



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 15 MARCH 2016

AT 6:30PM

**IN COUNCIL CHAMBER, 25 FERRES
BOULEVARD, SOUTH MORANG**

COUNCILLORS

| | |
|------------------|-------------------------------|
| STEVAN KOZMEVSKI | MAYOR, SOUTH WEST WARD |
| KRIS PAVLIDIS | SOUTH WEST WARD |
| DARRYL SINCLAIR | SOUTH WEST WARD |
| ADRIAN SPINELLI | SOUTH WEST WARD |
| NORM KELLY | DEPUTY MAYOR, SOUTH EAST WARD |
| SAM ALESSI | SOUTH EAST WARD |
| KEN HARRIS | SOUTH EAST WARD |
| MARY LALIOS | SOUTH EAST WARD |
| REX GRIFFIN | NORTH WARD |
| RICKY KIRKHAM | NORTH WARD |
| CHRISTINE STOW | NORTH WARD |

SENIOR OFFICERS

DAVID TURNBULL

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR INFRASTRUCTURE

MICHAEL TONTA

ACTING DIRECTOR CORPORATE SERVICES

GRIFF DAVIS

DIRECTOR ADVOCACY AND COMMUNICATIONS

NARELLE WILLIAMSON

GOVERNANCE OFFICER

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Note:

In these Minutes, Resolutions adopted by Council are indicated in bold text.

1. OPENING

1.1 MEETING OPENING AND PRAYER

The Chief Executive Officer opened the meeting with a prayer at 6:30PM.

1.2 MAYOR’S RECONCILIATION STATEMENT

On behalf of the City of Whittlesea the Mayor recognised the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the traditional owners of this place.

1.3 PRESENT

Members:

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|---------------------|--------------------------------|
| Cr Stevan Kozmevski | Mayor (South West Ward) |
| Cr Kris Pavlidis | Councillor (South West Ward) |
| Cr Darryl Sinclair | Councillor (South West Ward) |
| Cr Adrian Spinelli | Councillor (South West Ward) |
| Cr Norm Kelly | Deputy Mayor (South East Ward) |
| Cr Sam Alessi | Councillor (South East Ward) |
| Cr Ken Harris | Councillor (South East Ward) |
| Cr Mary Lalios | Councillor (South East Ward) |
| Cr Ricky Kirkham | Councillor (North Ward) |
| Cr Rex Griffin | Councillor (North Ward) |
| Cr Christine Stow | Councillor (North Ward) |

Officers:

| | |
|------------------------|--------------------------------------|
| Mr David Turnbull | Chief Executive Officer |
| Mr Steve O'Brien | Director Planning and Major Projects |
| Mr Russell Hopkins | Director Community Services |
| Mr Nick Mann | Director Infrastructure |
| Mr Michael Tonta | Acting Director Corporate Services |
| Mr Griff Davis | Director Advocacy and Communications |
| Mrs Narelle Williamson | Governance Officer |

2. APOLOGIES

APOLOGY

An apology was received on behalf of Cr Harris who was not present at the commencement of the meeting.

COUNCIL RESOLUTION

MOVED: *Cr Lalios*
SECONDED: *Cr Kelly*

THAT an apology be received on behalf of Cr Harris and leave be granted.

CARRIED

CR HARRIS ENTERED THE COUNCIL CHAMBER AT 6:32PM.

3. DECLARATIONS OF INTEREST

NIL

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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| COUNCIL RESOLUTION |
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MOVED: *Cr Kirkham*

SECONDED: *Cr Kelly*

THAT the following Minutes of the preceding meeting as circulated, be confirmed:

Ordinary Meeting of Council held 23 February 2016; and

Adjourned Ordinary Meeting of Council held 1 March 2016

CARRIED

5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS**5.1 PETITIONS****5.1.1 REMOVAL AND REPLACEMENT OF GUM TREES ON THE NATURE STRIPS IN IRIS WAY, BUNDOORA****File No:** SU143551

Cr Lalius tabled a petition from 16 residents requesting Council remove the existing gum trees located on the nature strips in Iris Way, Bundoora and replace them with smaller trees.

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| COUNCIL RESOLUTION |
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MOVED: Cr Lalius
SECONDED: Cr Kelly

THAT Council resolve to receive the petition from 16 residents of Iris Way, Bundoora requesting Council remove and replace the gum trees with smaller trees on Iris Way, Bundoora and that a report be prepared.

CARRIED

5.2 JOINT LETTERS**NIL REPORTS**

6. OFFICERS' REPORTS**COUNCIL RESOLUTION**

MOVED: Cr Sinclair
SECONDED: Cr Kelly

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.2, 6.1.4, 6.2.1, 6.4.2, 6.5.1, 6.5.2 and 6.5.3 .

CARRIED

Group Adoption of Items En Bloc

Councillors may choose not to consider reports on the Notice Paper individually and to resolve to adopt, in one resolution, the recommendations listed on the Notice Paper for a number of reports. Such a resolution will have the effect of adopting the Officer's recommendation for each of the reports identified in the Council resolution. The remaining items of business are considered and voted on separately.

6.1 PLANNING AND MAJOR PROJECTS

6.1.1 ADOPTION OF AMENDMENT C56 - HERITAGE LOCAL PLANNING POLICY

File No: 194194

Attachments:

- 1 New proposed heritage conservation local planning policy (22.16)
- 2 Updates to the existing Municipal Strategic Statement (Clause 21.08-3)

Responsible Officer: Director Planning & Major Projects

Author: Strategic Planner

REPORT

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Amendment C56 to the Whittlesea Planning Scheme. Amendment C56 was considered by Council on 17 November 2015, and was subsequently authorised for public exhibition by the Minister for Planning.

Amendment C56 proposes the following changes to the Whittlesea Planning Scheme:

- Introduce a new heritage conservation local planning policy at Clause 22.16;
- Update the Municipal Strategic Statement at Clause 21.08-3 (Built Environment and Heritage); and
- Make a minor procedural update to the Schedule to the Heritage Overlay (Clause 43.01) affecting two properties.

Amendment C56 was exhibited for a period of eight weeks from 17 December 2015, to 12 February 2016 and no submissions were received during the exhibition period.

This report recommends that Council adopt Amendment C56 as exhibited. Council's position on the amendment will then be forwarded to the Minister for Planning seeking final approval of the Amendment.

INTRODUCTION

Council officers have developed a new heritage conservation local planning policy that is proposed to be introduced into Clause 22.16 of the Whittlesea Planning Scheme. Clause 22 of the Planning Scheme contains the City of Whittlesea's local planning policies, while Clause 21 contains the Municipal Strategic Statement (MSS). Together Clause 21 and Clause 22 make up the Local Planning Policy Framework (LPPF) of the Whittlesea Planning Scheme.

Amendment C56 includes the new local policy at Clause 22.16, associated updates to the MSS, and minor procedural updates to the Heritage Overlay Schedule at Clause 43.01 affecting two properties.

This report provides a background to the policy's development, the amendment elements, and summarises the results of the exhibition process.

BACKGROUND

The new heritage local planning policy has been developed as part of the ongoing implementation of the Whittlesea Heritage Study (Context Pty, 2009). To date, the implementation has involved a Planning Scheme Amendment (C153) to add 88 places of local significance to the Heritage Overlay Schedule (Clause 43.01), in addition to making minor updates to mapping and descriptions for several places already protected in the Scheme.

An independent Planning Panel held in July, 2014, considered and ultimately supported Amendment C153 subject to some modifications. In its report, the Panel commented on the lack of specific heritage guidance in the Whittlesea Planning Scheme, and as a consequence recommended that "Council prepare guidelines for assessment of permit applications subject to the HO in the form of either a Local Planning Policy or an Incorporated Plan, to be introduced by way of a future amendment."

The development of a local planning policy was considered the most appropriate mechanism to address the varied land use and development contexts in the City of Whittlesea that comprise established, growth and rural areas.

Heritage consultant Ray Tonkin (former Executive Director of Heritage Victoria) was subsequently engaged to assist with the identification of heritage issues and the development of the policy. Key internal stakeholders were engaged throughout the process. The central aim of this internal consultation was to identify the main issues and opportunities around built heritage conservation at the City of Whittlesea, and to understand how decisions are made in planning and development processes, which ultimately provided the drivers for the policy context.

DISCUSSION OF AMENDMENT ELEMENTS

Amendment C56 is comprised of three elements:

- Introduction of a Clause 22 local policy (Heritage conservation local policy)
- Updates to the MSS at Clause 21 of the Planning Scheme.
- Minor procedural updates to the Schedule of the Heritage Overlay (Clause 43.01)

A specific local planning policy will provide guidance on how planning decisions will be made in relation to heritage matters, and sets out Council's expectation and objectives for the protection, maintenance and use of heritage places. The inclusion of a local planning policy on heritage conservation is considered best practice and will bring the City of Whittlesea in line with a majority of other Councils who already have local heritage planning policies in place.

It was also considered necessary to make updates to Council's MSS to ensure that it aligns with the new heritage planning policy. These updates provide high-level heritage direction, objectives and strategies that support more detailed local policy content.

These proposed updates to the Local Planning Policy Framework (LPPF) directly fulfil two actions in the *Cultural Heritage Strategy* (2015-2018) approved by Council on 6 October, 2015. The *Cultural Heritage Strategy* sets out the overarching framework and a set of associated action plans to guide Council's approach to heritage. The relevant actions are contained within Action Plan 2 which seeks to "identify, protect and manage our cultural heritage places and assets":

- *Action 2.1.2* – "Develop a heritage Local Policy in the Planning Scheme and create guidelines and appropriate permit conditions"
- *Action 2.1.7* – "Develop a heritage statement for inclusion in the Municipal Strategic Statement"

This work contributes to action 2.1.8 outlined below, as the policy will further clarify expectations and objectives around heritage in the development process:

- *Action 2.1.8* – "Introduce best practice procedures early in the planning and development process to achieve positive heritage outcomes with the development sector..."

The local policy includes guidance on dry stone walls which complements work currently being undertaken by Council's Heritage Coordinator with support from GIS to electronically map dry stone walls throughout the municipality. This work will enable Council to identify existing dry stone walls and provide more proactive protection of these walls in conjunction with the implementation of the new policy.

The elements of the Amendment are discussed in turn below.

Local Planning Policy

The exhibited heritage local conservation policy (*Attachment 1*) includes specific policy statements outlined across thirteen subject matters, including: conservation, alterations and additions, subdivision, demolition, and dry stone walls.

The policy responds to the following key challenges identified during internal consultation:

- The City's growth area context and the need for subdivision, use and development applications to appropriately address and integrate heritage places.
- The requirement for appropriate security and stabilisation measures for heritage places at the outset of the development process;
- The requirement for better design outcomes for heritage places that ensures integration with adjoining land uses and the heritage place's ongoing maintenance, use and occupation;
- The need for stronger guidelines and application requirements for dry stone walls to ensure their protection, reconstruction, and meaningful integration within various urban development contexts; and
- The need for clear application requirements that outline what documentation is to be provided by applicants in cases when heritage matters must be considered alongside other development and planning matters in an application process.

Municipal Strategic Statement Updates

The exhibited MSS updates at Clause 21.08-3 (Built Environment and Heritage) provide the context and broad strategies for heritage protection (*Attachment 2*). Together with the new local planning policy, the MSS updates will ensure a consistent approach to heritage matters throughout the LPPF.

The new strategies proposed to be introduced into the MSS are:

- *Strategy 1.2* - Identify, assess and document additional places of natural and cultural heritage significance as a basis for their inclusion in the Planning Scheme.
- *Strategy 1.3* - Require that new development situated adjacent to or nearby a heritage place does not adversely compromise, overwhelm or detract from the overall significance and character of the heritage place.
- *Strategy 1.4* - Support a holistic view of heritage that includes historical, social and physical values.

The following documents have also been added as reference documents in Clause 21.08-3:

- The *Whittlesea Heritage Study*, Volumes 1-3 (Context, 2011);
- The *Whittlesea Heritage Study* (Gould, 1991); and
- The City of Whittlesea *Heritage Conservation Local Planning Policy* (Clause 22.16).

Procedural Changes to the Heritage Overlay Schedule

The exhibited amendment also proposed a minor procedural update to the Heritage Overlay Schedule which affects the following properties:

- HO107 135 Gingles Road, Humevale
- HO111 210 Humevale Road, Humevale

The two properties were originally approved to be included in the Schedule to the Heritage Overlay through Amendment C153. The properties received no resident objections during the C153 amendment exhibition process undertaken between 17 October and 13 December, 2013. However, due to an administrative error these places were not added as line items within the Schedule at the time of Gazettal, although they had been approved by Council.

Amendment C56 seeks to rectify this administrative error by introducing these two places into the Schedule to the Heritage Overlay.

EXHIBITION

Following authorisation by the Minister for Planning on 30 November 2015, Amendment C56 was exhibited for a period of eight weeks from 17 December, 2015 to 12 February, 2016.

Normal statutory processes applied to the exhibition, and a public notice was placed in the Whittlesea Leader and the Government Gazette. All prescribed Ministers were notified directly in addition to the following heritage interest groups:

- Whittlesea Historical Society
- Friends of Westgarthown
- Plenty Valley Conservation
- The National Trust

The owners of the two properties that are subject to the minor procedural update to the Heritage Overlay schedule were notified directly.

Information was also provided in the regular Council column in the Whittlesea Leader, on the Whittlesea website, and project officers were made available to meet with residents as necessary.

While a number of enquiries were received in relation to Amendment C56, no submissions were received during the exhibition process.

CRITICAL DATES

If Amendment C56 is adopted by Council, a request to approve the amendment will be sent to the Minister for Planning.

If the amendment is approved by the Minister for Planning it is likely that it will be Gazetted before the end of the financial year.

POLICY STRATEGY AND LEGISLATION

Relating to State legislation, strategies or policies:

- Under the *Victoria Planning Provisions*, Clause 15.03-1 (Heritage conservation) sets out the State Planning Policy that must be applied through all local Planning Schemes. This compels Local Governments to “encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations”, “ensure an appropriate setting and context for heritage buildings”, and “support the adaptive reuse of heritage buildings whose use has become redundant”;
- Under the *Planning and Environment Act 1987*, the City of Whittlesea, as Planning Authority, must give effect to the objectives of planning in Victoria, including: “to conserve and enhance those buildings, areas or other places which are of...historical or otherwise special cultural value” (section 4(b));
- *Planning Practice Note 8: Writing a Local Planning Policy* outlines best practice and guidance regarding the role of local planning policy in Planning Schemes, the need for a local planning policy, and how local policy should be written.

Relating to local planning provisions and adopted strategies, plans and policies:

- Clause 21.08-3 (Heritage conservation) of the Whittlesea Planning Scheme recognises the need to document the significance of heritage places and outlines that “measures continue to be put in place to ensure they are retained and incorporated within the development processes”; and

Recognise and incorporate heritage significance as an integral component of all planning processes:

- The City of Whittlesea *Cultural Heritage Strategy (2015-2018)* outlines specific actions relating to the development of local policy to support heritage conservation including: *Action 2.1.2* - Develop a heritage Local Policy in the Planning Scheme and create guidelines and appropriate permit conditions”; *Action 2.1.7* – “Develop a heritage statement for inclusion in the Municipal Strategic Statement”; and *Action 2.1.8* – “Introduce best practice procedures early in the planning and development process to achieve positive heritage outcomes with development sector”.
- The City of *Whittlesea Heritage Study* Volumes 1-3 (2009, Context) outlines the thematic environmental history for the City and identifies places of local heritage significance that meet the threshold for protection under the Heritage Overlay. The Study is included as a reference document in the proposed policy.
- The City of Whittlesea *Green Wedge Management Plan (GWMP)* contains an objective to “preserve and enhance the cultural heritage of the Whittlesea Green Wedge for current and future generations (GWMP action area: people).

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Inclusive & Engaged Community |
| Theme | Diversity |
| Strategic Objective | We share an open expression of cultural heritage |

The proposal assists in achieving the future direction “Places and spaces to connect people” in the Community Plan. Built heritage is a valuable asset that serves as a reminder of the City of Whittlesea’s history and shared identity.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Planning Scheme Amendment C56 supports Council’s statutory obligation and recognised commitment to protect local heritage within the Municipality.

Amendment C56 seeks to:

- Introduce a new heritage local planning policy at Clause 22.16;
- Update the Municipal Strategic Statement at Clause 22.16 (Built Environment and Heritage) to introduce new objectives and strategies for heritage; and
- Make a minor procedural update to the Schedule to the Heritage Overlay affecting two properties.

Amendment C56 was exhibited for eight weeks and advertised widely in the Whittlesea Leader, to heritage interest groups, and on Council’s website. Prescribed ministers and local interest groups were notified directly, in addition to the landowners of the two properties affected by the procedural updates to the Heritage Overlay Schedule. No submissions were received from residents or State Government departments during the exhibition process.

A total of 163 places are already protected within a Heritage Overlay in the City of Whittlesea on rural farm properties, new subdivisions, and in established residential communities. The heritage conservation local planning policy, and the associated MSS updates, will clearly set out Council’s objectives and expectations for these heritage places and provide the guidance necessary for applicants and property owners.

This work will provide well-defined guidelines around the protection, preservation and integration of heritage places to ensure they remain enduring assets for future generations.

It is recommended that Council adopt Amendment C56 with no changes and authorise Council officers to submit the amendment to the Minister for Planning for final approval.

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| RECOMMENDATION |
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THAT Council resolve to:

1. Adopt Amendment C56 to the Whittlesea Planning Scheme as exhibited and forward to the Minister for Planning for approval.

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| COUNCIL RESOLUTION |
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MOVED: Cr Sinclair
SECONDED: Cr Kelly

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.1.2 100C GARDEN ROAD, DOREEN - USE AND DEVELOPMENT OF A SERVICE STATION AND CONVENIENCE RESTAURANT, FOUR LOT SUBDIVISION, CREATION OF CARRIAGEWAY EASEMENTS, A REDUCTION IN CAR PARKING, THE REDUCTION OF LOADING BAY REQUIREMENTS AND VARIATIONS TO CLAUSE 52.12 (SERVICE STATION)

File No: 715699

Attachments:

- 1 Locality Map
- 2 Approved Surrounding Subdivision Pattern
- 3 Proposed Subdivision Layout
- 4 Elevations
- 5 Development Layout

Responsible Officer: Director Planning & Major Projects

Author: Planning Officer

APPLICANT: Ratio Consultants

COUNCIL POLICY: Development Contribution Plan Policy

ZONING: General Residential

OVERLAY: Development Contributions Plan (Schedule 6)
Development Plan (Schedule 5)
Incorporated Plan (Schedule 1)
Vegetation Protection (Schedule 1)

REFERRAL: Melbourne Water

Yarra Valley Water

VicRoads

AusNet Services

OBJECTIONS: Nil

RECOMMENDATION: That Council resolve to appear at the Victorian Civil and Administrative Tribunal (VCAT) on the basis that Council would have refused Application for Planning Permit No. 715699 had the Application for Review not been lodged.

REPORT

EXECUTIVE SUMMARY

The applicant proposes to use and develop a Service Station and Convenience Restaurant on the site, undertake a four lot subdivision, create carriageway easements, reduce car parking requirements, reduce loading bay requirements and initiate variations to Clause 52.12 (Service Station) of the Whittlesea Planning Scheme.

The subject site is located within the Ashley Park Development Plan area and Mernda Strategy Plan area. Both of these documents nominate the site for housing. In accordance with these documents, local convenience retail should be located in a local activity centre

(proposed to be approximately 1.2km south of the subject site) or in a local convenience centre (currently there is one located 500m east of the site on the south-west corner of Bridge Inn Road and Yan Yean Road, and one nominated 500m west of the site on Bridge Inn Road). The proposal is also not in accordance with the approved road layout for the area. As such, the proposal is not generally in accordance with the Ashley Park Development Plan nor the Mernda Strategy Plan. Under Clause 43.03-1 of the Whittlesea Planning Scheme, a permit granted must be generally in accordance with the Mernda Strategy Plan and under Clause 43.04-1 a permit granted must be generally in accordance with the Ashley Park Development Plan. As these requirements have not been met, the planning application must be refused.

On 3 February 2016 (62 days after the application was submitted), the applicant lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a decision within the prescribed timeframe. In this instance, given the application is being recommended for refusal, it must be determined by Council. The earliest available Council meeting that the matter can be reported to is 15 March 2016, which has resulted in the application not being able to be determined within the statutory period of 60 days. On 5 February 2016, VCAT issued an order requiring Council to attend a compulsory conference on 7 April 2016 and appear at a 3 day hearing commencing on 23 May 2016 to consider the application.

It is recommended that Council resolve to appear at VCAT on the basis that Council would have refused Application for Planning Permit No. 715699 had the Application for Review not been lodged.

SITE AND SURROUNDING AREA

The site is located on the south-western corner of the intersection of Bridge Inn Road and Garden Road (a T-intersection) (see *Attachment 1*). The site covers a total area of 1.577 hectares, has a 63m wide frontage to Garden Road and a 251m wide frontage to Bridge Inn Road, however the applicant proposes to utilise the easternmost portion of the site (covering an area of 5,988m²) for the development. The portion of the site containing the development will maintain a 63m wide frontage to Garden Road and a 95m frontage to Bridge Inn Road.

The land directly to the north of the site contains Bridge Inn Road, which is zoned Road Zone Category 2, and on the north side of Bridge Inn Road is land zoned General Residential. This residential land contains low density residential properties on allotments typically 1 hectare in size. To the east of the site is Garden Road, a local road, and then vacant land zoned General Residential and subject to the Garden Road Development Plan. To the south and west of the site the land has been approved for residential development at standard densities and is currently under construction (see *Attachment 2*).

A site located approximately 500 metres to the east of the site, on the south-west corner of Bridge Inn Road and Yan Yean Road, contains a Service Station, McDonald's Restaurant and a small number of other commercial and retail businesses. The future Mernda Town Centre is located approximately 3 kilometres to the west of the site on the south-east corner of Plenty Road and Bridge Inn Road.

RESTRICTIONS AND EASEMENTS

There is a Section 173 Agreement registered on Title of the land that requires payment of development and open space contributions payable prior to the issue of Statement of Compliance for any subdivision.

BACKGROUND

The site forms part of the Hazelcroft Estate for which Planning Permit No. 712003 was granted in 2010 for the purpose of a staged multi-lot subdivision. Stages 1-3 (of 8 stages within the estate) are currently under construction with another two stages proposed to start construction this year (the approved subdivision layout is shown at *Attachment 2*).

Strategic planning for the area nominates the site within the Mernda Strategy Plan area and the Ashley Park Development Plan area.

The applicant has lodged an Application for Review at the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a decision within the prescribed timeframe. The appeal was formally lodged with VCAT on 3 February 2016, just after the expiration of the statutory 60 day period Council has in which to make a decision on an application. On 5 February 2016, VCAT issued an order requiring Council to attend a compulsory conference on 7 April 2016 and for the application to be heard by the Tribunal over a three day period (23-25 May 2016).

Given that an Application for Review has been lodged with VCAT, this report has been prepared so that Council may resolve a position on the application. This position will then be presented at the VCAT hearing. Pursuant to Section 84 of the *Planning and Environment Act, 1987*, Council can still decide on this matter, but cannot issue a Planning Permit, Notice of Decision or Notice of Refusal after an application has been made to VCAT for review of a failure to make a decision within the prescribed timeframe.

PROPOSAL

The applicant proposes to use and develop a Service Station and Convenience Restaurant, undertake a four lot subdivision, create carriageway easements, reduce car parking requirements, reduce loading bay requirements and vary Clause 52.12 (Service Station) of the Whittlesea Planning Scheme. Vehicular access is proposed via two new crossovers to Bridge Inn Road and one new crossover to Garden Road. The site will be subdivided into four lots (see *Attachment 3*). The built form of the service station and convenience restaurant is proposed to be painted concrete panels for the side and rear of the buildings and glass panels along the front façade of each building. Building heights are proposed to be 4.4m with the petrol pump canopy 6m high and the drive-through canopy 3.8m high (see *Attachment 4*). A 2m high acoustic fence is proposed along the western and southern property boundaries (the interface with future residential dwellings). The fence will be set behind a landscape buffer 2.9m-3m wide (see *Attachment 5*).

Operating hours for the convenience restaurant are proposed to be 6:00 am to 12 midnight, seven days a week and 24 hours a day, seven days a week for the service station.

Car parking is proposed on site with two disabled spaces in front of the service station, eight standard spaces in front of the service station and convenience restaurant and a further 12 spaces in the north-east corner of the site, approximately 40m from the building entrances.

PUBLIC NOTIFICATION

The site is covered by the Development Plan Overlay – Schedule 5 (DPO5) and the Incorporated Plan Overlay – Schedule 1 (IPO1) which both exempt planning permit applications from the notice requirements of Section 52(1)(a), (b) and (d) of the *Planning and Environment Act, 1987*, provided an application is generally in accordance with the associated incorporated plan or approved development plan. In this instance, the proposal is not generally in accordance with either plan. In accordance with the Whittlesea Planning Scheme, an application which is not generally in accordance with the incorporated plan or the approved development plan cannot be supported and therefore does not need to be advertised prior to a position being formed.

PLANNING ASSESSMENT

The application has been assessed against the following provisions of the Whittlesea Planning Scheme:

Clause 11.02-3 (Structure Planning)

This section of the State Planning Policy Framework has the objective “to facilitate the orderly development of urban areas” with strategies including:

- *Ensure effective planning and management of the land use and development of an area through the preparation of strategic plans, statutory plans, development and conservation plans, development contribution plans and other relevant plans.*
- *Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:*
 - *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*

The Mernda Strategy Plan and the Ashley Park Development Plan have been prepared and approved for the wider area, providing the planning context and development expectations for the site and surrounding area. Under these plans, the Mernda Town Centre is proposed approximately 3km to the west of the site, a Neighbourhood Activity Centre is proposed approximately 1.2km to the south, a local convenience centre is proposed approximately 1.2km to the west, and a local convenience centre is located approximately 500m to the east of the site. Under the Mernda Strategy Plan, the subject site is proposed for standard density housing with lot sizes between 450m² and 700 m², and under the Ashley Park Development Plan standard density lots are also proposed for the site. The Ashley Park Development Plan also specifies that a service road should run consistently along Bridge Inn Road to provide access management control and to ensure housing development can front Bridge Inn Road. The Ashley Park Development Plan states: “an attractive, consistent development interface is critical along Bridge Inn Road given its important role as a major transport corridor, which will act as a significant view corridor for the large volume of traffic utilising this route.”

It is considered that a service station and convenience restaurant are not consistent with the structure planning for the area.

Clause 21.09-1 (Housing – Capacity and Location)

This section of the Local Planning Policy Framework has the objective: “To plan for a diverse series of residential communities that have a unique identity and sense of place, cater to all segments of the housing market and respect and incorporate local environmental and cultural features”. Strategy 1.3 for meeting this objective is to: “Allow the establishment of a range of activities within residential areas only where the activities serve a local function, do not cause a detrimental impact on residential amenity and do not increase the potential for inappropriate encroachment of commercial activities into defined residential areas”.

As stated above, the site is nominated for residential development and residential development is currently being undertaken on surrounding land. Given the nominated areas for commercial development in proximity to the site, it is considered that this proposal is an inappropriate encroachment of commercial activities into this defined residential area.

Clause 32.08 (General Residential Zone)

The site is located within a General Residential 1 Zone (GRZ1) with the purposes of the zone being:

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

Under Clause 32.08-1, a permit is required to use the land as a Service Station and Convenience Restaurant. However, the site must adjoin a road in a Road Zone and be less than 3,000m² in area. Under Clause 32.08-2, a permit is required to subdivide land. Under Clause 32.08-6, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1 (Convenience Restaurant and Service Station are both Section 2, permit required, uses).

Under Clause 32.08-10 (Decision guidelines) the responsible authority must consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

While issues relating to State and Local Policy have already been discussed above, the purposes *to encourage development that respects the neighbourhood character of the area, and to encourage a limited range of non-residential uses to serve local community needs in appropriate locations* warrant further discussion.

The area is undergoing vast change as rural and semi-rural land is developed for predominantly residential purposes and while there is no Neighbourhood Character Overlay on or proximate to the site, the emerging neighbourhood character of the area is defined by detached single and double storey housing with uniform front setbacks (4m-5.5m). From a neighbourhood character perspective, a service station and drive-through convenience restaurant with 22 car parking spaces, vehicle queuing areas, 24 hour flood lights, a 6m high canopy, a 2m high acoustic fence and concrete and glass walls is not considered to fit into the surrounding predominantly residential character of the area.

With respect to the use *servicing local community needs*, the applicant forecasts that there will be 390 trips to/from the site during the PM peak, with a lesser amount during the AM peak. It is expected that 80% of all trips to/from the development will be pass-by trips (people travelling through Doreen) with the remaining 20% of trips from locals. Further, local needs are proposed to be met through the delivery of two local convenience centres and a Neighbourhood Activity Centre all proposed within 1.2km (and as close as 500m) of the site. The local convenience centre located approximately 500m to the east of the site already has a service station and a convenience restaurant. It is therefore not considered that this proposal will serve the needs of the local community, but rather it is targeted at the wider community.

Whether this is an appropriate location for a non-residential uses is discussed in further detail below (under headings Clause 43.03 and Clause 43.04). These sections detail how the subject site is not appropriate for a non-residential use and that there are three locations in proximity to this site where local convenience retail and commercial uses are encouraged. Allowing a commercial use in this location will likely set a precedent for 'ribbon like' retail development along Bridge Inn Road that is not supported by strategic plans and is an

outcome that Council is actively seeking to prevent. It has been a long-held planning principle to prevent commercial uses from extending along main roads in an ad hoc manner.

In terms of the other relevant decision guidelines:

- *Whether the use is compatible with residential use.* It is considered that the use is not compatible with the surrounding residential use due to the potential for noise emissions and light spill from such a development.
- *The scale and intensity of the use and development.* It is considered that the scale and intensity is not of particular concern.
- *The design, height, setback and appearance of the proposed buildings and works.* It is considered that the bulk, scale, materials and commercial nature of the proposed buildings will not be compatible with the existing and future residential setting.
- *The proposed landscaping.* Landscaping is proposed in an adequate quantum, however no landscape details (planting varieties etc.) have been provided by the applicant.
- *The provision of car and bicycle parking and associated accessways.* Car and bicycle parking is discussed later in this report, however the proposed parking is considered adequate.
- *Any proposed loading and refuse collection facilities.* Loading and refuse collection areas have been proposed and are considered adequate.
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.* While the safety effects of the traffic generated by the proposal are not of particular concern, the amenity effects of the traffic to be generated by the proposal is of particular concern. It is considered that the traffic to be generated by the proposal will have a detrimental impact on the surrounding sensitive residential area by virtue of excessive noise emissions and light spill. While the 2m high acoustic fence will provide a limited ameliorating effect, it is not considered that the effects of traffic associated with the proposed uses will be appropriate in this sensitive residential location.

Clause 42.02 (Vegetation Protection Overlay)

The site is covered by the Vegetation Protection Overlay – Schedule 1, however no protected vegetation is proposed to be removed as part of this application.

There is however a River Red Gum tree located on the eastern boundary of the site. Site access proposed from Garden Road will encroach on the Tree Protection Zone of this tree. An arboricultural report was not submitted with the application and so further assessment of the effects of the proposal on the tree is not possible.

Clause 43.03 (Incorporated Plan Overlay)

The site is covered by the Incorporated Plan Overlay – Schedule 1 (IPO1) which has the following purposes: “to identify areas which require:

- *The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.*
- *A planning scheme amendment before the incorporated plan can be changed.”*

and

- *“To exempt an application from notice and review if it is generally in accordance with an incorporated plan.”*

The Incorporated Plan referenced in Schedule 1 of this overlay is the Mernda Strategy Plan which was incorporated into the Whittlesea Planning Scheme in 2004 and updated in 2008.

Under Clause 43.03-1 “a permit granted must be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise”. The schedule does not specify otherwise.

It is accepted practice that the more detail specified in the referenced plan, the less flexibility there is in determining if a proposal is “generally in accordance” with that plan. Conversely, the more general the plan, the more flexibility there is in determining that an application is “generally in accordance” with that plan.

In relation to this application, the Mernda Strategy Plan nominates:

1. *Large areas of land including and around the subject site to be residential land with standard density lot sizes. While it is expected that the overwhelming majority of this land will be residential, it would not preclude some non-residential uses in these areas that are compatible with the General Residential Zone.*
2. *Two local convenience centres on Bridge Inn Road, one to the east, and one to the west of the subject site. Both to have nominated floor areas of approximately 250sqm.*
3. *A Neighbourhood/Precinct Activity Centre approximately 1.2km south from the subject site “comprising retail, business/commercial and community land use integrated with school sites and open space...”*
4. *Bridge Inn Road as a Primary Arterial Road and Garden Road as a Collector Road. Section 3.2.1 stipulates that Arterial and Collector Roads “have direct development frontage through the use of service lanes”.*

In relation to these 4 points above, it is considered that:

1. The Mernda Strategy Plan nominates the site for residential purposes and this proposal is for non-residential uses. Where non-residential uses could be considered, they must be in accordance with the objectives of the zone applying to the land (General Residential Zone in this instance). Given the above assessment of the proposal against the General Residential Zone concluded that this use is not appropriate, it follows that this proposal inconsistent with this section of the Mernda Strategy Plan.
2. The Mernda Strategy Plan gives clear and specific direction as to where local convenience shops should locate, and it is not on the subject site, but either 500m east or 1.2km west of the site. The proposal is therefore inconsistent with the direction on local convenience development within the Mernda Strategy Plan.
3. Providing retail (although limited) outside the nominated NAC and local convenience centres will undermine the hierarchy and function of the nominated centres, and so the proposal is inconsistent with the Mernda Strategy Plan.
4. The proposal does not provide for a service road along Bridge Inn Road, and instead creates a dead end of the service road that is currently under construction. The discontinuation of the service road is inconsistent with the Mernda Strategy Plan and the current approvals for the area and will not result in the orderly development of the area.

Given the above four inconsistencies, it is therefore contended that the proposal is not generally in accordance with the Mernda Strategy Plan.

Clause 43.04 (Development Plan Overlay)

The site is covered by the Development Plan Overlay – Schedule 5 (DPO5) which has the following purposes: “to identify areas which require:

- *The form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.”*

The development plan referenced in Schedule 5 of this overlay is the Ashley Park Development Plan which was adopted by Council in 2009. The Ashley Park Development Plan is considered to be a more detailed strategic plan of a portion of the Mernda Strategy Plan. The two documents must be consistent with one another, however more detail is given in the Ashley Park Development Plan, as was the purpose.

Under Clause 43.03-1 “a permit granted must be generally in accordance with the development plan”.

In relation to this application, the Ashley Park Development Plan nominates:

- 1. The subject site and surrounding area to be residential land with standard density lot sizes. While it is expected that the overwhelming majority of this land will be residential, it would not preclude some non-residential uses in these areas that are compatible with the General Residential Zone.*
- 2. A key local road that is a service road running parallel to Bridge Inn Road. It runs the whole length of Bridge Inn Road from the eastern to western edges of the Ashley Park Development Plan area, except through a section of public open space.*
- 3. A Neighbourhood Activity Centre approximately 1.2km south from the subject site “comprising retail, business/commercial and community land use integrated with school sites and open space...”.*

In relation to these three points above, it is considered that:

1. The Ashley Park Development Plan nominates the site for residential purposes and this proposal is for non-residential uses. Where non-residential uses could be considered, they must be in accordance with the objectives of the zone applying to the land (General Residential Zone in this instance). Given the above assessment of the proposal against the General Residential Zone concluded that this use is not appropriate, it follows that this proposal is inconsistent with this section of the Ashley Park Development Plan.
2. The proposal has not provided for the continuation of the key local road (service road) that is identified in the Ashley Park Development Plan. Further, this service road is shown to terminate at the proposed service station, creating a dead end on this key local road and limiting connectivity within the immediate area. The proposal also creates another dead end street in the road network approved for the area, further reducing permeability within the area. This is considered to be inconsistent with the Ashley Park Development Plan and would not result in the orderly development of the area.
3. Providing retail land uses outside the nominated NAC and local convenience centres will undermine the hierarchy and function of the nominated centres, and so the proposal is inconsistent with the Ashley Park Development Plan.

Given the above inconsistencies, it is therefore contended that the proposal is not generally in accordance with the Ashley Park Development Plan.

Clause 45.06 (Development Contributions Plan Overlay)

The site is covered by the Development Contributions Plan Overlay – Schedule 6 (DCPO6). This overlay provides for contributions to be paid for the provisions of local infrastructure, in accordance with an approved Development Contributions Plan. If any permit issues on this site it would need to include conditions requiring the payment of the amount specified in the relevant Development Contributions Plan.

Clause 52.01 (Public Open Space Contribution and Subdivision)

Clause 52.01 requires that should a permit be granted, 9.3% of the Gross Developable Area of the site would need to be contributed to public open space, or a cash equivalent provided to Council.

Clause 52.02 (Easements, Restrictions and Reserves)

Under Clause 52.02, a permit is required to create the carriageway easements proposed in this application.

Clause 52.06 (Car Parking)

Under Clause 52.06, a Convenience Restaurant accommodating 76 seats/patrons will generate a demand for 23 (22.8) car spaces (0.3 car spaces to each patron permitted). Although Clause 52.06 is silent on the car parking rate for Service Stations, eight pumps will be provided each capable of accommodating one vehicle. The proposal will provide a total of 22 car spaces on site. The applicant’s consultant concludes that the provision of 22 car spaces on site will adequately meet the projected parking demands of the proposed development. Council’s Engineering and Transportation Department agrees with the conclusion of the applicant’s consultant.

Clause 52.07 (Loading and Unloading of Vehicles)

Under Clause 52.07 a building constructed for the sale of goods must provide space for loading and unloading vehicles, with the minimum dimensions for this loading bay to be 7.6m in length, 3.6m in width and 4m of height clearance. A permit may be granted to reduce or waive these requirements. While only one loading bay of these dimensions is proposed for the two buildings, the submitted Traffic Impact Report and advice from Council’s Engineering and Transportation Department concludes that the provision of one loading bay is adequate.

Clause 52.12 (Service Station)

Clause 52.12 has the following purposes:

- *To ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone.*
- *To ensure that use of land for a service station does not impair traffic flow or road safety.*

Various requirements are made within Clause 52.12 to ensure these objectives are achieved, however a permit may be granted to waive or vary these requirements. The requirements of Clause 52.12 that are not met by this proposal are summarised in the table below.

| Requirement | Applicant’s Assessment | Officer’s Assessment |
|--|---|--|
| Vehicle crossovers servicing the site must be no more than 7.7m wide. | Crossovers from Bridge Inn Road are 7.98m wide and have been designed to accommodate an articulated petrol tanker. | Council’s Engineering and Transportation Department do not support crossovers wider than 7.7m. |
| The amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way. | The service station will be required to meet the various State Environment Protection Policy (SEPP) requirements for the use to ensure that it will not affect the amenity of the locality. | While the provisions of the relevant SEPP may be applied, given the 24 hour operating hours of the service station, it is likely that the amenity of the local residential area will be adversely affected. Further, SEPPs do not afford the same level of amenity protection as the Whittlesea Planning Scheme and so meeting the requirements of the SEPP is not equivalent to meeting the requirements of the Whittlesea Planning Scheme. |

| Requirement | Applicant's Assessment | Officer's Assessment |
|--|---|--|
| A landscape buffer strip at least 3 metres wide along the common boundary must be planted and maintained to the satisfaction of the responsible authority. | A minimum landscape buffer of 3 metres is provided to the southern boundary and 2.89m metres is provided to the western boundary. While the buffer to the western boundary is slightly less than the 3 metres specified, it provides a generous landscape buffer capable of accommodating meaningful landscaping to screen views of the proposed development. | The site is large (nearly 6,000sqm) and the traffic lane for the drive-through convenience restaurant is located on the western side of the building, adjacent to the landscape buffer and close to future residents. The requirement is for at least 3 metres of landscape buffer and in this instance a greater buffer is deemed to be appropriate. Reducing the buffer below 3 metres is not considered to be appropriate. |

Given the above, it is considered that the application does not meet some of the requirements of Clause 52.12 and there is insufficient justification to vary these requirements in this instance.

Clause 52.20 (Convenience Restaurant and Take-Away Food Premises)

Clause 52.20 applies to applications in residential zones and gives further decision guidelines above and beyond the decision guidelines in the zone and at Clause 65. It is intended to provide for further consideration of interface issues in having a non-residential use in a residential area. It is only applicable to the convenience restaurant component of the development, and not the service station.

The further decision guidelines of note in relation to this application are summarised in the table below.

| Decision Guideline | Applicant's Response | Officer's Response |
|---|---|--|
| Whether the location is appropriate for a convenience restaurant or take away food premises having regard to: | | |
| Amenity of neighbourhood | The proposed development will not create unreasonable amenity impacts on the surrounding neighbourhood. | While there will be a 2m high acoustic fence on the interface with residential land to the south and west, the 6:00am-12midnight operating hours of the restaurant will cause some detrimental effects on the neighbourhood amenity through vehicle noise, vehicle headlights, patron noise and drive-through ordering external to the restaurant. |

| Decision Guideline | Applicant's Response | Officer's Response |
|---|---|--|
| Proximity of the land to non-residential uses and zones | The subject site is located within a developing residential area. All surrounding land is located with the General Residential 1 Zone. | There are no non-residential zones nearby as the whole surrounding area is zoned General Residential 1 Zone. The closest commercial use is located on the south-west corner of Yan Yean Road and Bridge Inn Road, 500m to the east. This land is currently proposed to be rezoned from GRZ1 to Mixed Use Zone to allow for further commercial development at this location. In this regard, it is considered that this location is not suited to a convenience restaurant. |
| Access to the land in a Road Zone | The site is located on the south-west corner of Bridge Inn Road (RDZ2) and Garden Road, which will be a future collector road. | While the site currently has access to Bridge Inn Road, the Ashley Park Development Plan requires that a service road be provided along Bridge Inn Road (for the full length of the property frontage), and that there be no direct access to Bridge Inn Road from the site. |
| The suitability of the land for residential use | The site is nominated for standard density residential development in the APDP and could be developed for residential purposes if desired. | The site is suitable for residential development and a planning permit has already been issued for residential development of the subject site. The planning permit has an approved road layout and subdivision concept that is in accordance with the Ashley Park Development Plan. This proposal for a Service Station and Convenience Restaurant does not integrate with the current residential approvals for the site. |
| Roof form and pitch | The proposed flat roof form proposed is appropriate given the contemporary design of the building (and the lack of any existing character given the developing nature of the surrounding area). | The flat roof proposed will be markedly different to the emerging character of the area that is (and will be) dominated by pitched roof residential housing. |

| Decision Guideline | Applicant's Response | Officer's Response |
|--|---|--|
| Building features including verandahs, towers, eaves, parapets and decorative elements | The building design is deliberately simple and does not contain any significant building features, with varied materials and finishes creating visual interest. | The proposed painted concrete and glass building of simple design is not considered to be visually interesting or sympathetic to its residential setting. While typical of other convenience restaurants, the design will be a stark difference to the surrounding traditional residential development that is typical within the growth areas, being detached single or double storey houses. |
| Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, advertising signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour. | The proposed development has been designed to ensure it minimises amenity impacts on abutting residential properties. This has been achieved through use of 2 metre high acoustic fences to both the west and south boundaries, to ensure no unreasonable noise impacts to future abutting dwellings. As stated above, standard permit conditions can be imposed to ensure appropriate parameters in this regard. | While the acoustic fence, baffled lighting and landscape buffer to the south and west will mitigate a limited amount of the amenity issues to surrounding residential areas, it is considered that the design does not fully address these issues. The drive through lane abuts the landscape buffer on the south and west (residential interface sides), despite the site being large and the north-eastern portion of the site (road interfaces) being largely vacant. While the external light will be baffled the combination of internal and external light and headlights from customer vehicles from the subject site has a high potential to cause loss of amenity, until midnight, seven days a week. |

Given these additional decision guidelines, specific for convenience restaurants in residential zones, it is considered that the proposal will have significant adverse amenity impacts on the surrounding area.

Clause 52.34 (Bicycle Facilities)

Under Clause 52.34, five bicycle parking spaces are required to be provided on site and 16 spaces are proposed to be provided. This requirement is therefore met.

Clause 65 (Decision Guidelines)

Clause 65 states that “because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”.

Under Clause 65.01 (approval of an application or plan), the following decision guidelines are considered relevant:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

All of these matters have been previously addressed in this report and it is considered that there are numerous instances where this proposal is either not consistent with or contrary to the relevant provisions of the Whittlesea Planning Scheme.

Under Clause 65.02 (approval of an application to subdivide land), the following decision guidelines are considered relevant, noting that no other part of the Whittlesea Planning Scheme makes reference to subdivision of residentially zoned land for non-residential purposes:

| Decision guideline | Officer's Comment |
|---|---|
| The suitability of the land for subdivision | The land is suitable for subdivision as it is a large parcel that already has planning approval for residential subdivision. The site is vacant and is planned for residential development. |
| The existing use and possible future development of the land and nearby land | The surrounding land is being (or will be) developed for residential purposes with road connections planned through the subject site. The subdivision pattern proposed does not align with these current approvals. |
| The subdivision pattern having regard to the physical characteristics of the land including existing vegetation | The proposed subdivision has been designed to allow the service station to be considered on the subject site. Should the site be taken as a whole, prior to subdivision, it covers an area of 5,988m ² , however under Clause 32.08 (General Residential 1 Zone) a service station is prohibited on a site greater than 3,000sqm. The proposal entails the excision of the service station from the convenience restaurant, even though the two buildings share a common wall. It appears that the subdivision is to satisfy the requirements of Clause 32.08, rather than creating lots consistent with the current approved subdivision pattern of the surrounding land. |
| The area and dimensions of each lot in the subdivision | The area and dimensions of the subdivision are awkward due to separating the Service Station from the Convenience Restaurant. The resultant lot for the Convenience Restaurant will be long and narrow and will be encumbered by a carriageway easement over more than half of the lot. It is considered that the area and dimensions of the lots are a response to satisfying Clause 32.08 of the Whittlesea Planning Scheme (General Residential Zone provisions), rather than based on meeting the objectives of the zone, the Mernda Strategy Plan and the Ashley Park Development Plan. |

While the proposal to create four lots in this location is not without merit (with one of the lots providing for the future road widening of Bridge Inn Road) it is considered that the subdivision does not meet the primary objectives of the zone and is not generally in accordance with either the Mernda Strategy Plan or the Ashley Park Development Plan.

CONSULTATION

The application was referred internally and the proposal was not supported due to the inconsistencies with the Mernda Strategy Plan and the Ashley Park Development Plan.

The following referral authorities were also notified of the application and their responses are summarised below:

| | Summary of Advice/Assessment |
|---------------------------|---|
| Melbourne Water | No objection subject to conditions. |
| Yarra Valley Water | Consents to the granting of the permit subject to conditions. |
| VicRoads | No objection, but advises that the fuel pump locations should be redesigned to avoid vehicle queuing issues once Bridge Inn Road is duplicated. |
| AusNet Services | No objection to the issuing of a planning permit. |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Based on the above assessment, it is considered that the application does not comply with the Whittlesea Planning Scheme, the Mernda Strategy Plan and the Ashley Park Development Plan for a number of reasons. Firstly, the land is nominated for residential development in both the Mernda Strategy Plan and Ashley Park Development Plan and is zoned General Residential. The proposal is for a non-residential use that is not in accordance with the objectives of the General Residential Zone for this part of Doreen and will negatively impact on the residential amenity of the area. The proposal also does not respond to the road layout required by the Ashley Park Development Plan and already approved for the area. Instead, the application proposes to terminate a key local service road and another local road with a dead end, reducing permeability within the area and creating a poor urban design outcome. The application also proposes to vary the requirements of Clause 52.12 (Service Station) of the Whittlesea Planning Scheme that are designed to protect the amenity of sensitive land uses. It is contended that the variations sought by the applicant are not appropriate in this predominantly residential area.

Accordingly, it is recommended that the application be refused.

RECOMMENDATIONS

That Council resolve to appear at the Victorian Civil and Administrative Tribunal (VCAT) on the basis that Council would have refused Application for Planning Permit No. 715699 had the Applicant for Review not been lodged on the following grounds:

1. The proposal is contrary to the Mernda Strategy Plan and Ashley Park Development Plan due to the non-residential nature of the proposal, the provision of convenience retail outside the areas designated for retail, and the lack of provision of key local roads.
2. The proposed use and development is contrary to the orderly and proper planning of the area.
3. The proposal will result in material detriment to the surrounding sensitive residential area by virtue of traffic and customer noise and vehicular and operational light spill.
4. The proposal does not satisfy the following clauses of the Whittlesea Planning Scheme:
 - a) Clause 11.02-3 (Structure Planning)
 - b) Clause 21.09 (Housing – Capacity and Location)
 - c) Clause 32.08 (General Residential Zone)
 - d) Clause 43.03 (Incorporated Plan Overlay)
 - e) Clause 43.04 (Development Plan Overlay)
 - f) Clause 52.12 (Service Station)
 - g) Clause 52.20 (Convenience Restaurant)
 - h) Clause 65 (Decision Guidelines)
5. Advise the Victorian Civil and Administrative Tribunal and the applicant of Council's decision.

COUNCIL RESOLUTION

MOVED: Cr Sinclair
SECONDED: Cr Kelly

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.1.3 AMENDMENT C123- 50 AND 60 HUNTERS ROAD, MERNDA**File No:** 159193**Attachments:**
1 Subject Site
2 Zoning
3 Development Plan Overlay
4 Proposed Mernda Strategy Plan Amendment
5 Future Land Use and Connectivity**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Strategic Planner**REPORT****EXECUTIVE SUMMARY**

The landowners of 50 and 60 Hunters Road, Mernda, have requested that Council amend the Mernda Strategy Plan in order to remove the current conservation open space designation from the subject land.

It is noted that the proposed Planning Scheme Amendment does not seek to alter the underlying zones on the subject sites. The Amendment seeks to amend the incorporated Mernda Strategy Plan, to alter the designation of the land-use on the subject sites, from Conservation Open Space to residential, in order to allow the landowners to develop their sites for residential purposes.

The Amendment is generally supported on the basis that the land is surplus to Council's open space needs. It recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment.

INTRODUCTION

The purpose of this report is to discuss a proposed planning scheme amendment for the land located at 50 and 60 Hunters Road, Mernda. The amendment proposes to amend the Mernda Strategy Plan to nominate the future land-use of the subject properties as residential, rather than the current designation of Open Space.

The subject sites maintain direct abutments to the north, east and west with the Woodland Waters Conservation Area and are bounded by the unconstructed Hunters Road. Land to the south of the subject sites is currently vacant, but will be developed for residential purposes in the next 5 to 10 years in accordance with the Development Plan Overlay Schedule 27. A development plan for these sites is currently being prepared by the landowners.

The sites are currently accessed via Hunters Road, which is rural grade gravel road. It is noted that the road is proposed to be discontinued in the future. Given the nature of the road and the sites abutting it, access to the subject sites will likely be via the development to the south of the site.

The subject land has been identified by Council's Parks and Open Space department, as being surplus to Council's open space requirements.

BACKGROUND

The amendment applies to the land at 50 and 60 Hunters Road, Mernda (Attachment 1- Subject Site). The subject properties were rezoned to a Residential 1 Zone (now General Residential Zone) (Attachment 2- Zoning Plan), with a Development Contributions Plan-

Schedule 8, Development Plan Overlay- Schedule 5, Incorporated Plan Overlay- Schedule 1 and the Vegetation Protection Overlay Schedule, in 2004 at the time of the Mernda Strategy Plan being adopted and implemented into the Planning Scheme. These zoning and overlay controls are consistent with those applied to all land within the Mernda Strategy Plan (*Attachment 3 shows the existing Development Plan Overlay*).

Combined, the sites are a total of approximately 8000 square metres. Each site currently contains a single dwelling and both are mostly cleared of trees. As shown on Attachment 1, the sites are flanked to the north, east and west by the Woodland Waters Conservation area, making them fragmented and disconnected to residential development to the north and west.

The sites are located within Precinct 4 of the Mernda Strategy Plan, and are nominated as Conservation Open Space, forming part of the Woodland Waters Conservation area.

The sites have been, or for as long as records indicate, been cleared in order to accommodate residential development, they contain no known conservation values.

In late 2013, the landowner of 60 Hunters Road, Mernda, contacted Council officers to seek clarification on the land-use designation of the land, and were subsequently advised that the land was designated as Conservation Open Space, forming part of the ultimate Woodland Waters Conservation area to facilitate the inclusion of this land into the surrounding Conservation Open Space, Council would be required to purchase the land.

From a process perspective, Council, through the Development Contributions Plan would be required to purchase the land, noting that the subject landholdings apparently are totally located within the Conservation Open Space designation.

It is noted that the earlier iterations of the plan were different to those that were adopted as the final Mernda Strategy Plan. The exhibited versions identified that the sites at 50 and 60 Hunters Road, Mernda, would be included as part of a broader low density residential precinct.

This position changed through the Planning Panel process undertaken for the Mernda Strategy Plan, with the land subsequently designated as Open Space as part of a broader Conservation Area known as the Woodlands Waters Conservation Area as part of the ultimate approval of the Mernda Strategy Plan.

On 16 August 2015, 10 Consulting Group, on behalf of the landholder of 60 Hunters Road, Mernda requested that Council prepare a Planning Scheme Amendment to the Mernda Strategy Plan, in order to change the land use designation on the site from Conservation Open Space to Residential. It was noted in this request that the existing Zone and Overlay controls on the site were considered to be appropriate, and no change was proposed.

Verbal support for the amendment has been received from the landowner of 50 Hunters Road, Mernda. The landowner will be given the opportunity to comment formally on the amendment through the exhibition process.

PROPOSAL

The landowner of 60 Hunters Road, Mernda, has requested that Council amend the Mernda Strategy Plan in order to change the land use designation of 50 and 60 Hunters Road, Mernda, from Conservation Open Space to Residential as the land does not contain significant vegetation values and does not warrant inclusion as open space within the Conservation Reserve.

It is important to note that the existing zones and overlays on the site, General Residential Zone (GRZ), Development Contributions Plan- Schedule 8 (DPO8), Development Plan Overlay- Schedule 5 (DPO5), Development Contribution Plan- Schedule 8 (DCPO8), Incorporated Plan Overlay- Schedule 1 (IPO1) and the Vegetation Protection Overlay Schedule (VPO), are not proposed to be amended on the basis that they are considered to be appropriate and consistent with the balance of the Mernda Strategy Plan.

DISCUSSION

The subject land is currently shown with a Conservation Open Space land use designation within the Mernda Strategy Plan as part of the northern abutting Conservation area known as the Woodland Waters Conservation area (Attachment 4).

At the time of finalising the Mernda Strategy Plan, there was no ability for the sites at 50 and 60 Hunters Road to be integrated into surrounding residential development as they were 'hemmed' along their northern, eastern, and western boundaries by an area containing high conservation value. Because of this constraint they were included under the land use designation of Conservation Open Space as part of the approval of the Mernda Strategy Plan, with the land to ultimately be acquired and absorbed into the abutting Conservation area by Council via the Development Contributions Plan, once it was required and the funds were available.

As noted previously, the two properties are developed with a single house on each property and to all intents and purposes are large residential allotments, devoid of any environmental significance.

Following discussions with the landowner of 60 Hunters Road, Mernda, clarification was sought as to whether or not the land was required by Parks and Open Space for Open Space purposes, or inclusion into the abutting Conservation area. It was noted by Parks and Open Space that the land did not contain any significant conservation values, and was surplus to Council open space needs.

Noting this, it was considered to be unlikely that Council would be in a position to acquire the properties in the medium to long term, as there was neither a conservation value, or a need for the land to be acquired for more general open space needs. In short, there would be little financial value in Council purchasing these properties and that constrained funding would be better allocated elsewhere.

This is a unique circumstance, in that this land is entirely included within a conservation open space designation, and as such there is no development opportunity to effect the open space reimbursement that Council would have to pay for the sites. In short, Council will be required to purchase 100% of the sites, with no potential for an offsetting of costs via development contributions.

When considering propositions for this land, including its potential development, it is important to understand that the broader planning of the area has progressed substantially and the properties are no longer so far removed from opportunities to be integrated into other future residential communities.

It is pertinent to note that Hunters Road is proposed to be partially discontinued in the medium term, while the eastern most extent of the road has been terminated at Plenty Road already. It is noted that it is intended that Hunters Road will form part of a green link or shared pathway once it has been discontinued in full.

While considering the potential development of 50 and 60 Hunters Road, Mernda it is considered that such an outcome will not impact on the ultimate closure/downgrading of the road. From a practical perspective in order for any future development to occur on either of the sites, access will need to be provided via the development to the south of the site at 25 Hunters Road, Mernda. It is expected that this would be resolved through the finalisation of Development Plans for each of the sites. *Attachment 5* illustrates the likely landuse/connectivity outcome to be implemented through the development plan process. Likewise, relevant servicing infrastructure will also need to be provided from the south, as no servicing infrastructure will be able to be provided from the north of the sites. Irrespective of

the implementation of this amendment, the integration and timing of any development will be necessarily linked to development of the land to the south of the subject properties.

While there were previously no opportunities for the properties to be easily integrated into surrounding development, land which is located directly to the south (known as 25 Hunters Road, Mernda) was included within the Urban Growth Boundary as part of the VC68 Planning Scheme Amendment. For Whittlesea, this amendment shifted the Urban Growth Boundary in order to facilitate the assemblage of the Quarry Hills Regional Parkland, and was subsequently rezoned for residential purposes in 2013. The land is zoned GRZ, with a Development Plan Overlays (DPO27 and DPO5).

A Development Plan is currently being prepared for this property, in line with both DPO27 and DPO5 (which covers the eastern portion of the site), along with 80 McArthurs Road which is slightly further south of the subject site. This will ultimately need to ensure that opportunities are maintained to provide appropriate linkages to the subject sites and that this integration will include vehicular access, and the ability for requisite servicing infrastructure to be extended from the property to the south.

As the Development Plan to the south of the subject sites will be required to respond to both DPO5 and DPO27, it is considered that the zones and overlays which currently apply to 50 and 60 Hunters Road, Mernda are still appropriate.

Having regard to the Development Contribution Plan- Schedule 8 which applies to the sites, given the scale and quantum of the subject properties, it is not considered practical or appropriate to amend the DCP in this instance. However, in order to ensure DCPs are paid at the time of developing these sites, a Section 173 Agreement will be required to be prepared.

It is proposed that the process from here is to exhibit the amendment to provide affected landowners with the opportunity to comment on the proposal. In order for this to occur, we require formal authorisation from the Minister for Planning.

Noting the above, it is considered appropriate that Council support the landowners request to amend the Mernda Strategy Plan to change the land use designation from Conservation Open Space to Residential, and seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Places and spaces to connect people |
| Theme | Planning our space |
| Strategic Objective | Our urban design helps build connection to place and the community |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Amending the Mernda Strategy Plan to change the land use designation of the sites at 50 and 60 Hunters Road, Mernda from Conservation Open Space to Residential will provide a practical outcome for the landowners of these properties for land considered to be surplus to Council needs and are no longer required for Conservation Open Space.

The properties will be able to be integrated into the property to the south, and will be able to be considered under their current zones and overlays in order to ensure a consistent approach to residential development within this area.

It is therefore recommended that Authorisation be sought from the Minister for Planning for the preparation and exhibition of this proposed planning scheme amendment.

RECOMMENDATION

THAT Council resolve to:

1. Seek authorisation of the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme to amend the Mernda Strategy Plan to change the land use designation for 50 and 60 Hunters Road, Mernda from Conservation Open Space to Residential;
2. Prepare and exhibit the planning scheme amendment if Authorisation set out in 1 above is provided.
3. Notify the amendment proponent of 1 and 2 above.

COUNCIL RESOLUTION

MOVED: *Cr Kirkham*
SECONDED: *Cr Stow*

THAT Council resolve to defer this item for further consideration to a subsequent Council Meeting and that the item be scheduled for discussion at a Forum Meeting prior to this.

CARRIED

6.1.4 46 COOKES ROAD, DOREEN - AMENDMENT TO PLANNING PERMIT NO. 714335 TO ALLOW THE REMOVAL OF FOUR ADDITIONAL RIVER RED GUM TREES

| | |
|-----------------------------|--|
| File No: | 714335 |
| Attachments: | 1 Locality Map 2 Approved Tree Removal Plan 3 Proposed Tree Removal Plan 4 Photos of Trees |
| Responsible Officer: | Director Planning & Major Projects |
| Author: | Planning Officer |
| APPLICANT: | Fratello Consulting Pty. Ltd. |
| COUNCIL POLICY: | River Red Gum Protection Policy |
| ZONING: | General Residential Farming |
| OVERLAY: | Development Contributions Plan (Schedule 5) Development Plan (Schedule 5) Incorporated Plan (Schedule 1) Vegetation Protection (Schedule 1) |
| REFERRAL: | Nil |
| OBJECTIONS: | Nil |
| RECOMMENDATION: | That Council resolve to amend Planning Permit No. 714335 to allow the removal of four additional River Red Gum Trees. |

REPORT**EXECUTIVE SUMMARY**

Planning Application No. 714335 was considered by Council at its meeting of 8 October 2013. At this meeting, Council resolved to support the removal of native vegetation from the subject site, including two River Red Gum trees (*Eucalyptus camaldulensis*), a habitat zone and a Black Wattle tree (*Acacia mearnsii*). An associated planning permit (713483) was issued under delegation on 12 November 2013 which allowed for the residential subdivision of the site into 49 lots and the construction of Cookes Road along the property boundary. Through the detailed engineering design of the subdivision, and due to requirements of Melbourne Water to fill lots to a depth of 0.8m, four additional River Red Gum trees have been assessed as being impacted by necessary construction activity and unable to survive beyond the construction of the subdivision and accordingly, need to be removed. Council's Parks and Open Space Department support the removal of these trees and it is recommended that the amendment to Planning Permit No. 714335 be approved to allow the removal of four additional River Red Gum trees from the land.

SITE AND SURROUNDING AREA

The subject site is generally rectangular in shape and covers of an area of 3.913 hectares. The site has a frontage to Cookes Road of 387.54m on its northern boundary. Cookes Road also extends around the western boundary of the site for a length of 104.48m. The lot has frontage to Bassetts Road on its eastern boundary for a length of 95.82m. The southern boundary of the site measures 429.19m in length (see *Attachment 1*).

The site and the surrounding area are primarily located in the General Residential Zone. However, a portion of the western side of the site is located within a Farming Zone. The land has remained in the Farming Zone to create a buffer zone between the subject site and the mushroom farm located to the north-west.

The locality is currently undergoing change from rural living and agricultural uses to a more urban character. Surrounding developments include the Panorama Estate located approximately 90m to the south of the site and the Bella Vista Estate to the north of Cookes Road which have both been developed for residential purposes. A planning permit has also been issued for residential subdivision at 25 Bassetts Road, which abuts the site to the south.

The site, along with many of the surrounding land parcels in the area, is vacant. A flora and fauna assessment was undertaken of the site which identified two small areas of 'intact' Plains Grassy Woodland. The site also contains nineteen River Red Gums (*Eucalyptus camaldulensis*) two of which have already been given planning permission to be removed.

Other vegetation on site comprises of several scattered non-indigenous trees (Sugar Gums), a single Black Wattle (*Acacia mearnsii*) and a number of non-indigenous trees and shrubs (Peppercorn Trees and Boxthorn).

RESTRICTIONS AND EASEMENTS

The site is legally described as Crown Allotment 1A Section 4 Parish of Yan Yean Volume 10043Folio 121. There are no restrictions on Title that preclude Council from determining this application.

BACKGROUND

The subject site is located within the Bassetts Road Development Plan area and the Mernda Strategy Plan area. According to the Bassetts Road Development Plan, the site is identified for residential development and a local convenience centre. A permit for development or use may be granted if it is consistent with the Bassetts Road Development Plan and if it will not prejudice the future use or development of the land for the purpose of the zone as intended by the Mernda Strategy Plan.

Planning Permit Nos. 714335 and 713483 were assessed concurrently and were subsequently granted to facilitate the residential subdivision of the site. Planning Permit No. 713483 was issued for the residential subdivision of the land into 49 lots. Planning Permit No. 714335 was issued for the removal of native vegetation and the current Approved Tree Removal Plan (see *Attachment 2*) shows the vegetation already approved for removal through this permit. This application for an amendment to Planning Permit No. 714335 has resulted from the functional design process of the subdivision which has identified that a further four River Red Gums need to be removed to facilitate the development.

PROPOSAL

The applicant proposes the removal of two additional River Red Gum trees (*Eucalyptus camaldulensis*) from the site, Trees 1 and 21. However, following a site inspection and assessment of the proposal by Council's Parks and Open Space Department, it has been recommended that a further two River Red Gum trees be removed (Trees 2 and 4), resulting in a total of four additional trees to be removed from the site (see *Attachment 3* and *Attachment 4*).

A flora and fauna assessment of the subject trees has identified that one of the trees is a medium tree in good condition (Tree 21) and one is a small tree in good condition (Tree 1), however due to Melbourne Water's requirement that structural fill be placed on lots to avoid flooding and the current road alignment, these trees are deemed likely to fail and ultimately pose a liability to Council in the future. The other two trees recommended for removal by Council's Parks and Open Space Department are small with poor form and are likely to fail in the short term (Trees 2 and 4).

| Tree Identification | Species | Common Name | Diameter of Trunk over bark at Breast Height (cm) | Retention Value |
|---------------------|--------------------------|---------------|---|-----------------|
| 1 | Eucalyptus camaldulensis | River Red Gum | 42 | Medium |
| 2 | Eucalyptus camaldulensis | River Red Gum | 52 | Low |
| 4 | Eucalyptus camaldulensis | River Red Gum | 78 | Low |
| 21 | Eucalyptus camaldulensis | River Red Gum | 74 | High |

PLANNING CONTEXT

State Planning Policy Framework

Clause 12.01-1 Protection of biodiversity

Clause 12.01 of the Whittlesea Planning Scheme relates to biodiversity and the protection of Victoria's natural habitat. The objective of this clause is to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 12.01-2 Native Vegetation Management

This clause seeks to achieve a net gain in the extent and quality of native vegetation. The strategy to achieve this is to apply the risk-based approach to managing native vegetation as set out in Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013).

LOCAL PLANNING POLICY FRAMEWORK

Clause 22.10 River Red Gum Protection Policy

Clause 22.10 of the Whittlesea Planning Scheme relates to Council's River Red Gum Protection Policy. This policy applies to the protection of River Red Gums located in urban and rural areas. The objective of this policy is "to ensure that the development of urban and rural areas takes into account the presence, retention, enhancement and long term viability of Red Gums in urban areas." The policy states that:

- *The intrinsic value of River Red Gums be recognised in establishing character and identity in urban and rural areas.*
- *Urban development be designed to take into account the presence, retention and long term viability of River Red Gums.*
- *Generally only those trees independently assessed as presenting a danger to people and property should be removed.*

- *Where feasible, areas of significant River Red Gum regeneration be protected in any development proposal.*
- *The awareness of developers and land owners to the significance, value and potential benefits of the trees be increased.*

ZONE AND OVERLAY DECISION GUIDELINES

The majority of the subject site is located within the General Residential Zone and a small section within the western portion of the site is zoned Farming. The land is also affected by the Vegetation Protection Overlay (Schedule 1), Incorporated Plan Overlay (Schedule 1), Development Contributions Overlay (Schedule 5) and Development Plan Overlay (Schedule 5).

Pursuant to Clause 32.08 of the Whittlesea Planning Scheme, a planning permit is not required to remove native vegetation from land within a General Residential Zone.

Of particular relevance to this application is the Vegetation Protection Overlay. Clause 42.02 of the Whittlesea Planning Scheme requires a planning permit for the removal, destruction and lopping of native vegetation on land affected by the overlay. Schedule 1 to this overlay relates to the River Red Gum Grassy Woodland region within the Mernda, Doreen and South Morang area, where the subject site is located. This schedule has the following objectives:

- *To preserve and maintain significant vegetation and the character of the area;*
- *Maintain soil qualities and minimise the impacts of erosion; and*
- *Preserve natural habitat for flora and fauna.*

Particular Provisions

Clause 52.17 – Native Vegetation

Pursuant to Clause 52.17 of the Whittlesea Planning Scheme, planning approval is required to remove, destroy or lop native vegetation, including dead vegetation, on land that together with all contiguous land in one ownership, has an area greater than 0.4 hectares. This does not apply:

- *If the table to Clause 52.17-6 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.*
- *To an area specified in the schedule to this clause.*

The permit exemptions in Clause 52.17-6 do not apply to this proposal.

REFERRALS

The applicant initially proposed to remove two River Red Gums from the site. This application was referred internally to Council's Parks and Open Space Department and Sustainability Planning Unit. The two River Red Gums nominated for removal by the applicant received support from Council's Parks and Open Space Department because they are unlikely to survive beyond the construction of the subdivision (particularly given Melbourne Water's requirement for structural fill to be placed on the land to mitigate against flooding). During its site inspection, Council's Parks and Open Space Department also recommended that two additional River Red Gums (both small trees displaying poor form and which are likely to fail in the short term) be removed. This has resulted in the need to remove a total of four trees from the site.

Both the Parks and Open Space Department and Sustainability Planning Unit support the removal of the four River Red Gums given that they are not likely to survive in the short term and will ultimately become a liability for Council in the future. While it was the original intent to keep these trees in a road reserve, the requirements of Melbourne Water to fill the lots

adjacent to these trees, and the poor form/health of two of the trees, will mean the trees are expected to decline and die.

Council's Sustainability Planning Unit support the removal of these trees provided the appropriate offsets are secured through planning permit conditions. In this regard it was recommended that Condition No. 3 of the existing planning permit be updated to reflect the State Government's current vegetation offset management practices as the planning permit is now out-dated. Condition No. 3 currently states:

"Prior to the removal of the trees, the permit holder must prepare and implement a native vegetation offset management plan to achieve a net gain associated with the removal of native vegetation approved under this permit to the satisfaction of the Responsible Authority. The offsets must be provided in accordance with the provisions of the Victorian Native Vegetation Management Framework and the Port Phillip and Westernport regional Native Vegetation Plan."

It is recommended that this condition be amended to state:

"In order to offset the removal of native vegetation (habitat hectares and scattered trees) approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity assessment guidelines and the Native Vegetation Gain Scoring Manual.

The offset must also contribute a gain of the required general biodiversity equivalence units, be located within the boundary of the Whittlesea municipality or the Port Phillip and Westernport Catchment Management Authority area, and have a strategic score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority."

It has also been recommended by Council's Sustainability Planning Unit that Condition No. 4 of the existing planning permit be deleted. Condition No. 4 currently states:

"With the agreement of the Responsible Authority, a monetary contribution made payable to the Responsible Authority for it to secure the requisite land and to establish and maintain the required native vegetation offset may be accepted in lieu of the preparation and implementation of the offset management plan by the permit holder."

Under newly updated offset management guidelines, Council can no longer take cash payments to secure offsets on behalf of permit holders. Permit holders are required to demonstrate they have secured the offsets themselves. It is therefore recommended that Condition No. 4 of the planning permit be deleted.

PLANNING COMMENTS

Council acknowledges the importance of native vegetation, and in particular River Red Gum trees, as a visual and environmental feature within the municipality. In this instance, the request to remove one medium and three small River Red Gum trees is considered reasonable given that Melbourne Water requires the placement of structural fill on lots adjacent to the trees (which will ultimately have a negative impact on the structural integrity of the trees) as well as the poor form/health of two of the trees. It should be noted that after undertaking a site inspection Council's Parks and Open Space Department supports the applicants request to remove two trees and recommends the removal of a further two trees.

The future development of the land will accord with the Mernda Strategy Plan and the Bassetts Road Development Plan by providing a residential subdivision with appropriate densities and road connections. The removal of four additional relatively small River Red Gum trees is a consequence of this development and is considered to provide a balanced outcome through protecting the majority of vegetation on the site whilst facilitating development that accords with the relevant policies of the Whittlesea Planning Scheme.

An Arboriculture Report has been prepared by Stem Arboriculture Pty Ltd which details an assessment of all trees to be removed.

Given the scale of the development and remaining biodiversity values on-site, it is unlikely that offsetting can be achieved on-site. Permit conditions will require that offsets be undertaken in line with the State Government's Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013). While some of the site is currently in the Farming Zone that does contain native vegetation, the Bassetts Road Development Plan nominates the entire site for residential development and so offsets on site are not appropriate in this instance.

It is considered that the relevant policy objectives relating to Clauses 22.10 (River Red Gum Protection Policy), 42.02 (Vegetation Protection Policy Overlay Schedule 1), and 52.17 (Native Vegetation Removal) of the Whittlesea Planning Scheme have been appropriately addressed in the planning assessment. Offsets in accordance with the provisions Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) will be required as a condition on any amended planning permit.

PUBLIC NOTIFICATION

The site is covered by the Development Plan Overlay – Schedule 5 (DPO5) and the Incorporated Plan Overlay – Schedule 1 (IPO1) which both exempt planning permit applications from the notice requirements of Section 52(1)(a), (b) and (d) of the *Planning and Environment Act, 1987*, provided the application is generally in accordance with the associated incorporated or approved plan.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Following an assessment of the supporting arboricultural assessment and given the support for the proposal by Council's Parks and Open Space Department and Sustainability Planning Unit, it is considered that the removal of four additional, relatively small River Red Gum trees is appropriate in this instance. The vegetation removal is justified given the immaturity of the trees, the requirement of Melbourne Water and their relatively low retention value.

Accordingly, it is recommended that the amendment to the existing permit be approved. In particular, it is recommended that the Tree Removal Plan be endorsed, allowing the removal of four additional River Red Gum Trees, that Condition No. 3 of the permit be amended to reflect the State Government's current vegetation offset management practices and that Condition No. 4 be deleted due to Council no longer being able to take cash payments to secure offsets.

RECOMMENDATION

THAT Council resolve to approve the amendment to Planning Permit No. 714355, allowing the removal of four additional River Red Gum trees, as follows:

1. Endorse the Concept Development Plan, Drawing No: M1332-ODP Version V.16, Drawn by: KW Prepared by Fratello Projects dated 10/02/2016;

2. Amend Condition No. 3 to state:

In order to offset the removal of native vegetation (habitat hectares and scattered trees) approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity assessment guidelines and the Native Vegetation Gain Scoring Manual.

The offset must also contribute a gain of the required general biodiversity equivalence units, be located within the boundary of the Whittlesea municipality or the Port Phillip and Westernport Catchment Management Authority area, and have a strategic score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority.

3. Delete Condition No. 4 and renumber the remaining conditions accordingly.

COUNCIL RESOLUTION

MOVED: Cr Sinclair
SECONDED: Cr Kelly

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.1.5 REQUEST TO SEEK AUTHORISATION TO REZONE LAND IN MERNDA WEST FROM RURAL CONSERVATION ZONE TO GENERAL RESIDENTIAL ZONE**File No:** 195051**Attachments:**
1 Locality Map 55 Regent Street Mernda
2 Locality Map 240 Bindts Road Wollert
3 Quarry Hills – Boundary Plan Mernda West Precinct**Responsible Officer:** Director Planning & Major Projects**Author:** Strategic Planner**REPORT****EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval to request authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to rezone two sites abutting the future Quarry Hills Regional Parkland. One site is within the Mernda West precinct and the other in Wollert.

The proposed amendment seeks the rezoning of two sites within the Urban Growth Boundary from the Rural Conservation Zone to a General Residential Zone. In addition, it is proposed that the Development Plan Overlay Schedule 27 and the Vegetation Protection Overlay be applied to the land that is proposed to be rezoned and the Significant Landscape Overlay is removed from the same portion of land.

The two sites are:

- 240 Bindts Road, Wollert; and
- 55 Regent Street, Mernda.

The proposed amendment is required to facilitate the use and development of the sites as part of the ongoing assemblage of land for the future Quarry Hills Regional Parkland. The subject landowners have signed the requisite Section 173 Agreements committing to the transfer of the balance of their landholdings outside the Urban Growth Boundary for the purposes of the future Quarry Hills Regional Parkland. These agreements also include requirements for landowners to meet in relation to land management to ensure that the land is in a suitable condition prior to transferring it to Council.

The proposed amendment is implementing the established Council framework for the land and is therefore considered procedural in nature. As such, it is recommended that the Council seek authorisation from the Minister for Planning for a limited exhibition process under Section 20(2) of the *Planning and Environment Act 1987* which will limit exhibition to relevant statutory authorities. This has been a standard approach for sites of this nature within the Urban Growth Boundary.

INTRODUCTION

This proposal is part of the on-going strategy to secure land for the future Quarry Hills Regional Parkland (QHRP). The proposed amendment will give effect to the voluntary legal agreements associated with two individual sites within the precinct. These agreements will facilitate the transfer of land outside of the Urban Growth Boundary (UGB) into public ownership as open space. The proposed amendment also seeks to ensure the integrated planning of the areas inside the UGB.

It is noted that the proposed amendment will continue the process of land assemblage for the parkland which began in 1997 with the securing of land associated with the development of the Mill Park Lakes Estate and which has continued over the last few years with land south in the Mernda West, Wollert and Epping North areas. The development portions of the sites have previously been included in the Urban Growth Boundary as part of Amendment VC68 in 2009. In this amendment, the UGB was shifted however, the underlying zoning remained 'non-urban' to provide for a process of rezoning for urban purposes if and when agreements were entered into for the transfer of land into the Quarry Hills Regional Parkland.

Once completed, it is expected that the Quarry Hills Regional Parkland will have an area of approximately 1,100 hectares. Whilst envisaged on a longer term implementation program, currently around 536 hectares of the Quarry Hills Regional Parkland is in Council ownership or agreed to be vested to Council through voluntary agreements pursuant to Section 173 of the *Planning and Environment Act 1987*. Noting the long term nature of the project, it is expected that the remainder of the parkland will be assembled over the next 20-30 years.

The assemblage of the Quarry Hills Regional Parkland is the culmination of many years of research, advocacy and long term strategic planning undertaken by Council, working together with landowners.

SITE DESCRIPTION

This amendment includes the following two sites:

- 240 Bindts Road, Wollert; and
- 55 Regent Street, Mernda

The subject area and the specific sites that are to be included within the proposed amendment are identified within *Attachment 1* and *Attachment 2*.

The properties subject of this amendment are contained in the area which can be broadly described as located to the south of the existing *Mernda Strategy Plan* area and are currently used for rural living/ hobby farms.

PROPOSAL

As well as rezoning the subject land within the UGB to a General Residential Zone, the amendment also seeks to apply a Development Plan Overlay Schedule 27 and a Vegetation Protection Overlay to this land. This will bring these parcels into line with the planning framework applied to the rest of the Mernda Strategy Plan area.

The proposed amendment will also remove the Significant Landscape Overlay from the subject sites as the Development Plan Overlay and the Vegetation Protection Overlay are the more relevant controls to apply to land which is likely to be the subject of development proposals.

The Vegetation Protection Overlay in particular is able to ensure that adequate regard is given to the preservation of remnant vegetation in a development context. The statutory controls proposed are consistent with the controls applying to the development areas which adjoin the subject sites.

It is noted that the purpose of a Development Plan Overlay Schedule 27 is:

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

Given the strategic importance of the Quarry Hills, the Development Plan Overlay is considered to be the best way to ensure that the future development of the subject sites is guided by a broader development framework which will be set out by Council prior to the granting of a planning permit on any site which has been rezoned within the subject area. It is therefore highlighted that post-rezoning, the parcels will be subject to the usual processes applied via the subsequent Development Plan and subdivision permit processes with respect to any detailed proposals for the land in the future.

It is important to note that given the sites are already located within the UGB, the State Government has already strategically supported the concept of the rezoning these parcels for urban development, and these sites represent a logical extension to the existing Development Plan areas. In addition, these amendments are only advanced once the landowners are supportive of the voluntary agreements.

The following table outlines the respective land transfers for the subject sites.

| Address | Total Land Area (approx.) | Area of land to be transferred to QHRP (approx.) | Area to be developed (approx.) | Percentage of developable land | Percentage of total land to be transferred to QHRP |
|--------------------------|---------------------------|--|--------------------------------|--------------------------------|--|
| 55 Regent Street, Mernda | 6.08 hectares | 3.08 hectares | 3 hectares | 49% | 51% |
| 240 Bindts Road, Wollert | 52.40 hectares | 42.89 hectares | 9.51 hectares | 18% | 82% |

In summary, this amendment represents an additional 46 hectares (approximately) of land to be incorporated into the Quarry Hills Regional Parkland.

The proposed amendment represents the next step towards obtaining this land and further implementing the Quarry Hills Regional Parkland objectives.

Notwithstanding the substantial proportional land transfer that each property offers, they each hold significant value for the overall parkland.

55 Regent Street is strategically located at the northern interface of the QHRP. The southern boundary of the site contains several significant trees, along with the likely occurrence of native vegetation.

240 Bindts Road is strategically significant as it maintains a section of the Darebin Creek. This is nominated as a Category 1 Growling Grass Frog Habitat Corridor which is to ultimately be incorporated into the QHRP. It also contains significant natural features associated with the creek including undulated topography, several significant trees and the likely existence of Aboriginal Cultural Heritage artefacts along the creek line.

NOTIFICATION

When considering the most appropriate course of action for notification, it is important to recognise the consultation that has been undertaken to date. In this instance, both landowners have regularly discussed the proposal of rezoning and land transfer with Council. This is cumulated in the drafting and finalisation of Section 173 Agreements between the landowners and Council.

Further to this, the subject landowners and surrounding properties have been included in several review processes associated with State Government Urban Growth Boundary Reviews. All landowners in the precinct have also been given the opportunity to once again discuss their potential involvement in the proposed amendment with Council officers.

As such, it is considered appropriate to request that the amendment be undertaken using the provisions of Section 20(2) of the *Planning and Environment Act 1987*.

The provisions of Section 20(2) allows the Planning Minister to grant an exemption from the requirements relating to giving notice of an amendment (except for those notice requirements for any Minister as listed within the Regulations which cannot be exempted).

DEVELOPMENT CONTRIBUTIONS

It is noted that as well as providing for the expansion of the parkland, the abovementioned legal agreements will also provide for the payment of local development contributions. These contributions have been broadly based on corresponding rates that apply in the existing abutting Mernda – Doreen Growth Area minus the contribution to open space which has been waived on the basis of a regional open space contribution in the form of the land to be contributed to the parkland.

It is noted that this does not absolve developer responsibility for the provision of passive pocket parks, tree reserves and the like within the extended development areas if deemed necessary through the Development Plan process.

POLICY STRATEGY AND LEGISLATION

The *Quarry Hills Bushland Park Master Plan* was approved by Council in 2010. This Master Plan provides the framework for the future development and expansion of the parkland, identifying sites which are likely to come into Council ownership in the short to medium term and outlines the design parameters for the development of parkland facilities including visitor nodes, walking trails and parkland interface treatments. The endorsed *Quarry Hills Bushland Park Masterplan* is provided as *Attachment #3*.

The QHRP are also referenced in the following Council strategies:

- South Morang Local Structure Plan (1997);
- Open Space Strategy (1997) and current draft Open Space Strategy;
- Green Wedge Management Plan (2011); and
- The Environmental Sustainability Strategy (2013).

As a result of Council’s submissions to the State Government and continued advocacy, the State Government and its agencies have formally recognised the significant opportunity that the Quarry Hills present for a regional parkland, and inter urban break within a wider linear network of open space. The QHRP has been recognised by the State Government through the *Melbourne 2030* (previous metropolitan planning strategy) Smart Growth Committee, where funding was provided for technical reports to support the project. It is also identified within the current metropolitan planning strategy, *Plan Melbourne*. It is also identified as part of the State Government’s Northern Growth Corridor Plan.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Places and spaces to connect people |
| Theme | Planning our space |
| Strategic Objective | Our urban design helps build connection to place and the community |

The proposed amendment will contribute toward the strategic objective of the Council Plan to use Urban Design in order to build connection to place and the community by enabling the strategic aims of the Quarry Hills Bushland Park Master plan to be achieved. It will also contribute towards the strategic objective to establish the Quarry Hills Regional Parkland through the securing of additional land outside of the Urban Growth Boundary.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Based on the current committed agreements, the proposed amendment will facilitate the transfer of approximately 46 hectares of land into public ownership for the QHRP in exchange for approximately 12 hectares of residential development.

The planning controls which will be applied to the subject sites as part of the proposed amendment are the most appropriate controls to guide the future planning of the land within the subject area. This will allow for Council to ensure that any residential development allowed to facilitate the parkland is well designed, and provides for a careful interface to the open space and to adjoining development in the Mernda West area.

The proposal for the amendment to be prepared and approved by the Minister for Planning without full public exhibition is considered to be appropriate as there has already been significant consultation relating to the parkland as part of several State Government initiatives including Plan Melbourne, and Amendment VC68 which ultimately shifted the UGB to Council's preferred contour line.

Importantly, the proposed amendment will ensure that Council continues to implement the relevant objectives of the *Quarry Hills Bushland Park Master Plan*, and remains committed to the securing of the Quarry Hills Parkland for the future generations of the municipality. The landowners are also agreeable to entering into the necessary development contribution and infrastructure agreement for each site.

It is therefore recommended that Council resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act (1987)*, to rezone land to General Residential Zone and apply Development Overlay Schedule 27 and Vegetation Protection Overlay to 55 Regent Street and 240 Bindts Road, South Morang;
2. Should the Minister not consent to exhibition of the amendment under 20(2), to write to the Minister for Planning to seek authorisation to prepare and exhibit an amendment to the Whittlesea Planning Scheme in accordance with the *Planning and Environment Act 1987*;
3. Advise the affected stakeholders of the above and any decisions of the Minister for Planning.

RECOMMENDATION

THAT Council resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act (1987)*, to rezone land to General Residential Zone and apply Development Overlay Schedule 27 and Vegetation Protection Overlay to 55 Regent Street and 240 Bindts Road, South Morang;
2. Should the Minister not consent to exhibition of the amendment under 20(2), to write to the Minister for Planning to seek authorisation to prepare and exhibit an amendment to the Whittlesea Planning Scheme in accordance with the *Planning and Environment Act 1987*;
3. Advise the affected stakeholders of the above and any decisions of the Minister for Planning.

COUNCIL RESOLUTION

MOVED: Cr Kirkham
SECONDED: Cr Stow

THAT Council resolve to adopt the Recommendation.

CARRIED

6.2 COMMUNITY SERVICES

6.2.1 ASHLEY PARK (DOREEN) INTEGRATED COMMUNITY AND EARLY CHILDHOOD CENTRE

File No: 195049

Attachments:

- 1 Draft plan of proposed community centre and site context
- 2 Location Map

Responsible Officer: Director Community Services

Author: Project Director/Manager

REPORT

SUMMARY

The purpose of this report is to seek endorsement of a proposal from a consortium led by the YMCA (Whittlesea) (YMCA) to design, build, manage and ultimately transfer to Council, a full function integrated community and early childhood facility in Mernda/Doreen Precinct 2B, nominally known as Ashley Park or the Riverstone estate. A Community Activity Centre (CAC) at this location is a requirement of the endorsed Mernda/Doreen Strategic Plan (2004).

Council's principal contribution to the partnership would be to lease the 7,000m² of land set aside for a CAC on the corner of Patience Ave and Orchard Road Doreen, to a consortium including Arena Investment Management Ltd on behalf of the YMCA for 25 years. In exchange the YMCA led consortium will construct a facility which will allow a comprehensive range of community uses, including early years, youth services, community development, outreach services, health services, after school care and visiting professional services. The YMCA will operate the child care and kindergarten component. The YMCA could also potentially manage the centre and provide community development services. After 25 years the building reverts to Council ownership.

To ensure that a community centre was available in this location by 2018 Council commenced a standard procurement process. At the Council Meeting of Tuesday 17 November 2015 Council resolved to accept a tender submitted by K20 Architecture for Design Services for the Ashley Park Family & Community Centre. This resolution included the recommendation that the design tender be in separate portions to allow Council the discretion of terminating this process at a particular stage with appropriate notice. In light of the proposal outlined in this report, the on-going design services of K20 have been placed on hold.

INTRODUCTION

The City of Whittlesea is one of the fastest growing municipalities in Australia. All future growth is guided by a strategic planning system, which essentially master-plans areas and calculates the basic needs of future residents in terms of a range of infrastructure requirements. It is clear that the provision of community facilities has now fallen largely to governments as fewer and fewer civic or NGO agencies invest in buildings particularly in growth areas. To ensure that future places are designed to meet expectations about

liveability, developments are always designed around a neighbourhood scale and at the core of each of these is a community centre, a primary school, an active sports area and some shops. Four or more of these neighbourhoods form a district with a corresponding larger retail centre and a secondary school.

It is now known that when the final Precinct Structure Plans are ratified this year, Council will have more than fifteen additional neighbourhood centres to build, as well as similar number of pavilions and a number of higher order facilities in the new town centres. In recognition of the shortfall between development contributions and the rising cost of building community centres, Council is faced with a significant fiscal challenge. In response to this challenge, the City of Whittlesea has worked to find new models of providing quality community buildings and delivering required services.

One model that has emerged is to develop a partnership with an appropriate NGO that has a similar philosophy to community building and a demonstrated performance in the provision of social services, to build a full function facility and use part of the space for a fee based service, such as long day care, to subsidise the overall investment.

This report describes such a proposal and shows that without compromising on the benefits to the community, Council can make substantial savings to allow for reinvestment in other facilities where similar preconditions are not available.

BACKGROUND / SUMMARY

The residential precinct known as Ashley Park has been under construction for 10 years and is 60% complete with a current (2016) population of 4,500. The latest social needs assessment has confirmed that a kindergarten service and long day care is now required. There are no existing facilities that can provide space for community cultural activities, community development activities, or visiting services within this precinct.

The Mernda/Doreen Strategy Plan (2004) requires the construction of a community centre at this location and a development contribution has been collected for this purpose. The State Government has also made a \$1.6m grant available for the delivery of a kindergarten by 2018.

Council has been approached by a consortium led by the YMCA to build a full function integrated community centre in this location. The neighbourhood centre, which includes the CAC site, a retail hub and a P-6 State primary school are within the Satterly Pty Ltd development of Riverstone.

The YMCA consortium is the same as recently was awarded the State Government tender for the delivery of a number of Public Private Partnerships (PPP) State schools integrated with child care and kindergartens. In this case the YMCA is seeking to lease Council land and, in return, build a much larger, full function centre. This would be the first model of this nature for a Council facility and would allow a social enterprise such as long day childcare component to cross subsidise the capital investment in a full function community activity centre. The YMCA investment would remove the need for Council to deliver an extra kindergarten room, a hall, meeting rooms and consulting rooms all of which are estimated to cost \$4.2m. The recent learnings from and experience of entering into a similar arrangement through the PPP process will inform and facilitate the development of any formal agreements.

For this to be financially viable the partnership is based on a lease of the CAC site for 25 years at a peppercorn rate, after which the full ownership of land and building reverts to Council.

This centre would provide a community hall of 200m², 70m² of community meeting rooms, two additional consulting rooms for visiting professional services as well as a generous MCH facility. In addition, it will provide sufficient kindergarten capacity to meet the projected peak needs of this precinct and a 102 place childcare component.

Given the comprehensive nature of the proposed facility, it will clearly be more costly to construct than a stand-alone Council facility. However, by accessing Council's contribution via the State Government grant for the provision of the kindergarten component as well as the accumulated developer contributions, there will be no cost to Council's capital budget, although costs associated with items such as fit-out, playground development etc. will be Council's responsibility. The consortium led by the YMCA will be responsible for the funding of the long day care component of the facility.

Further recurrent cost savings are also available as the YMCA has proposed that with joint branding, they manage the centre on Council's behalf. Any proposed programs would need to meet Council expectations and be designed and conducted within the guidelines of the partnership.

All signage and branding of the centre would be of equal proportion with a view to community perception being that the centre is owned and operated as a partnership and with Council approval and support.

FINANCIAL IMPLICATIONS

A comprehensive options analysis has considered the costs and benefits of the YMCA proposal. The analysis concludes that the YMCA proposal provides a much stronger case compared to any alternative.

Funding available:

- State Government capital grant \$1.6m
- Development Contribution provided for this item \$2.3m
- Net cost to Council's capital budget if delivered through a partnership with YMCA would be zero, noting that fit-out and establishment costs for areas such as the playgrounds will be Council's responsibilities, funded through the DCP. Similarly, should Council seek to have higher standards than proposed by the consortium on items such as ESD, this may entail additional cost.

Further recurrent savings may be available for staffing and building management subject to on-going negotiation and contractual agreements.

CRITICAL DATES

YMCA is ready to commence a planning permit application and could commence construction as soon as statutory requirements are met. Their builders advise that the community centre can be built within 220 days. Allowing for State Government licencing, it is envisaged that it could open in early 2017.

PROPOSAL

That Council endorse a proposal from a consortium led by the YMCA (Whittlesea) to build and manage a full function community centre and integrated childcare facility in Mernda/Doreen Precinct 2B, nominally known as Ashley Park or the Riverstone estate.

Specifically that Council:

- Leases Council's land designated for the development of a CAC to the YMCA consortium for the delivery and operation of a community and childcare centre for a period of 25 years.
- Works closely with the YMCA consortium architects to design a centre that meets council requirements with regard to the safety of children, young people and adult users of the centre. Also, that the design is based on Council's extensive experience regarding the operation of similar centres.

- Provides expertise to ensure that the design of the centre will meet all the appropriate requirements of Council policy and state government legislation. Council will encourage a design with enhanced ESD performance.
- Ensures that the YMCA builds on their already substantial reputation in the area of community consultation and engagement and ensures that best practice consultation and engagement with the local community is undertaken. This should be consistent with the requirements of the Community Building Framework, the Project Management Framework and the Growth Area Social Planning Tool.

In addition the YMCA:

- Agrees to develop a contractual obligation to ensure that maintenance, cleaning and scheduled refurbishment of the building is undertaken to the satisfaction of Council standards.
- Agrees, through a contract, to deliver early year's services at this site for the full period of the lease to Council standards. The service will need to remain compliant with all government regulations for safety, welfare and teaching standards
- Will regularly review its service mix and meet any changing needs identified within the local community. The projected demand for 4 year old kindergarten suggests that at its peak during the period 2020 -2024, more than two kindergarten rooms will be required. During these peak periods the YMCA will continue to offer a full kindergarten service for clients whether this is as a sessional or integrated model, as required by the local community.
- Consider developing an agreement to manage the facility on behalf of Council within guidelines agreed to with Council. Council may also ask the YMCA to provide a community development program from the centre.
- Will be encouraged to develop additional services from the centre which may include before and after school care for local children, early sports clubs' development and youth services. As a full function centre, a range of program activities are possible without compromising residents' access to spaces for cultural and community development purposes.

CONSULTATION

This project has been developed within the framework of the Growth Area Social Planning Tool (GASPT) and therefore includes a comprehensive approach to consultation and engagement and building strong partnerships. As noted the core of this proposal is the partnership with the YMCA. Other agencies will also be approached with a view to maximising the usefulness of this facility and the overall value to the community. For example it is possible that Community Legal Aid, local disability services, financial counselling, community based health services and other family and individual support services could utilise the consulting rooms in this facility.

To ensure that the proposed design meets all Council requirements extensive internal consultation has been undertaken with particular emphasis on internal and external design, traffic and circulation issues and adequate storage. Experts in the fields of early childhood development, urban design, youth services, hall management and MCH have provided on-going input into fine tuning both the model, and the specific design.

A comprehensive consultation and engagement plan as required by the GASPT process is being developed to ensure the local community have an important and positive role in the development and utilisation of the centre.

POLICY STRATEGY AND LEGISLATION

The requirement for a Community Centre in this location was identified in the Mernda Doreen Strategy Plan (MDSP 2004) and endorsed by the Minister for Planning in 2004. This Strategy Plan identifies a basic set of community services and facilities to act as the glue for future communities. The basic list of facilities are formulated on extensive social needs and population analysis and this list forms the core of the Development Contribution Plan(DCP) which is an integral part of the endorsed strategy plan (MDSP 2004).

The Mernda Doreen Strategy Plan DCP (2004) requires the developer of the site to make 7,000m2 available for the purpose of a Community Centre and Child Care functions.

This project directly links to:

Overarching strategic driver:

- Mernda Doreen Strategy Plan and associated DCP (2004)
- Human Services Needs Analysis (2014)
- City of Whittlesea: Your Guide to Planning and Development (v 5.4 Draft 2014)
- Community Building Strategy 2015.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|--|
| FUTURE DIRECTION | Accessibility in, out and around our city |
| Theme | Access to services |
| Strategic Objective | We can access childcare, kindergartens and playgroups |
| | We can access Council services |
| | We can access Community meeting spaces |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

With regard to an emerging concern about the cost of new facilities and limited income, the City of Whittlesea has undertaken an exploration of alternative procurement models which reduce the capital expenditure while continuing to provide the highest standard of community facilities and services. The model proposed in this report can lever financial opportunity from Council’s ownership of strategically located land with the integration of a low fee for service component of the long day childcare service to cross subsidise the full function community access components. The YMCA is one of a few organisations who have a capacity to fund a significant capital investment, manage the services at such a centre to council standards and have a demonstrated commitment to community development and high value services.

In order to deliver the facilities of the future Council must consider alternative procurement models that do not compromise on the community’s expectations. This model will not always be appropriate, but where it is, this model relieves the burden on constrained council resources and ensures the timely delivery of high quality, full function facilities for local communities.

RECOMMENDATION

THAT Council resolve to:

1. a) Endorse a partnership with YMCA (Whittlesea) for the purpose of building an integrated community and early childhood centre in the Ashley Park Precinct of Doreen;
- b) Prepare the appropriate framework to offer a 25 year lease for the community centre site.

2. Write to the Hon Jenny Mikakos, Minister for Families and Children and Minister for Youth Affairs, and the Hon Tim Pallas, Treasurer highlighting the project and the unique partnership between Council, the YMCA (Whittlesea) and State Government.

COUNCIL RESOLUTION

MOVED: *Cr Sinclair*
SECONDED: *Cr Kelly*

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.3 FINANCE AND ORGANISATION IMPROVEMENT

NIL REPORTS

6.4 INFRASTRUCTURE

6.4.1 PARKING CONDITIONS: MILL PARK DRIVE, MILL PARK

File No: ST/135228

Attachments: 1 Investigation Area
2 Parking Survey Details

Responsible Officer: Acting Manager Engineering & Transportation

Author: Acting Team Leader Traffic Engineering

REPORT

SUMMARY

This report assesses parking conditions in Mill Park Drive, Mill Park, and investigates a number of technical options to address concerns raised. No parking restrictions are recommended.

BACKGROUND

A petition received from the Mill Park Community House signed by 147 residents and 23 non-residents regarding parking conditions in Mill Park Drive was tabled at the 6 October 2015 Council Meeting. Council resolved the following:

To receive the petition requesting parking restrictions with 3 hour limits from Monday to Friday be introduced in Mill Park Drive, Mill Park and surrounding courts to combat excessive parking by RMIT students, and a report be prepared.

A breakdown of the location of the petitioners is in the following table:

| City of Whittlesea Residents | | Non-residents |
|------------------------------------|--|-----------------|
| Mill Park Drive Investigation Area | Non Mill Park Drive Investigation Area | Outside WCC |
| 35 ¹ | 112 ² | 23 ³ |

- Notes:
1. The 35 signatories represent 27 households in the investigation area (described below).
 2. These signatories are from other areas of Mill Park, and also from Bundoora, Doreen, Epping, Lalor, Mernda & South Morang.
 3. These signatories are from localities such as, Briar Hill, Clonbinane, Mickleham, Rosanna, Riddell's Creek & Vermont.

Parking conditions in this section of Mill Park Drive were investigated in May 2013 following the introduction of parking fees at the RMIT Bundoora Campus. At that time, residents were consulted on this matter, however due to a low level of community support (20 per cent support) for parking restrictions, no parking management measures were implemented.

RMIT Bundoora campus is located on the south side of McKimmies Road and is a 200m to 400m walk from Mill Park Drive via "The Crossing", a pedestrian access way between Mill Park Drive and McKimmies Road. On campus parking fees currently range from \$2.00 per hour to \$5.00 per half day, with a cap at \$8.00 per full day.

There is currently no parking along McKimmies Road due to the current road layout / conditions, and the presence of a footpath and a shared path on the north side, and a footpath and a bicycle lane on the south side. As a result there is no space in the road available for parking. If parking was permitted on McKimmies Road, safety and operational issues would most likely arise.

DISCUSSION

The petitioners requested parking restrictions in Mill Park Drive and surrounding courts. It was determined through discussions with residents and on-site observations that parking was concentrated in a 600m section of Mill Park Drive, between Belmont Way and Coventry Crescent and in adjacent courts, (ie. Cardinal Close, Eaglet Court, Fiscom Court, Mosstrooper Court, Studley Court and Chermside Court, Attachment 1). Therefore the investigation area included this length of Mill Park Drive and the identified courts. There are 96 properties and approximately 198 on-street parking spaces in the investigation area.

Road Network and Land Use Development

Mill Park Drive is a circular collector road in the residential area of Mill Park bounded by Betula Avenue, Childs Road, McKimmies Road and Plenty Road. Its primary function is to provide access to residential properties, Mill Park Primary School and community facilities in Mill Park Drive. The road is approximately 9.6m in width which is adequate for two-way traffic and parking on both sides.

The residential streets connecting to Mill Park Drive in the investigation area are residential courts with road widths of approximately 6.9m. This width is adequate for one-way traffic (at a time) if there is parking on both sides of the street, or two-way traffic if there is parking on one side of the street.

Due to the layout of the road network there is no vehicle access from Mill Park Drive onto McKimmies Road. However due to The Crossing, a walking / cycling link between Mill Park Drive and McKimmies Road, permeability for pedestrians and cyclists is very good.

This area of Mill Park is comprised of residential development, except for the Community House which is roughly in the centre of the investigation area, approximately 20m west of The Crossing.

Parking Surveys

Parking surveys were conducted on 12 weekdays (Tuesday, Wednesday & Thursday), over a four week period between, Tuesday 6 August 2015 and Thursday 29 August 2015, following receipt of the petition and prior to the end of the RMIT year in 2015. Ad hoc site visits were also conducted over this period, with observations recorded.

The results of the parking surveys in the total investigation area are summarised in the below table, with details on a street-by-street basis in Attachment 2:

| Week | Tuesday | | Wednesday | | Thursday | |
|------|------------------------|--------|----------------|--------|-----------------------|--------|
| | Parking Spaces | | Parking Spaces | | Parking Spaces | |
| | Occupied | Vacant | Occupied | Vacant | Occupied | Vacant |
| 1 | 91 (46%) | 107 | 85 (43%) | 113 | 102 (52%) | 96 |
| 2 | 116 (59%) ¹ | 82 | 85 (43%) | 113 | 78 (39%) | 120 |
| 3 | 82 (41%) | 116 | 60 (30%) | 138 | 68 (34%) | 130 |
| 4 | 57 (29%) | 141 | 55 (28%) | 143 | 54 (27%) ² | 144 |

Notes: 1. The highest recorded occupancy rate.
 2. The lowest recorded occupancy rate.

The highest parking demand was at 9:00am on a Tuesday, when the walking distance to a parking space from any of the properties in the investigation area was less than 170m. In lower parking demand periods, walking distances to vacant parking space were less than 50m.

During peak parking demand there is a level of inconvenience for residents, as a result of students parking in the street. However, this inconvenience is mitigated by:

- This peak parking demand only being concentrated to one day in the four week survey period,
- All properties have off-street parking (in driveways and garages) to accommodate most resident parking needs, and
- Residential parking needs are at their lowest between 9:00am – 5:00pm weekdays which is when student parking demands are at their highest.

During all of the survey periods and site visits it was observed that off-street parking was available in many parts of the investigation area.

During a number of visits to the investigation area it was observed that some vehicles were parked too close to driveways and or intersections resulting in difficulties entering or leaving private driveways and side streets.

RMIT

RMIT has in excess of 2,600 on-campus parking spaces. Periodic surveys and ad hoc observations by Council officers indicate 900 to 1,000 parking spaces are often vacant at RMIT. This represents a parking occupancy rate of around 60 per cent to 65 per cent, and indicates that on-campus parking provisions at RMIT are more than adequate to meet the current needs of students, staff and visitors.

From the number of vacant parking spaces it can be concluded that RMIT students choose to park in the Mill Park Drive area to avoid paying a parking fee.

RMIT has advised that it promotes sustainable travel to the campus by encouraging public transport, offering discounts on MYKI tickets and by providing free secured bicycle parking.

Council is currently advocating to the State Government for the extension of Tram Route 86 which will improve public transport and accessibility to the campus from Mill Park, South Morang and, on completion of the Mernda Rail Extension, Mernda and Doreen.

The Community House

The Mill Park Community House was established in 1985 in a converted residential dwelling on the south side of Mill Park Drive approximately 20m west of The Crossing. It provides a wide range of service for community members such as recreational, vocational education and training, group sessions, counselling and disability services.

Currently 11 non-standard parking spaces are provided on-site for staff and visitors, however as some of the spaces are tandem spaces, access to or from these spaces is reliant on staff moving their vehicles. As a result these are less accessible than single car parks spaces. Consequently, some staff and visitors park on Mill Park Drive.

Over-night and on weekends, the Community House car park is used to store eight community mini-buses. The buses are used throughout the day and they are removed from the car park each morning to make room for staff and visitors vehicles. The process of staff initially parking their private vehicle on-street, removing the buses to on-street, and then moving their private vehicle from on-street to off-street temporarily doubles the on-street parking demand. Visitors to the centre also park on-street competing with residents and RMIT students. This is most likely contributing to some of the petitioners' concern.

The Community House management has requested the 3P parking restrictions as this would suit its operations and benefit visitors and staff.

CONSULTATION

Circular Letter

A letter and questionnaire, as well as reply paid envelope, was circulated to residents of all 96 properties in the investigation area. The letter outlined the concerns raised by the petitioners and the request for 3 hour parking restrictions.

The initial response rate of 20 per cent was not adequate to gain a good understanding of residents' preferences on this matter. To increase the response rate, Council officers then followed-up with a targeted approach involving telephoning and door knocking, resulting a total of 80 responses, ie. an 83 per cent response rate, was received.

A summary of responses received, is provided in the following table:

| Letters Sent | Responses Received ¹ | Support for 3 Hour Parking Restrictions | |
|--------------|---------------------------------|---|----------|
| | | Yes | No |
| 96 | 80 (83%) | 26 (33%) | 54 (67%) |

Note: 1. Total response made-up of returned questionnaires, telephone calls and door knocks.

Residents and the Community House were also provided with an opportunity to provide general comments on this matter. Responses received were wide and varied with some even in direct opposition to the petitioners' request or to other responses and feedback. The general theme of responses is summarised below:

- Some residents do not believe there is a parking problem in the area and do not want any parking restrictions.

- The petitioners and residents indicate that RMIT students are the source of the problem, whereas other residents indicated that management, staff and visitors of the community house are the source of the problem.
- A number of residents requested parking permits, if parking restrictions were to be implemented.
- Some residents believe that RMIT parking fees are excessive for students.
- Some residents raised concerns about vehicles parked too close to driveways and intersections resulting in difficulties entering or leaving property driveways and side streets.

PARKING MANAGEMENT

Options to suit the varied, differing and often conflicting concerns, raised by the petitioners and residents range from “do nothing”, to implementing parking restrictions on both side of streets in the investigation area, or implementing a residential parking permit scheme.

Some discussion of the actions requested by petitioners and residents follows.

Do Nothing

The parking surveys in the investigation area indicate that in the peak parking demand period, at least 82 parking spaces remained unoccupied within the investigation area and there is ample parking within walking distance of each property. On this basis, from a residential perspective parking restrictions are not warranted.

There were 54 out of 80 (67%) respondents to the questionnaire that indicated no support for parking restrictions. This response adds further weight to the justification for no parking restrictions.

Parking Restrictions

Parking surveys indicate that at the peak period during weekdays up to 116 of the 198 on-street parking spaces in the investigation area are occupied. While parking is not always available directly in front of every property in almost all days surveyed, parking spaces were in a walkable distance from properties in the investigation area.

As most household residential parking needs in the investigation area can be accommodated within properties, and students parking demand occurs between 9:00am and 5:00pm weekdays, when residential parking needs are at their lowest, parking restrictions from a residential perspective are not warranted.

Community House users require access to this facility on a frequent and regular basis for short periods of time during weekdays. This access does conflict with student parking along Mill Park Drive. This is compounded by the fact that the Community House is located near ‘the pedestrian crossing’,(which provides direct pedestrian access to RMIT) and as a result, this section of Mill Park Drive is subject to a high concentration of student parking.

On this basis there is justification to implement parking restrictions in the immediate environs of the Community House to restrict all day student parking and improve access to parking for users of the Community House. Parking restrictions are recommended adjacent to the Community House and in front of the crossing.

Residential Parking Permits

In this case, parking restrictions are not justified and parking permits will not be necessary.

Line-marking

If resident concerns regarding vehicles parking too close to driveways and intersections are to be addressed, some action will be required. Previously this type of situation has been successfully addressed by line-marking parking bays, as this provides drivers with a clear indication of where to park, and this approach is recommended within the investigation area.

Motorists' parking habits and behaviour may need to be monitored regarding adherence with the road rules to determine if any action is required about the issue of warning or penalty notices for non-compliance of the road rules.

FINANCIAL IMPLICATIONS

The cost to line-mark bays is estimated at \$2,000 which can be funded from the Minor Works – Various Locations account. If Council resolved to implement parking restrictions the cost would be an additional \$3,000, and if a parking permit scheme was introduced there would be considerable administration and managements costs.

POLICY STRATEGY AND LEGISLATION

City of Whittlesea, Municipal Road Safety Strategy, 2004: Action Plan 3. Ensure that a safer road environment is developed and maintained.

City of Whittlesea, Integrated Transport Strategy, 2014: Action RF 2.2. Manage local roads to improve amenity and safety for users and ensure consistency with Smart Roads principles.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|--|
| FUTURE DIRECTION | Accessibility in, out and around our city |
| Theme | Transport |
| Strategic Objective | Our road network provides adequate access to the Advocate municipality and beyond |

Council engagement with the residents of Mill Park Drive area informs the decision making process about parking management options within those streets.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

Of the 147 persons who signed the petition, 27 represented properties in the Mill Park Drive investigation area.

Residents of 96 properties in the investigation area, were asked to complete a questionnaire on the request for parking restrictions. Of the 80 responses received, 54 (67%) indicated that they do not support parking restrictions.

The parking occupancy rates within the investigation area were not sufficient to warrant parking restrictions from a residential perspective. To enable improved access to on street

parking for users of the Community House, parking restrictions are proposed in the immediate environs of this facility.

Observation confirmed that some vehicles are often parked too close to driveways and intersections. This matter can be addressed by line-marking parking bays and followed-up by Council's Local Laws Department if drivers do not comply with the road rules.

RECOMMENDATION

THAT Council resolve to:

1. Install parking restrictions in the form of 3P 9:00am to 5:00pm Monday to Friday (School Days) only adjacent the Community House and The Crossing in Mill Park Drive, Mill Park.
2. Line-mark parking bays in the Mill Park Drive area, and ensure that enforcement is carried-out with regard to non-complying motorists.
3. Advise the head petitioner and residents within the investigation area of Council's decision on this matter.

COUNCIL RESOLUTION

MOVED: *Cr Laliros*
SECONDED: *Cr Kelly*

THAT Council resolve to:

1. **Install parking restrictions in the form of 3P 9:00am to 5:00pm Monday to Friday (School Days) only adjacent to the Community House and The Crossing in Mill Park Drive, Mill Park.**
2. **Line-mark parking bays in the Mill Park Drive area, and ensure that enforcement is carried-out with regard to non-complying motorists.**
3. **In six months' time review how effective the parking restrictions are in facilitating access to the Community House, and if required following the review, apply parking restrictions to a larger section of the southern side of Mill Park Drive either side of the Community House**
4. **Advise the head petitioner and residents within the investigation area of Council's decision on this matter.**

CARRIED

6.4.2 PEDESTRIAN SAFETY - BLACK FLAT ROAD, WHITTLESEA

File No: ST / 105396
Attachments: 1 Locality Plan
Responsible Officer: Director Infrastructure
Author: Traffic Engineer

REPORT**SUMMARY**

This report discusses pedestrian safety on Black Flat Road, Whittlesea and concludes that neither a pedestrian crossing nor a children's crossing is required on Black Flat Road.

INTRODUCTION

A petition regarding pedestrian safety along Black Flat Road, Whittlesea was tabled at the Council meeting on 8 December 2015, where Council resolved to receive the petition requesting Council install a safe pedestrian crossing on Black Flat Road Whittlesea between Wallan Road and Church Street to allow residents a safe crossing point to schools and facilities and a report be prepared.

The petition contained signatures of 63 residents of the City of Whittlesea and three non-residents and requested Council:

Investigate installing a safe pedestrian crossing on Black Flat Road, Whittlesea between Wallan Road and Church Street. This will allow residents of Plenty River Views Estate a safe crossing point to access schools, shops and facilities on the south side of Black Flat Road.

DISCUSSION**Road and Path Network**

Black Flat Road is a collector road that runs east-west between the Wallan - Whittlesea Road (Wallan Road) and Church Street in a residential area on the north side of Whittlesea Township (see *Attachment 1*). The road alignment is generally straight and flat, except for a 45 degree bend approximately half way along the road. It is approximately 850m in length and has a 50km/h speed limit.

A school bus service travels along Black Flat Road once each morning and afternoon.

The residential area north of Black Flat Road has been progressively developed since the early 2000's. Internally within the estate a reasonably good level of permeability is provided for all forms of traffic. This is particularly the case for walking and cycling due to links and connections provided through parks, reserves and along some creeks and waterways.

The residential area south of Black Flat Road, however, was predominantly developed pre 2000's. Due to the road network layout, there is limited pedestrian and cyclist permeability between the old and new areas.

Landuse Development

Development in the surrounding area is residential. On the north side of Black Flat Road, east of the bend there is medium density residential housing, west of the bend there is a drainage reserve. On the south side of the road east of the bend there is a tree reserve, west of the bend there is low-density residential housing.

There are a number of facilities that generate activity and pedestrian traffic located further south of Black Flat Road and near the centre of the township. The more notable of these are the St Mary’s Primary School Primary School (400m south), the Church Street Shopping Centre (800m), Whittlesea Primary School (950m) and Whittlesea Secondary College (1,100m).

Traffic Conditions

Traffic surveys were undertaken on Black Flat Road in 2014, the results are summarised in the following table:

| Location | Vehicles per | | | Speed (km/h) | | | Vehicles Over | |
|----------------|--------------|---------------------------------|-----|--------------|-----------------------------------|------|---------------|-----------|
| | Day | School Peak Period ¹ | | Average | 85 th ile ² | Max. | 50 km/h | 60 km/h |
| | | AM | PM | | | | | |
| Campaspe Drive | 1,544 | 102 | 118 | 44 | 50 | 70 | 232 (15%) | 12 (0.8%) |

1. School Peak Period – 8:00 to 9:00am and 3:00 to 4:00pm
2. 85thile speed is the speed at which 85% of vehicle are travelling at or below. It is an important factor used in determining the safe operating speed of a road.

The results indicate that traffic conditions in Black Flat Road are acceptable.

Road Safety

VicRoads’ *CrashStats* (casualty crash database) indicates that there are no casualty crashes recorded on Black Flat Road in the past five years (1 January 2011 to 31 December 2015).

Pedestrian Activity

Due to the layout of the road and path network and the location of pedestrian activity generators (schools and shops), counts of pedestrians crossing Black Flat Road were conducted at sites just east of Wallan Road and just west of Church Street. These were conducted during weekdays in the morning and afternoon peaks as children walk to and from school.

The results indicate that at most only four pedestrians cross Black Flat Road in an hour east of Wallan Road and five, west of Church Street. This occurs between 3:00pm and 4:00pm.

To ensure that children’s and pedestrian crossings are used effectively and that a proliferation of crossings does not occur at low pedestrian activity sites, VicRoads has guidelines for the installation of crossings. These guidelines apply to arterial roads as well as local roads, and the City of Whittlesea is required to comply with these guidelines.

The guidelines indicate that a children’s crossing is only appropriate if at, or within 20m, of a proposed crossing site, there are at least 20 children per hour crossing the road and in the

same hour the volume of traffic travelling along the road, is at least 100. For a pedestrian crossing the numbers are 60 pedestrians and 200 vehicles.

The results of counts conducted at this location indicate that VicRoads' requirements for either a children's crossing or a pedestrian crossing are not currently met.

There is an opportunity to engage with the St Mary's Primary School and the Whittlesea Primary School for children to increase active travel to and from school in the future. This may result in an increase in the numbers of children walking and cycling to school which in turn would prompt further consideration of a children's crossing in the future.

The existing crossing point east of Wallan Road has been designed to allow a children's crossing to be installed should the number of children crossing at this location increase sufficiently in the future.

FINANCIAL IMPLICATIONS

Nil

POLICY STRATEGY AND LEGISLATION

The investigation and consultation process and implementation of traffic management measures accords with Council's *Community Plan (CP)* and *Road Safety Strategy 2004 (RSS)*, in particular:

CP Item 2.6 - Deliver road safety improvement projects to the satisfaction of authorities and residents.

RSS – Action Plans 2 (relating to community consultation on road safety matters), 4 (pedestrian safety), 7 (children and road safety), 8 (older persons and road safety) & 9 (speed management).

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Inclusive & Engaged Community |
| Theme | Participation & decision making |
| Strategic Objective | People are involved in issues that affect them |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

The results of counts conducted on Black Flat Road indicate that VicRoads' guidelines for the installation of a children's crossing or a pedestrian crossing are not met and that neither crossing is warranted.

Road safety and traffic operational conditions in Black Flat Road are acceptable, and therefore safety and operational conditions in Black Flat Road will be monitored to determine

if circumstances change and a children’s crossing or a pedestrian crossing is warranted in the future.

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

THAT Council resolve to:

- 1. Not install a children’s crossing or a pedestrian crossing on Black Flat Road;**
- 2. Monitor safety and traffic conditions in Black Flat Road to determine if circumstances change and if a children’s crossing or a pedestrian crossing is warranted in the future;**
- 3. Engage with Whittlesea Primary School and St Mary’s Parish Primary School to encourage active travel;**
- 4. Advise the head petitioner of Council’s decision on this matter.**

| |
|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

MOVED: *Cr Sinclair*
SECONDED: *Cr Kelly*

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.5 GOVERNANCE AND ECONOMIC DEVELOPMENT

6.5.1 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA NATIONAL CONGRESS AND BUSINESS EXPO 4-6 MAY 2016

File No: 147434
Responsible Officer: Acting Director Corporate Services
Author: Governance Officer

REPORT

SUMMARY

To approve the attendance of interested Councillors at the Local Government Professionals Australia (formerly Local Government Managers Association) National Congress and Business Expo to be held 4-6 May 2016 in Gold Coast, Queensland.

INTRODUCTION

The 2016 LG Professionals Australia Congress and Business Expo will explore the concepts and key trends around changes and reform in local government. A range of international, national and local speakers will share their insight into what it takes to deliver change and reform successfully. The Congress will provide practical tools and resources to help create a culture of change and new organisational capacity within Local Government organisations.

PROGRAM

The program includes the following issues and topics:

| Topic/Session | Speakers |
|---|--|
| Wednesday 4 May 2016 | |
| Study Tour | Gold Coast highlight and Commonwealth Games study tour |
| Thursday 5 May 2016 | |
| Breakfast | Women in Local Government Networking Breakfast |
| Keynote Presentation: Barrie Cassidy | Shares stories of change and challenges from more than 45 years as a journalist covering Australian Politics. |
| Debate: What are Local Government’s main challenges for change? Apolitical leadership | Topics include: <ul style="list-style-type: none"> • Amalgamation/reform • Rate capping • Unfunded mandates Panel Members invited: <ul style="list-style-type: none"> • Dr Shayne Silcox – National President, LG Professionals Australia • Mayor Troy Pickard – President, Australian Local Government Association • Professor Mark Evans – University of Canberra • Hon. Alannah McTiernan • Dr Kathy Alexander, Former CEO, City of Melbourne |

| Topic/Session | Speakers |
|---|---|
| Concurrent Breakout Sessions | |
| Breakout Session 1 | Theory of Change – how humans deal with change personally. Featuring LG Professionals NSW CEO Annalisa Haskell on the Change Management Toolkit, for Local Government. |
| Breakout Session 2 | <p>International Breakout session – How different countries have addressed the changes facing their local government. Presenters: Kim Ryley (UK) and Simon Farbrother (Canada)</p> <p>Presenters providing insight on:</p> <ul style="list-style-type: none"> • The relationship between local governments and other levels of government in their country and the service they deliver. • Funding sources in comparison to other levels of government. • The top pressures local governments have faced over the last few years. • The pressures local governments are likely to experience in the future and how they are preparing for them. |
| Breakout Session 3 | Change and the digital economy – challenges for Councils |
| Keynote Presentation: International Q&A panel, Global Trends and Change (International) | <p>Panel Chair: Dennis Hoveden</p> <p>Panel:</p> <ul style="list-style-type: none"> • CAMA President – Don MacLellan (Canada) • SOLGM President – Barbara McKerrow (NZ) • LG Professionals Australia President – Shayne Silcox (Australia) • SOLACE President (UK, TBC) <p>The panel will address the following questions:</p> <ul style="list-style-type: none"> • The relationship between local and other levels of government and the services they provide. • Funding sources. • Top three pressures in recent years and why. • The key pressures over the next 5-10 years and how to respond. |
| Friday 6 May 2016 | |
| Breakfast | <p>Interational breakfast for all practitioners MC Dennis Hovenden</p> |
| Keynote Presentation: Dan Gregory | A how-to on developing agile, adaptive and innovative cultures within large organisations so that they can lead revolutionary change, not just “manage” it. |
| Keynote Presentation: Rabia Siddique | Rabia shares her stories of courage and determination from her changing and diverse career as a criminal and human rights lawyer, a retired British Army officer, a former terrorism and war crimes prosecutor, a professional speaker, trainer, MC, facilitator and published author. |
| Keynote Presentation: Mark Evans and Graham Sansom | Navigating change and managing the challenges of reform personal and professional recollections and advice for delegates. |
| Concurrent Breakout Sessions | |

| Topic/Session | Speakers |
|---------------------------------------|--|
| Breakout Session 1 | Management Challenge – career growth and strategy in a changing and evolving economy. Facilitator: LG Professionals SA CEO Taryn Sexton |
| Breakout Session 2 | Mayors and CEOs – how to navigate political landscapes for practitioners. Getting the balance right, negotiation and the landscape and what the purpose and skills sets of each role are. |
| Breakout Session 3 | Strategies for Change – Managing change against the backdrop of austerity measures. Doing more with less, staying accountable, agile and innovative. Focus on rate capping research by Brian Dollery. Facilitator – Professor John Martin |
| Keynote Presentation: Peter Ellard | The Future of Local Government – fast forward 2030 reflecting on the overall theme and challenges explored at Congress and what Local Government can do. |

FINANCIAL IMPLICATIONS

The cost of attending the Congress is as follows:

Early bird bookings made prior to 11 April 2016: \$1,675 per person; or

Bookings made after 11 April 2016: \$1,775 per person

Airfare, accommodation and other associated costs are additional.

The costs have been included in the 2015-2016 budget for Councillor training and development.

POLICY STRATEGY AND LEGISLATION

Council approval is required for any interstate or overseas travel by Councillors.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Good Governance |
| Theme | Continuous improvements |
| Strategic Objective | Council adopts best practice models of operation |

Attendance at the LG Professionals Australia Congress 2016 will better equip Councillors in advocating on behalf of the community.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

That Councillors consider their attendance at the LG Professionals Australia Congress and Business Expo to be held 4-6 May 2016 in Gold Coast, Queensland.

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

THAT Councillors advise the Office of the Mayor by 6 April 2016 of their attendance at the LG Professionals Australia Congress and Business Expo to be held 4-6 May 2016 in Gold Coast, Queensland.

| |
|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

MOVED: *Cr Sinclair*

SECONDED: *Cr Kelly*

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

| Assembly Details | Councillor attendees | Officer attendees | Matters discussed |
|---|---|--|---|
| LATM20 – First Working Group Meeting 10 December 2015 | Cr Alessi Cr Lalios | MET-A TLTE | 1. LATM – Area 20 <i>Nil Disclosures</i> |
| Council Forum 9 February 2016 | Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Harris Cr Lalios Cr Pavlidis Cr Sinclair Cr Stow | CEO DAC DCS DCRS-A DI DPMP EMA MPC | 1. Confidential Item: Mill Park Lakes Recreation Reserve proposed Sportsfield Redevelopment Project. 2. Submission to GC28Donnybrook/Woodstock PSP 3. Mernda Rail Extension Project Update 4. General Business: a. 114 Darebin Drive b. Skip Bins c. Mernda Rail d. Thomastown Station e. The Boulevard, Thomastown f. Forum 16 February 2016 g. NDIS Implementation h. Special Council Meeting 21 June 2016 i. Whittlesea Country Music Festival j. Blackberry plants in creeks <i>Nil disclosures</i> |
| LATM20 – Second Working Group Meeting 10 February 2016 | Cr Alessi Cr Lalios | MET-A TE-1 TLTE | 1. LATM20 – Draft Traffic Management Plan <i>Nil Disclosures</i> |
| Arts, Cultural and Sporting Grants for Young People Advisory Committee 16 February 2016 | Cr Kozmevski (Mayor) Cr Kelly Cr Kirkham Cr Pavlidis Cr Sinclair Cr Spinelli | MCA-A | The Advisory Committee made a recommendation to the delegate regarding the following applications via a virtual meeting. 1. Anthanasios Georgitsas – International – Sporting Grant 2. Jessica Mayne – Interstate – Sporting Grant 3. Brent Camilleri – Interstate – Sporting Grant <i>Nil disclosures</i> |
| Budget Requests Advisory Committee Meeting 16 February 2016 | Cr Kozmevski (Mayor) Cr Kirkham Cr Lalios | CEO EMA DAC DCS DI DPMP DCRS-A GO MFS MLCI MPOS TLG TLMA | 1. Hearing of Submissions 2. Other requests <i>Nil Disclosures</i> |

The table below represents an Index of Officer titles:

| Initials | Title of Officer | Initials | Title of Officer |
|----------|--|----------|--|
| CEO | Chief Executive Officer – David Turnbull | MLCI | Manager Leisure and Community Inclusion – Paul Reading |
| DAC | Director Advocacy & Communications – Griff Davis | MPC | Manager People & Culture – Sam Dureau |
| DCRS-A | Acting Director Corporate Services – Michael Tonta | MPOS | Manager Parks and Open Space – Kristen Jackson |

| Initials | Title of Officer | Initials | Title of Officer |
|----------|---|----------|--|
| DCS | Director Community Services – Russell Hopkins | NDIS-PPO | NDIS Prepare Project Office – Kathy Pompetti |
| DI | Director Infrastructure– Nick Mann | POAT-1 | Project Officer Access Team – Brendan O’Reilly |
| DPMP | Director Planning & Major Projects – Steve O’Brien | POAT-2 | Project Officer Access Team – Alice Wells |
| EMA | Executive Manager Advocacy – Mary Agostino | ROA | Assistant Records Officer – Jordan Plowman |
| GO | Governance Officer – Janet Taylor | SP | Special Projects – Ivan Peterson |
| MACW | Metro Access Community Development Worker – Bernie Ezeokoli | TE-1 | Traffic Engineer – Vesna Pismanovska |
| MCA-A | Acting Manager Civic Administration – Colleen Lazenby | TE-2 | Traffic Engineer – Paul Diffey |
| MET | Manager Engineering & Transportation – Greg Scott | TLA | Team Leader Access – Stephen Bell |
| MET-A | Acting Manager Engineering & Transportation – Ben Harries | TLG | Team Leader Governance – Angelo Mamatis |
| MFS | Manager Financial Services – Darryl Nelson | TLMA | Team Leader Management Accounting – Graham Haylock |
| MHABR | Manager Health Access and Bushfire Recovery – Neville Kurth | TLP | Team Leader Local Laws Prosecutions – Pat Carra |
| MHR | Manager Human Resources – Yvette Reardon | TLTE | Team Leader Traffic Engineering – Michael Lamers |

CONSULTATION

Consultation has taken place with internal Council Officer representatives of each of the meetings and committees that qualify as an Assembly of Councillors.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

POLICY STRATEGY AND LEGISLATION

Section 3C(2)(g) of the *Local Government Act 1989* provides that one of Council’s facilitating objectives is to have regard to ensuring transparency and accountability in Council decision making.

Accordingly, section 80A of the *Local Government Act 1989* requires that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable:-

- (a) reported at an ordinary meeting of the Council; and
- (b) incorporated in the minutes of that Council meeting.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|--|
| Future Direction | Good Governance |
| Theme | Continuous improvement |
| Strategic Objective | Best practice models of operation are adopted by Council |
| Council Goal | Council adopts best practice models of operation |

The provision of this report is in line with the Future Direction 7 – Good Governance of Council’s Community Plan by ensuring Council adopts best practice models of operation.

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

That Council note the record of the Assemblies of Councillors meetings in the table set out in the report.

RECOMMENDATION

THAT Council note the record of the Assemblies of Councillors meetings in the table set out in the report.

COUNCIL RESOLUTION

MOVED: *Cr Sinclair*
SECONDED: *Cr Kelly*

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.5.3 SPECIAL COUNCIL MEETING - 23 JUNE 2016

File No: 140318
Responsible Officer: Acting Director Corporate Services
Author: Governance Officer

REPORT

SUMMARY

In August 2015 Council adopted the Ordinary Council Meeting Schedule for 2016. Part of this resolution was to schedule a Special Council Meeting for 6.00pm Tuesday 21 June 2016 for the purpose of adopting the 2016-2017 Budget. Notice has been received that the Australian Local Government Association (ALGA) annual conference has been scheduled for 19-22 June 2016 which creates a clash with Council's Special Council Meeting. We note that this is the peak conference for the Local Government sector in Australia. It is proposed to reschedule the Special Council meeting to Thursday 23 June 2016 to allow Councillors the opportunity to attend the ALGA conference in Canberra.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Good Governance |
| Theme | Continuous improvements |
| Strategic Objective | Council adopts best practice models of operation |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, and reports that no disclosable interests have been raised in relation to this report.

CONCLUSION

It is recommended that the amended Special Council meeting date be adopted by Council.

RECOMMENDATION

THAT Council resolve to amend the 2016 Council meeting Schedule to remove the conflict with the Australian Local Government Association Conference scheduled for 19-21 June 2016 as follows:

- 1. Move Council's Special Council Meeting scheduled for 6pm Tuesday 21 June 2016 to 6pm Thursday 23 June 2016 for the purpose of adopting the 2016-2017 Budget:**

2. Give public notice of the amended Council Meeting schedule for 2016.

| |
|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

MOVED: *Cr Sinclair*
SECONDED: *Cr Kelly*

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Kelly. See Section 6 - Officers' Reports for further information on items adopted en bloc.

CARRIED

6.6 ADVOCACY AND COMMUNICATION

6.6.1 ASIA PACIFIC AWARDS FOR EXCELLENCE

File No: 193352

Responsible Officer: Director Advocacy & Communications

Author: Manager Marketing and Communications

REPORT

SUMMARY

To approve the attendance of interested Councillors and the CEO or delegate at the Asia-Pacific Excellence Awards on 1 April 2016 in Singapore.

INTRODUCTION

The City of Whittlesea's *Access Denied* campaign has received an international award. *Access Denied* was entered into the Asia-Pacific Excellence Awards in the field of Public Relations and Communications. The Asia-Pacific Excellence Awards attracted more than 2600 applications from around the globe across more than 40 categories.

Access Denied won the 'Public Affairs' category, ahead of other nominations including the Beijing 2022 Olympic Winter Games Bid Committee, NZ Transport Agency and Uber Technologies.

The award will be formally presented during a Winners Dinner on 1 April in Singapore.

BACKGROUND

In 2014, with a State election being held in November, the City of Whittlesea undertook a major advocacy communications campaign in partnership with the community that aimed to get election commitments for two major transport projects: the Mernda rail extension and the O'Herns Road / Hume Freeway interchange. Launched in March 2014, eight months ahead of the election, *Access Denied* was a high profile community campaign that achieved many outcomes, including election commitments for both projects, totalling more than \$640 million.

Access Denied was considered a benchmark campaign and has also won the LG Pro 2015 Excellence Award for Communications and also received a commendation in the 2015 National Growth Areas Alliance Advocacy Awards.

The Asia-Pacific Excellence Awards were created to honour the most outstanding achievement of communications professionals in their field. In addition the Awards provide a networking opportunity for attendees and take a comprehensive look at communications achievements across Asia-Pacific.

The awards are hosted by *Communications Director* magazine, a worldwide industry publication with special editions for Europe and Asia-Pacific. The Awards are part of a worldwide implementation of Excellence Awards, being rolled out in Africa, Asia-Pacific, Europe, Latin America and North America simultaneously.

PROGRAM

The Winners Day will be held on 1 April in Singapore and includes a Symposium and Winners Dinner.

Symposium

Winners of the Awards will give a short presentation to an audience of other winners, Jury members and communications experts that have not entered the Awards but want to get an inside view on the most successful campaigns and projects in the Asia Pacific. Winners need to nominate interest in making a presentation to showcase their respective campaign, and will be subject to availability.

Dinner

A Winners Dinner includes a ceremony where winners of all categories will be honoured.

FINANCIAL IMPLICATIONS

Attendance at the Symposium is free of charge. Cost to attend the Winners Dinner is \$195 USD per person plus airfare, accommodation and other associated costs.

POLICY STRATEGY AND LEGISLATION

Council approval is required for any interstate or overseas travel by Councillors.

LINKS TO THE COUNCIL PLAN

| | |
|----------------------------|---|
| FUTURE DIRECTION | Inclusive & Engaged Community |
| Theme | Participation & decision making |
| Strategic Objective | People are involved in issues that affect them |

DECLARATIONS OF CONFLICTS OF INTEREST

Under section 80C of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

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

CONCLUSION

As a category winner, it is considered appropriate that the City of Whittlesea is represented at the Asia-Pacific Excellence Awards.

That interested Councillors consider their attendance at the Asia-Pacific Excellence Awards, to be held in Singapore on 1 April 2016 and approve the attendance of the CEO or delegate.

RECOMMENDATION

1. That interested Councillors consider their attendance at the Asia-Pacific Excellence Awards, to be held in Singapore on 1 April 2016.
2. Approve the attendance of the CEO or delegate to attend the Asia-Pacific Excellence Awards.

COUNCIL RESOLUTION

MOVED: *Cr Alessi*
SECONDED: *Cr Spinelli*

1. That interested Councillors consider their attendance, at their own cost with the exclusion of the amount for the dinner, at the Asia-Pacific Excellence Awards, to be held in Singapore on 1 April 2016.
2. Approve the attendance of the CEO or delegate to attend the Asia-Pacific Excellence Awards.

CARRIED

6.7 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION

7.1 NOTICE OF MOTION 812 - COUNCIL EVENTS - POST FESTIVAL SEASON REVIEW

File No: .

Author: Cr Christine Stow

Please TAKE NOTICE that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 15 March 2015 at 6.30pm

MOTION

Cr Griffin requested an extension of speaking time.

COUNCIL RESOLUTION

MOVED: Cr Alessi
SECONDED: Cr Kirkham

THAT Council resolve to extend the speaking time for Cr Griffin for a further two minutes.

CARRIED

RECOMMENDATION

THAT Council resolve to:

- 1. Undertake a post Festival Season review of Council events given the anti-social behaviour which has occurred at some Council events to ensure that they continue to meet community needs and expectations;**
- 2. Such a review should analyse and consider alternative options for celebrations such as the timing and nature of the events (e.g. picnic events), security measures, and the inclusion or otherwise of fireworks; and**
- 3. Receive a Report back to Council.**

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Kirkham*

THAT Council resolve to adopt the Recommendation.

CARRIED

7.2 NOTICE OF MOTION 813 - MERNDA RAIL EXTENSION

File No: SU174132

Author: Cr Ricky Kirkham

Please **TAKE NOTICE** that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 15 March 2016 at 6.30pm

RECOMMENDATION

THAT Council resolve to:

1. Oppose the elevated rail structure as a means to grade separate the Mernda Rail Extension from Bridge Inn Road on the basis that:
 - It will have a significant visual impact for the Mernda growth corridor which will undermine the strong sense of place that exists within the growth corridor because of the presence of the strong and attractive landscape setting.
 - It will create a poor Town Centre outcome with the elevated structure dominating the formative years of the Town Centre and creating an unsightly and dominant visual element which is counter to integration of the Town Centre with the rail station and rail corridor.
 - That an elevated rail structure will attract high levels of graffiti that will further undermine the visual setting of the Town Centre and Bridge Inn Road.
2. Write to the Premier, Opposition Leader, relevant Ministers and Local Members of Parliament to advise of Councils position.

MOTION

MOVED: Cr Kirkham
SECONDED: Cr Stow

THAT Council resolve to:

1. Oppose the elevated rail structure as a means to grade separate the Mernda Rail Extension on the basis that:
 - a) It will have a significant visual impact for the Mernda growth corridor which will undermine the strong sense of place that exists within the growth corridor because of the presence of the strong and attractive landscape setting.
 - b) It will create a poor Town Centre outcome with the elevated structure dominating the formative years of the Town Centre and creating an unsightly and dominant visual element which is counter to integration of the Town Centre with the rail station and rail corridor.

- c) That an elevated rail structure will attract high levels of graffiti that will further undermine the visual setting of the Town Centre and Bridge Inn Road.
- 2. Write to the Premier, Opposition Leader, relevant Ministers and Local Members of Parliament to advise of Councils position.

AMENDMENT

MOVED: *Cr Alessi*
SECONDED: *Cr Lalios*

THAT Council resolve to insert the following point at point 2:

- 2. To future proof the Findon Road interchange with the provision of Bridge infrastructure.

CARRIED

MOTION

Cr Griffin requested an extension of speaking time.

COUNCIL RESOLUTION

MOVED: *Cr Kelly*
SECONDED: *Cr Kirkham*

THAT Council resolve to extend the speaking time for Cr Griffin for a further two minutes.

CARRIED

COUNCIL RESOLUTION

MOVED: *Cr Kirkham*
SECONDED: *Cr Stow*

THAT Council resolve to:

- 1. **Oppose the elevated rail structure as a means to grade separate the Mernda Rail Extension on the basis that:**
 - a) **It will have a significant visual impact for the Mernda growth corridor which will undermine the strong sense of place that exists within the growth corridor because of the presence of the strong and attractive landscape setting.**
 - b) **It will create a poor Town Centre outcome with the elevated structure dominating the formative years of the Town Centre and creating an unsightly and dominant visual element which is counter to integration of the Town Centre with the rail station and rail corridor.**

- c) That an elevated rail structure will attract high levels of graffiti that will further undermine the visual setting of the Town Centre and Bridge Inn Road.
- 2. To future proof the Findon Road interchange with the provision of Bridge infrastructure.
- 3. Write to the Premier, Opposition Leader, relevant Ministers and Local Members of Parliament to advise of Councils position.

CARRIED UNANIMOUSLY

8. QUESTIONS TO OFFICERS

NIL

9. URGENT BUSINESS

NIL

10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

10.1 BUNDOORA INDOOR NETBALL AND SPORTS CENTRE BOARD

Cr Sinclair provided an overview of a recent meeting of the Bundoora Indoor Netball And Sports Centre Board when the following items were discussed:

- University has taken over the management of the Centre;
- Synopsis of 2014/2015 finances provided;
- 3000 hours of availability to the community;
- \$1 million facility upgrade including court improvement, change room, gym and reception area;
- \$10,000 invested in an ice machine to assist with first aid for injuries;
- Decking improved outside; and
- Consultant Jim Corbett undertaking a report of what sports are going into the precinct for the use of students an residents in the municipality.

COUNCIL RESOLUTION

MOVED: *Cr Kelly*
SECONDED: *Cr Lalios*

THAT Council resolve to note the Delegate's report.

CARRIED

10.2 WESTGARTHTOWN PIONEER PRECINCT ADVISORY COMMITTEE

Cr Alessi provided an overview of a recent meeting of the Westgarthtown Pioneer Precinct Advisory Committee when the following items were discussed:

- Reports and an update on Ziebels farmhouse and gardens;
- Garden includes rare flowers, an audits was undertaken of the garden, the garden will not be part of the open gardens this year;
- Update provided on the Lutheran Church, missing bell has been located and they are trying to get it back;
- Jacaranda Pre-school run a bush kinder program which is expanding to 4 year old children;
- Reunion day for Ziebals took place;
- Audit done of the facility: issues were identified with the floor boards upstairs and smoke alarms;
- Maintenance of smoke alarms to be funded outside of the regular maintenance budget.

COUNCIL RESOLUTION

MOVED: *Cr Sinclair*
SECONDED: *Cr Spinelli*

THAT Council resolve to note the Delegate's report.

CARRIED

MOTION

THAT Council resolve to receive a report on options for fire protection at Ziebels Farmhouse for consideration in the 2016/2017 budget.

COUNCIL RESOLUTION

MOVED: *Cr Alessi*
SECONDED: *Cr Pavlidis*

THAT Council resolve to receive a report on options for fire protection at Ziebels Farmhouse for consideration in the 2016/2017 budget.

CARRIED

11. QUESTIONS TO COUNCILLORS

The answers provided verbally by the Mayor at the meeting in response to questions asked by members of the public are preliminary answers provided on a without prejudice basis. A formal written response to each question is sent following the Council meeting which contains Council official position on the matter.

11.1 TRAFFIC FLOW IN BEAUMONT CRESCENT, LALOR

File No: ST105385

Eileen Palmieri

What strategies do the Council have in place to reduce the traffic flow in Beaumont Crescent, Lalor?

The Mayor, Cr Kozmevski:

This matter has been previously investigated by Council.

Traffic surveys were conducted at 21 Beaumont Crescent on 19 to 21 May 2015.

The results of the survey indicate that traffic conditions are considered acceptable for a local street.

There are a number of traffic measures in place including truck restrictions, restrictions on vehicle access and speed reduction treatments.

On this basis, no further traffic management is proposed for Beaumont Crescent.

11.2 TRAFFIC CONGESTION ON THE LAKES BOULEVARD, FERRES BOULEVARD AND FINDON ROAD, SOUTH MORANG

File No: IN193995

Matthew Coughlin:

Does Council consider the traffic now at a point in The Lakes Boulevard, Ferres Boulevard and Findon Road area where any strategies to alleviate congestion are close to being triggered?

The Mayor, Cr Kozmevski:

Council is very aware of traffic congestion in South Morang and the inconvenience this congestion causes for local residents. Preliminary design work on the upgrade of the intersection has commenced, with more detailed design work identified as part of Council's short term future works program.

Council is also seeking to improve traffic conditions in South Morang through the extension of Findon Road through to Plenty Road, which is part of an application made today to the Federal Government's National Stronger Regions Fund.

We are also actively lobbying the State and Federal Governments to provide critical funding to improve roads.

We are lobbying the State and Federal government for funds for projects including the duplication of Yan Yean Road, Plenty Road, Bridge Inn Road and Epping Road. Significant investment in roads is needed by the State and Federal governments to help ease local traffic congestion.

The State and Federal Government are well aware of the priorities and what investment is needed and we will continue to lobby hard to get roads improved in our City..

11.3 COLES PROJECT BRIDGE INN ROAD, MERNDA

File No: 714183

William Sharp:

Can Council advise when all the permits will be issued for the Coles project at Bridge Inn Road so that the much needed project can proceed?

As jobs and facilities in Mernda are lacking, can Council advise what they are doing to get the Coles project completed in the short term?

The Mayor, Cr Kozmevski:

A Planning Permit was granted on 16 October 2014 to allow for the development of a Coles Supermarket and a small number of shops at 1435 Plenty Road.

The permit included a number of conditions to be resolved prior to development, such as an upgrade to Plenty Road.

Town Planning drawings required as a condition of the planning approval were endorsed on 11 February 2016.

Upgrade works to Plenty Road and Bridge Inn Road continue to require approval from VicRoads.

Council has granted approval for the applicant to undertaken preliminary works on site..

12. CONFIDENTIAL BUSINESS

12.1 PLANNING AND MAJOR PROJECTS

12.1.1 UPGRADE AND EXTENSION WORKS AT THE MILL PARK LAKES RESERVE PAVILION CONTRACT 2015-203 - TENDER EVALUATION REPORT

12.1.2 CONTRACT MANAGEMENT SERVICES FOR THE CIVIC CENTRE HVAC UPGRADE PROJECT CONTRACT 2015-175 - TENDER EVALUATION REPORT

12.2 COMMUNITY SERVICES

12.2.1 PROVISION OF WHITTLESEA SPECIAL KIDS HOLIDAY ACTIVITY (WHISKHA) PROGRAM - CONTRACT EXTENSION CT1213119

12.2.2 PROVISION OF FAMILY HOLIDAY PROGRAM CONTRACT EXTENSION CT1213120

12.2.3 EPPING SERVICES HUB - SUB TENANCY

12.3 FINANCE AND ORGANISATION IMPROVEMENT

12.3.1 INTERNAL AUDIT SERVICES EXTENSION TO CONTRACT NO CT121338

12.3.2 ELECTRICITY AND ASSOCIATED SERVICES TO LARGE AND SMALL SITES (CONTRACT 2015-180) AND NATURAL GAS AND ASSOCIATED SERVICES (CONTRACT 2015-181)

12.4 INFRASTRUCTURE

12.4.1 PROVISION OF MECHANICAL SERVICES MAINTENANCE - CONTRACT NO.CT121366 - CONTRACT EXTENSION

12.4.2 SUPPLY AND INSTALLATION OF LANDSCAPE AND PLAYGROUND WORKS AT LORNE PARK AND NICK ASCENZO PARK - CONTRACT NO. 2015-207 - TENDER EVALUATION

12.4.3 MANAGEMENT AND OPERATION OF GOLF SERVICE CENTRE GROWLING FROG GOLF COURSE - CONTRACT NO CT080903 - CONTRACT VARIATION NO 2 AND DEED OF RENEWAL AND VARIATION TO LEASE

12.4.4 PROVISION OF KERBSIDE GREEN ORGANICS (MOBILE BIN) COLLECTION SERVICES - CONTRACT VARIATION REPORT - CONTRACT NO. SR070801

12.5 GOVERNANCE AND ECONOMIC DEVELOPMENT

NIL REPORTS

12.6 ADVOCACY AND COMMUNICATION

NIL REPORTS

12.7 EXECUTIVE SERVICES

12.7.1 EMPLOYEE ASSISTANCE PROGRAM - CONTRACT 2015-191 - TENDER EVALUATION

12.7.2 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 15 FEBRUARY TO 4 MARCH 2016

12.7.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the confidential matters above in accordance with Section 89(2) of the Local Government Act 1989 as follows:

- 12.1.1 UPGRADE AND EXTENSION WORKS AT THE MILL PARK LAKES RESERVE PAVILION CONTRACT 2015-203 - TENDER EVALUATION REPORT**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.1.2 CONTRACT MANAGEMENT SERVICES FOR THE CIVIC CENTRE HVAC UPGRADE PROJECT CONTRACT 2015-175 - TENDER EVALUATION REPORT**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.2.1 PROVISION OF WHITTLESEA SPECIAL KIDS HOLIDAY ACTIVITY (WHISKHA) PROGRAM - CONTRACT EXTENSION CT1213119**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.2.2 PROVISION OF FAMILY HOLIDAY PROGRAM CONTRACT EXTENSION CT1213120**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.2.3 EPPING SERVICES HUB - SUB TENANCY**
Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989.
- 12.3.1 INTERNAL AUDIT SERVICES EXTENSION TO CONTRACT NO CT121338**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.3.2 ELECTRICITY AND ASSOCIATED SERVICES TO LARGE AND SMALL SITES (CONTRACT 2015-180) AND NATURAL GAS AND ASSOCIATED SERVICES (CONTRACT 2015-181)**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.4.1 PROVISION OF MECHANICAL SERVICES MAINTENANCE - CONTRACT NO.CT121366 - CONTRACT EXTENSION**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
- 12.4.2 SUPPLY AND INSTALLATION OF LANDSCAPE AND PLAYGROUND WORKS AT LORNE PARK AND NICK ASCENZO PARK - CONTRACT NO. 2015-207 - TENDER EVALUATION**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.
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12.4.3 MANAGEMENT AND OPERATION OF GOLF SERVICE CENTRE GROWLING FROG GOLF COURSE - CONTRACT NO CT080903 - CONTRACT VARIATION NO 2 AND DEED OF RENEWAL AND VARIATION TO LEASE

Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.4.4 PROVISION OF KERBSIDE GREEN ORGANICS (MOBILE BIN) COLLECTION SERVICES - CONTRACT VARIATION REPORT - CONTRACT NO. SR070801

Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.7.1 EMPLOYEE ASSISTANCE PROGRAM - CONTRACT 2015-191 - TENDER EVALUATION

Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.7.2 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 15 FEBRUARY TO 4 MARCH 2016

Confidential in accordance with Section 89(2)(a),(h) of the Local Government Act 1989.

12.7.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS

Confidential in accordance with Section 89(2)(a) of the Local Government Act 1989.

CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:53PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 11:30PM.

13. CLOSURE

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 11:30PM.

CONFIRMED THIS 5TH DAY OF APRIL, 2016.

**CR STEVAN KOZMEVSKI
MAYOR**