



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 5 APRIL 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 CITY TRANSPORT AND PRESENTATION

MICHAEL TONTA

ACTING DIRECTOR CORPORATE SERVICES

GRIFF DAVIS

DIRECTOR ADVOCACY AND COMMUNICATIONS

ANGELO MAMATIS

TEAM LEADER GOVERNANCE

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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 6.31pm.

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:

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)* entered Council Chamber at 6.34pm
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 City Transport and Presentation
Mr Michael Tonta	Acting Director Corporate Services
Mr Griff Davis	Director Advocacy and Communications
Mr Angelo Mamatis	Team Leader Governance

2. APOLOGIES

An apology was received on behalf of Cr Ricky Kirkham who requested that leave be granted for this meeting.

COUNCIL RESOLUTION

MOVED: *Cr Griffin*
SECONDED: *Cr Pavlidis*

THAT the Councillor's apology be received and leave be granted.

CARRIED

3. DECLARATIONS OF INTEREST

THE FOLLOWING DECLARATIONS OF INTEREST WERE MADE TO THE MAYOR PRIOR TO THE MEETING:

David Turnbull, Chief Executive Officer declared an indirect interest in 12.4.3 – Tender for Insurance Broker and Insurance Portfolio.

THE FOLLOWING DECLARATIONS OF INTEREST WERE MADE TO THE MAYOR DURING THE MEETING:

Steve O'Brien, Director Planning and Major Projects declared an indirect interest by close association in 12.4.3 – Tender for Insurance Broker and Insurance Portfolio on the grounds that a relative works for one of the tenderers under consideration.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

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

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

Ordinary Meeting of Council held 15 March 2016.

CARRIED

5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS

5.1 PETITIONS

5.1.1 PETITION - INSTALLATION OF LIGHTS IN THE CAR PARK AREA OF LOWALDE RECREATION RESERVE, EPPING

File No: ST/106140

Petition from 10 residents requesting Council install lights in the car park area of Lowalde Recreation Reserve, Epping.

Council has made contact with the head petitioner and offered as a solution to have the car park better illuminated via the inclusion of an addition street light located on the existing pole fronting the car park on Lowalde Drive.

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*
SECONDED: *Cr Sinclair*

THAT Council resolve to receive the petition noting that an additional street light will be installed to the existing pole fronting the car park on Lowalde Drive and that a report be prepared.

CARRIED

Cr Kirkham entered the Council Chamber at 6:34pm.

5.2 JOINT LETTERS

5.2.1 JOINT LETTER - SAFETY AND TRAFFIC ISSUES - HARTCOURT LANE, WOLLERT

File No: SU/147652

Joint Letter from 5 residents regarding the safety and traffic issues surrounding Hartcourt Lane, Wollert.

COUNCIL RESOLUTION

MOVED: *Cr Laliou*
SECONDED: *Cr Stow*

THAT Council resolve to receive the petition regarding the safety and traffic issues surrounding Hartcourt Lane, Wollert and a report be prepared.

CARRIED

6. OFFICERS' REPORTS

RECOMMENDATION

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.2.1, 6.3.1, 6.3.2, 6.4.1, 6.4.2 and 6.4.3.

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 86 GARDENIA ROAD THOMASTOWN - CONSTRUCTION OF FIVE DWELLINGS**

File No:	714890
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Senior Planner
APPLICANT:	Silverpoint Building Designers and Planning Consultants
COUNCIL POLICY:	Housing Diversity Strategy
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay – Schedule 3
REFERRAL:	Nil
OBJECTIONS:	Two
RECOMMENDATION:	That Council refuse the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing single storey dwelling and construct five new double storey dwellings. Dwelling No. 1 will front Gardenia Road, with vehicle access from a new crossover along the northern boundary. Dwelling Nos. 2 – 5 will front the shared accessway, with vehicle access from the existing crossover along the southern boundary.

Advertising of the proposal resulted in two objections being received. The grounds of objection relate to neighbourhood character and overlooking from first floor windows of the dwellings.

The proposal fails to meet many of the objectives and standards of Clause 55 of the Whittlesea Planning Scheme, including neighbourhood character, residential policy, parking location, overlooking and private open space. In addition, the proposal fails to meet several requirements of Clause 52.06 (Car Parking).

The Housing Diversity Strategy (HDS) nominates the site as being within the Suburban Residential Change Area where only two dwellings are preferred. While officers acknowledge that the size of the property (1,154m²) could allow for more than two dwellings to be considered, the proposal for five dwellings is considered an overdevelopment of the site, evidenced by the non-compliances with Clause 55 and 52.06. The proposal does not meet the preferred key design principles for this Change Area.

Council Officers have advised the applicant to reduce the proposed number of dwellings in an endeavour to address the non-compliances, however the applicant has requested the application be progressed to Council for determination.

On the basis of the non-compliances with Clause 55, Clause 52.06 and the HDS, it is recommended that Council refuse the application.

SUBJECT SITE AND SURROUNDING AREA

The subject site is a residential property located on the eastern side of Gardenia Road Thomastown, approximately 230m north of the Main Street Recreation Reserve (see *Attachment 1*).

The subject site is irregular in shape with a frontage to Gardenia Road of 15.2m and an average depth of 75.7m giving a total site area of 1,154m². The subject site has a gradual fall of 2.7m from the northwestern front boundary corner to the southeastern rear boundary corner.

The subject site currently contains a single storey dwelling, carport and two outbuildings. The subject site also supports a variety of vegetation along the northern side boundary and within the rear easement.

Directly to the north of the subject site is a Water Supply Reserve. Directly to the east of the subject site is the Thomas Street Reserve. Directly to the south of the subject site is a residential property containing a single storey dwelling and associated outbuildings.

The surrounding area is characterised by a combination of single and double storey dwellings predominately constructed from brick with tiled roofs. Low brick fences also dominate the streetscape. Examples of medium density development within the immediate vicinity are located at 20, 22 and 23 Midholm Court and at 107 Gardenia Road.

The subject site is located in proximity to the following sites, services and infrastructure:-

- Main Street Recreation Reserve (230m north).
- Route 575 – Epping North to Thomastown Bus Service (460m west).
- Thomastown Library (580m south).
- Thomastown Recreation and Aquatic Centre (590m south).
- Thomastown Secondary College (600m southwest).
- Thomastown West Primary School (650m southwest).

CERTIFICATE OF TITLE PARTICULARS

The subject site is legally described as Lot 42 on Plan of Subdivision 099238. There are no restrictions on title that preclude Council from determining the application. The rear eastern boundary of the site contains two drainage and sewerage easements with a total width of 4.9m.

PROPOSAL

It is proposed to demolish the existing dwelling and construct five double storey dwellings (see *Attachment 2*).

Dwelling No. 1 will contain a porch, entry, study, powder room, laundry, lounge and open plan kitchen, meals and family areas on the ground floor and three bedrooms with two bathrooms on the first floor. This dwelling will be provided with a single garage and tandem car parking space accessed from a new crossover near the northern side boundary.

Dwelling No. 2 will contain a porch, entry, laundry and open plan kitchen, meals and family areas on the ground floor and two bedrooms and one bathroom on the first floor. This dwelling will be provided with a single garage accessed from the existing crossover near the southern side boundary.

Dwelling Nos. 3 and 4 will contain a porch, entry, powder room, laundry and open plan kitchen, meals and family area on the ground floor and two bedrooms and one bathroom on the first floor. These dwellings will be provided with a single garage accessed from the existing crossover near the southern side boundary.

Dwelling No. 5 will contain a porch, entry, powder room, laundry and open plan kitchen, meals and family area on the ground floor and three bedrooms and two bathrooms on the first floor. This dwelling will be provided with a single garage and a car parking space accessed from the existing crossover near the southern side boundary.

Details of the proposed development are outlined in the following table:-

	Height / Scale	No. of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3 and a Study	7.4m front (west), 4.0m side (south), 0m side (north) and 3.0m rear (east)	113m ² (including 35m ² of secluded private open space)	Single Garage (5.5m x 3.5m) and Tandem Car Parking Space (4.9m x 2.7m)	7.8m (overall)
Dwelling No. 2	Double Storey	2	3.0m front (west), 4.0m side (south), 0m side (north) and 3.5m (rear (east)	39m ² (all secluded private open space)	Single Garage (5.5m x 3.5m)	7.4m (overall)
Dwelling No. 3	Double Storey	2	3.5m front (west), 4.0m side (south), 1.7m side (north) and 0m rear (east)	40m ² (all secluded private open space)	Single Garage (5.5m x 3.5m)	7.2m (overall)
Dwelling No. 4	Double Storey	2	0m front (west), 3.5m side (south), 1.7m side (north) and 0m rear (east)	40m ² (all secluded private open space)	Single Garage (5.5m x 3.5m)	7.2m (overall)
Dwelling No. 5	Double Storey	3	0m front (west), 4.7m side (south), 1.0m side (north) and 11.2m rear (east)	107m ² (all secluded private open space)	Single Garage (5.5m x 3.5m) and Car Parking Space (4.9m x 2.7m)	7.6m (overall)

PUBLIC NOTIFICATION

Notification of the application resulted in two objections being received. The grounds of objection can be summarised as follows:-

1. The double storey built form is inconsistent with the existing and preferred neighbourhood character.
2. Overlooking.

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The HDS provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported.

In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the WPS and an assessment against it is provided under Standard B2 of the following Clause 55 assessment.

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:-

- Must meet all of the objectives; and
- Should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	The dwellings will be constructed with brick on the ground floors, render on the first floors and tiled roofs, which is consistent with existing housing stock. However, it is considered the continuous ground floor built form of Dwelling Nos. 3-5 as well as the sheer double storey walls is inconsistent with the existing or preferred neighbourhood character for the area.
B2	Residential Policy	x	x	<p>The site is located within a Suburban Residential Change Area within Council's Housing Diversity Strategy.</p> <p>Preferred housing types include detached dwellings, duplexes and dual occupancies. The proposal includes the construction of five double storey dwellings, which is contrary to the preferred dwelling density for the area.</p> <p>It is considered the sheer double storey walls along the northern elevations of Dwelling Nos. 2 and 4 as well as along the eastern elevation of Dwelling No. 5 are not consistent with suburban scale and character desired for the area.</p> <p>Dwelling Nos. 3 – 5 will be attached at the ground floor level and the only separation between Dwelling No. 3 and Dwelling No. 2 is an open car parking space, which is contrary to preferred design principle of building separation and landscaping.</p> <p>Finally, it is considered the secluded private open spaces provided for all five dwellings will not be able to accommodate an extra-large canopy tree due to their size or location</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				over existing easements.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the Street	✓	✓	
B6	Street Setback	✓	✓	
B7	Building Height	✓	✓	
B8	Site Coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy Efficiency	x	x	The first floor layouts of Dwelling Nos. 2 – 4 do not contain any north-facing habitable room windows or alternate roof designs to maximise energy efficiency.
B11	Open Space	✓	✓	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	✓	✓	
B13	Landscaping	x	x	There is minimal opportunity for landscaping to be provided on the southern side of the accessway (adjacent to the dwelling entries) that could soften the continual built form.
B14	Access	✓	✓	
B15	Parking Location	x	x	The lounge and kitchen windows of Dwelling No. 1 must be setback 1.0m from the shared accessway.
B17	Side and Rear Setbacks	✓	✓	
B18	Walls on Boundaries	✓	✓	
B19	Daylight to Existing Windows	✓	✓	
B20	North-facing Windows	N/A	N/A	
B21	Overshadowing Open Space	✓	✓	
B22	Overlooking	x	x	The Bedroom 2 window of Dwelling No. 5 will overlook into the adjoining land.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B23	Internal Views	✓	✓	
B24	Noise Impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling Entry	✓	✓	
B27	Daylight to New Windows	✓	✓	
B28	Private Open Space	x	x	Dwelling No.2 will only be provided with 39.0m ² of private open space (1.0m ² short of the requirement).
B29	Solar Access to Open Space	N/A	N/A	
B30	Storage	✓	✓	
B31	Design Detail	x	x	It is considered the first floors of Dwelling Nos. 2 – 4 are disproportionate to the mass of the associated ground floor footprint. Furthermore, the use of sheer double storey walls, as identified earlier, is considered not responsive to the opportunities and constraints of the site.
B32	Front Fences	x	x	A 2.4m high brick fence is proposed, which is inconsistent with the existing fence. Any front fence should have a maximum height of 1.5 metres.
B33	Common Property	✓	✓	
B34	Site Services	✓	✓	

CAR PARKING

Clause 52.06 – Car Parking of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this Clause the following car spaces are required:-

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
1	3 and a Study	2	2	Yes
2	2	1	1	Yes
3	2	1	1	Yes
4	2	1	1	Yes

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
5	3	2	2	Yes

Garages must be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. All five garages must be increased to have a minimum length of 6.0 metres.

While this could be addressed via a condition of permit, the lengthening of the garage provided to Dwelling No. 5 would result in the car parked in the second (open) space for this dwelling not being able to reverse and exit the site in a forward motion. This is a requirement for any accessway that provides access for more than four vehicles.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 3

The subject site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the Overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any Planning Permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. The double storey built form is inconsistent with the existing and preferred neighbourhood character.

While it is considered double storey dwellings in this area are acceptable, the design of the first floors for Dwelling Nos. 2 – 4 is excessive and not responsive to the opportunities and constraints of the site. Accordingly, this ground of objection can be substantiated.

2. Overlooking.

Concerns were raised by the objectors in respect to overlooking from bedroom and bathroom windows.

Overlooking will occur from the Bedroom 2 window of Dwelling No. 5. Overlooking from bathroom windows (defined as a non-habitable room) is not a consideration under Clause 55. However, frosting of bathroom windows is addressed under the Building Code of Australia. Accordingly, this ground of objection can be substantiated.

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 application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06 and Clause 55. It is considered the proposed five double storey dwellings do not appropriately respond to the opportunities and constraints of the site.

RECOMMENDATION

THAT Council resolve to refuse Planning Permit Application No. 714890 and issue a Refusal to Grant a Planning Permit for the construction of five dwellings at 86 Gardenia Road, Thomastown on the following grounds:-

1. The proposed development does not satisfactorily respond to its context and surrounding development and does not respect the existing or preferred character of the neighbourhood.
2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme.
3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:-
 - a) Clause 55.02-1 (Neighbourhood Character)
 - b) Clause 55.02-2 (Residential Policy)
 - c) Clause 55.03-5 (Energy Efficiency)
 - d) Clause 55.03-8 (Landscaping)
 - e) Clause 55.03-10 (Parking Location)
 - f) Clause 55.04-6 (Overlooking)
 - g) Clause 55.05-4 (Private Open Space)
 - h) Clause 55.06-1 (Design Detail)
 - i) Clause 55.06-2 (Front Fences)

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.1.2 48 TONELLI CRESCENT MILL PARK - CONSTRUCTION OF A DWELLING TO THE REAR OF THE EXISTING DWELLING

File No:	715339
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Senior Planner
APPLICANT:	MERAQ Building Designers Pty Ltd
COUNCIL POLICY:	Housing Diversity Strategy
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay – Schedule 3
REFERRAL:	Nil
OBJECTIONS:	One and a Petition with 15 Signatories
RECOMMENDATION:	That Council refuse the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to retain the existing dwelling and to construct a double storey dwelling at the rear of the site. Part of the garage associated with the existing dwelling will be demolished to provide a shared vehicle access to the existing and proposed dwelling.

Notification of the proposal resulted in one objection and a petition with 15 signatories being received. The grounds of objection relate to walls on side and rear boundaries, the lack of a suitable side setback, reduced visual amenity and reduced on street car parking.

The proposal fails to meet many of the standards of Clause 55 of the Whittlesea Planning Scheme, including neighbourhood character, residential policy, building height, safety, design detail and common property. In addition, the proposal fails to meet several of the standards of Clause 52.06 (Car Parking).

The Housing Diversity Strategy (HDS) nominates the site as being within the Suburban Residential Change Area. While the proposal meets the density required in this Change Area, the proposal does not meet the preferred design principles for this Change Area. It is considered that the retention of the existing dwelling has compromised the design response.

On the basis of non-compliances with Clause 55, Clause 52.06 and the HDS, it is recommended that Council refuse the application.

SITE AND SURROUNDING AREA

The subject site is a residential property located on the western side of Tonelli Crescent Mill Park, directly opposite Findon Primary School (see Attachment 1).

The subject site is irregular in shape, with a frontage to Tonelli Crescent of 19.8m and an average depth of 33.7m, resulting in a total site area of 735m². The subject site has a fall of over 3.0m from the north-western rear boundary corner to the south-eastern front boundary corner.

The subject site currently contains a single storey dwelling and attached double garage. There is no vegetation of significance contained within the site.

Directly to the north of the site is a single dwelling development, while directly to the south of the site is a 5.0m wide access to Findon Recreation Reserve. Directly to the east of the site is Findon Primary School and directly to the west of the site is Findon Recreation Reserve.

The surrounding area is characterised by predominately single storey dwellings constructed from brick with tiled roofs. Examples of medium density development within the immediate vicinity are located at 22 and 29 Tonelli Crescent, 12 and 19 Grenda Drive, 15, 16 and 19 Sieben Close and 128 and 134 Roycroft Avenue.

The subject site is located in proximity to the following sites, services and infrastructure:-

- Findon Primary School (0m east).
- Findon Recreation Reserve (0m west).
- Bus Route 564 – South Morang to Bundoora RMIT (50m south).
- Mill Park Stables Shopping Centre (940m northeast).

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 468 on Plan of Subdivision 200916W. There are no restrictions on title that preclude Council from determining the application.

PROPOSAL

It is proposed to construct a double storey dwelling at the rear of the site. The existing dwelling will be retained in its current form, except for the double garage, which will be reduced in size to provide a single garage.

The existing dwelling contains an open plan kitchen, meals and living area as well as three bedrooms and two bathrooms. A single garage and tandem car parking space will service the existing dwelling. The proposed dwelling will contain an open plan kitchen, meals and living area as well as three bedrooms and three bathrooms. A double carport will service the proposed dwelling.

Details of the proposed development are outlined in the following table:-

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Existing Dwelling	Single Storey	3	6.2m front (east), 3.8m rear (west), 1.9 side (north), 4.5m side (south)	201m ² (including 108m ² of secluded private open space)	Single garage (6.0m x 3.4m) and tandem car parking space (4.9m x 2.6m)	6.0m (overall)
Proposed Dwelling	Double Storey	3	3.8 front (east), 0m rear (west), 2.3 side (north), 0m side (south)	46m ² (all secluded private open space)	Double carport (5.8m x 5.1m)	7.0m (overall)

PUBLIC NOTIFICATION

Advertising of the application has resulted in one objection and a petition with 15 signatories being received. The grounds of objection can be summarised as follows:-

1. Walls on side and rear boundaries.
2. The lack of a suitable side setback.
3. The mass and bulk of the proposed dwelling is visually inappropriate.
4. Reduced on street car parking.

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the WPS and an assessment against it is provided under Standard B2 of the Clause 55 assessment.

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:-

- Must meet all of the objectives
- Should meet all of the standards

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	The proposal includes retaining the existing dwelling, which will ensure existing perspectives from the streetscape are maintained. However, the development proposes a total of 16.7m boundary wall construction along the western rear boundary adjacent to Findon Recreation Reserve (including garage). The length of these walls along the rear boundary is considered excessive when compared to those at 36 and 40 Tonelli Crescent.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B2	Residential Policy	x	x	<p>Applications for multi-dwelling developments are to have regard to the preferred housing types and key design principles in Councils Housing Diversity Strategy.</p> <p>The subject site is located in a Suburban Residential Change Area. While the density of the proposal meets the density encouraged within this change area, it is considered that the extent of sheer double storey walls, particularly along the northern and southern elevations, is not consistent with the desired suburban scale and character of the Suburban Residential Change Area.</p> <p>It is considered the siting and extent of the proposed dwelling does not allow for acceptable side and rear setbacks to provide meaningful landscaping, particularly in the south western corner of the site.</p> <p>It is considered an extra-large canopy tree cannot be accommodated in the rear setback of the proposed dwelling due to the lack of suitable setbacks, the configuration of secluded private open space and the extent of proposed decking.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the Street	✓	✓	
B6	Street Setback	N/A	N/A	The existing street setback will be maintained in its current form.
B7	Building Height	x	x	While the overall height of the proposed dwelling (7.0m) is considered acceptable, it is considered the visual impact the proposed dwelling will have when viewed from adjoining properties is unacceptable. The extent of the first floor is considered disproportionate to the mass of the ground floor. The impact of this first floor is exacerbated by the narrow nature of the dwelling and the lack of meaningful landscaping opportunities to soften the built form.
B8	Site Coverage	✓	✓	
B9	Permeability	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B10	Energy Efficiency	✓	✓	
B11	Open Space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	x	x	It is considered the presentation of the proposed dwelling, which is dominated by the double carport when viewed from the shared accessway, creates an unsafe space with minimal window surveillance.
B13	Landscaping	x	x	While acceptable opportunities have been provided for landscaping east of the proposed feature wall within the secluded private open space of the existing dwelling and within the front setback, no meaningful opportunities for landscaping have been provided around the entrance / turning area near the proposed dwelling or within the secluded private open space of the proposed dwelling. The extent of hardstand area adjacent the carports and garage minimises additional landscaping opportunities.
B14	Access	x	x	No more than one single width crossover should be provided to each dwelling fronting a street. The applicant proposes to widen the existing single crossover to 5.5m which will also result in a loss of on-street carparking.
B15	Parking Location	x	x	The open car parking space provided for the existing dwelling is not considered convenient or practical. Any car parked in this space will need to be parked very close to the steps leading to the dwelling entry or the car will be encroaching into the 3.0m width required for the accessway to the proposed dwelling to the rear. Widening this parking bay will result in the loss of the landscaping strip provided along the driveway.
B17	Side and Rear Setbacks	x	x	Sections of the first floor western façade are not setback the required 1.7m from the Findon Recreation Reserve boundary.
B18	Walls on Boundaries	x	x	The 16.7m of proposed walls on boundaries (including the proposed carport) along the western boundary is in excess of the 14.5m requirement.
B19	Daylight to Existing Windows	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B20	North-facing Windows	N/A	N/A	
B21	Overshadowing Open Space	✓	✓	
B22	Overlooking	x	x	Finished floor levels were not provided for the existing or proposed dwelling. Based on the fall of the site and the elevations provided, overlooking may be present from the ground floor windows of both the existing and proposed dwelling. Overlooking from first floor windows of the proposed dwelling has been minimised to an acceptable level.
B23	Internal Views	✓	✓	
B24	Noise Impacts	✓	✓	
B25	Accessibility	✓	✓	While the entry to the proposed dwelling comprises two steps, it is considered that this could be modified to allow access to a person with limited mobility.
B26	Dwelling Entry	x	x	It is considered the entry to the proposed dwelling is a poor design outcome with no windows for passive surveillance to contribute to a safe environment.
B27	Daylight to New Windows	✓	✓	
B28	Private Open Space	✓	✓	
B29	Solar Access to Open Space	N/A	N/A	
B30	Storage	✓	✓	
B31	Design Detail	x	x	The bulk of the first floor of the proposed dwelling is disproportionate to the mass of the ground floor and is considered an unacceptable outcome for the area. The design is not considered to be innovative, relying on extensive boundary walls to provide for an additional dwelling on the site. It is considered that the retention of the existing dwelling compromises the design response.
B32	Front Fences	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B33	Common Property	x	x	It is considered the proposed tandem car parking space for the existing dwelling abutting the 3.0m clearance required for the proposed dwelling's access is neither practical nor easy to maintain and is likely to cause management difficulties in the future. This is primarily due to the lack of physical delineation (i.e. landscaping) to ensure the vehicle using the tandem car parking space does not obstruct access to the proposed dwelling.
B34	Site Services	x	x	The height of the proposed mailboxes will obstruct required sightlines and should be relocated to outside this area.

CAR PARKING

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this Clause the following car spaces are required:-

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
Existing	3	2	2	Yes
Proposed	3	2	2	Yes

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. Dimensions of the modified single garage and double carport have not been provided. The scaled plans indicate these spaces do not meet the minimum requirements.

Council's Transportation Engineers have also recommended the proposed widening of the existing crossover to 5.5m should not be supported and should be limited to 3.5m. This recommendation will further restrict the usability of the tandem car parking space for the existing dwelling and the shared accessway for the proposed dwelling.

Clause 52.06-8 requires that where an accessway serves four or more car spaces, the accessway must be designed so that cars can exit the site in a forward direction. The car spaces provided to the existing dwelling cannot achieve this requirement.

As identified earlier in this report, sight triangles, including the relocation of the mailboxes, must be provided to ensure safe access to and from the site.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing.

Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. Walls on side and rear boundaries.

Concern was raised by objectors in respect to the walls on the rear boundary and the impact that these walls would have on surveillance of the park and maintenance of the reserve.

The total length of the walls along the western rear boundary fails to satisfy the requirements of Clause 55. The impact of and maintenance of the Findon Recreation Reserve boundary was not raised as a concern by Council's Parks and Open Space Officers.

Accordingly, this ground of objection can be partially substantiated.

2. The lack of a suitable side setback to the north.

The setback proposed along the northern elevation satisfies the requirements of Clause 55. Accordingly, the ground of objection cannot be substantiated.

3. The mass and bulk of the proposed dwelling is visually inappropriate.

It is considered the extent of the first floor of the proposed dwelling, particularly along the northern elevation, lacks suitable recession, is disproportionate to the ground floor footprint and is not responsive to the adjoining sensitive interface (the objector's secluded private open space). Accordingly, this ground of objection can be substantiated.

4. Reduced on-street car parking due to the width of the crossover.

Council's Transportation Engineers have recommended the width of the crossover be limited to 3.5m to maximise on-street car parking. Accordingly, this ground of objection can be substantiated.

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 application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06 and Clause 55. It is considered the proposed dwelling does not appropriately respond to the opportunities and constraints of the site, including the restrictions created by the retention of the existing dwelling.

RECOMMENDATION

THAT Council resolve to Refuse Planning Application No. 715339 and issue a Refusal to Grant a Planning Permit for the construction of a dwelling to the rear of the existing dwelling at 48 Tonelli Crescent, Mill Park on the following grounds:-

1. The proposed development does not satisfactorily respond to its context and surrounding development and does not respect the character of the neighbourhood.
2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme.
3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:-
 - a) Clause 55.02-1 (Neighbourhood Character)
 - b) Clause 55.02-2 (Residential Policy)
 - c) Clause 55.03-2 (Building Height)
 - d) Clause 55.03-7 (Safety)
 - e) Clause 55.03-8 (Landscaping)
 - f) Clause 55.03-9 (Access)
 - g) Clause 55.03-10 (Parking location objectives)
 - h) Clause 55.04-1 (Side and Rear Setbacks)
 - i) Clause 55.04-2 (Walls On Boundaries)
 - j) Clause 55.04-6 (Overlooking)
 - k) Clause 55.05-2 (Dwelling Entry)
 - l) Clause 55.06-1 (Design Detail)
 - m) Clause 55.06-3 (Common Property)
 - n) Clause 55.06-4 (Site Services)

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.1.3 9 WESTALL STREET THOMASTOWN - CONSTRUCTION OF THREE DWELLINGS

File No:	715589
Attachments:	1 Locality Maps 2 Development plans
Responsible Officer:	Director Planning & Major Projects
Author:	Senior Planner
APPLICANT:	Loro Homes Pty Ltd
COUNCIL POLICY:	Clause 22.11 - Development Contribution Plan Policy
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay – Schedule 3
REFERRAL:	Nil
OBJECTIONS:	One
RECOMMENDATION:	That Council approve the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing single storey dwelling and construct two double storey dwellings and one single storey dwelling. Dwelling No. 1 will front Westall Street and will be accessed from a new crossover along the western side boundary, while Dwelling Nos. 2 and 3 will front the shared accessway, utilising the existing crossover, along the eastern side boundary.

Notification of the proposal resulted in one objection being received. The grounds of objection relate to additional traffic and car parking within Westall Street.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme, including the objectives relating to neighbourhood character, site coverage, permeability and overlooking. The proposal requires minor modifications to ensure safe vehicle access, which can be addressed as conditions of any permit issued.

The Housing Diversity Strategy (HDS) nominates the subject site as being within a Neighbourhood Interface Change Area. The proposal complies with the preferred density and design principles of this Change Area and is considered to be an acceptable development in an appropriate location as nominated by the HDS.

On the basis of the Clause 55 assessment and the proposal's general compliance with the HDS, it is recommended that Council approve the application.

SITE AND SURROUNDING AREA

The subject site is a residential property located on the southern side of Westall Street Thomastown, approximately 100m west of High Street (see *Attachment 1*).

The subject site is regular in shape with a frontage to Westall Street of 15.9m and a depth of 42.1m resulting in a total site area of 667m². The subject site has a marginal fall of 0.2m from the north-eastern front boundary corner to the south-western rear boundary corner.

The subject site currently contains a single storey dwelling, carport and several outbuildings. The subject site also supports a variety of vegetation within the front setback.

Directly to the north, east, south and west are single dwelling developments. Directly to the south east is a three dwelling development.

The surrounding area is characterised by a combination of single and double storey dwellings predominately constructed from brick or weatherboards with tiled roofs. Numerous examples of medium density development within the immediate vicinity include 22, 25, 26, 27, 30 and 36 Westall Street and 8, 16, 18, 22, 24, 28, 34 and 38 Chappell Street.

The subject site is located in proximity to the following sites, services and infrastructure:-

- Bus Route 557 – Epping to Northland (100m east).
- High Street Strip Shops (300m east).
- Thomas Street Reserve (400m west).
- Thomastown Train Station (500m south).
- Main Street Reserve (550m southwest).
- Thomastown Primary School (600m south).
- Peter Lalor Secondary College (800m north).

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 293 on Plan of Subdivision 013050. Restrictive Covenant No. 1688232 prevents the extraction of materials except for the purposes of a building. There are no restrictions on title that preclude Council from determining the application. The site is affected by a 3.0m wide easement that traverses the rear of the site.

PROPOSAL

It is proposed to construct two double storey dwellings and one single storey dwelling (see *Attachment 2*). The existing dwelling will be demolished.

Dwelling No. 1 will contain an open plan kitchen, meals/living area and a study on the ground floor and three bedrooms on the first floor. This dwelling also contains an attached single garage and tandem car parking space accessed along the western side boundary utilising the proposed crossover.

Dwelling No. 2 will contain an open plan kitchen, meals/living area on the ground floor and two bedrooms on the first floor. Dwelling No. 3 is a single storey dwelling and will contain an open plan kitchen, meals/living area and two bedrooms. Dwelling Nos. 2 and 3 have attached single garages accessed via a shared accessway along the eastern side boundary utilising the existing crossover.

Details of the proposed development are outlined in the following table:-

	Height/Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3 and a study	8.3m front (north), 0m rear (south), 0m side (west), 3.9m side (east)	106m ² (Including 30m ² of Secluded Private Open Space)	Single garage (6.0m x 3.5m) and tandem car parking space (4.9m x 2.6m)	7.5m (overall)
Dwelling No. 2	Double Storey	2	0m front (north), 0m rear (south), 2.0m side (west), 4.2 side (east)	47m ² (Including 39m ² of Secluded Private Open Space)	Single garage (6.0m x 3.5m)	7.5m (overall)
Dwelling No. 3	Single Storey	2	0m front (north), 3.0m rear (south), 0m side (west), 0m side (east)	68m ² (Including 61m ² of Secluded Private Open Space)	Single garage (6.0m x 3.5m)	5.4m (overall)

PUBLIC NOTIFICATION

Advertising of the application has resulted in one objection being received. The grounds of objection can be summarised as follows:-

1. Additional traffic and car parking within Westall Street.

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the WPS and an assessment against it is provided under Standard B2 of the Clause 55 assessment.

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:-

- Must meet all of the objectives.
- Should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	Dwelling No. 1 will be setback 8.3m from Westall Street and will contain a double fronted façade. This is consistent with the existing and preferred neighbourhood character.
B2	Residential Policy	✓	✓	It is considered the proposal is generally in accordance with Council's Housing Diversity Strategy, noting the site is located within a Neighbourhood Interface Change Area.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	✓	✓	
B13	Landscaping	✓	x	A landscape plan has not been provided with the application. It is considered that this can be dealt with by a condition on any permit that is issued.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	N/A	N/A	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	x	x	The porch for Dwelling No. 2 should be modified to improve its visibility from from the shared accessway. In addition, the landscaping in front of Dwelling No. 2 should be restricted to a maximum of 1.0m in height to ensure the porch of Dwelling No. 3 can be seen from the shared accessway. It is considered that this can be dealt with by conditions on any permit that is issued.
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	x	The private open space for Dwelling No. 2 is 1m ² less than the 40.0m ² requirement. It is considered that this can be dealt with by a condition on any permit that is issued.
B29	Solar access to open space	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

CAR PARKING

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this Clause the following car spaces are required:-

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
Dwelling No. 1	3 and a study	2	2	Yes
Dwelling No. 2	2	1	1	Yes
Dwelling No. 3	2	1	1	Yes

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

The vehicle associated with Dwelling No. 3 cannot exit the site in a forwards direction. While not a mandatory requirement when an accessway only serves two parking spaces, it is considered that the current layout does not provide for a safe environment for users or enables easy and efficient use. A condition should be placed on any permit issued for the garage associated with Dwelling No. 2 to be setback 1.0m to the west to rectify the matter.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION**1. Additional traffic and car parking within Westall Street.**

The proposal has provided the required car parking spaces on the site. Furthermore, it is considered the vehicle trips generated from the proposal will not impact on the functionality of Westall Street. Accordingly, this ground of objection cannot be substantiated.

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 application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 55 and the Housing Diversity Strategy and demonstrates a satisfactory level of compliance, subject to minor modifications as outlined. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715589 and issue a Notice of Decision to Grant a Permit for the construction of three dwellings at 9 Westall Street, Thomastown in accordance with the endorsed plans and subject to the following conditions:-

- 1. Prior to the endorsement of the plans required under Condition 3 of this Permit, the Permit Holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. (a) Prior to the endorsement of the plans required under Condition No. 3 of this Permit, or at such later date as the Responsible Authority may approve in writing, there must be lodged with the Responsible Authority an amount of \$3,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.**
(b) Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.
- 3. Prior to the commencement of buildings and works, three copies of revised plans must be submitted to and approved by the Responsible Authority, showing:-**
 - (a) The garage for Dwelling No. 2 setback 1.0m to the west to ensure the vehicle associated with Dwelling No. 3 can enter and exit the site in a forwards direction;**
 - (b) The secluded private open space of Dwelling No. 2 to be 40.0m²; and**
 - (c) Modifications to the porch of Dwelling No. 2 to increase the visibility of the**

dwelling entry from the shared accessway.

4. Prior to the commencement of buildings and works, a detailed landscape plan, prepared by a person suitably qualified or experienced in landscape design, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and show all proposed landscaping, including details of any existing vegetation to be removed or retained, the location of all new planting, a schedule of plant species and height at maturity and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority. Any proposed trees must be at an advanced stage of growth when planted. Canopy trees must be provided within the street setback and secluded private open space of each dwelling. Landscaping in front of Dwelling No. 2 must have a maximum height of 1.0m.
5. The development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the prior written consent of the Responsible Authority.
6. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
7. Prior to the occupation of the proposed dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the proposed dwellings hereby approved, the car parking areas and accessways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
9. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
10. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
11. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
12. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed to the satisfaction of the Responsible Authority and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
13. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must

be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.

14. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
15. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
16. Prior to occupation of any dwellings on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
17. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
18. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.
19. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
20. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
21. In accordance with the Planning and Environment Act 1987, a Permit for the development expires:-
 - (a) The approved development does not start within two years of the date of this permit; or
 - (b) The approved development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing. This request must be made before or within six months after the permit expiry date where the development has not yet started and within 12 months after the permit expiry date where the development allowed by the permit has lawfully started before the permit expires.

Notes

Advanced Trees

An advanced tree under this Permit shall generally constitute the following:-

- Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.
- Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

Easements

No structure may be built over an easement on the subject site without the consent of the relevant Responsible Authority.

Property Numbering

Property Numbers will be allocated by the City of Whittlesea in accordance with Council’s Street Numbering Policy. Please do not give potential buyers any interim numbering as this often leads to confusion and problems once the correct number is issued. Please check with Council’s Subdivision Department or GIS Department to verify all street numberings before commencement of any advertising for sale or lease.

CARRIED

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.1.4 ROAD RESERVE ADJACENT TO 145W EPPING ROAD, EPPING - REMOVAL OF NATIVE VEGETATION (RIVER RED GUM)

File No:	715770
Attachments:	1 Locality Maps 2 Tree Removal Plan 3 Photo of River Red Gum
Responsible Officer:	Director Planning & Major Projects
Author:	Principal Planner
APPLICANT:	Whittlesea City Council
COUNCIL POLICY:	River Redgum Protection Policy
ZONING:	Special Use Zone (SUZ2)
OVERLAY:	Vegetation Protection Overlay (VPO2)
REFERRAL:	Parks and Open Space
OBJECTIONS:	Nil
RECOMMENDATION:	That Council approve the planning application

REPORT**EXECUTIVE SUMMARY**

The application proposes the removal of trees, including one River Red Gum, to facilitate the construction of an infill portion of footpath along the south side of Harvest Home Road. The proposed footpath is 1.5m wide, extending from the existing footpath west of the Epping Soccer Stadium access road to Epping Road. This is part of the implementation of Council's missing links program.

Council Arborists have assessed the tree and have indicated that the tree has a coppiced growth habit (multiple trunks at ground level) and has a low retention value relative to other River Red Gums in the location. Retention of the tree could result in risks to pedestrians using the footpath. It is recommended that Council approve the planning application.

SITE AND SURROUNDING AREA

The subject site is the road reserve adjacent to No. 145W Epping Road, Epping. The site contains naturestrip planting including a number of trees. There is no footpath. The boundary with the adjoining No. 145W Epping Road contains a drystone wall.

The adjoining land contains the Harvest Home Recreation reserve, which includes the Epping Soccer Stadium and the Epping RSL. The land directly across the road has been designated for a Regional Recreational Facility under the Epping North East Development Plan.

RESTRICTIONS AND EASEMENTS

The site is located within the road reserve and is not affected by any encumbrances or restrictions.

PROPOSAL

It is proposed to remove one river red gum (*Eucalyptus camaldulensis*) to facilitate the construction of a 1.5m wide footpath along the south side of Harvest Home Road, from the intersection of Harvest Home Road and Epping Road to the Epping Soccer Stadium access road.

The construction of this section of footpath is part of stage one implementation of the Missing Links Program, and connects the local residential community of the Aurora estate with community facilities, bus routes along Epping Road and the wider footpath network.

Eight cypresses (*Cyprus macrocarpa*) are also proposed to be removed to facilitate these works; however this removal does not require planning permit. The native vegetation proposed for removal will require offsets. Details of the tree proposed for removal are outlined in the following table:

Species	Height	Spread	DBH (Combined)	Health	Age	Comment
<i>Eucalyptus camaldulensis</i> River Red Gum	6m	9m	50cm	Poor	Mature	Coppiced growth habit. Low retention value.

PUBLIC NOTIFICATION

The application was not advertised as it was determined that no material detriment will be incurred to adjoining property owners or occupiers as a result of the proposal. It is noted that all adjoining and adjacent land is in Council ownership.

PLANNING ASSESSMENT

The following Planning Scheme policies and controls are considered relevant to this proposal and are identified as follows:

State Planning Policy Framework (SPPF)

Protection of Biodiversity (Clause 12.01-1)

Clause 12.01 of the Whittlesea Planning Scheme relates to biodiversity and the protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites.

Native Vegetation Management (Clause 12.01-2)

This clause seeks to ensure that the permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity. This involves applying the risk-based approach to managing native vegetation as set out in the *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines* (Department of Environment and Primary Industries, September 2013). These are:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.*
- *Minimise impacts on Victoria’s biodiversity.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

Local Planning Policy Framework (LPPF)

Clause 22.10 (River Redgum Protection Policy) of the Whittlesea Planning Scheme aims to ensure that the development of urban and rural areas takes into account the presence, retention, enhancement and long-term viability of river red gums in urban areas.

River Red Gum Protection Policy (Clause 22.10)

The 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.”* This policy encourages *“...tree removal to be generally limited to only those trees independently assessed as presenting a danger to people and property”*.

The proposed tree removal will facilitate the provision of a 1.5m wide footpath to the southern side of Harvest Home Road. Council Arborists have assessed the tree and have indicated that the tree has a coppiced growth habit (multiple trunks at ground level) and does not have a high retention value relative to other River Red Gums in the location. Retention of the River Red Gum will likely result in a hazard risk to pedestrians utilising the footpath. Accordingly, it is considered that the proposal is consistent with the objectives and decision guidelines of this policy.

Zoning and Overlays

Special Use Zone (Clause 37.01)

The land is located within the Special Use Zone (Schedule 2). The proposed tree removal does not require planning approval under this Clause.

Vegetation Protection Overlay (Clause 42.02)

The site is affected by the Vegetation Protection Overlay. Pursuant to Clause 42.02-2 of the Whittlesea Planning Scheme, a permit is required to remove, destroy or lop any native vegetation.

Particular Provisions

Native Vegetation (Clause 52.17)

The purpose of this provision is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.
- Minimise impacts on Victoria’s biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

A planning permit is required under Clause 52.17 for the removal of native vegetation, including grasses. The following relevant decision guidelines which must be considered when assessing an application to remove native vegetation under Clause 52.17 include:

- *The contribution that native vegetation to be removed makes to Victoria’s biodiversity.*
- *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the “Permitted Clearing of Native Vegetation –*

Biodiversity Assessment Guidelines” (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.

- *Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.*
- *That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the “Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines” (Department of Environment and Primary Industries, September 2013) has been identified.*

Council acknowledges the importance of native vegetation, and in particular river red gum trees, as a visual and environmental feature within the municipality. Any requests to remove native vegetation should only be supported where compelling reasons exist to do so. In this instance, the tree proposed for removal will enable the construction of a much needed pedestrian footpath along the southern side of Harvest Home Road. Retention of the tree would likely result in an unacceptable risk to persons using the proposed and the integrity of the footpath itself.

Should Council issue a permit for the removal of the tree, the offset requirements as outlined under the *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (Department of Environment and Primary Industries September 2013)* will need to be implemented. Conditions requiring offsets in accordance with the above guidelines can be included in any permit that is issued.

The application has been assessed against the decision guidelines of this clause and the proposed removal of native vegetation is considered appropriate.

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 application has been assessed against the planning zone provisions and other relevant planning provisions, including the State and Local Planning Policy Frameworks of the Whittlesea Planning Scheme, and is considered to be consistent with the relevant policies and strategies of the Planning Scheme. The proposal is consistent with Clause 22.10 of the Whittlesea Planning Scheme and the decision guidelines of Clauses 42.02 and 52.17. Accordingly it is recommended that a planning permit be issued for the removal of native vegetation, subject to appropriate conditions.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715770 and issue a Permit for the removal of native vegetation (River Red Gum) in the Harvest Home Road reserve adjacent to the north side of land described as 145W Epping Road, Epping in accordance with the endorsed plans and subject to the following conditions:

- 1. Prior to the commencement of works, the permit holder must submit a native vegetation offset plan in accordance with the Permitted Clearing of Native Vegetation – Biodiversity assessment guidelines and the Native Vegetation Gain Scoring Manual.**

The offset must contribute a gain of 0.009 general biodiversity equivalent units, be located within the boundary of the Whittlesea municipality or catchment, and have a minimum strategic biodiversity score of 0.264. Before any native vegetation is removed, evidence that an offset has been secured via a native vegetation credit extract must be provided to the satisfaction of the Responsible Authority.

2. No native vegetation, other than that shown on the endorsed plan, shall be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.
3. Prior to removal, the subject tree must be inspected by a suitably qualified and experienced zoologist to determine the presence of animals living or nesting in the tree. Should any native animals be detected, reasonable steps must be taken to capture and relocate such animals as recommended by the zoologist.
4. Each tree nominated for removal must be suitably marked prior to the commencement of any works and an inspection arranged with an appropriate Council officer to verify that the trees marked accords with this permit.
5. The permit holder must contact Council's Parks and Open Space Department to arrange for an appropriate officer to be present on site to supervise the removal of the tree.
6. The permit holder is to ensure that tree removal is carried out in a safe manner.
7. The permit holder is to locate all services either above or below ground prior to the commencement of any works.
8. Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The permit holder must supply and replace suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe.
9. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint.
10. All stumps must be removed within 14 days of removal of the tree.
11. Felled trees must be retained on site for habitat purposes to the satisfaction of the Responsible Authority. All timber less than 300mm diameter and branch/leaf material should be shredded for reuse as mulch.
12. After a tree has been felled, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of Council until such time as the tree has been relocated for habitat or mulched.
13. At the completion of the works, the applicant is to arrange for an appropriate Council officer to inspect the site to ensure compliance with the planning permit.
14. No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access, parking and other construction activity is to occur within a tree protection zone without the written consent of and to the satisfaction of the Responsible Authority.

15. The permit for tree removal expires if it is not commenced and completed within two years after the issue of the permit. Before the permit expires or within three months afterwards, the owner or occupier of the land to which it applies may ask the responsible authority for an extension of time. The Responsible Authority may extend the time within which the use or development or any stage of it may be started or any stage of it is to be completed.

Notes:

Prior to the removal of the trees, the permit holder must notify all adjacent landholders that the tree is to be removed with Council consent.

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.1.5 14-16 PLEASANT ROAD THOMASTOWN - CONSTRUCTION OF EIGHT DOUBLE STOREY DWELLINGS

File No:	715549
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Senior Planner
APPLICANT:	P Rujanoski
COUNCIL POLICY:	Housing Diversity Strategy
ZONING:	Residential Growth
OVERLAY:	Development Contributions Plan (Schedule 3)
REFERRAL:	Nil
OBJECTIONS:	One
RECOMMENDATION:	That Council approve the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the two existing dwellings and construct eight double storey dwellings over two lots. One of the two existing vehicle crossings is to be integrated into the design response.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the views, sunlight, car parking, property devaluation and the future occupants of the dwellings.

The proposal demonstrates a high level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme and meets all standards relating to overshadowing and parking.

The Housing Diversity Strategy (HDS) nominates this site as being within the Neighbourhood Renewal Change Area. The proposal complies with the preferred density and design principles of this Change Area and is considered to be an acceptable eight dwelling development in an appropriate location as nominated by the HDS.

On the basis of the Clause 55 assessment and the proposal's general compliance with the proposed HDS, it is recommended that Council approve the application.

SITE AND SURROUNDING AREA

The subject site is comprised of two titles and is located on the northern side of Pleasant Road, Thomastown, approximately 130m west of High Street (*see Attachment 1*).

It is regular in shape with a frontage to Pleasant Road of 31.7m, a depth of 46.9m, and an area of approximately 1,486m².

The site currently contains two detached single storey dwellings, one constructed out of brick with a tiled hipped roof and the other weatherboard with a tiled hipped roof. There is no vegetation of significance contained within the site.

The surrounding area is generally characterised by single storey dwellings with some examples of double storey dwellings. The adjoining properties to the east and west of the site have each been developed with single storey dwellings.

Examples of medium density development within the immediate vicinity are located at 3, 7, 9, 11, 12, 18, 25, 27 and 29 Pleasant Road and 19 Chappell Street.

The subject site is located in proximity to the following sites, services and infrastructure:

- High Street Shops (130m east).
- Bus routes 554, 555 & 557 – Thomastown, Epping and Northland (130m east).
- Station Street Shops (220m east).
- Thomas Street Recreation Reserve (430m west).
- Thomastown Railway Station (490m south).
- Thomastown Recreation and Aquatic Centre (850m west).
- Thomastown Library (850m west)
- Thomastown Neighbourhood House (850m west)

RESTRICTIONS AND EASEMENTS

The site is legally described as Lots 191 and 192 on Plan of Subdivision 013444. Covenant 2464177 applies to the land and relates to the removal of gravel or sand from the site for purposes other than building. A 3.0m wide easement extends along the northern boundary of the site. There are no restrictions on title that preclude Council from determining the application.

PROPOSAL

It is proposed to construct eight double storey dwellings over two titles at 14-16 Pleasant Road, Thomastown. Access to the proposed dwellings will be via single crossovers to Dwelling Nos. 1 and 5 and a shared accessway to the remaining dwellings. One visitor car space has also been provided.

Each dwelling is provided with a single garage with the two dwellings fronting Pleasant Road provided with an open car parking space in front of the garage in a tandem configuration. All of the dwellings are provided with a tiled hipped roof with eaves to the second level and parapet to the ground floor. The proposed cladding is a combination of brick, render and weatherboard.

Details of the proposed development are outlined in the following table:

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1 (14/U1)	Double Storey	3	7.5m front (south) and 0m side (east).	60m ² (including 27m ² of secluded private open space)	Single garage (6.0m x 3.5m) And one tandem open space (4.9m x 2.6m)	7.3m
Dwelling No. 2 (14/U2)	Double Storey	2	3.6m side (east)	40m ² (all secluded private open space)	Single garage (6.0m x 3.5m)	7.4m
Dwelling No. 3 (14/U3)	Double Storey	2	3.6m side (east)	40m ² (all secluded private open space)	Single garage (6.0m x 3.5m)	7.4m
Dwelling No. 4 (14/U4)	Double Storey	2	1.2m side (east) and 3.1m rear (north)	48m ² (including 41m ² of secluded private open space)	Single garage (6.0m x 3.5m)	7.1m
Dwelling No. 5 (16/U1)	Double Storey	3	7.5m front (south) and 0m side (west).	60m ² (including 27m ² of secluded private open space)	Single garage (6.0m x 3.5m) and tandem open space (4.9m x 2.6m)	7.3m
Dwelling No. 6 (16/U2)	Double Storey	2	3.6m side (west)	40m ² (all secluded private open space)	Single garage	7.4m
Dwelling No. 7 (16/U3)	Double Storey	2	3.6m side (west)	40m ² (all secluded private open space)	Single garage	7.4m
Dwelling No. 8 (16/U4)	Double Storey	2	1.2m side (east) and 3.0 rear (north)	48m ² (including 41m ² of secluded private open space)	Single garage	7.1m

PUBLIC NOTIFICATION

Advertising of the application has resulted in one objection being received. The grounds of objection can be summarised as follows:

1. Blocking of views and sunlight
2. Property devaluation
3. Car parking
4. Future occupants

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the WPS and an assessment against it is provided under Standard B2 of the Clause 55 assessment.

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:

- Must meet all of the objectives
- Should meet all of the standards

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	
B2	Residential Policy	✓	✓	The HDS nominates this site as being within the Neighbourhood Renewal Change Area. The proposed development is consistent with the preferred density and key design principles outline in the HDS, including, height, setbacks, site coverage, private open space, and landscaping.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	✓	
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
B32	Front fences	✓	✓	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

CAR PARKING

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
Dwelling No. 1 (14/U1)	3	2	2	Yes
Dwelling No. 2 (14/U2)	2	1	1	Yes
Dwelling No. 3 (14/U3)	2	1	1	Yes
Dwelling No. 4 (14/U4)	2	1	1	Yes
Dwelling No. 5 (16/U1)	3	2	2	Yes
Dwelling No. 6 (16/U2)	2	1	1	Yes

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
Dwelling No. 7 (16/U3)	2	1	1	Yes
Dwelling No. 8 (16/U4)	2	1	1	Yes

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

In addition to the car parking spaces provided to each dwelling, developments of five or more dwellings are required to provide one on-site visitor car parking space for every five dwellings proposed. The proposed development complies with this requirement.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. Blocking of views and sunlight

The proposed development complies with the relevant objectives and standards for overshadowing, building height and building setbacks. Furthermore, there are no specific planning controls affecting the site or surrounding area that seek to preserve specific views or vistas. Accordingly, this ground of objection cannot be substantiated.

2. Property devaluation

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that property devaluation is not a relevant planning consideration.

3. Car parking

The proposed development complies with the relevant standards for car parking both in terms of the number of car parking spaces required, the size of the proposed car parking spaces, the design accessways within the site and the percentage of the street frontage that is to be used for vehicle crossovers. Accordingly, this ground of objection cannot be substantiated.

4. Future occupants

The future occupants of the dwellings (albeit their identify unknown) is not a relevant planning consideration.

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 application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 55 and the Housing Diversity Strategy. The proposal demonstrates a high level of compliance and will not have a detrimental impact on the character of the neighbourhood or on existing surrounding residential properties. Accordingly, approval of the application is recommended.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715549 and issue a Notice of Decision to Grant a Permit for the construction of eight double storey dwellings at 14-16 Pleasant Road, Thomastown in accordance with the endorsed plans and subject to the following conditions:

- 1. Prior to the endorsement of plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. Prior to the endorsement of plans, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$5,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.**
- 3. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.**
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
- 5. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.**
- 6. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.**
- 7. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.**
- 8. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.**
- 9. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval.**

These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.

10. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
11. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
12. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
13. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
14. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
15. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.
16. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
17. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
18. In accordance with the Planning and Environment Act 1987 a permit for the development expires:
 - a) the approved development does not start within 2 years of the date of this permit; or
 - b) the approved development is not completed within 4 years of the date of this permit.

The responsible authority may extend the periods referred to above if a request is made in writing. This request must be made before or within 6 months after the permit expiry date where the development has not yet started and within 12 months after the permit expiry date where the development allowed by the permit has lawfully started before the permit expires.

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.1.6 AMENDMENT TO HARVEST HOME ROAD DEVELOPMENT PLAN - PART 1**File No:** 171128**Attachments:**

- 1 Locality and Zoning Plan
- 2 Current 2014 Harvest Home Road Development Plan - Part 1
- 3 Proposed 2016 Harvest Home Road Development Plan - Part 1

Responsible Officer: Director Planning & Major Projects**Author:** Strategic Planning and Design**REPORT****EXECUTIVE SUMMARY**

An application has been lodged on behalf of the landowners of 45-65 Harvest Home Road, Epping, to amend the *Harvest Home Road Development Plan – Part 1* (encompassing land at properties 5-95 Harvest Home Road).

The proposed amendment relates specifically to properties at 65, 75, and 85 Harvest Home Road. It provides for the extension of the school nomination on the plan to 65 and part thereof 75 Harvest Home Road, and a redesign of the layout for the remainder of 75 and 85 Harvest Home Road. All changes to the Development Plan are contained to the western portion of the Development Plan area.

The amended Development Plan (DP) was informally exhibited to owners and occupiers within the Development Plan area, adjoining landholdings and relevant stakeholders. One objection and five submissions of support were received. Following officer assessment of the Development Plan it is recommended that the Development Plan is approved by Council, subject to the proposed changes as outlined in the report.

INTRODUCTION

The purpose of this report is to discuss the amendment submission to the *Harvest Home Road Development Plan – Part 1* (HHRDP) prepared by Taylors Development Strategists on behalf of Al-Siraat College.

The amendment proposes to supersede the HHRDP approved on 10 February 2009 and its subsequent amendments in October 2013 and July 2014 under Schedule 12 of the Development Plan Overlay, encompassing land at 5-95 Harvest Home Road.

The proponent submitted a revised DP for Council consideration in August 2015, which has been the subject of ongoing discussion, negotiation and non-statutory exhibition. This report will discuss the merits of the DP in the context of the applicable statutory framework.

The applicant has agreed to the changes as proposed within the report and has submitted documentation that formalises the bulk of these changes.

BACKGROUND

The HHRDP applies to ten individual properties (5-95 Harvest Home Road, Epping) and provides a preferred layout for subdivision and land use.

The HHRDP area is bound by Harvest Home Road to the north, undeveloped land to the east (forming part of the Quarry Hills Precinct Structure Plan area), the Hayston Valley Estate and Findon Creek to the south and a high voltage power transmission line to the west (see *Attachment 1*). The overall DP area comprises 25ha.

The HHRDP was first considered by Council at its meeting of 10 February 2009 where it was resolved to approve the plan subject to a number of minor changes and conditions. It was subsequently approved on 18 February 2009. This plan was approved under the Development Plan Overlay – Schedule 12 (Clause 43.04 of the Whittlesea Planning Scheme) and on the basis that the plan was generally in accordance with the expectations of the *Harvest Home Road Local Structure Plan*.

The HHRDP was originally prepared by Council to ensure that any future planning permit applications received within the study area responded to a connected local road network in a highly fragmented landholding context, provided sufficient public open space in appropriate locations and considered development contributions to assist with the delivery of necessary infrastructure.

Since then, an amendment to the HHRDP was considered by Council in 2013 to allow for an expansion of the Al-Siraat College to the west and a change in the layout of the subdivision and local road network. A further amendment was submitted in 2014 (see *Attachment 2* – the current HHRDP) that requested the inclusion of medium density housing to the east of the site.

PLANNING ASSESSMENT/Framework

Harvest Home Road Local Structure Plan

The subject land is included within the *Harvest Home Road Local Structure Plan* (LSP), an Incorporated Plan in the Whittlesea Planning Scheme that guides the future direction of growth within the Epping North growth corridor.

The LSP highlights the following key features that are applicable to the subject site:

- A street network based on a traditional grid pattern with distinct east-west and north-south links to adjoining existing and future development areas;
- Lots orientated to maximise views over open space and water ways;
- Consideration of existing title boundaries to allow staged development to effectively occur;
- Retention of River Red Gums and significant trees within open space reserve areas, road reserves and where appropriate, within allotments; and
- The application of good Urban Design, particularly in respect of road and lot layout to ensure the protection of natural features in the area.

The LSP also sets out the applicable development contributions to be satisfied for infrastructure, community and open space projects. All land within the LSP is required to either pay the applicable contribution rate or deliver specific DCP items subject to agreement. These matters are generally dealt with as conditions of permit at the detailed subdivision stage.

Zoning

The subject land is affected by the General Residential Zone (GRZ) (Clause 32.08), which applies to the entire DP area.

The General Residential Zone aims to provide a diversity of housing types and moderate growth in locations offering good access to services and transport, as well as allowing some education, religious, community uses to serve the local community.

Overlays

The subject land is covered wholly by three planning scheme overlays, which include:

- Vegetation Protection Overlay Schedule 2 (VPO2) (Clause 42.02);
- Development Plan Overlay Schedule 12 (DPO12) (Clause 43.04); and
- Development Contributions Plan Overlay Schedule 2 (DCPO2) (Clause 45.06).

The subject land is also partially affected by the Heritage Overlay Schedule 78 (HO78) (Clause 43.01).

The DPO12 applicable to the subject site requires that a Development Plan (DP) be prepared and endorsed by Council prior to the formal consideration of any subdivision, use or development of the subject landholdings. The DP must be produced in accordance with the provisions of the DPO Schedule 12 and the LSP.

The Vegetation Protection Overlay provisions more specifically aim to preserve and maintain significant native vegetation.

The Development Contributions Overlay sets out the requirements to deliver development contributions in accordance with the LSP.

The Heritage Overlay provisions specifically relate to the protection of significant heritage places.

PROPOSED CHANGES TO THE HARVEST HOME ROAD DEVELOPMENT PLAN

The amended DP received in September 2015 (see *Attachment 3*) specifically affects 65, 75 and 85 Harvest Home Road and proposes the following changes:

- Expand the School land use nomination to the whole of 65 Harvest Home Road and the southern portion of 75 Harvest Home Road;
- Revise the road layout for the remainder of 75 Harvest Home Road and 85 Harvest Home Road (whilst still nominating this land for residential development); and
- Identify the location for the supported Place of Worship on the school site at 65 Harvest Home Road.

These changes have been further expanded on below.

65 & 75 Harvest Home Road – ‘School’ Nomination Expansion

The key change that is being proposed as part of this Amendment is the expansion of the school nomination to the west, encompassing the whole of 65 Harvest Home Road and the southern portion of 75 Harvest Home Road.

The request has been made to Council as the Al-Siraat College has seen enrolments increase at rates that were much higher than conceived in 2009. The expansion west will facilitate the envisaged expansion of the College, including provision for associated uses such as additional recreation and open space areas for the school, broader community, as well as the Place of Worship.

75 & 85 Harvest Home Road – Revised Road Layout

To accommodate the proposed school expansion, the proponent has prepared a revised road layout for the remainder of land at 75 and 85 Harvest Home Road. Essentially the road layout has been prepared to reflect the road network on the current HHRDP, albeit at a reduced scale.

The road network essentially provides a perimeter road that will separate the sensitive residential uses from the transmission easement to the west and the school to the east and south. Except for the road on the boundary between 65 and 75 Boundary Road, all roads are to be 16m wide in accordance with the provisions of Council’s Guidelines for Urban

Development for access streets. The western intersection of the perimeter road with Harvest Home Road will be left in / left out access only.

The road on the boundary of 65 and 75 Harvest Home Road is required to be 22m wide. This will allow for appropriate traffic flows, off street car parking, footpaths, drainage and access to the school. A full intersection treatment is to be provided at the intersection with Harvest Home Road.

65 Harvest Home Road – Place of Worship

As part of the original HHRDP that was considered by Council on 10 February 2009, it was reported that the Al-Siraat College foreshadowed a future Place of Worship to be incorporated into the school premises. The expansion of the school area has provided sufficient room for the Place of Worship to be located. At this stage the Place of Worship is nominated to identify its future location. A full planning permit application incorporating detailed design of the establishment will be undertaken at a future date.

CONSULTATION AND NON-STATUTORY EXHIBITION

Since the submission of the HHRDP proposal in September 2015 there has been extensive officer negotiation with the proponent and relevant internal Council departments over various iterations of the DP.

Through the internal review process, a range of changes were made to the document in order to address road network issues, interfaces with the Transmission Easement, permeability of the site, provision of drainage, and appropriate requirements to be considered at the Planning Permit application stage. Following these discussions the DP was placed on non-statutory exhibition over a four week period between 29 January 2016 and 26 February 2016.

Whilst there is no statutory requirement to advertise the HHRDP document, in accordance with Council practice, a copy of the HHRDP land use plan was sent to all of the owners and occupiers of land within the HHRDP area, land directly abutting the HHRDP area as well as relevant external authorities for comment as part of a non-statutory exhibition process. Exhibition of the document concluded on 26 February 2016. At the conclusion of the exhibition period no objections were received from referral authorities and one objection was received from a potentially affected landowner. Five submissions of support were also received.

SUBMISSIONS

The following section details the submissions received and the officer responses to them.

Key Submission Points	Officer Response
Agency	
Vic Roads	
VicRoads indicate that following a review of the provided documentation, there is no objection to the proposed changes which are not expected to have any detrimental effect on the existing or proposed arterial road network.	Noted.

Key Submission Points	Officer Response
Department of Environment, Land, Water and Planning (DELWP)	
<p>DELWP have indicated that there are no issues with the proposed amendment.</p> <p><i>This response is also on behalf of Parks Victoria, Heritage Victoria and Aboriginal Affairs Victoria.</i></p>	<p>Noted.</p>
<p>DELWP notes that the amended HHRDP proposed that any application to remove native vegetation removal should be done in accordance with the <i>Biodiversity Assessment Guidelines</i>.</p> <p>DELWP suggests that the previous assessment guidelines <i>Native Vegetation Management Framework</i> should be used in this circumstance as previous VCAT decisions have required offsets to meet these guidelines.</p>	<p>It is considered that this request is reasonable given that DELWP are the authority on Native Vegetation removal. The written report that supports the current HHRDP will remain unchanged.</p> <p><u>Officer Recommendation</u> Support Recommendation. Section 4.1 of the HHRDP Written Report to maintain its existing requirement that native vegetation removal must be in accordance with the <i>Native Vegetation Management Framework</i>.</p>
Melbourne Water (MW)	
<p>MW indicate that there is no objection to the development plan on the provision that the permit for the expansion of the school site be referred to back to them to calculate drainage contributions.</p>	<p>Drainage matters have been outlined in detail later in the report within the 'Discussion' section.</p> <p>An amendment has been proposed within the written section of the DP in regards to drainage. One aspect of this amendment is that the drainage strategy for the site is to be designed and constructed to the satisfaction of both Melbourne Water and Council. This will mean that Melbourne Water will need to review the strategy prior to approval, which satisfies their request for a referral with the permit.</p> <p><u>Officer Recommendation</u> Support Recommendation – see 'Discussion – Drainage Matters' for the specific requirement.</p>
Public Transport Victoria (PTV)	
<p>PTV has noted the changes proposed as part of the amendment and also the requirement for a traffic management plan for Al-Siraat College prior to a planning permit being granted for any further extension of the school.</p>	<p>Noted. This requirement forms part of the future planning permit process for the school expansion and is already listed within Requirement 4.8 of the current DP.</p>
SP Ausnet	
<p>SP Ausnet has no objection to proposed amendment on the whole.</p>	<p>Noted.</p>

Key Submission Points	Officer Response
<p>SP Ausnet has indicated they do not support the inclusion of a shared path on 95 Harvest Home Road, as the ultimate use of the land will be for a future Zone Substation.</p>	<p>With regards to the nominated shared path on 95 Harvest Home Road, the area is outside the HHRDP area and is affected by the <i>Epping North Development Plan (ENDP)</i>. It was reported to Council on 5 October 2004 that the proposed DP was supported by SPI PowerNet (SP Ausnet at the time). Should SP Ausnet have a concern with the location of the Shared Path a request to amend the ENDP will be required.</p> <p>However, to ensure that there are suitable path connections in the locality, it is recommended that an indicative link is shown between the shared path in the Transmission Line Easement up to Harvest Home Road along the western side of the north-south road in 85 Harvest Home Road.</p> <p><u>Officer Recommendation</u> Update 'Development Plan Land Use' Plan to show an indicative path link between the shared path within the Transmission Line Easement up to Harvest Home Road along the western side of the north-south road in 85 Harvest Home Road.</p>
<p>Stakeholders/Affected Landowners</p>	
<p>Al-Siraat College Parents Group</p>	
<p>Support the expansion of the Al-Siraat College.</p>	<p>Noted.</p>
<p>States the College provides schooling for 650 students (350 of which are residents of the City of Whittlesea).</p>	<p>Noted.</p>
<p>States the College has acted as a catalyst for the Epping North growth corridor.</p>	<p>Noted.</p>
<p>States the College employs 90 staff, most of who live or are seeking to move to the City of Whittlesea.</p>	<p>Noted.</p>
<p>92 Sarissa Street Lalor</p>	
<p>Support the expansion of the Al-Siraat College.</p>	<p>Noted.</p>
<p>States the College is a municipal asset providing a range of services for the school and wider community.</p>	<p>Noted.</p>
<p>States the College is producing outstanding graduates who are contributing back to the community.</p>	<p>Noted.</p>
<p>States the College is a catalyst for driving housing growth in the Epping North area, as families seek to locate near the school.</p>	<p>Noted.</p>

Key Submission Points	Officer Response
Creeds Farm Living and Learning Centre – 2 Snugburgh Way Epping	
Support the expansion of the Al-Siraat College.	Noted.
States the increase in facilities on the school site will afford students greater learning opportunities and support the diverse multicultural and multi-faith Whittlesea Community.	Noted.
7 Hickory Place Epping	
Support the expansion of the Al-Siraat College.	Noted.
20 Axebridge Circuit Epping	
States the plan submitted is incorrect as it fails to show the dwellings that have already been constructed on the east side of Axebridge Circuit (Development Plan Part 2) all of which are in the affected area.	<p>It is acknowledged that the area nominated as Development Plan Part 2 is within the HHRDP area, however a separate plan was prepared that only details this section. The Harvest Home Road Development Plan Part 2 was approved by Council on 15 December 2009.</p> <p>No change to the Harvest Home Road Development Plan Part 1 is required.</p> <p><u>Officer Recommendation:</u> No change required</p>
Submits the terrace style/residential lots planned for No 75/85 Harvest Home Road along with the enlarged place of worship would significantly increase traffic on an undeveloped road which is not wide enough to safely accommodate it.	<p>The upgrade and widening of Harvest Home Road has been identified in the HHRLSP, the HHRDP Part 1 and also the Epping North East Development Plan, which affects the land north of Harvest Home Road.</p> <p>Harvest Home Road is identified to become a sub-arterial road, based on traffic modelling completed with the HHRLSP. This will require the widening of the road to 34 metres. Once fully upgraded, Harvest Home Road in this locality will have a design similar to that provided along Harvest Home Road west of Epping Road.</p> <p>As such, the strategic planning has already identified that this road will be upgraded in order to cater for the increased traffic demands generated by the development of the locality.</p> <p>It should also be noted that the ‘terrace lots’ shown on the plan for 75 and 85 Harvest Home Road were approved as part of a previous HHRDP amendment and are not new with this proposal.</p> <p><u>Officer Recommendation:</u> No further change required.</p>
Requests the Place of Worship should have a restriction on external noise (loudspeaker).	<p>Details regarding the layout and form of the Place of Worship are subject to the preparation of a masterplan as part of Requirement 4.8.of the Development Plan written component.</p> <p>The plan requires that the Al-Siraat College must provide details regarding total number of students, traffic management, areas for open space, proposed interface treatments, hours of operation (particularly in relation to the proposed Place of Worship) etc.</p>

Key Submission Points	Officer Response
	<p>It is considered that a provision be added to Requirement 4.8 that should request details on the use of loudspeakers at the school.</p> <p><u>Officer Recommendation:</u> Include an additional provision in Requirement 4.8. of the Development Plan Report requiring the Al-Siraat College provide details regarding the use of external public address system.</p>
<p>Requests that both the Place of Worship and residential lots (65-85 Harvest Home Road) should have a height limit imposed along with tree planting to reduce visual impact.</p>	<p>As discussed, details regarding the layout and form of the Place of Worship, including (but not limited to) a landscape masterplan, are subject to the preparation of a masterplan as listed within Requirement 4.8. of the Development Plan written report. The height and scale of buildings within the school and place of worship precinct would be subject to a merits based assessment to ensure that the amenity of the surrounding area was not affected and they were in keeping with the character of the area.</p> <p>In terms of the residential lots, the maximum height permitted is 9 metres which is specified in Rescode (Clause 55). Therefore there is no requirement to include a specific height limit for these lots.</p> <p><u>Officer Recommendation:</u> No further change required.</p>
<p>Requests the operating hours of the school and Place of Worship should be restricted to daylight hours only.</p>	<p>There is already a provision within Requirement 4.8 of the written component, where the Al-Siraat College must provide details regarding the hours of operation for the Place of Worship as part of the preparation of a masterplan for future planning permit applications.</p> <p><u>Officer Recommendation:</u> No further change required.</p>
<p>Al-Siraat College Principals – 45 Harvest Home Road, Epping</p>	
<p>Support the expansion of the Al-Siraat College.</p>	<p>Noted.</p>
<p>States the proposal caters to the following specific needs of the community:</p> <ul style="list-style-type: none"> • Provide a mosque for the community • Enabling community cohesion • Providing amenities for the community • Local employment opportunities as 80 staff are currently employed and number is rising • Providing an educational facility within the community and reducing travel distances • Creating vitality in the area • Engaging with youth 	<p>Noted.</p>

Key Submission Points	Officer Response
<ul style="list-style-type: none"> • Preserving local trees with careful building placement • Retaining site heritage characteristics and adaptive re-use of significant buildings 	
<p>States the proposed mosque and school buildings have many benefits to offer the community.</p>	<p>Noted.</p>

DISCUSSION

The 2016 amendment to the HHRDP for the landholdings at 5-95 Harvest Home Road, Epping, is required to ensure a coordinated strategic development approach. The 2016 amendment provides Council and the community with increased certainty regarding the ultimate area of the Al-Siraat College and the future development on the balance of land.

With regards to expansion of Al-Siraat College further west, it is considered that the DP provides a number of adequate requirements the College must meet as part of future development applications to minimise any amenity impacts on future residential development at 75-85 Harvest Home Road.

This amendment to the Development Plan also allows Council officers to clarify a number of other planning issues for the locality. It has also allowed for Council officers to update the written component of the document of an older DP. Again, it should be acknowledged that any changes are related to the areas located in the western portion of the DP area. These issues are outlined below.

Harvest Home Road

The existing Development Plan outlines details within Requirement 4.3.1 in regards to the submission of a Functional Layout Plan for Harvest Home Road. Under the current HHRDP, requirements for details such as the crossing of Findon Creek and the Hayston Boulevard intersection are not very specific. It is recommended that the wording of these requirements is tightened up in order to give clarity to future developers.

In reviewing this section, it has been determined that additional requirements should be provided as part of this Functional Layout Plan in regards to the local road intersections at 75 and 85 Harvest Home Road as they will have an impact on the overall road design, and that a footpath be provided along the south side of Harvest Home Road. The footpath requirement is consistent with the cross section provided for Harvest Home Road within the HHRLSP.

A number of requirements relating to the provisions of the Harvest Home Road Functional Layout Plan are also outlined within this section. One requirement relates to the development of Stage 1A and 1B of the school and the associated subdivision of the school. Given that the school has already established and will be growing further, the need for upgrade works along Harvest Home Road will be necessary and such it is recommended to remove this exemption.

Officer Recommendation

- **Amend the wording as follows within Requirement 4.3.1 as follows:**
 - **‘Details of the crossing of Findon Creek’ to be amended to ‘Interim and final details of the crossing of Findon Creek’;**

- **‘Details of the Hayston Boulevard intersection’ to be amended to ‘interim and final details of the Hayston Boulevard intersection’;– 5, 15, 25 and 35**
- **Include the following provisions within Requirement 4.3.1:**
 - **Interim and final details of the local road intersections at 75 and 85 Harvest Home Road; and**
 - **Inclusion of the need for a 1.5 metre footpath on the southern side of Harvest Home Road.**
- **Remove the following sentence ‘the development of Stage 1A and 1B of the proposed school and the associated subdivision of land containing the school’ from the list of exemptions as provided within Requirement 4.3.1.**

North-south road located at 65 and 75 Harvest Home Road

During the assessment of the DP amendment, it has been determined that the expansion of the College to the west will require a 22 metre wide road to be constructed along the western boundary of the Al-Siraat College.

The increased width of this road is necessary to:

- Provide full access to the school site from Harvest Home Road without the need to use the local road network;
- Provide for on street parking that will not disrupt the traffic flow; and
- Act as an overland flow path in a serious flood event.

The road is to be delivered as a 50/50 apportionment between the Al-Siraat College and the owner of 75 Harvest Home Road. A cross-section of the road is to be submitted at the planning permit application stage and should detail carriageways, parking, landscaping and footpaths.

Officer Recommendation

- **Include a new subsection in Requirement 4.6 called ‘4.6.1 – 5, 15, 25 and 35 Harvest Home Road’ and include all existing requirements under this heading; and**
- **Include a further subsection in Requirement 4.6 called ‘ 4.6.2 – 65 and 75 Harvest Home Road’ which outlines the requirements for the 22 metre wide road straddling the boundary of this property, including:**
 - **The need for a cross section detailing carriageways, parking, landscaping and footpaths with the planning permit application; and**
 - **Details in relation to the staging of the road construction, particularly if the school is developed first.**

Revised Road Layout

The road network proposed within the 2016 amendment is essentially the same as the road network on the current HHRDP, albeit at a reduced scale.

A perimeter road has been delivered around the edge of the residential development area. This is to provide an appropriate separation treatment from both the school and transmission easement. The perimeter road will also provide an opportunity for passive surveillance onto the public open space within the transmission easement, as well as for the western boundary of the Al-Siraat College.

The section of the perimeter road that borders Al-Siraat College will be provided with a full access intersection from Harvest Home Road and the section of the perimeter road adjacent to 95 Harvest Home Road will be provided with a left in / left out access arrangement. This will discourage school visitors from utilising the local road network.

It is considered that a higher level of pedestrian permeability is required for the revised road layout and that a pedestrian mid-lane link is required to break the expanse of the rear access laneway to the terrace style housing. This link is in accordance with 7.4.1 of the Guidelines for Urban Development, and must provide for a pedestrian path, lighting and landscaping.

Officer Recommendation

- **Include a new subsection in Requirement 4.6 called '4.6.3 – 75 and 85 Harvest Home Road' and include the condition for a mid-lane link between Harvest Home Road and the east-west street to the south comprising a pedestrian path, lighting and landscaping; and**
- **Update the 'Development Land Use Plan' to show the mid-lane link between Harvest Home Road and the east-west street to the south.**

Other Masterplan requirements

This DP amendment has allowed Council officers to review the existing requirements for the future masterplan for the school expansion as listed. While most of the matters remain necessary, there are two which are not deemed to still be relevant.

They are:

- a) The need for the extension of the school to the west to provide an additional road abuttal; and
- b) The further implementation of a Conservation Management Plan relating to 'Lochaber'.

In terms of a), the road abuttal will be addressed through new Requirement 4.6.2, which outlines the detail of the design and construction of the 22 metre wide road along the new school boundary.

In terms of b), matters relating to the management of the heritage property known as 'Lochaber' have already been completed as part of previous site works. It should be acknowledged that 'Lochaber' already has planning scheme protection as it is covered by Heritage Overlay HO78. As such removing this requirement from the Development Plan will not affect any protection offered by the Whittlesea Planning Scheme.

Officer Recommendation

- **Remove the following matters from Requirement 4.8:**
 - **Extension of the school to the west to provide an additional road abuttal; and**
 - **Further implementation of a Conservation Management Plan relating to 'Lochaber'**

Place of Worship Location

At Council's meeting on 10 February 2009, Council considered that the Al-Siraat College foreshadowed a Place of Worship was to be built in association with the School. The 2009 Council Report acknowledged that the ultimate location of the Place of Worship was not known at the time.

Now the school has established itself, it has considered the timing is now right to begin preparations to develop the Place of Worship. The draft HHRDP Land Use Plan indicatively locates the Place of Worship at the north-west corner of the College property. This is considered appropriate as the Place of Worship will provide an activated frontage onto Harvest Home Road and will provide ease of access for patrons.

It should be noted that further details regarding built form, car parking, hours of operation, and final location etc. will be subject to a separate Planning Permit application, with appropriate notification.

Officer Recommendation

- **Update the 'Development Land Use Plan' to show the 'Place of Worship' in the north-west corner of 65 Harvest Home Road.**

Drainage Matters

Management of drainage has been an issue as part of the assessment of the DP amendment processes as the two low points in topography affect the Al-Siraat College site. Previously drainage measures were to be accommodated within the reserves of local roads to be built along these low points. To aid drainage through the school site, two 16m wide drainage reserves will be required to cater for external flows. Management of 1:100 year flows via a piped system will be subject to an approved stormwater strategy for the school site and the provision of overland flows can be accommodated through an internal road network. The full assessment of the drainage strategy will be as a function of the planning permit, and is required to be to the satisfaction of both Melbourne Water and Council. Accordingly, it is recommended that the DP includes this as a requirement.

Officer Recommendation

- **Include a new subsection in Requirement 4.8 called '4.8.1 – Masterplan' and include all existing requirements under this heading; and**
- **Include a further subsection in Requirement 4.8 called ' 4.8.2 – Drainage' which further details the drainage requirements for the expansion of the school including:**
 - **Conveying the flows from the external catchment north of Harvest Home Road through the school site;**
 - **The need for a drainage system to be designed and constructed within the site as per the approved Melbourne Water drainage scheme to both Council and Melbourne Water's satisfaction;**
 - **The provision of 16 metre wide drainage reserves to cater for overland flow paths;**
 - **Details in regards to the management of 1:100 year flows via a piped systems, which may be considered as part of the overall stormwater management strategy reviewed as part of the future permit application for the school masterplan, to the satisfaction of the Responsible Authority.**

Interface between Al-Siraat College and the Transmission Easement

The expansion of the College area to the west also creates a new interface between the school and transmission easement. Whilst it is acknowledged that the school would like a level of security to protect assets, Council will require that the interface be permeable and that the College is to provide some level of passive surveillance onto public open space beneath the transmission easement. It is considered unacceptable to install high fences that restrict opportunities for passive surveillance.

Officer Recommendation

- **Include a new provision in Requirement 4.8.1 requesting details of the treatment of the interface between the school and the transmission easement.**

Native Vegetation

No trees are proposed to be removed as part of this amendment. The masterplan requirement of the Development Plan that has facilitated the development of the College thus

far will remain and a new masterplan of the school nominating trees for removal will be required, subject to the recommendation of a suitable arboriculture report.

Density at 75 and 85 Harvest Home Road

The existing HHRDP shows ‘Terrace Style Lots (Laneway)’ for the northern portion of residential development at 75 and 85 Harvest Home Road. However, Council has received an application to amend the existing planning permit for these sites which shows the southern portion of residential development (south of the laneway) as ‘standard density lots’.

When the HHRDP was originally approved in 2009, this area was shown to be developed for standard density housing. The current land use designation was approved as part of a previous Development Plan amendment.

While the area is suitable for medium density housing given its proximity to the school and open space, there is no strategic need to enforce medium density housing for this specific site. As such is recommended that some flexibility be provided in the form of a note to allow for standard density housing in this area.

Officer Recommendation

- **Update the ‘Development Land Use Plan’ to show the ‘Terrace style lots’ south of the laneway with their own land use designation which allows for standard density lots to be developed in this area, subject to the satisfaction of Council.**

CRITICAL DATES

- **February 2009** – HHRDP – Part 1 reported to and adopted by Council.
- **December 2009** – HHRDP – Part 2 reported to and adopted by Council.
- **October 2013** – HHRDP amended to allow for a revised internal lot layout for land located at 45-65 Harvest Home Road.
- **December 2013** – A second amendment to the HHRDP requested to enable medium density development at 5-15 Harvest Home Road.
- **January 2014** – Representatives from Al-Siraat College seek pre-application advice from Council to accommodate an expansion of the College to the west.
- **July 2014** – The amendment to the HHRDP for 5-15 Harvest Home Road endorsed by Council, but not approved.
- **August 2015** – Current HHRDP amendment submitted for consideration.
- **November 2015** – Council officers provide feedback on the initial proposal.
- **January 2016** – A revised DP is submitted.
- **January/February 2016** – 28 Day Non-Statutory Exhibition Period.

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

This amendment to the HHRDP will enable the expansion of the Al-Siraat College to be facilitated. Residents will be afforded an educational and spiritual centre that will continue to encourage community engagement within the area. It is considered that the plan will meet the direction of creating places and spaces for people to connect, and that the plan has also utilised the principles of good urban design in order to create a place which helps the existing and future community to connect with one another and their surrounds.

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 proposed amendment to the *Harvest Home Road Development Plan – Part 1* has been developed in consultation between Council and the consultants of involved landowners. Whilst the proposed Amendment is to facilitate a future expansion of the Al-Siraat College, the proposal has refined a number of outstanding development issues to provide clarity for the Development Plan area and this is supported.

The Expansion of the Al-Siraat College will solidify the role the College has in driving growth and investment in the Epping North Corridor. Accordingly it is recommended that the 2016 Amendment to the *Harvest Home Road Development Plan – Part 1* subject to the changes as proposed within the report.

RECOMMENDATION

THAT Council resolve to:

- A. Approve the proposal to amend the *Harvest Home Road Development Plan – Part 1* subject to the following changes:**
- 1. Amend the Harvest Home Road Development Plan written document as follows:**
 - a) Amend the wording within Requirement 4.3.1 as follows:**
 - i. ‘Details of the crossing of Findon Creek’ to be amended to ‘Interim and final details of the crossing of Findon Creek’; and**
 - ii. ‘Details of the Hayston Boulevard intersection’ to be amended to ‘interim and ultimate design of the Hayston Boulevard intersection’.**
 - b) Include the following provisions within Requirement 4.3.1:**
 - i. Provision of the interim and ultimate design of the local road intersections at 75 and 85 Harvest Home Road; and**
 - ii. Inclusion of a 1.5 metre footpath on the southern side of Harvest Home Road.**
 - c) Remove the following sentence ‘the development of Stage 1A and 1B of the proposed school and the associated subdivision of land containing the school’ from the list of exemptions as provided within Requirement 4.3.1.**
 - d) Include a new subsection in Requirement 4.6 called ‘4.6.1 – 5, 15, 25 and 35 Harvest Home Road’ and include all existing requirements under this heading.**
 - e) Include a further subsection in Requirement 4.6 called ‘ 4.6.2 – 65 and 75 Harvest Home Road’ which outlines the requirements for the 22 metre wide road straddling the boundary of this property, including:**

- i. The need for a cross section detailing carriageways, parking, landscaping and footpaths with the planning permit application; and
 - ii. Details in relation to the staging of the road construction, particularly if the school is developed first.
 - f) Include a new subsection in Requirement 4.6 called '4.6.3 – 75 and 85 Harvest Home Road' and include the condition for a mid-lane link between Harvest Home Road and the east-west street to the south comprising a pedestrian path, lighting and landscaping.
 - g) Remove the following matters from Requirement 4.8:
 - i. Extension of the school to the west to provide an additional road abuttal; and
 - ii. Further implementation of a Conservation Management Plan relating to 'Lochaber'.
 - h) Include a new subsection in Requirement 4.8 called '4.8.1 – Masterplan' and include all existing requirements under this heading;
 - i) Include the following additional matters within Requirement 4.8.1:
 - i. requiring the Al-Siraat College provide details regarding the use and mitigation measures relating to the external public address system associated with the College; and
 - ii. requesting details of the treatment of the interface between the school and the transmission easement.
 - j) Include a further subsection in Requirement 4.8 called '4.8.2 – Drainage' which further details the drainage requirements for the expansion of the school including:
 - i. Conveying the flows from the external catchment north of Harvest Home Road through the school site;
 - ii. The need for a drainage system to be constructed within the site as per the approved Melbourne Water drainage scheme;
 - iii. The provision of 16 metre wide drainage reserves to cater for overland flow paths;
 - iv. Details in regards to the management of 1:100 year flows via a piped systems, which may be considered as part of the overall stormwater management strategy reviewed as part of the future permit application for the school masterplan, to the satisfaction of the Responsible Authority.
- 2. Update the Harvest Home Road DP 'Development Land Use Plan' to show:
 - a) the 'Place of Worship' in the north-west corner of 65 Harvest Home Road;
 - b) an indicative path link between the shared path within the Transmission Line Easement up to Harvest Home Road along the western side of the north-south road in 85 Harvest Home Road;
 - c) the mid-lane link between Harvest Home Road and the east-west street to the south;

- d) the 'Terrace style lots' south of the laneway with their own land use designation which allows for standard density lots to be developed in this area, subject to the satisfaction of Council.

B. Advise the proponent and submitters of the above.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.2 COMMUNITY SERVICES

6.2.1 EVENTS APPROVALS PROJECT

File No: 194633

Attachments: 1 Event Approvals Policy (draft)
2 Refundable Bond Amounts (draft)

Responsible Officer: Director Community Services

Author: Events Approvals Project Coordinator

REPORT

SUMMARY

The City of Whittlesea Event Approvals Policy (draft) and the fees and charges for events are recommended to Council for consideration.

The proposed Event Approvals Policy establishes a framework for the assessment of requests to conduct festivals and events on Council owned or managed land; stipulates the criteria and requirements for assessment of applications; addresses fees, charges and refunds; and articulates the role that Council has in regulating events to ensure that they are safe, successful and accessible.

In addition, this report seeks consideration of the extent of the regulatory powers Council will establish to ensure compliance by event organisers in regard to the health and safety requirements of events that are conducted in the City of Whittlesea. Two options are proposed for consideration, the issuance of a permit to conduct an event in the City or the issuance of an approval to proceed with an event.

BACKGROUND

At its meeting on 15 July 2014, Council endorsed the Festivals and Events Policy which established the vision that *Festivals and Events in the City of Whittlesea celebrate and strengthen our diverse, vibrant communities and create opportunities for connections and belonging*. The vision is supported by Council's leading document Shaping Our Future Whittlesea 2030 – Strategic Community Plan which recognises the contribution festivals and events make to an Inclusive and Engaged Community and states the objective to *have festivals that bring us together*.

In addition, at this meeting Council endorsed the Festival and Events Plan 2014 - 2017. Action 1.7 of the Plan stipulates that Council will *develop procedures to streamline the events approvals process for all events*. This report addresses this Action 1.7.

Council currently does not have a centralised process by which event organisers can request to hold an event in the City. Each year an average of 80 requests are received to conduct festivals or events and these requests are received by a number of Council departments. Each department assesses individual components of the event, responses to event organisers are not coordinated and Council does not have oversight of an event as a whole.

The proposed Event Approvals Policy will support a process that will create one point of entry into Council and coordinate Council's response to requests to conduct events in the municipality, providing better customer service. The Policy will ensure Council's duty of care in relation to activities that take place on Council owned or managed land is met and will enable Council to be satisfied that they pose no significant risk.

It will strengthen Council's ability to manage risks and ensure public safety at events. In turn, the Policy will assist event organisers to identify and mitigate against risk and improve their ability to deliver events that are safe, successful and accessible.

ISSUES

This report seeks consideration of a number of matters in relation to the establishment of an event approvals policy. The first considers the extent of regulatory powers Council requires to ensure compliance to regulations and safety standards by event organisers, the second relates to the fees and charges attached to events conducted in the City, the third relates to the assessment of applications to conduct events in the City.

Issue One: Permit versus Approval to proceed with an event

Council must determine the extent of the regulatory powers it requires to ensure compliance to regulation and safety standards by event organisers. There are two options to consider.

The first option is a regulatory approach that involves the issuance of a permit to conduct an event in the City of Whittlesea. The permit would have its authority based in the General Municipal Law and would establish Council's right to allow, prohibit, enforce and/or prosecute an event organiser should terms and conditions be breached.

The second option involves Council issuing an approval for an event to proceed. This is a less punitive approach and allows Council to stipulate terms and conditions, but only provides limited ability to prosecute.

The two options are discussed below.

Option One: Permit to conduct an event

An event permit could be granted under an amendment to the General Municipal Law to conduct an event on Council owned or managed land.

A provision under the amendment would clearly establish Council's authority to control the use of Council owned or managed land for the purpose of conducting an event and would require event organisers to hold a permit in order to run an event.

It is a regulatory approach that would enforce compliance with terms and conditions and establish the provision to issue infringements for non-compliance. In the case of extreme breaches of the terms and conditions, it gives Council the ability to revoke the permit, effectively closing an event down.

There are a number of benefits associated with a permit, being:

- Event organisers could not conduct an event without a permit from the City of Whittlesea;
- The permit would be a formal written document issued by Council;
- Allows conditions of the permit to be enforced and action to be taken for non-compliance;
- Establishes the provision to fine for non-compliance; and
- Income generated from a permit fee could offset costs associated with administration and compliance checking.

There are a number of drawbacks to a permit system, including:

- The highly regulatory nature of a permit may discourage local community groups, especially residents from diverse backgrounds from applying for a permit as the process may appear too onerous or complicated;
- The ability to issue a permit to conduct events would require an amendment to the General Municipal Law (either immediate amendment or delayed until the next review of the Local Law, which is scheduled for 2019-20).

- In accordance with the Municipal General Law, a permit may carry a fee, which could be prohibitive for smaller community run events; and
- Resources would be required to enforce and prosecute for non-compliance.

Option Two: Approval to proceed with an event

Under an approval system Council would issue an approval for an event to proceed and would enter into a signed agreement with the event organiser, which would outline the rights and obligations of both parties with the terms and conditions of the approval attached.

As with the permit system, an approval to proceed would enable Council to seek satisfaction that event organisers have met the requirements for event safety prior to the event and would provide adequate protection for Council in terms of limiting exposure to risk. However, an approval does not have the same powers to enforce and prosecute for non-compliance with the terms and conditions as a permit does.

Council's role under option two would be to provide clear guidelines that deliver information on every aspect of running an event. The terms and conditions attached to the approval will clearly state that the responsibility for complying sits with the event organiser.

Role of Council

In seeking guidance on which system would best support Council's objectives, legal advice received reiterated Council's obligations, rights and responsibilities under the Local Government Act, the Road Safety Act, the Building Act and the Occupational Health and Safety Act.

Council is exposed to potential liabilities with respect to personal injury under the OH&S Act in relation to Council's responsibility where a reserve or park is considered a workplace and under occupier's liability. There is also exposure to risk whereby events are held on Council land and it is reasonably practicable for Council to have eliminated or minimised certain dangers. This could be risks intrinsic to the land itself or may be related to the use of the land and ensuring it is fit for the proposed purpose.

Council has power as the owner of land to control the use of that land. In practical terms, however mere ownership of the land is unlikely to offer satisfactory powers to Council to control the use of the land because the avenues by which Council may enforce its rights (through a court order or direct action should a person refuse to leave the land when directed) are unlikely to provide practical options for such control, particularly where Council must act at short notice.

However, advice follows that entering into a signed contract with event organisers that clearly outlines the responsibilities of both Council and the user through agreed terms and conditions is a reasonable step in addressing issues and minimising exposure to risk and this can be achieved through an approval process as described in option two.

If appropriate measures were taken, Council may deny an approval to conduct an event where it is satisfied that the event is a significant risk to public order, public health or the rights and freedoms of others, and the applicant has not been able to demonstrate suitable risk mitigation strategies.

Undertaking compliance checks to ensure an event was being run as authorised, would assist in demonstrating that Council has discharged any duty of care should someone be injured or a reportable incident occurs. While there is no absolute legal obligation to undertake compliance checks, doing so will assist Council in minimising its risks and those of the event organisers. Should Council choose, inspection at events can establish any instance of non-compliance and if event organisers fail to remedy identified problems or breaches of the agreed terms and conditions, an approval could be revoked. In extreme circumstances an event could be closed down by a Council Officer under delegation of authority.

Recommendation one:

While option one (issuance of a permit to conduct an event) provides an instrument authorised within General Municipal Law by which to enforce and prosecute for non-compliance, it provides more powers than is necessary. Option two (approval to proceed with an event) would still allow for proper pre-assessment of events prior to commencement, would satisfy Council requirements and would clearly establish the lines of responsibility.

Option two is recommended for consideration, as it enables Council to be satisfied that event organisers have met all of the safety requirements and allows assessment of applications to be made in a timely manner without being overly punitive for non-compliance. Council can withhold approval to proceed should event organisers not satisfy that they are capable of meeting required standards of safety.

Issue Two: Fees and charges

The following table itemises existing mechanisms and fees and charges that Council has in place to regulate activities (i.e. relevant to festivals and events).

Triggers	Governing Regulation / Permit	Fees & charges
Sale of Food	Food Act <i>Requires Temporary Food Premises Permit</i>	<ul style="list-style-type: none"> • \$284 - \$460 for Class 2 & 3 (Commercial) • No fee for Class 4 (Community)
Installation of structures, fencing or seating stands; event charging an entry fee; event occupying over 500m ²	Building Act <i>Requires a Place of Public Entertainment (POPE) Occupancy Permit</i>	<ul style="list-style-type: none"> • \$275 - Public event on land • \$275 - Circus • \$505 - Building
Road closures or altering road conditions	Road Safety Act <i>Requires a Memorandum of Authorisation (MOA) for local roads and/or VicRoads approval for major arterials</i>	No fee for a locally issued MOA
Fireworks	General Municipal Law <i>Requires a Fireworks Permit</i>	\$147
Driving a motor vehicle onto a park	General Municipal Law <i>Requires written permission from Council</i>	Nil
Footpath trading	General Municipal Law <i>Requires a Footpath Trading Permit</i>	\$147
Fundraising	General Municipal Law <i>Requires an Fundraising Permit</i>	Amount is under review

In addition to the existing fees and charges listed in the above table, there is the potential to strike the following charges for event applications:

- A general event fee, this could be either a fee attached to a permit (applied under option one) or a fee to conduct an event (applied under option two).

These fees would offset administration costs and service costs that are outside of regular call outs or maintenance schedules, such as food audits by Council's Environment Health Officer at events, extra cleaning or for the use and consumption of particular utilities such as power and water.

- A refundable bond. Refundable bonds are regularly charged for the use of parks and reserves to offset costs associated with site reparations. The amounts charged typically range between \$1,000 and \$5,000. It is proposed that amounts be scaled according to the nature of the event, i.e. private, community or commercial; anticipated impact on the site based on the nature of infrastructure to be constructed on site and the anticipated audience size; and the significance of the site based on the Hierarchy of Open Space as identified in the draft Open Space Strategy. If cost remediation exceeds the amount of the bond paid, additional costs may be passed onto the event organisers.
- The alternative to charging a refundable bond would be to require that the event organiser compensate Council for the costs of any damages, which may well exceed the amount required through a refundable bond. This could prove to be onerous for community groups and difficult for Council to collect.

Recommendation two:

In the light of existing fees and charges already applied through the Food Act, the Building Act, the Road Safety Act and the General Municipal Law, it is recommended that Council does not impose a general event fee.

It is recommended that Council charge a refundable bond to offset any reparation costs to sites.

Attachment 2 itemises the proposed refundable bond amounts.

Issue Three: Events Approvals Policy

The Event Approvals Policy is drafted in the anticipation that Council consider the recommendation that event organisers require an approval to proceed rather than requiring a permit to conduct an event.

The Policy sets out the framework through which Council regulates events held within the municipality. It is proposed that event organisers submit an application to conduct an event in the City of Whittlesea prior to the planned event date. This will give Council the required time to assess applications and where necessary, advise and assist groups that require guidance to meet requirements, while also allowing ample time for event organisers to address any concerns or issues that arise.

Events proposed to take place within the City of Whittlesea will be examined to determine which regulations they trigger and the permissions required. Level three events do not require an approval to proceed. Level one and level two events, as described in the Policy trigger the need for event organisers to satisfy regulations and requirements and they must receive approval from Council before proceeding.

An internal reference group, comprised of the relevant departments across Council has been established to assess applications from level one and level two type events and satisfy that all necessary requirements have been met.

It is recommended that the authority to approve an application or withhold or revoke an approval sit with the (proposed) Event Approvals Officer, with the support of the Events Team and the direct line Manager based on recommendations made by the internal reference group.

Recommendation three:

Council consider the Event Approvals Policy for adoption.

PROPOSAL

That Council support the introduction of an event approvals process by which to assess applications to conduct events in the City of Whittlesea, endorse the Event Approvals Policy (Attachment 1) and endorse the refundable bond amounts (Attachment 2)

CONSULTATION

Consultations have been undertaken with internal departments to ascertain regulatory timelines and with community event organisers to receive feedback on the proposed process. They were consulted with to identify the types of tools they would find useful to assist in their planning.

Benchmarking was undertaken with 13 metropolitan Councils to ascertain their approach to managing requests to conduct events within their municipalities. Half of those benchmarked utilised a permit system supported by a Local Law and half were satisfied with Council giving approvals to proceed.

FINANCIAL IMPLICATIONS

It is calculated that the implementation of a centralised event approvals process would require staff resources, and accordingly funding has been sought as part of the development of the 2016/17 budget.

In addition to the current fees and charges, it is recommended that refundable bonds be applied to cover the costs for restoration or repairs resulting from an even or its associated activities.

POLICY STRATEGY AND LEGISLATION

Key linkages:

- Shaping Our Future 2030 Strategic Community Plan
- Festival & Events Policy (2014)
- Festival & Events Plan (2014-2017)
- Open Space Strategy (draft)
- Community Building Strategy & Action Plan (2015)
- Disability Action Plan (2013 -2016)
- Risk Management Policy (2008)
- City of Whittlesea Municipal General Law (No 1 of 2014)
- Local Government Act (1989), Occupational Health & Safety Act (2004), Emergency Management Act (2013), Food Act (1984), Building Act (1993), Road Safety Act (1986), Road Management Act (2004), Environmental Protection Act (1970), Planning & Environment Act (1987), Crown Land (Reserves) Act (1978).

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Inclusive & Engaged Community
Theme	Community spirit
Strategic Objective	There are festivals that bring us together

The Event Approvals Policy is closely linked to the City of Whittlesea Council Plan 2013-2017 Shaping Our Future and specifically addresses Future Direction One, Inclusive and Engaged Community. The Policy strengthens the role events have in supporting community building outcomes, building connections and resilience, strengthening pride of place and belonging and contributing to the wellbeing of communities in the City of Whittlesea.

The Event Approvals Policy and application process will support building the capacity of event organisers and enable events in the City of Whittlesea to contribute to achieving the community vision of creating vibrant, self-sustaining communities together.

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

Festivals and events contribute significantly to individual and community wellbeing, to the economy of the City and to a sense of identity and pride. They *celebrate and strengthen our diverse, vibrant communities and create opportunities for connections and belonging*. As identified in Council’s Festival and Events Plan 2014 – 2017, Council has a role in ensuring that events that take place in the City are safe, successful and accessible and as such committed to establishing *procedures to streamline the events approvals process for all events*.

Endorsement of the Event Approvals Policy will articulate Council’s role with regard to regulation and approval to use Council owned or managed land for events and will establish Council requirements with regard to use of that land. The Policy will support the introduction of a process to assess applications from event organisers and to issue an approval to proceed that outlines the terms and conditions of that approval. This is a step forward and will result in improved customer service, the provision of information that will support event organisers and consistent and transparent decision making.

The Event Approval Policy and application process will provide support to the community by enhancing event management expertise and supporting well run and successful events in the City and ensure the Council and community work in partnership to support community building and connection to place.

RECOMMENDATION

THAT Council resolve to adopt:

- 1. The Event Approvals Policy (Attachment 1).**
- 2. The application of refundable bonds (Attachment 2); and**
- 3. An Approval to Proceed authority in relation to the planning and staging of community events.**

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.3 CITY TRANSPORT AND PRESENTATION

6.3.1 JOINT LETTER - REQUEST FOR REMOVAL OF GUM TREE AT 85 MANNING CLARK ROAD, MILL PARK

File No: 143551

Attachments: 1 Location Map - 85 Manning Clark Road Mill Park
2 Photos of tree and streetscape

Responsible Officer: Director Infrastructure

Author: Assistant Arborist

REPORT

SUMMARY

This report is in response to the petition tabled at the 2 February 2016 Council meeting. The petition expresses a number of issues with the *Corymbia maculata* (Spotted Gum) in front of 85 Manning Clark Rd, Mill Park and requests its removal. The owner of the property at 85 Manning Clark Rd has also written to Council expressing similar concerns about the tree. Council's Arborist has inspected the tree and determined that it conforms to Council standards and does not require pruning or removal.

BACKGROUND

A petition was provided to Council for the removal of the *Corymbia maculata* at 85 Manning Clark Rd, Mill Park, from the resident at 85A Manning Clark Rd, Mill Park, with the signatures of five residents of three properties. The petition states that the residents believe the tree is; dangerous with the potential for branches to fall; is a fire hazard and drops leaves which fill the gutters and makes the street look messy. The petitioners would like the tree removed and replanted with one which isn't so big, messy and dangerous.

At the Council meeting on 2 February 2016 Council resolved to:-

Receive the petition requesting Council remove a gum tree located on the nature strip in front of property 85 Manning Clark Road, Mill Park and a report be prepared. In addition refer this petition to the consultation process being undertaken regarding the Draft Street Tree Master Plan.

On 27 February 2016, Council received an email from the owner of the property at 85 Manning Clark Road expressing similar concerns with this street tree (CRM 1089591/2016). These concerns have been included in this report to Council.

There are 98 trees planted along Manning Clarke Rd, Mill Park, where 74% of these trees are semi-mature *Corymbia maculata*. The character of the street in relation to the species choice was reviewed and deemed acceptable by council prior to the development of the subdivision. The trees create an attractive streetscape character, and with similar plantings in nearby streets, establish a strong sense of place within the neighbourhood.

DISCUSSION

The *Corymbia maculata* in the nature strip of 85 Manning Clark Rd, Mill Park was inspected by Council's Arborist on 12 January 2016.

As a result of this inspection it was determined that the tree conforms to Council clearance requirements for trees and pruning specification in Council's specification for tree

maintenance. The tree is in a healthy condition. A photograph of the tree can be seen in Attachment 2, Figure 1. The tree is part of an avenue of *Corymbia maculata*, spanning along Manning Clark Rd.

The petition raises concern that the tree poses a danger to residents, pedestrians and cars. Council via its contractor conducts two-yearly proactive inspections on all street trees. This tree was last inspected as part of this program in May 2015. These proactive inspections detect structural defects in the tree and generate tree works to manage risks associated with trees dropping branches.

Residents can also contact Council to request additional inspections in between the programmed inspection if they have any concerns about a particular tree. These requests are logged and managed as part of Council's Customer Request Management (CRM) system.

These proactive inspections and resident inspection requests capture trees with defects and reduce the risk of whole or partial tree failure by rectifying the issue prior to the failure occurring.

The petition also raises concern regarding leaves from the street tree falling in the gutters. It is a natural process for trees to drop leaves, twigs, flowers and fruit. There are a multitude of benefits trees in this age class provide to the community, such as improved visual amenity, shade and temperature reduction.

One of the outcomes of having large established trees forming a strong streetscape setting is that residents are required to clean their gutters because of leaf drop. This is an occurrence throughout all urban environments. Through its HACC program, Council assists eligible residents in removing leaf litter from gutters.

The petition also raises concern that the tree is a fire hazard, however, this single tree makes no contribution to the bushfire risk within this urban environment.

Manning Clark Road is mainly comprised of semi-mature *Corymbia maculata*. The predominance of this species forms an avenue along the street, which can be seen in Attachment 2, Figure 2. This tree provides valuable linkages to other trees in the street and surrounds. The avenue provides visual cues of the connectedness of the street and environmental benefits by contributing to a wildlife corridor function. Mature street trees provide many aesthetic, environmental and economic benefits, this includes a reduction in air temperature; the creation of shaded surfaces leading to the reduced need for air conditioning use; reduced stormwater run-off and increased property values (compared with a street devoid of trees).

In reference to petitioners request for the *Corymbia maculata* to be removed, Councils existing endorsed Street Tree Masterplan 2000 states, under Protocol 10, that trees are only removed as a last resort where the physical defects identified cannot be remedied using conventional horticultural practices. Further, through the City of Whittlesea Environmental Sustainability Strategy, Council has identified that the most sustainable approach to managing its existing tree population is to retain, maintain and monitor the health of as many existing trees as possible. It would not be a sustainable practice to remove healthy street trees that are fulfilling the function it was intended to provide.

Therefore the residents request to remove the tree and replace it with a smaller tree is not supported.

CONSULTATION

While no direct consultation was undertaken for this petition response, consultation across the City of Whittlesea was undertaken for the development of the Street Tree Masterplan 2000 and the Environmental Sustainability Strategy 2013.

FINANCIAL IMPLICATIONS

There are no financial implications of this proposal.

POLICY STRATEGY AND LEGISLATION

This report has considered Council’s Street Tree Masterplan 2000 and Environmental Sustainability Strategy 2013.

Council is currently preparing a new Street Tree Management Plan. This new Plan will look at the types of trees planted as street trees and maintenance of these trees. It will also include a 10 year street tree renewal program. The draft Street Tree Management Plan is currently being prepared and the concerns provided in this petition will be included as part of the community consultation recently conducted. The draft Street Tree Management Plan is scheduled to be released for public comment in April 2016 and petitioners will be invited to make comment on the plan.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Living Sustainably
Theme	Environmental sustainability
Strategic Objective	We are an environmentally sustainable City

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

Council has received a petition from five residents of three properties raising concerns regarding the street tree outside 85 Manning Clark Road Mill Park. Concerns raised by the petitioners include leaf litter, safety of the tree, fire hazard and falling branches. The petitioners request for the tree to be removed and replaced with a smaller tree.

Based on the recommendation from Council’s Arborist, there is no valid reason for the tree to be removed. The tree is at a stage in its life cycle where it is providing maximum benefits compared with the costs associated with the tree maintenance. The tree is part of an avenue within Manning Clark Rd which creates important visual and environmental linkages. It is Council policy, under the current Street Tree Masterplan 2000, that a tree is only removed as a last resort, where physical defects in the tree cannot be rectified. This is not the case for the tree in question.

It is recommended that the *Corymbia maculata* at 85 Manning Clark Rd be retained.

RECOMMENDATION

THAT Council resolve to :

- a) Retain the existing street tree at 85 Manning Clark Rd, Mill Park.
- b) Invite all petitioners to provide comment on the draft Street Tree Management Plan when it is placed on public exhibition; and
- c) Advise all petitioners of Council’s decision.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.3.2 PETITION - REMOVAL AND REPLACEMENT OF GUM TREES ON HIGHPOINT DRIVE, SOUTH MORANG**File No:** SU/143551**Attachments:**
1 Attachment 1 - WiGIS site plan
2 Attachment 2 - Existing street trees in Highpoint Drive, South Morang
3 Attachment 3 - Photos of trees proposed by petitioners for Highpoint Drive**Responsible Officer:** Director Infrastructure**Author:** Senior Arborist**REPORT****SUMMARY**

This report responds to the petition tabled at the 2 February 2016 Council meeting seeking the removal of street trees in Highpoint Drive, South Morang and their replacement with the same type of street tree as that planted in Palisades Boulevard, South Morang.

BACKGROUND

A petition was received by Council on 2 February 2016 from 14 residents requesting that Council remove the street trees in Highpoint Drive, South Morang and replace them with the same type of tree as that planted in Palisades Boulevard, South Morang. The petition has been signed by 12 residents of Highpoint Drive and two of intersecting streets.

At the meeting Council resolved to:-

Receive the petition from 14 residents of Highpoint Drive South Morang requesting Council to remove and replace the gum trees in Highpoint Drive South Morang and that a report be prepared. In addition refer this petition to the consultation process being undertaken regarding the Draft Street Tree Master Plan.

Highpoint Drive is located in the north western quadrant of the fast growing suburb of South Morang. It is nestled in a small valley and from the vantage point at the apex of the road, residents and visitors to the street can appreciate the surrounding protected native bushland of the Quarry Hills Regional Park.

The Highpoint Drive streetscape contains 60 trees and was developed over a number of years as part of two separate subdivisions. The first being Waterstone Hill commenced in 2001, the second Palisades Estate commenced in 2009.

The southernmost section of Highpoint Drive, consisting of nine trees, is located within Stage 17 of the Waterstone Hill Estate. In accordance with Planning Permit 702085, the Landscape Plan including the street tree species nominated for each street within the stage was endorsed by Council in 2007.

The street tree species chosen for installation within Highpoint Drive as part of this subdivision approval were *Eucalyptus sideroxylon* (Red Ironbark). These trees are evergreen natives to Victoria and complement the borrowed landscape of the Quarry Hills Regional Park both aesthetically and ecologically.

However, the vast majority of the streetscape comprising of 51 trees is located within the more recent Palisades Estate subdivision; specifically Stages 4, 5 and 6. In accordance with Planning Permit 710682, the Landscape Masterplan for this subdivision was endorsed by VCAT in 2007 with the specific stages endorsed by Council between 2008 and 2009. Accordingly, the species of tree endorsed for this section of Highpoint Drive was consistent with those already established in the southernmost section of the street as part of the Waterstone Hill Estate.

Due to the trend emerging in the Palisades Estate which results in the building of large dwellings that take up the majority of each lot, private open space does not contribute to the treed amenity of the estate. In this regard, the Palisades Estate is heavily reliant on the street tree assets to define its urban character, provide it with treed amenity and shade. Since their installation, Council has monitored the condition of the Red Ironbark street trees in Highpoint Drive (planted as part of the Palisades Estate subdivision) and worked closely with the developer to ensure their successful establishment.

DISCUSSION

The petitioners have raised a number of concerns about the street trees citing that;

- the trees are not ideal, do not appeal, drop branches and create obstacles for the community
- the trees may cause future problems making streetscapes unsafe and unsightly
- the recent removal of some trees renders the initial planting of the trees pointless and wasteful

To address these concerns the petitioners have asked that the street trees in Highpoint Drive, South Morang be removed and replaced with the same type of street tree as that planted in Palisades Boulevard, South Morang.

Councils' tree maintenance processes address the first two concerns raised by the petitioners. Specifically, Council conducts two-yearly proactive inspections on all street trees for which it is the responsible authority. The street trees in The Palisades Estate section of Highpoint Drive were last inspected as part of Councils' proactive inspection program in January 2016. These proactive inspections detect structural defects in trees and generate tree works to manage risks associated with trees dropping branches.

As a result of these inspections, minor pruning was undertaken in February 2016 on various trees within the streetscape. The pruning ensured that their canopy clearances over the road and footpaths were adequate and that there were no hazards in the trees that could fall. Importantly, there were no other defects identified in the trees that required further intervention.

However, the landscape features within the Waterstone Hill Estate, including its street trees are managed by an Owners Corporation. Therefore they are not the maintenance responsibility of Council, though Council is the authorising authority for tree removal requests affecting street trees in this estate. Council's only street tree maintenance obligations within the Waterstone Hill Estate are to provide an emergency response when street trees are damaged or obstructing public open space during or immediately following extreme weather events.

The petitioners also raise concerns that the trees may cause future problems making streetscapes unsafe and unsightly, specifically referring to lifting concrete pathways and damaging water pipes. In this regard, residents can also contact Council to request additional inspections in between the programmed inspection if they have any concerns about a particular tree. These requests are logged and managed as part of Council's Customer Request Management (CRM) system.

The petition also raises the concern that the recent removal of some trees renders the initial planting of the trees pointless and wasteful. Council records indicate that four trees have been removed from the streetscape since it was established. The removal of these trees does not meaningfully undermine the integrity of the streetscape. The reason for the removal of the trees is under investigation.

To consider the specific trees that are the subject of this petition, Council's Senior Arborist undertook an inspection of the street trees in Highpoint Drive on 11 February 2016. The Senior Arborist found the street tree assets to be in generally good health and exhibiting typical structure for Red Ironbark. Canopy clearances over the road and footpaths were observed as adequate and no further pruning work was identified as being required.

Generally speaking, within the context of their useful life expectancy in the landscape (50+ years), the Red Ironbark street trees could be considered young and establishing well. The older specimens located in the Waterstone Hill Estate had reached approximately 9m in height with the majority of newly established street trees in the Palisades Estate being approximately 5m in height. Overall, the street trees in Highpoint Drive were performing well and fulfilling their intended function in the landscape. As the trees mature they will have a much stronger presence in the streetscape through increased height and a broader canopy.

The petitioners have also asked that the trees be removed and replaced with the same type of trees planted in Palisades Boulevard which are *Quercus palustris* (Pin Oak) (refer to Attachment 3). The Pin Oak is an exotic, deciduous tree (i.e. loses its leaves in winter) that has been selected to provide contrast with the surrounding native environment of Quarry Hills Regional Park. It would not be practical or sustainable to remove the establishing Red Ironbark street trees in Highpoint Drive and replace them with Pin Oaks.

Councils existing endorsed Street Tree Masterplan 2000 states, under Protocol 10, that trees are only removed as a last resort where the physical defects identified cannot be remedied using conventional horticultural practices. Further, through the City of Whittlesea Environmental Sustainability Strategy, Council has identified that the most sustainable approach to managing its existing tree population is to retain, maintain and monitor the health of as many existing trees as possible.

It would therefore not be a sustainable practice to remove healthy street trees that are fulfilling the function they were intended to provide. As such the request to remove the trees and replace them with Pin Oaks is not supported.

CONSULTATION

While no direct consultation was undertaken for this petition response, consultation across the City of Whittlesea was undertaken for the development of the Street Tree Masterplan 2000 and the Environmental Sustainability Strategy 2013. Broad consultation will occur in the coming months associated with the Street Tree Management Plan.

FINANCIAL IMPLICATIONS

There are no financial implications of this proposal.

POLICY STRATEGY AND LEGISLATION

This report has considered Council’s Street Tree Masterplan 2000 and Environmental Sustainability Strategy 2013.

Council is currently preparing a new Street Tree Management Plan. This new Plan will look at the types of trees planted as street trees and maintenance of these trees. It will also include a 10 year street tree renewal program. The draft Street Tree Management Plan is currently being prepared and the concerns provided in this petition will be included as part of the community consultation recently conducted. The draft Street Tree Management Plan is scheduled to be released for public comment in April 2016 and petitioners will be invited to make comment on the Plan.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Living Sustainably
Theme	Environmental sustainability
Strategic Objective	We are an environmentally sustainable City

It would not be a sustainable practice to remove healthy street trees that are fulfilling the function they were intended to provide.

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 *Eucalyptus sideroxylon* (Red Ironbark) street tree assets in Highpoint Drive, South Morang were endorsed in accordance with the relevant Landscape Plans submitted to fulfil the requirements of Planning Permits issued by Council. The Red Ironbark trees complement the borrowed landscape of the Quarry Hills Regional Park both aesthetically and ecologically. They were recently assessed and their current condition does not warrant their removal.

Therefore, consistent with Council’s Street Tree Masterplan and Environmental Sustainability Strategy, it is recommended that Council resolve to retain the existing street trees within Highpoint Drive and monitor their condition through the implementation of its two-yearly proactive inspection program. It is also recommended that the petitioners be advised when the draft Street Tree Management Plan is placed on public exhibition.

RECOMMENDATION

THAT Council resolve to :

1. Retain the existing street trees in Highpoint Drive, South Morang;
2. Invite all petitioners to provide comment on the draft Street Tree Management Plan when it is placed on public exhibition; and
3. Inform the Head Petitioner of Council’s decision.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.4 CORPORATE SERVICES

6.4.1 UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING

File No: 160616

Attachments: 1 Unconfirmed Minutes of Audit & Risk Committee Meeting 25 February 2016

Responsible Officer: Acting Director Corporate Services

Author: Internal Compliance Officer

REPORT

SUMMARY

As part of Council's Audit & Risk Committee Charter, minutes of meetings are to be presented to Council after each Audit & Risk Committee meeting.

BACKGROUND

The Audit & Risk Committee is an independent advisory committee of Council and its role is to report to Council and provide appropriate advice and recommendations on matters presented to it. It acts in this capacity by monitoring, reviewing and advising on issues within its scope of responsibility and assisting Council's governance obligations to its community.

The Audit & Risk Committee considered a number of reports at its meeting held on 25 February 2016 as well as confirming minutes from previous meetings held on 26 November 2015.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Corporate Business Report
- Risk Management Report
- Internal Audit:
 - Internal Audit Status Report and Proposed Scopes
 - Internal Audit Reviews: Risk Management Framework and Business Continuity Management Framework
- Outstanding Action items Report from Previous Internal Audits
- Internal Audit Charter Review
- External Audit:
 - Status of External Audit Strategy
- Internal Compliance Reviews
- Update on Significant Legal Matters
- VAGO Performance Audits/Reports

LINKS TO THE COUNCIL PLAN

Future Direction Good Governance
Theme Resource Management
Strategic Objective Council is financially sustainable for the long term

The establishment of the Audit & Risk Committee and the reports it receives are reflective of Council’s commitment to the implementation of good governance principles. The Committee provides advice to Council to assist with fulfilling its oversight responsibilities for the financial and non-financial reporting process, internal controls, the audit process, risk management and Council’s process for monitoring compliance with legislation and regulations and the Code of Conduct.

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 Council note the minutes of the Audit & Risk Committee meeting attached to the report.

RECOMMENDATION

THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 25 February 2016.

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.4.2 ASSEMBLIES OF COUNCILLORS REPORT - 5 APRIL 2016

File No: 188199

Responsible Officer: Acting Director Corporate Services

Author: Governance Officer

REPORT

SUMMARY

To report to Council the records of Assemblies of Councillors in accordance with Section 80A(2) of the Local Government Act.

BACKGROUND

The Local Government Act 1989 requires records of Assemblies of Councillors to be reported to an ordinary Council meeting and recorded in the minutes of that meeting.

A meeting is an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision or the exercise of a Council delegation and the meeting is:

- A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff; or
- An advisory committee of Council where one or more Councillors are present.

A record must be kept of an assembly of Councillors which lists the Councillors and members of Council staff attending, the matters discussed, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.

PROPOSAL

Assemblies of Councillors records not previously reported to Council are detailed in the following table:-

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Disability Network 8 December 2015	Cr Griffin Cr Stow	AASO ARO AS/PO FPS LCC LIO MACDW NDISPPO POAT TLA TLCCQC	1. Guests: <ul style="list-style-type: none"> • Jenna Moffat; 'Clickability' • Treasure Jennings – Public Transport Ombudsman 2. Reports from Working Groups <ol style="list-style-type: none"> a) Accessible Parking & Transport b) Hospital Issues c) Carer's Week d) International Day of People with Disability e) Budget f) Respite Consortium g) Employment h) 'Our News' newsletter i) Whittlesea Community Futures Disability Cluster j) NDIS Preparation

Nil disclosures

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Disability Network 9 February 2016	Cr Kozmevski (Mayor) Cr Stow	ARO AS/PO FPS MACDO MHABR NDISPPO POAT TLA YDO	<ol style="list-style-type: none"> 1. Reports from Working Groups <ol style="list-style-type: none"> a) Accessible Parking & Transport b) Hospital Issues c) Carer's Week d) IDPwD e) Budget f) Respite Consortium g) Whittlesea Community Futures Employment h) 'Our News' newsletter i) Whittlesea community Futures Disability Cluster j) NDIS Preparation <p style="text-align: right;"><i>Nil disclosures</i></p>
Council Forum 1 March 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Kirkham Cr Lalios Cr Pavlidis Cr Sinclair Cr Spinelli Cr Stow	CEO DAC DCS DCRS-A DI DPMP EMA EOPS MI TLCI UD	<ol style="list-style-type: none"> 1. Neighbourhood House Network Presentation 2. Westfield Plenty Valley – Entertainment Precinct 3. Epping Services Hub – Update 4. Tip Voucher and Recovery Options Report 5. Strategic Forum Discussion <p style="text-align: right;"><i>Nil disclosures</i></p>
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting 2 March 2016	Cr Kelly Cr Kozmevski Cr Pavlidis Cr Sinclair Cr Spinelli	MCA – A	<p>The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting:</p> <ol style="list-style-type: none"> 1. Mikayla Long – Interstate – Sporting Grant <p style="text-align: right;"><i>Nil disclosures</i></p>
Council Forum 8 March 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Harris Cr Kirkham Cr Lalios Cr Pavlidis Cr Sinclair Cr Stow	CEO DAC DCS DCRS-A DI DPE EMA MADS MEAP MFCYP MOI MOW MPOS NDISPPO RPO SP TLBI	<ol style="list-style-type: none"> 1. Confidential Item: Service Planning and Review Project – Family Day Care Service Review 2. Epping Waste Disposal Site 3. Dog Off Leash Area Policy & Management Plan 4. Advocacy Strategy Context Paper, Strategy and 2016 – 2020 Action Plan 5. Update on NDIS & HACC Transition 6. Ashley Park (Doreen) Proposal to build a Community Centre in Partnership with the YMCA 7. Strategic Forum Discussion 8. General Business; <ol style="list-style-type: none"> a) Councillor Memos b) Unregistered Plumbers <p style="text-align: right;"><i>Nil disclosures</i></p>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Hendersons Road Bridge Shared Path Public Meeting 16 March 2016	Cr Kozmevski (Mayor) Cr Pavlidis	MCDT-A PE SPE	Proposed Safety Improvement Works: Hendersons Road Bridge Epping <i>Nil disclosures</i>
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting 18 March 2016	Cr Kelly Cr Kozmevski Cr Pavlidis Cr Sinclair Cr Spinelli	MCA – A	The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting: <ol style="list-style-type: none"> 1. Ethan Wright – Interstate – Sporting Grant 2. Leah Wright – Interstate – Sporting Grant <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
AASO	Aboriginal Access & Support Officer – Shontia Saluja–Honeysett	MEAP	Manager Established Areas Planning – Darren Jackson
ARO	Assistant Records Officer – Jordan Plowman	MFCYP	Manager Family Children and Young People – Jane Price
AS/PO	Admin Support/ Project Officer – Alice Wells	MHABR	Manager Health, Access and Bushfire Recovery – Neville Kurth
CEO	Chief Executive Officer – David Turnbull	MI	Manager Infrastructure – Peter Ali
DAC	Director Advocacy & Communications – Griff Davis	MOI	Manager Organisational Improvement – Brad Wynter
DCS	Director Community Services – Russell Hopkins	MOW	Manager One Whittlesea – Sam Dureau
DCRS-A	Acting Director Corporate Services – Michael Tonta	MPOS	Manager Parks and Open Spaces – Kristen Jackson
DI	Director Infrastructure– Nick Mann	NDISPPPO	National Disability Insurance Scheme Prepare Project Officer – Kathy Pompetti
DPE	Directorate Projects Executive – Jack Jansen	PE	Project Engineer – Anthony Kyrkou
DPMP	Director Planning & Major Projects – Steve O’Brien	POAT	Project Officer Access Team – Brendan O’Reilly
EMA	Executive Manager Advocacy – Mary Agostino	RPO	Research Project Officer – Joanna Stubbings
EOPS	Executive Officer Policy & Strategy – Belgin Besim	SP	Social Planner – Jon Rawlings
FPS	Future Projects Specialist – Ivan Peterson	SPE	Senior Project Engineer – Paul Diffey
LCC	Leisure Contracts Coordinator – Stuart Hoysted	TLA	Team Leader Access – Stephen Bell
LIO	Leisure Inclusion Officer – Seona Ilalio	TLBI	Team Leader Business Improvement – Robert Kisgen
MACDW	Metro Access Community Development Worker – Bernie Ezeokoli	TLCCQC	Team Leader Community Care Quality and Contracts – Wayne Mitchell
MADS	Manager Aged and Disability Services – Steve Ward	TLCI	Team Leader Community Inclusion – Kelisha Nikitas
MCA-A	Acting Manager Civic Administration – Colleen Lazenby	UD	Urban Designer – Iain Brodie
MCDT-A	Acting Manager City Design and Transport – Ben Harries	YDO	Youth Development Office – Sarah Rocca

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 Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.4.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 19-22 JUNE 2016

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

REPORT

SUMMARY

To approve the attendance of interested Councillors at the Australian Local Government Association (ALGA) National General Assembly to be held 19-22 June 2016 in Canberra, ACT.

INTRODUCTION

The theme for the 2016 National General Assembly is *Partners in an Innovative and Prosperous Australia*. The program will focus on debating and discussing the role of local government in boosting productivity and showcasing innovation and best-practise.

PROGRAM

The program includes the following speakers and topics:

Topic/Session	Speakers
Monday 20 June 2016	
Address	Prime Minister, the Hon Malcolm Turnbull MP (invited)
Innovation and its role in prosperity	Keynote Speaker
Panel Session - The future of Local Government	
Debate on Motions	
Address	Leader of the Australia Greens, Senator Dr Richard Di Natale (invited)
Debate on Motions	
Tuesday 21 June 2016	
Address	Minister for Major Projects, Territories and Local Government, the Hon Paul Fletcher MP (invited)
Keynote Speaker	Pip Marlow, Managing Director, Microsoft
Discussion Innovation	
Panel Session - Innovation through digital transformation	
Concurrent Sessions:	
<ul style="list-style-type: none"> • Transforming Australian Communities • The infrastructure challenge • Innovative approaches to the environment • Northern Australia 	
Debate on Motions	

Topic/Session	Speakers
Address	Leader of the Opposition, the Hon Bill Shorten MP (invited)
Wednesday 22 June 2016	
Address	Shadow Minister for Regional Development and Local Government, the Hon Julie Collins MP (invited)
Debate on Motions	
Panel Session – Facilitating prosperity	
Keynote Speaker	Robert de Castella

FINANCIAL IMPLICATIONS

The cost of attending the Congress is as follows:

Early bird bookings made prior to 6 May 2016: \$929 per person;

Bookings made between 6 May – 3 June 2016: \$1,029 per person; or

Late bookings made after 3 June 2016: \$1,250 per person

plus airfare, accommodation and other associated costs.

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 ALGA National General Assembly 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 (ALGA) National General Assembly to be held 19-22 June 2016 in Canberra, ACT.

RECOMMENDATION

THAT Council resolve to advise the Office of the Mayor by 3 May 2016 of their attendance at the (ALGA) National General Assembly to be held 19-22 June 2016 in Canberra, ACT.

COUNCIL RESOLUTION

MOVED: *Cr Stow*
SECONDED: *Cr Sinclair*

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

CARRIED

6.5 PARTNERSHIPS & ENGAGEMENT

NIL REPORTS

6.6 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION

NIL REPORTS

8. QUESTIONS TO OFFICERS

NIL

9. URGENT BUSINESS

NIL

10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

NIL

11. QUESTIONS TO COUNCILLORS

NIL

12. CONFIDENTIAL BUSINESS

12.1 PLANNING AND MAJOR PROJECTS

NIL REPORTS

12.2 COMMUNITY SERVICES

12.2.1 FAMILY DAY CARE SERVICE REVIEW

12.2.2 EPPING SERVICES HUB - SUB TENANCY

12.3 CITY TRANSPORT AND PRESENTATION

12.3.1 REVIEW OF HANSON INVOICING AND CHARGES

12.3.2 2016 - 8ZI SUPPLY & DELIVERY OF ONE TRACTOR WITH REACH MOWER - TENDER EVALUATION

12.3.3 PROVISION OF PARKS AND GARDENS SERVICES CT080901 - CONTRACT VARIATION

12.4 CORPORATE SERVICES

12.4.1 CONTRACT 2014-190 TEMPORARY AGENCY STAFF MANAGEMENT SYSTEM - VARIATION REPORT

12.4.2 FINANCIAL ASSISTANCE REQUESTS BY CHARITABLE ORGANISATION TENANTS

12.4.3 TENDER FOR INSURANCE BROKER AND INSURANCE PORTFOLIO

12.4.4 BILL PAYMENT SERVICES - CONTRACT VARIATION - MAVBP8411

12.5 PARTNERSHIPS & ENGAGEMENT

NIL REPORTS

12.6 EXECUTIVE SERVICES

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 5 MARCH TO 24 MARCH 2016

12.6.2 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Kelly

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:

12.2.1 FAMILY DAY CARE SERVICE REVIEW

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

12.2.2 EPPING SERVICES HUB - SUB TENANCY

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

12.3.1 REVIEW OF HANSON INVOICING AND CHARGES

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

12.3.2 2016 - 8ZI SUPPLY & DELIVERY OF ONE TRACTOR WITH REACH MOWER - TENDER EVALUATION

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

12.3.3 PROVISION OF PARKS AND GARDENS SERVICES CT080901 - CONTRACT VARIATION

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

12.4.1 CONTRACT 2014-190 TEMPORARY AGENCY STAFF MANAGEMENT SYSTEM - VARIATION REPORT

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

12.4.2 FINANCIAL ASSISTANCE REQUESTS BY CHARITABLE ORGANISATION TENANTS

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

12.4.3 TENDER FOR INSURANCE BROKER AND INSURANCE PORTFOLIO

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

12.4.4 BILL PAYMENT SERVICES - CONTRACT VARIATION - MAVBP8411

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

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 5 MARCH TO 24 MARCH 2016

Confidential in accordance with Section 89(2)(a),(b),(c),(d),(e),(f),(g),(h),(i) of the Local Government Act 1989.

12.6.2 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT

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

CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 6.37 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 9.45PM.

13. ADJOURNMENT

THE MAYOR DECLARED THE MEETING ADJOURNED AT 9.45PM TO RECONVENE AT 6.00PM ON 12 APRIL 2016.

CONFIRMED THIS TUESDAY 26TH DAY OF APRIL 2016.

CR STEVAN KOZMEVSKI
MAYOR