreting and applying the updated local policy in Amendment C275wsea.

Council considered the Amendment was supported by various Ministerial Directions and Practice Notes, including the strategic assessment guidelines and Ministerial Direction No. 19.

No other submitters commented on the strategic basis for the changes to policy and the Panel notes that Submitters 2 and 4 supported the Amendment.

(ii) Discussion

The Panel agrees with Council that updates to the policies are supported by and consistent with State policy contained in the Planning Policy Framework and strategies contained the Municipal Planning Strategy.

The changes are derived from a planning scheme review in 2018 that is to be broadly implemented by Amendment C249wsea. The confined changes to three local policies from the planning scheme review have been further refined with pre-exhibition and post-exhibition discussions with State agencies and other submitters. The Panel acknowledges the efforts of Council to resolve the outstanding issues which has narrowed the matters it now considers.

The Panel considers the Amendment is consistent with relevant Ministerial Directions and Practice Notes.

The Panel considers the Amendment will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

(iii) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified, including with changes proposed by Amendment C249wsea

² Council submission, paragraph 72

- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Medical Centres local policy

3.1 The issue

The issue is whether the changes to the Medical Centres local policy are appropriate.

3.2 Submissions

Council summarised the concerns expressed by Submitter 3 as:

- Increased cost of works
 - concern that increased built form and design expectations may raise establishment costs for medical centres.
- Accessibility in residential areas
 - locating medical centres in residential areas is essential for accessibility. Restricting them to main roads or activity centres is unjustified.
- Built form strategies and guidelines
 - design requirements for facades with varied materials and "*visual interest*" are subjective, costly, and prone to becoming outdated
 - policy guidelines requiring designs to "*complement surrounding built form*" are unnecessary and could result in unattractive designs
 - front setback requirements add costs and limit flexibility in urban design. Allowing flexibility in setbacks would enable better land use and design variety.
- Parking design
 - requiring parking in basements or under crofts for larger centres or those in activity centres is costly and could make projects unviable
 - a better approach would be reducing parking requirements for centres near public transport stops.

Council provided the following response:

- Increased costs – the changes should not lead to increased costs and are comparable to other uses that Council has a specific policy for, such as childcare centres.
- Residential areas – not all residential areas are appropriate for these uses such as culs-de-sac and areas isolated from public transport. The policy does not prohibit medical centres from residential areas but does favour some locations over others.
- Built form – the Amendment introduces new discretionary strategies to give localised design guidance. The policy does not impose uniform setback requirements but does:
 - reinforce the urban character of activity centres, where built-to-boundary outcomes are appropriate
 - maintain the residential character of neighbourhoods, where front setbacks are more typical.
- Parking and design – the policy encourages the landscape screening of parking within a front setback, 'under croft' parking would only be required for larger medical centres, and the possibility of reduced parking rates is already managed by Clause 52.06 of the planning scheme so there is no need to duplicate this provision.

3.3 Discussion and conclusion

Council and the Panel did not have the opportunity to discuss the concerns with the submitter. Council attempted to contact the submitter on several occasions to no avail. The issues raised seem to come from a misreading of the policy and how it must be read in conjunction with other parts of the planning scheme. For instance, a reduction in parking must be supported by the context of the proposal and is dealt with under other provisions of the scheme.

The Panel considers the policy changes clearly define a locational preference for larger medical centres in either or near a commercial area and smaller community-based centres in some, not all, residential areas. The Panel finds that the proposed changes provide an appropriate discretion and policy in either a residential or commercial setting.

The Panel supports the exhibited version of the Medical Centres local policy.

4 Materials Recycling local policy

4.1 The issue

The issue is whether the policy appropriately recognises an existing use in an area where they are proposed to be discouraged.

4.2 Submissions

Heidelberg Materials, a submitter, was generally supportive of the Amendment but, as a provider of recycling infrastructure, noted one of its facilities is located on Green Wedge land which the policy proposes to avoid.

Council acknowledged this and proposed to change that part of the policy to (underline added):

Avoid locating materials recycling centres:

- On Green Wedge land (other than in a State waste and resource recovery hub).

The submitter provided a submission to the Panel (Document 4) that firstly acknowledged the support of Council but added:

Since the original submission, the Statewide Waste and Resource Recovery Infrastructure Plan has been formally superseded by the Victorian Recycling Infrastructure Plan (Recycling Victoria, 2024) (VRIP). The VRIP no longer makes reference to 'hubs' and instead continues to recognise the Wollert Landfill and Quarry as a 'key Port Phillip Landfill' and otherwise comments on its capacity, importance to the state, and need for ongoing protection from encroachment.

Thus, while the above changes as agreed by Council appear to adequately address the original concern, the use of the terminology 'State waste and resource recovery hub' will soon become unclear and potentially leave the Wollert Landfill and Quarry in a position where planning strategy of the Whittlesea Planning Scheme inadvertently discourages its ongoing and future use, particularly as it adapts and responds to the evolving circular economy, changes to the waste and resource industry, and the VRIP.

It is therefore requested that the Panel considers the most appropriate manner in which to correctly identify and exclude the existing Wollert Landfill and Quarry from inadvertent discouragement of materials recycling use—the position agreed and supported by Council—and ensure future clarity and orderly planning. It is suggested this may be achieved by explicitly referring to the 'Heidelberg Materials Wollert Landfill and Quarry located at Bridge Inn Road' or an equivalently specific wording.

Council noted that³:

- The proposed change relates to terminology due to state level policy changes.
- The intent of the carve-out remains consistent with the original position agreed by Council.
- The proposed wording shifts from a reference to a recognised hub to the specific name and location of the facility.
- Submitter 5 has indicated that an **equivalent wording** to that proposed would be acceptable.

Council did not support the proposed change as it⁴:

³ Document 5

⁴ Document 5

... does not align with best practice drafting principles outlined in the **Planning Practitioners Guide (2024)**, particularly in relation to clarity, longevity, and the intent of local policy. These are outlined as follows:

- Rule 7 and Rule 8 stress that provisions must be clear, unambiguous, and avoid undefined or subjective references. The guide also stresses the importance of drafting policies that are clear, concise, and avoid ambiguity. It notes that specificity (which can include a business name) can create interpretation risks, tie policy to one-off situations, and reduce adaptability (page 28-29).
- The guide advises where possible, to draft provisions to endure without the need for regular amendments (page 64). It is further advised to avoid naming external documents that are frequently updated and references that date quickly, which could include private business names. We note that submission 5 was originally submitted on behalf of Hanson Construction Materials Pty Ltd (**Hanson**) and has since changed to Heidelberg Materials Wollert Landfill and Quarry. This illustrates an issue with naming a specific business within the Scheme.
- Site-specific provisions should only be used in exceptional circumstances and typically through a Specific Controls Overlay (page 55).

Council supported the more neutral reference (underlined) that is consistent with the previously agreed change:

- On Green Wedge land (other than those facilities already lawfully operating in accordance with the Scheme).

The Panel requested Council to confirm whether an objective should be included in the policy. Council explained the reason for this was that the preceding state policy contained an appropriate objective and there was no need for an objective specific to Whittlesea's context.

Submitter 2 considered materials recycling centres should have prominent signage. Council considered signage guidance was not required as this matter was covered in other areas of the planning scheme.

4.3 Discussion and conclusion

The Panel acknowledges the substantial level of agreement between Council and Heidelberg Materials. The Panel agrees with Council that specific reference to business names, or its entity can only lead to ambiguity as these often change over time. The change from Hanson Construction Materials to Heidelberg Materials is a case in point.

The intent is to recognise existing uses in policy where it may otherwise be discouraged. The Panel considers the neutral reference as suggested by Council achieves this and accommodates business name or industry changes in the future.

The Panel agrees with Council the local policy does not require:

- an objective as the preceding state policy contains an appropriate objective
- signage provisions as this covered by other parts of the planning scheme.

4.4 Recommendation

The Panel recommends:

1. **Amend Clause 19.03-5L (Materials Recycling Centres – City of Whittlesea) as shown in Appendix B to add “(other than those facilities already lawfully operating in accordance with the Planning Scheme)” after “on Green Wedge land”.**

Appendix A Document list

No.	Date	Description	Provided by
1	2 Apr 22	Panel Directions and Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
2	11 Apr 25	Panel Directions and Hearing Timetable (version 2)	PPV
3	5 May 25	Council submission and appendices	Whittlesea City Council (Council)
4	12 May 25	Submission	Heidelberg Materials
5	12 May 25	Submission	Council

Appendix B Panel preferred version of Clause 19.03-5L (Materials Recycling local policy)

19.03-5L

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Proposed C275wsea

Materials recycling centres - City of Whittlesea**Policy application**

This policy applies to the use and development of land for materials recycling centres.

Location strategies

Support materials recycling centres to locate in the core of industrial areas or in an identified State waste and resource recovery hub.

Avoid locating materials recycling centres:

- In close proximity to activity centres and commercial areas.
- On Green Wedge land ([other than those facilities already lawfully operating in accordance with the Planning Scheme](#)).
- On arterial roads and roads with high public exposure.

Discourage vehicular access to the site from residential streets.

Site materials recycling centres on land that is of sufficient size to cater for adequate on-site car parking, pedestrian access, and landscaping.

Location policy guideline

Consider as relevant:

- The impact of visual intrusion of material recycling centres on the key industrial gateways of Cooper Street, High Street, Mahoneys Road, Dalton Road, and Settlement Road.

Amenity strategies

Minimise adverse impacts from materials recycling facilities on the amenity of surrounding areas, including by mitigating and managing:

- Noise from the site.
- Air quality, including dust suppression management.
- Traffic and parking.
- Visual appearance and site maintenance.
- Hours of operation.

Provide landscaping to enhance the visual appearance of the site and to screen the development from sensitive uses.

Provide a landscaped setback along to street frontages.

Amenity policy guideline

Consider as relevant

- The use of sealed car parking facilities and internal roads to minimise dust and noise, unless other measures to reduce the spread of mud and dust by vehicles are utilised.

Use strategies

Undertake all loading and unloading of materials on-site.

Avoid the storage and stacking of materials along the frontage of the site.

Encourage the containment of materials treatment and processing within buildings.

Encourage the use of new technologies that reduce emissions.

Encourage ongoing monitoring of dust suppression, stormwater management and soil leaching.

Use policy guidelines

Consider as relevant:

- The ability to minimise environmental and health risks.
 - Appropriate buffers from significant environmental features, such as waterways to minimise adverse offsite impacts.
 - The following amenity management documents (as relevant):
 - Management and storage of combustible recyclable and waste materials – guideline (Publication 1667.3, Environment Protection Authority, July 2021).
 - Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Publication 1826.4 Environment Protection Authority, May 2021).