



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 17 MAY 2016**

**AT 6:32PM**

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



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## COUNCILLORS

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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



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## SENIOR OFFICERS

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MICHAEL WOOTTEN

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

MICHAEL TONTA

ACTING DIRECTOR CORPORATE SERVICES

MARY AGOSTINO

ACTING DIRECTOR PARTNERSHIPS &  
ENGAGEMENT

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 6.32PM.

### 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 Darryl Sinclair	Councillor (South West Ward)
Cr Adrian Spinelli	Councillor (South West Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Ken Harris	Councillor (South East Ward)
Cr Mary Lalios	Councillor (South East Ward)
Cr Rex Griffin	Councillor (North Ward)
Cr Christine Stow	Councillor (North Ward)

#### Officers:

Mr Michael Wootten	Chief Executive Officer
Mr Steve O'Brien	Director Planning and Major Projects
Mr Russell Hopkins	Director Community Services
Mr Nick Mann	Director City Transport & Presentation
Mr Michael Tonta	Acting Director Corporate Services
Ms Mary Agostino	Acting Director Partnerships & Engagement
Mr Angelo Mamatis	Team Leader Governance

## 2. APOLOGIES

Apologies were received on behalf of Crs Norm Kelly, Ricky Kirkham and Kris Pavlidis who requested that leave be granted for this meeting.

### RECOMMENDATION

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

**THAT the Councillors' apologies be received and leave be granted.**

**CARRIED**



**3. DECLARATIONS OF INTEREST**

**THE FOLLOWING DECLARATIONS OF INTEREST WERE MADE TO THE CHIEF EXECUTIVE OFFICER PRIOR TO THE MEETING:**

**THE FOLLOWING DECLARATIONS OF INTEREST WERE MADE TO THE CHIEF EXECUTIVE OFFICER PRIOR TO THE MEETING:**

Cr Stow declared an indirect interest in item 6.1.3 23 Woton Drive, Epping – Construction of Two Dwellings on the grounds that it affects her residential amenity.

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

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**Ordinary Meeting of Council held 26 April 2016**

**CARRIED**



**5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS**

**5.1 PETITIONS**

**5.1.1 PETITION - IMPROVE SAFETY CONDITIONS - WHITTLESEA PUBLIC GARDENS, BARRY ROAD, LALOR**

**File No:** SU/194904

A petition has been received from 160 residents and 3 non-residents requesting Council improve safety conditions at the Whittlesea Public Gardens, Barry Road, Lalor.

**COUNCIL RESOLUTION**

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

**THAT Council resolve to receive the petition from 160 residents and 3 non-residents requesting Council improve the safety conditions at the Whittlesea Public Gardens, Barry Road, Lalor and that a report be prepared.**

**CARRIED**

**5.2 JOINT LETTERS**

**NIL REPORTS**





6. OFFICERS' REPORTS

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sinclair*

**SECONDED:** *Cr Lalios*

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.2, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 6.1.9, 6.1.10, 6.2.1, 6.3.1, 6.4.1, 6.4.2, 6.4.3 and 6.4.4 .**

**CARRIED**

***Group Adoption of Items En Bloc***

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



**6.1 PLANNING AND MAJOR PROJECTS****6.1.1 34 MCGLYNN AVE SOUTH MORANG USE AND DEVELOPMENT OF A  
CHILDCARE CENTRE****File No:** 715667**Attachments:**  
1 Locality Maps  
2 Development Plans**Responsible Officer:** Director Planning & Major Projects**Author:** Principal Planner**APPLICANT:** Folkestone Investment Management Ltd as Responsible  
Entity for Folkestone Education Trust**COUNCIL POLICY:** 22.05 Child Care Centre Policy  
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 buildings to allow for the construction and use of new child care centre accommodating 118 children.

Advertising of the proposal resulted in one objection being received. The grounds of objection mostly relate to impacts on off-site amenity.

The proposal demonstrates a satisfactory level of compliance with the provisions of the Whittlesea Planning Scheme including the zoning provisions and *Clause 22.05 Child Care Centre Policy*. There are some planning permit conditions required to ensure the operation of the child care centre has limited impact on the residential uses that surround the site.

On the basis of the detailed assessment below and the proposal's general compliance with the relevant planning provisions, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site located on the northern side of McGlynn Avenue and is made up of three allotments (Lots 2, 3 and 43 on TP872932T). The site's shape is unusual with a double width frontage (32.0m) addressing McGlynn Avenue and the rear of the site effectively being a triple allotment (width 48.0m) with no other street frontage.

The site is located approximately 300m south of Gorge Road and 360m east of Plenty Road (see *Attachment 1*).

The subject site currently contains two dwellings, associated outbuildings and established gardens including some canopy trees. The site has an overall area of approximately 2928m<sup>2</sup> and has a gradual fall from the rear of the site towards McGlynn Avenue. Access to the site is via existing crossovers to McGlynn Avenue.

Neighbouring development in the area is predominantly single storey dwellings of post war era. Some multi-dwelling infill developments have occurred within the neighbourhood. Within a 400m radius there are other commercial uses, education centres and other services.

## RESTRICTIONS AND EASEMENTS

The Certificate of Title for the property shows that the site is not affected by any encumbrances or restrictions.

There is an existing 3.0m (approx.) drainage and sewerage easement at the rear of lots 2 and 3.

## PROPOSAL

It is proposed to demolish the existing residential buildings and construct a single-storey child care centre accommodating 118 children. The proposed operating hours are 6.30am to 6.30pm, Monday to Friday.

The child care centre will be contained within a single building located within the rear portion of the site. The building is orientated to face the car park which is located within the front portion of the site. Surrounding the building to the north, east and west are the outdoor play areas for the children rooms. Minimum setbacks of the building from the eastern (side) boundary is 3.8m; the northern (rear) setback is 6.3m; and the setback from the west (side) is 3.3m (see *Attachment 2*).

The child care centre will have an onsite car park accommodating 25 cars including one 'access for all' parking bay. The car park is located at the front of the site with separate ingress/egress points at the site frontage.

All vegetation on site is proposed to be removed. The proposal includes a new landscaping scheme incorporating the play areas for the childcare centre.

## PUBLIC NOTIFICATION

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

1. Opposition to modification of roundabout.
2. Colour palette is not responsive to the prevailing character of the area.
3. Opposition to landscaping that will directly overhang the neighbouring site.
4. Tree 13 should not be retained as it is considered dangerous by the objector.
5. Overshadowing plans incorrect.
6. Excessive overall height.
7. Concerns of surveillance cameras facing the objector's property.
8. Concerns of the use of floodlights outside operating hours 6.00am and 6.30pm, affecting amenity.

9. Height of shade sails.
10. Location of east facing door.
11. Disturbance during construction.
12. Asbestos during demolition.
13. Location of air-conditioners.
14. Objection to kerbside collection of waste.
15. Concern about double storey cubby house or music walls on the neighbours boundary.

## PLANNING ASSESSMENT

The application has been assessed against the following relevant policies:

### Local Planning Policy

#### Child Care Centre Policy (Clause 22.05)

The objective of this policy is to ensure appropriately located and well-designed child care centres have a minimal impact on the amenity of the area and serve the needs of the community.

It is considered the proposed child care centre is generally in accordance with the Child Care Centre Local Planning Policy. An assessment against the requirements of the policy is provided below.

- *Encourage child care centres to locate adjacent to or in proximity to other community support facilities such as schools, pre-schools, open space, medical centres, and recreational facilities.*

The subject site is located in proximity to the following services:

- South Morang Primary School (230m).
  - Reid Street Park (350m)
  - Shared path to Delacombe Park (400m)
  - Riverside Reserve (440m)
  - South Morang Preschool – Riverside (620m)
- *Encourage child care centres to locate in proximity to public transport routes.*

The subject site is located in proximity to the following public transport routes:

- Bus route 562 which runs along Plenty Road, running between Whittlesea and Northland Shopping Centre (260m)
  - Bus route 901 which runs along Gorge Road, running between Frankston and Melbourne Airport (440m)
- *Minimise impacts on residential amenity and enhance access, corner sites are preferred locations for child care centres. Establishment of child care centres within cul-de-sacs and on main roads is discouraged.*

The site is not on a corner, however it's midblock location on a street that offers good east-west connection within the greater road network is considered an appropriate

location for a childcare centre. As preferred by the policy, the childcare centre is not proposed in a cul-de-sac or main road.

- *Ensure that the scale and appearance of purpose built child care centres is consistent with surrounding land use, site characteristics, and site location. In residential areas child care centres should have a residential scale, height and building form, which is sympathetic to the character of adjoining dwellings and the streetscape.*

The proposed childcare is single storey, consistent with the scale of built form in the area. The presentation of the built form does vary from the residential style being a commercial building, however the features are not a significant departure from dwellings styles in the greater area. The built form is setback significantly from the streetscape, which will reduce its visual presence in the street.

- *Ensure that access to and from the site is to be designed in such a way as to allow for the safe and efficient movement of vehicle and pedestrian traffic, including safe set down areas.*

The proposal includes a private car park for 25 spaces, meeting the planning scheme requirement. The carpark is designed to have a single entry point and separate exit point, providing safe ingress and egress for the site. The carpark is designed to have a central access path for increased safety.

There is concern however that the parking spaces located on the west side of the car park do not have direct access to a pedestrian path. Pedestrian safety is imperative for this particular use, which involves walking children to the facility entrance. While low speed is expected within the car park area, the protection of children is ultimate and walking within the ingress point or where multiple cars will be reversing is not considered acceptable. Therefore, it is recommended that an additional footpath be provided to the west of the parking spaces and be required via a condition on any permit issued.

- *Ensure proposals fulfil a demonstrated need.*

There are two other childcare centres within 5km of the subject site. Continually there is additional housing in the area with an increase in the number of families. Therefore the lack of centres in the immediate vicinity and increases in population demonstrate that there is a possible need.

Based on the assessment above, it is considered that the proposal responds well to the child care policy in terms of its site location and demand.

## **Zoning and Overlay Provisions**

### General Residential Zone (Clause 32.08)

The subject site is located within the General Residential Zone (GRZ1). Pursuant to Clause 32.08-1 of the Whittlesea Planning Scheme, a Child Care Centre is a section 2 use, therefore a planning permit is required. Additionally, Clause 32.08-6 of the Whittlesea Planning Scheme, states that any buildings and works associated with a Section 2 use require a planning permit.

It is considered the proposed child care centre is generally in accordance with the objectives General Residential Zone.

There are a number of decision guidelines provided for non-residential uses and development that form part of the consideration, as outlined below:

- *Whether the use or development is compatible with residential use.*

It is considered that the proposed use and development are both compatible with the residential uses. The child care centre is likely to create some noise (children playing), however given the general nature of childcare centres, the peak times for outdoor play are not in the earlier or later hours of operation. The built form is complementary to other built form found in the area.

- *Whether the use generally serves local community needs.*

As identified earlier, it is considered the proposed child care centre is appropriately located to service the needs of the local community, consistent with the purpose of the General Residential Zone.

- *The scale and intensity of the use and development.*

The scale and intensity of the use is considered proportionate to the size of the land. The subject site is the equivalent of five housing allotments, therefore allowing adequate space to accommodate the use while reducing impacts outside the site.

The child care centre will operate from 6:30am to 6:30pm, Monday to Friday. These hours of operation will be confirmed via a condition on any permit issued to protect the amenity of surrounding residents.

- *The design, height, setback and appearance of the proposed buildings and works.*

It is considered the design, overall height, setbacks and general appearance of the building, is an acceptable outcome consistent with the residential character of the area.

- *The proposed landscaping.*

A concept Landscape Plan was submitted as part of the application. Council's Parks and Open Space Officers raised concerns over the quality of the Landscape Plan, therefore a condition will be placed on any permit issued to ensure an acceptable Landscape Plan, prepared by a suitability qualified Landscape Architect, is submitted for endorsement. It is considered the landscape areas provided for planting are satisfactory.

- *The provision of car and bicycle parking and associated accessways.*

Details of car and bicycle parking are discussed within later sections of this report.

- *Any proposed loading and refuse collection facilities.*

It is anticipated that deliveries to the site will be via smaller vehicles for supplies and food. The proposed car park will be able to accommodate such vehicles. Waste will be stored and collected from within the car parking area via private waste collection twice a week. The waste management plan submitted with the application will be endorsed and will form part of any planning permit that is issued.

- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The application was referred internally to Council's City Design and Transport department who did not raise concerns arising from the anticipated traffic on the surrounding network. Standard conditions will require the submission of engineering plans including line marking plans which will assist in protecting safety on and off site.

#### Development Contributions Plan Overlay – Schedule 3 (Clause 45.06)

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 commercial development at a current rate of \$4.02 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

### Particular Provisions

#### Car Parking (Clause 52.06)

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:

Proposed Use	Clause 52.06 Car Parking Rate	Size/No.	No. of Spaces required	No. of Spaces provided	Total Planning Scheme Shortfall
Child Care Centre	0.22 spaces per child	118 children	25 spaces	<b>25 spaces</b>	nil

As the required parking has been provided there is no planning approval required for reduction or waiver of parking.

#### Bicycle Facilities (Clause 52.34)

The child care centre use does not generate a requirement for the provision of bicycle parking spaces, however six bicycle parking spaces will be provided north of the child care centre entrance.

### COMMENTS ON GROUNDS OF OBJECTION

#### 1. Opposition to modification of roundabout.

There is no part of the application that seeks to modify the roundabout or any other road works other than construction/modification of the two driveways to the site. The traffic report does suggest modifications, however the modifications do not form part of the application. Accordingly, this ground of objection cannot be substantiated.

#### 2. Colour palette is not responsive to the prevailing character of the area.

The proposed building includes a mix of materials including brick and timber and some feature coloured sections of the façade. The commercial nature of the building and end user tends to result in a different palette to existing residential buildings. It is considered that the palette proposed is acceptable within a residential area. Furthermore, the peripheral landscaping will soften the appearance of the built form from outside the site. Accordingly, this ground of objection cannot be substantiated.



**3. Opposition to landscaping that will directly overhang the neighbouring site.**

Landscaping of a development of this nature is strongly supported to provide good amenity for the site and make a positive contribution to the character of the area. Landscaping plans are reviewed by Council's Parks and Open Space team for suitability. In the event that a permit is issued a permit condition could be included addressing issues of planting and impacts off site. Accordingly, this ground of objection cannot be substantiated.

**4. Tree 13 should not be retained as it is considered dangerous by the objector.**

There is no proposal to retain tree 13 (or any of the other trees onsite) and the removal of trees from the site does not require planning approval. Accordingly, this ground of objection cannot be substantiated.

**5. Overshadowing plans incorrect**

The applicant has advised that the "...designer advises that shadows have been cast using an accepted computer generated system. Working from first principles the shadow cast by a 5 metre high building at 9am or 3pm on 22nd September would fall approx. 7.2 metres from the building (assuming the ground is relatively flat). This has been checked on the computer model and appears correct". Accordingly, this ground of objection cannot be substantiated.

**6. Excessive overall height**

The overall height of the development at 5.0m is considered reasonable and comparative to the height of development in the area. Furthermore, the proposed building has reasonable setbacks from boundaries, reducing impacts on offsite amenity or prevailing character of the area. Accordingly, this ground of objection cannot be substantiated.

**7. Surveillance cameras facing the objectors property.**

The use of surveillance cameras is for onsite only. While matters relating to the use of surveillance cameras are generally a civil matter, a condition could be included on any permit that was issued regulating the control of the cameras. Accordingly, this ground of objection cannot be substantiated.

**8. The use of floodlights outside 6.00am and 6.30pm, affecting amenity.**

It is not uncommon for Planning Permits for commercial uses to include permit conditions requiring all outdoor lighting to be baffled, so as to minimise impact on offsite amenity impact. Accordingly, this ground of objection can be addressed via a condition included on any permit issued.

**9. The height of shade sails.**

Appropriate planning permit conditions may be applied restricting the height of the shade sails. The overall height should not exceed that of the building and should be located so as to minimise impacts on offsite amenity. Accordingly, this ground of objection can be addressed via a condition included on any permit issued.

**10. Location of east facing door.**

The objector is concerned about the location of the amenities door located on the east façade. There is no planning merit to relocate the door. The height of the 1.8m high boundary fence will ensure that no overlooking will occur and the 3.8m setback of the door from the adjoining property will minimise any impact on the adjoining residence. Accordingly, this ground of objection cannot be substantiated.

**11. Concerns about disturbance during construction.**

The management of noise, dust, waste, fencing and other matters during construction are regulated under the requirements of the Building Site Code of Practice. Accordingly, this ground of objection cannot be substantiated.

**12. Asbestos removal during demolition.**

Matters relating to the asbestos removal are not a planning matter. Obligations relating to asbestos removal are dealt with the *Occupational Health and Safety Act 2004*, best related to the Building Regulations and requirements relating to building demolition. Accordingly, this ground of objection cannot be substantiated.

**13. Location of air-conditioners**

The design has catered for any air-conditioning unit to be installed in the centre of the building and shielded with acoustic screens. A condition requesting that no visual or noise associated impacts take place upon the site's surrounds could be included in any permit. Accordingly, this ground of objection can be addressed via the inclusion of a condition on any permit issued.

**14. Objection to kerbside collection of waste.**

The Waste Management Plan that was submitted with the application indicates a private waste collection will occur within the subject site. Appropriate permit conditions would apply to any permit issued reiterating the obligations for the operator. Accordingly, this ground of objection cannot be substantiated.

**15. Double storey cubby house or music walls on the neighbours boundary.**

The application includes landscape plans which show children's permanent play equipment. There are no music walls or cubby houses shown. In the event that the development was approved the landscape plan would be endorsed and form part of the planning permit. If the operator wanted to make changes to that plan an amendment application would be required where the impacts on neighbours would need to be considered. Accordingly, this ground of objection cannot be substantiated.

**DECLARATIONS OF CONFLICTS 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 provisions of the zoning of the site and *Clause 22.05 Child Care Centre Policy*. The proposal 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. 715667 and issue a Notice of Decision to Grant a Permit for the construction and use as a child care centre at 34 McGlynn Avenue, South Morang in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans required under Condition No. 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. Prior to the endorsement of the plans required under Condition No. 3, 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.

### Amended plans/reports

3. Before the development starts, three copies of revised plans must be submitted to and approved by the Responsible Authority, showing:-
  - a) Provision of a 1.2m wide pedestrian path located to the west of the western parking spaces providing access to the building entrance.
  - b) Location of Tree Protection Zones (TPZ) of the neighbouring trees that occur within the subject site. Additionally, the notations regarding tree protection zones and the requirements during construction must be included on the plans as per the requirements of Condition No. 24 of this permit.
  - c) Notation that all external lighting onsite must be baffled to ensure no light spills onto adjoining sites, protecting the amenity of the neighbouring sites.
  - d) The overall heights of the proposed shade sails.
  - e) Detail of any elevated structure (ie cubbyhouse and platforms) that may result in overlooking into the neighbouring sites. Modification of equipment or screening may be required to address/avoid overlooking into neighbouring sites.

- 
- f) Amended landscape plan as per Condition No. 4.
  - g) Amendments as recommended in the approved Sustainable Design Assessment required as per Condition No. 6.
4. Before the development starts, three copies of revised landscape plans must be submitted to and approved by the Responsible Authority, showing:-
- a) Provision of a 1.2m wide pedestrian path located to the west of the western parking spaces providing access to the building entrance.
  - b) Construction details for the landscape areas including fixed playground elements.
  - c) Updated plant schedule to include plant quantities for understorey planting and locations on plan.
  - d) Tree Protection Zones (TPZ) of the neighbouring trees that occur within the subject site.
  - e) Redesigned layout of the open space areas removing landscape structural elements out of the TPZ areas of the neighbouring trees.
  - f) Additional canopy trees provided within the perimeter garden beds east and west of the proposed car park.
5. Before development commences, a Lighting, Signage and Line Marking Plan showing all external lighting, road markings and signs is to be submitted to the Responsible Authority for approval. The use and installation of signs and line marking must be in accordance with all relevant standards, including Council Standard Drawings, VicRoads, Australian Standards and AustRoads.
6. Before the development starts, three copies of a Sustainable Design Assessment must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must be prepared by a Sustainability Consultant and will need to address the following ten key sustainable categories:-
- a) Indoor Environment Quality;
  - b) Energy Efficiency;
  - c) Water Efficiency;
  - d) Stormwater Management;
  - e) Building Materials;
  - f) Transport;
  - g) Waste Management;
  - h) Urban Ecology;

- i) Innovation; and
  - j) Construction and Building Management.
7. Before the development starts, the Owner of the land must submit a Site Management Plan for approval to the Responsible Authority. The Site Management Plan must provide details of:-
- a) Hours during which construction activity will take place;
  - b) Measures to control noise, dust and runoff, including the collection of silt and other waterborne contaminants;
  - c) The protection of flora and fauna and weed control measures;
  - d) The location of where building materials are to be kept during construction;
  - e) Site security; and
  - f) Traffic management for entry and egress to the site.
8. 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.
9. 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 consent of the Responsible Authority.

#### Use Restrictions

- 10. No more than 118 children must be accommodated within the child care centre at any one given time to the satisfaction of the Responsible Authority.
- 11. The child care centre must only operate from 6:30am to 6:30pm, Monday to Friday.
- 12. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect to adjoining land.
- 13. Surveillance cameras are to be located to the satisfaction of the Responsible Authority and are not to be directed onto any adjoining residential property.
- 14. Collection of waste must be in accordance with the Waste Management Plan as approved by the Responsible Authority and must be undertaken by a private contractor (and collected within the site) and must not cause unreasonable disturbance to nearby residential properties to the satisfaction of the Responsible Authority.
- 15. The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to and from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.
16. The Permit Holder must 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 must be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

Prior to occupation

17. Prior to the occupation of the proposed dwellings the following works must be undertaken to the satisfaction of the Responsible Authority:
- a) Landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
  - b) The car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
  - c) Construction and connection of all internal drainage including the drainage between the subject site and the Council nominated point of discharge.
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.

Parking and Access

19. 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.
20. 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.
21. In accordance with Whittlesea Planning Scheme Clause 52.06-8, access ways should have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2m along the frontage road from the edge of the exit lane and 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or

exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm high.

#### Requirements during works

22. 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.
23. 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.
24. 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.
25. In relation to the required tree protection requirements the following restrictions must be adhered to:
  - a) No works, including loading and unloading, storage of materials, dumping of waste, vehicle access, parking or other construction activity is to occur within a tree protection zone without the written consent of and to the satisfaction of the Responsible Authority.
  - b) Prior to commencing works, temporary protection fencing must be erected to exclude access within the tree protection zone of retained trees. Fencing must follow the City of Whittlesea's TPZ Fencing Standards (SDL.2.02).
  - c) Temporary tree protection fence signage must also be installed following the City of Whittlesea's standards (SDL.2.03). Signage should include the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.
  - d) The Tree Protection Zone temporary fencing must be maintained until works are completed to the satisfaction of the Responsible Authority or until such earlier date as is approved by the Responsible Authority in writing.
  - e) A copy of the tree protection zone(s) are to be included in any contract for the construction of works which may impact upon the trees.

#### Expiry

26. In accordance with the *Planning and Environment Act 1987*, a Permit for the development expires if:-
  - 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; or
- c) The use of the land for a childcare centre has not commenced within four years of the date of this permit; or
- d) The use of the land is discontinued for a continuous period of two years.

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 Lalios*  
**SECONDED:** *Cr Stow*

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  - g) Amendments as recommended in the approved Sustainable Design Assessment required as per Condition No. 6.
  - h) Measures to prevent overlooking from the east facing door to the neighbouring property to the east of the subject site.
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to exclude access within the tree protection zone of retained trees. Fencing must follow the City of Whittlesea's TPZ Fencing Standards (SDL.2.02).

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- b) The approved development is not completed within 4 years of the date of this permit; or
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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.

CARRIED



**6.1.2 27 BICKLEY AVENUE, THOMASTOWN - CONSTRUCTION OF FOUR DWELLINGS COMPRISING TWO DOUBLE STOREY AND TWO SINGLE STOREY DWELLINGS**

**File No:** 715707

**Attachments:** 1 Locality Maps  
2 Development Plans

**Responsible Officer:** Director Planning & Major Projects

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** Ikonomidis Reid

**ZONING:** General Residential

**OVERLAY:** Development Contributions Plan (Schedule 3)

**REFERRAL:** Nil

**OBJECTIONS:** Nil

**RECOMMENDATION:** That Council refuse the application.

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct four new dwellings comprising two double storey and two single storey dwellings.

The application was advertised and no objections were received.

The proposal fails to meet a number of the standards of Clause 55 of the Whittlesea Planning Scheme including neighbourhood character, residential policy, energy efficiency, landscaping, access, parking location, overlooking, dwelling entry and design detail.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential Change Area. The proposal for a total of four dwellings exceeds the preferred density for this Change Area and fails to meet several of the key design outcomes including the provision of increased side and rear setbacks to provide for building separation and landscaping, and the provision of an increased area of private open space to allow for significant landscaping.

Council officers raised their concerns with the applicant and encouraged them to amend their application on a number of occasions. The applicant requested to proceed with the application without making any changes in full knowledge that the officer's recommendation would be to refuse the application.

On the basis of the assessment against Clause 55 and the proposal's non-compliance with the proposed HDS, it is recommended that Council refuse the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the south side of Bickley Avenue, Thomastown, approximately 300m east of Darebin Drive. The site is irregularly shaped and yields a total site area of 811m<sup>2</sup>.

The site has a street frontage of approximately 12.5m to Bickley Avenue, is relatively flat and devoid of any significant vegetation. The site is currently occupied by a single storey brick dwelling and associated outbuildings.

The surrounding area is generally characterised by a mix of standard density (single dwelling) residential developments with the predominant built form being average sized Cream Brick styles of the 1950's and 1960's.

Examples of medium density developments in the vicinity of the site are located at 23, 48 and 52 Richardson Street, 49 Bickley Street, and 12 and 46 Bates Avenue.

The site is located within proximity to the following services and facilities:

- Thomastown East Recreation Reserve (adjoining to the south).
- Bus Route 559 - Circular route to Thomastown Railway Station (300m west).
- St John's Primary School (600m north).
- Lalor Plaza (1.0km northeast)

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 200 on Plan of Subdivision 086438.

There are no restrictions on title that preclude Council from determining this application.

## PROPOSAL

The applicant proposes to demolish the existing dwelling and construct four new dwellings comprising two double storey and two single storey dwellings. The existing vehicle crossing is integrated into the design response and will provide access to all dwellings (see *Attachment 2*).

Dwelling Nos. 1 and 2 will be double storey and contain an open plan kitchen/meals/living area, a laundry and toilet at the ground level and two bedrooms and a bathroom at the upper floor.

Dwelling Nos. 3 and 4 will be single storey and contain an open plan kitchen/meals/living area, a bathroom, laundry and two bedrooms.

Access to all dwellings will be provided via the existing crossover along the western property boundary.

Each of the dwellings will be provided with a single garage.

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	Two	9.0m front (north), 3.0m side (east), 3.8m side (west) and 31.0m rear (south).	122m <sup>2</sup> (including 31m <sup>2</sup> of secluded private open space + front yard)	Single space garage (6.0m x 3.5m)	6.8m (overall)



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 2	Double storey	Two	19.2m front (north), 3.0m side (east), 4.9m side (west) and 20.0m rear (south).	40m <sup>2</sup> (all secluded private open space)	Single space garage (6.0m x 3.5m)	6.7m (overall)
Dwelling No. 3	Single storey	Two	29.4m front (north), 1.4m side (east), 8.7m side (west) and 4.0m rear (south).	62m <sup>2</sup> (including 25m <sup>2</sup> of secluded private open space)	Single space garage (6.0m x 3.5m)	4.8m (overall)
Dwelling No. 4	Single storey	Two	35.2m front (north), 9.0m side (east), 0m side (west) and 2.8m rear (south).	52m <sup>2</sup> (including 25m <sup>2</sup> of secluded private open space)	Single space garage (6.0m x 3.5m)	4.9m (overall)

## PUBLIC NOTIFICATION

Advertising of the application has resulted in no objections being received.

## 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	<p>The surrounding area is characterised by a mixture of predominantly single dwelling developments of both double and single storey scale.</p> <p>Developments in the area range in style from 1950s and 1960s single storey brick and weatherboard with minimal examples of medium density development.</p> <p>The proposed development is constrained by the location of the site in an area significantly removed from facilities and services with the closest train station located over 2.2km away (Thomastown Train Station, west).</p> <p>The built form of the development is continuous along the eastern and western elevations presenting a high level of building bulk which is uncharacteristic of the surrounding neighbourhood, and is symptomatic of the application being an overdevelopment of the site.</p> <p>It is considered that a total of four dwellings on the lot does not align with the existing or preferred neighbourhood character of the area and is not supported.</p>
B2	Residential Policy	x	x	<p>The Housing Diversity Strategy (HDS) nominates the site as being within the Suburban Residential Change Area. The current proposal resulting in four dwellings does not accord with the preferred density for this Change Area (a maximum of two dwellings) or the design principles for this Change Area.</p>
B3	Dwelling Diversity	N/A	N/A	<p>Only applicable to developments of ten (10) or more dwellings</p>
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B10	Energy efficiency	x	x	<p>No northern light access is proposed for either the living areas or the private open space areas of Dwelling Nos. 2, 3 and 4.</p> <p>It is considered that this is symptomatic of the application being an overdevelopment where the orientation and layout of the site is compromised (north-south orientation) and is therefore offering a compromised design response.</p>
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	<p>A formal landscape plan has not been submitted with the application.</p> <p>A condition could be included in any approval granted requiring the submission of a formal landscape plan indicating size, species and location of all plants, to the Council satisfaction.</p> <p>However, it is noted that there are limited opportunities for the planting of canopy trees in the rear private open spaces of Dwellings 3 and 4 given an easement is located along the southern boundary.</p>
B14	Access	x	x	The existing crossover does not align with the proposed driveway providing access to the development. It is considered that the retention of this layout does not respond appropriately to the existing or preferred neighbourhood character and is not a site responsive outcome.
B15	Parking location	x	x	<p>The west-facing living room window of Dwelling No. 1 is setback less than 1.0m at one point to the shared accessway (0.7m).</p> <p>A requirement to provide the required setback of 1.0m could be included as a condition of any approval, however, it is considered that the non-compliance is symptomatic of the application being an overdevelopment, and conditioning such a change could require a redesign of the ground floor of Dwelling No. 1.</p>
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	N/A	N/A	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	x	x	<p>The boundary fencing to the east, south and south-west have heights of less than 1.8m (1.6m). These heights are inaccurately displayed on the elevation plans provided to Council. Therefore, the potential for overlooking exists from the ground floor east-facing windows of Dwelling Nos. 1 and 2 and the south-west windows of Dwelling No. 4.</p> <p>Further to this, the habitable room upper levels windows of Dwelling Nos. 1 and 2 (excluding the north-facing window) have not been located or designed so as to avoid direct views into the secluded private open space of each other or the east-adjointing property and therefore requires extensive screening. The extent of screening required to achieve compliance with Standard B22 is excessive and results in a poor design response with detrimentally impact on internal access to daylight and the amenity of the upper level habitable rooms of the proposed dwellings.</p>
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	x	x	<p>The entry to Dwelling No. 3 is obscured. It is considered that conditions of permit cannot remedy this non-compliance and a redesign would need to be considered.</p>
B27	Daylight to new windows	✓	✓	
B28	Private open space	x	x	<p>Although the areas of private open space provided technically meet the requirements of this Standard, it is considered that the 'staggered' nature of the space and variation of setbacks does not provide a useable or positive outcome. The site adjoins the Thomastown East Reserve to rear and does not provide a positive response to utilise this public open space. Therefore it is considered that this is a poor design response with regard to the opportunities of the site.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B29	Solar access to open space	x	x	Although the setbacks of the southern private open space areas for Dwelling Nos. 3 and 4 technically meet the requirements of this Standard, it is considered that the 'staggered' nature of the space and variation of setbacks does not provide a useable or positive outcome for the occupants of these dwellings (i.e. 'portions' of private open space are provided rather than a sizeable area). Therefore it is considered that this is a poor design response to the constraints of the site.
B30	Storage	✓	✓	
B31	Design detail	x	x	A full colour schedule of building materials has not been submitted with the application. This issue could be addressed by a condition of any approval issued.
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
1	2	1	1	Y
2	2	1	1	Y
3	2	1	1	Y
4	2	1	1	Y

An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

## 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.

**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 55. The proposal does not meet the preferred density or key design principles of the Suburban Residential Change Area of the Housing Diversity Strategy. It is considered that the proposal will result in unreasonable impacts on the character of the neighbourhood and surrounding residential properties.

Accordingly, refusal of the application is recommended.

<b>RECOMMENDATION</b>
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**THAT Council resolve to Refuse Planning Application No. 715707 and issue a Refusal to Grant a Planning Permit for the construction of four dwellings at 27 Bickley Avenue, Thomastown on the following grounds:**

1. 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 55.03-9 (Access);
  - f) Clause 55.03-10 (Parking Location);
  - g) Clause 55.-4-6 (Overlooking);
  - h) Clause 55.05-2 (Dwelling Entry);
  - i) Clause 55.05-4 (Private Open Space);
  - j) Clause 55.05-5 (Solar Access to Open Space); and
  - k) Clause 55.06-1 (Design Detail).
2. The proposal does not accord with the preferred density and key design principles of the Suburban Residential Change Area of the Housing Diversity Strategy.

<b>COUNCIL RESOLUTION</b>
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**MOVED:**                      *Cr Sinclair*  
**SECONDED:**              *Cr Lalios*

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

**CARRIED**





**6.1.3 23 WOTAN DRIVE, EPPING - CONSTRUCTION OF TWO DWELLINGS**

<b>File No:</b>	<b>715753</b>
<b>Attachments:</b>	<b>1 Locality Maps</b> <b>2 Development Plans</b>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>Dimoski Constructions</b>
<b>COUNCIL POLICY:</b>	<b>Housing Diversity Strategy</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct two double storey dwellings on the subject land. A new crossover along Wotan Drive will provide access to Dwelling No. 1, and the existing crossover (also located along Wotan Drive) will provide access to Dwelling No. 2.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to amenity, neighbourhood character, and safety.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme and meets all standards relating to overshadowing and overlooking. The proposal also meets the requirements relating to site coverage, permeability and the provision of private open space.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential 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 proposed HDS, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is a residential property located on the south of Wotan Drive, Epping, approximately 200m south of McDonalds Road (*see Attachment 1*).

The land is generally flat and is regular in shape. It has a frontage of approximately 15.8m to Wotan Drive and a depth of 34.0m. The site has a total site area of approximately 534m<sup>2</sup>.

The site is currently vacant. There is also no vegetation of significance contained within the site.

The surrounding area is generally characterised by detached single and double storey dwellings constructed in brick with hipped tile roofs.

Examples of medium density development in the general area include 22 Kalman Road; 18 Wynnette Court; 14, 16, 18A, 21 and 22 Wotan Drive; 6-7 Kayla Court; and 2, 11 and 8-12 Zurzolo Terrace.

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

- Tarcoola Close Park (360m west)
- Bus Route 556 – Epping Plaza SC to Northland SC (220m northeast)
- Bus Route 901 – Frankston to Melbourne Airport Smartbus (220m northeast)
- Meadow Glen Primary School (620m north)
- Epping Skate Park (450m northeast)
- Meadow Glen Reserve (500m northeast)
- Meadowglen International Athletics Stadium (500m northeast)

## RESTRICTIONS AND EASEMENTS

Covenant 1629039 affects the subject site and relates to quarrying restrictions. This restriction does not preclude Council from making a decision on the application.

A 2.0m wide easement traverses the front (north) boundary of the property. This easement contains Yarra Valley Water sewerage infrastructure (pipe). The applicant will need to obtain consent from Yarra Valley Water for the proposed driveways over this easement. Council's City Design and Transport department have noted that the proposed pavers and concrete driveway can be accepted on provision of a 'Building Over Easement' application.

## PROPOSAL

It is proposed to construct two new dwellings in the form of a split roof duplex (see Attachment 2).

Both dwellings contain an open plan kitchen/meals/living area and laundry at ground floor level, with a retreat, open study, three bedrooms, bathroom and ensuite provided at first floor level. Double garages are provided to each 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
Dwelling No. 1	Double Storey	3	6.0m front (north), 0.0m side (east), 5.3m rear (south)	80m <sup>2</sup> (including 42m <sup>2</sup> of Secluded Private Open Space)	Double garage (6.5m x 5.7m)	7.2m

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 2	Double Storey	3	5.5m front (north), 0.0m side (east), 5.8m rear (south)	81m <sup>2</sup> (including 45m <sup>2</sup> of Secluded Private Open Space)	Double garage (6.5m x 5.7m)	7.2m

## PUBLIC NOTIFICATION

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

1. Noise impacts
2. Reduction of sunlight into adjoining property
3. Overlooking
4. Neighbourhood character
5. Safety concerning traffic

## 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	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B2	Residential Policy	✓	✓	<p>The HDS nominates this site as being within the Suburban Residential Change Area.</p> <p>The proposed development is consistent with the preferred density and key design principles outlined in the HDS, including landscaping, sufficient area to allow for the planting of a large canopy tree in the front setback, and site coverage (which is intended to balance densities and landscape opportunities).</p>
				<p>A canopy tree within the rear setback has not been proposed, but can be accommodated. Therefore, a condition requiring the deck areas in the Secluded Private Open Space of each dwelling to be reduced to allow for a large canopy tree will be included on any permit issued.</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	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B10	Energy efficiency	✓	X	It is considered that the daylight afforded into the living areas on the ground floor of Dwelling No. 2 can be improved as the opportunity of northern light access has not been considered in the duplex design proposal.  Accordingly, a condition requiring the applicant to setback the second storey of Dwelling No. 2 to allow for skylights on the ground floor (in a similar manner to the skylights proposed for Dwelling No. 1) will be included on any permit issued.
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	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
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	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
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
1	3	2	2	Yes
2	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). The proposal complies with these requirements.

Council's City Design and Transport Department have commented that the proposed crossover for Dwelling No. 1 will need to be setback 1.0m from the side entry pit and 1.0m from the existing street tree and will need to align with the proposed driveway. This will be included as a condition on any permit issued.

### 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. Noise impacts

The objector raised concerns in relation to the foreseen increase in noise that will be generated by the vehicles accessing the driveway/garage of Dwelling No. 1.

The noise generated in association with the driveway/garage is considered to be a conventional and typical occurrence within a residential zone. Furthermore, as the proposal is for two dwellings, it is considered that the traffic and associated noise generated by the development will have no material detriment to surrounding neighbours.

Accordingly, this ground of objection cannot be substantiated.

## **2. Reduction of sunlight**

The objector raised concerns in relation to a reduction in the amount of daylight into adjoining existing habitable rooms that will be reduced by the proposed development.

The proposal achieves the objective of Clause 55.04-3 'Daylight to existing windows' of the Whittlesea Planning Scheme by allowing for a light court that exceeds the requirements Standard B19 (the standard being 3m<sup>2</sup> with a 1.0 metre dimension clear to the sky).

Accordingly, this ground of objection cannot be substantiated.

## **3. Overlooking**

The objector raised concerns in relation to the first floor eastern windows overlooking into their backyard and their habitable room windows to the west.

The proposal achieves the objective of Clause 55.04-6 'Overlooking' of the Whittlesea Planning Scheme as the windows in question have sill heights of 1.7m above finished floor level.

Accordingly, this ground of objection cannot be substantiated.

## **4. Overshadowing**

The objector raised concerns in relation to overshadowing.

The proposal achieves the objective and standards of Clause 55.04-6 'Overshadowing' of the Whittlesea Planning Scheme. The shadow diagrams demonstrate that the objector's property will receive more than five hours of sunlight to more than 145m<sup>2</sup> (out of 205m<sup>2</sup>) of its Secluded Private Open Space between 9am and 3pm on 22 September.

Accordingly, this ground of objection cannot be substantiated.

## **5. Neighbourhood character**

The objector raised concerns in relation to loss of neighbourhood character due to the height and bulk of the proposed dwellings.

A review of the context of the area and an assessment against Clause 55.02-1 'Neighbourhood character objectives' shows that the proposed dwellings are in keeping with the rhythm and built form of the immediate area. This is demonstrated by the high number of higher density developments in the neighbourhood, and the modern architectural styles and designs that are used in such developments. Furthermore, the height of the proposed dwellings is of a conventional height that is compliant with Clause 55.03-2 'Building height' of the Whittlesea Planning Scheme. The proposal also demonstrates a design response that is well articulated, effectively uses of a variety of materials, has varied facades, and has been appropriately setback from side boundaries, to achieve a design that alleviates any potential of visual bulk.

Accordingly, this ground of objection cannot be substantiated.



## 6. Safety concerning traffic

The objector raised concerns in relation to traffic safety due to the proposed crossovers and increased traffic within the street.

The proposal was referred to Council's City Design and Transport Department for comment on this matter. No objections were made against the proposal.

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. The proposal 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.

## DECLARATION OF INTEREST

Cr Stow declared an indirect interest in item 6.1.3 23 Wotan Drive, Epping, Construction of Two Dwellings.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Stow left the Council Chamber at 06:41 PM and advised the Mayor accordingly.

Cr Stow returned to the Council Chamber at 6.45PM following the vote on this item.

## RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715752 and issue a Notice of Decision to Grant a Permit for the construction of two dwellings at 23 Wotan Drive, Epping in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans required under Condition No. 2 of this permit, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 (Schedule 3) of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.
2. Before the development starts, three copies of a revised plan must be submitted to and approved by the Responsible Authority, showing;
  - (a) A 1.0 metre clearance from the side entry pit and the existing street tree to the proposed vehicle crossover, as per Council requirements.

- (b) The width of the vehicle crossover at the property boundary to match the width of the internal driveway.
  - (c) The provision of skylights to the lounge area of Dwelling No. 2.
  - (d) The deck areas to be reduced in size to allow for the inclusion of a large canopy tree within the rear setback of each dwelling.
  - (e) The provision of corner splays to all accessways in accordance with Clause 52.06-8 of the Whittlesea Planning Scheme.
3. 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 a large canopy tree within the front and rear setback, details of any vegetation to be 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.
4. 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.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
7. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. 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.
11. Before the use of the development commences, 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. 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. This permit will expire if:
  - (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; or

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.

#### 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.

#### Building Over Easements

Any building or works to occur within an easement must be carried out to the satisfaction of the Responsible Authority. In addition, the following will apply:

- (a) Access to any drainage pit in the easement is to be maintained.
- (b) Council reserves the right to excavate, lay, repair or replace pipes within the easement.
- (c) Council is not liable for any damage from such works and that reinstatement shall be the owner's responsibility and at the owner's expense.
- (d) Prior to a building approval being issued, any drain(s) existing in the easement are required to be shown on the plans, with a detailed sketch indicating any pier and beam footings required to span these public assets.
- (e) Building approval must be obtained prior to the commencement of the works.

Street Numbering Note

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.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalios*  
**SECONDED:** *Cr Harris*

**THAT Council resolve to refuse Planning Application No. 715753 and issue Notice of Decision to Refuse to Grant a Planning Permit for the construction of two dwellings at 23 Wotan Drive, Epping, on the following grounds:**

1. **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 55.03-5 (Energy Efficiency)**
  - c) **Clause 55.04-3 (Daylight to Existing Windows)**
  - d) **Clause 55.04-5 (Overshadowing Open Space)**

**The proposal will detrimentally impact on surrounding residential properties due to excessive bulk and scale of the built form.**

**CARRIED**

**DIVISION**

Immediately after the motion was voted on, Cr Lalios called for a division which resulted in the following votes being recorded.

**For**

Cr Spinelli

Cr Sinclair

Cr Alessi

Cr Harris

Cr Lalios

**Against**

Mayor Cr Kozmevski

Cr Griffin

Based on the votes cast during the Division, the motion was carried.

**CARRIED**



**6.1.4 ROAD RESERVE ADJACENT TO 290 COOKES ROAD, DOREEN - REMOVAL OF NATIVE VEGETATION**

<b>File No:</b>	<b>715295</b>
<b>Attachments:</b>	<b>1 Locality Maps</b> <b>2 Tree Removal Plan</b> <b>3 Photographs</b>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>City of Whittlesea</b>
<b>COUNCIL POLICY:</b>	<b>22.10 River Red Gum Protection Policy</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b> <b>Development Plan Overlay (Schedule 5)</b> <b>Incorporated Plan Overlay (Schedule 1)</b> <b>Vegetation Protection Overlay (Schedule 1)</b>
<b>REFERRAL:</b>	<b>Department of Environment, Land, Water and Planning</b>
<b>OBJECTIONS:</b>	<b>Nil</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to remove one (1) River Red Gum (*Eucalyptus Camaldulensis*) and two (2) *Acacia implexa* (Lightwood) trees at the subject site to allow for the construction of a 1.5m wide footpath along the western side of Yan Yean Road, between Bridge Inn Road and Cookes Road.

Advertising of the proposal resulted in no objections being received.

Overall, the subject trees have been assessed to be of low retention value, structurally poor (trees 6 and 10), and do not significantly contribute to the character and biodiversity within the municipality. Council's Parks and Open Space Department have no objections to the proposal and it is therefore recommended that a permit be granted to allow for the proposed removal of native vegetation.

**SITE AND SURROUNDING AREA**

The subject site is the road reserve along Yan Yean Road located adjacent to 290 Cookes Road, Doreen (see *Attachment 1*). The site contains naturestrip planting including a number of trees and a gravel footpath.

The general locality is currently undergoing change from rural living and agricultural uses to a more suburban residential character. Surrounding developments include the Eminence and Corner's Hill Estates located immediately north of the site and the Garden Road and

Hazelcroft Estates approximately 400m to the south of Cookes Road, which have been developed for residential purposes.

The site, along with many of the surrounding lots located between Cookes Road and Bridge Inn Road in the area, have been developed for rural living with single dwellings on lots measuring approximately 1ha. There is no approved Development Plan applied to the area at this stage.

While the site is substantially modified from its original condition, a minor 'remnant patch' of Plains Grassy Woodlands remains and includes the subject River Red Gum *Eucalyptus Camaldulensis*, a number of Lightwood *Acacia implexa*, Weeping Grass *Microleana stipoides* and Wallaby grass *Rytidosperma sp.*

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 1 on Title Plan 379545B. A 50m wide transmission easement diagonally traverses the south eastern portion of the site, but does not cover the location of the subject trees. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

The applicant proposes to remove three native trees; one *Eucalyptus camaldulensis* (River Red Gum) and two *Acacia Implexa* (Lightwood) (See Attachment 2). The removal of the trees is required for the purposes of allowing the construction of a 1.5m footpath along the western side of Yan Yean Road between Bridge Inn Road and Cookes Road. This path will cut across 290 Cookes Road in a northwest direction from Yan Yean Road.

A summary of the trees to be removed are highlighted in the table below:

Tree Identification	Species	Common Name	Diameter of Trunk over bark at Breast Height (cm)	Retention Value
6	<i>Eucalyptus camaldulensis</i>	River Red Gum	28	Moderate/Low
10	<i>Acacia implexa</i>	Lightwood	49	Very Low
11	<i>Acacia implexa</i>	Lightwood	23	Low

## PUBLIC NOTIFICATION

Pursuant to Clause 67.02 of the Whittlesea Planning Scheme, the application was advertised to adjoining owners as there is a Vegetation Protection Overlay affecting the site. No objections were received.

## REFERRAL

Pursuant to Clause 67.03 of the Whittlesea Planning Scheme, the application was referred to the Department of Environment, Land, Water and Planning (DELWP). DELWP did not object to the removal of the vegetation or request any conditions to be placed on any permit issued.

## PLANNING ASSESSMENT

The following State Planning Policies, Local Planning Policies and particular provisions of the Whittlesea Planning Scheme (the Scheme) are considered relevant to this application.



**State Planning Policy Framework**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.

The proposed vegetation removal has been assessed to be of a 'low-risk' based pathway, as the extent of vegetation proposed to be impacted is less than 1 hectare. The impacts of the development can be mitigated through securing a biodiversity offset of 0.003 General Biodiversity Equivalence Units.

This has been affirmed by Council's Parks and Open Space Department, who has requested certain conditions regarding the required offsets to be included on any permits issued.

**Local Planning Policy Framework**'River Red Gum Protection Policy' (Clause 22.10)

Clause 22.10 of the Whittlesea Planning Scheme relates to Council's River Red Gum Protection Policy. 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."* The key policy directions include:

- Request a comprehensive site analysis and arborist's report with any planning proposal for development on land which contains one or more remnant River Red Gums.

When considered in the context of the site as a whole, the proposed removal of the River Red Gum from the site is considered to be acceptable when assessed against the relevant decision guidelines of this policy. The submitted Biodiversity Assessment report (prepared by ABZECO) highlights that the subject tree and native understorey is limited in its extent, stature, diversity and habitat value (see *Attachment 3*). Council's Parks and Open Space Department had no objection to the removal of the vegetation and have commented that the removal is justified given that the River Red Gum has poor structure and is not appropriate for retention given its location beneath existing overhead power lines.

As such, it is considered that the proposal is consistent with the overarching objectives and decision guidelines of the policy.

## **Zoning and Overlay Provisions**

### General Residential Zone (Clause 32.08)

The road reserve is zoned General Residential Zone (Schedule 1). No permit is required to remove native vegetation.

### Vegetation Protection (Schedule 1) (Clause 42.02)

Clause 42.02 of the Whittlesea Planning Scheme aims to protect native vegetation within the Plenty Valley and surrounding areas of Mernda, Doreen and South Morang. Vegetation within the Redgum Grassy Woodlands of particular significance includes; River Red Gum, Black Box, White Box and Grey Box, Yellow Box and various native grasses.

The following Vegetation protection objectives are to be achieved:

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

A permit is required to remove, destroy or lop any native vegetation specified in Schedule 1 to the Vegetation Protection Overlay. Trees 6, 10, and 11 are native and therefore a permit is required to remove them.

### Incorporated Plan (Schedule 1) (Clause 43.03) & Development Plan (Schedule 5) (Clause 43.04)

The subject site area is part of Precinct 2A of the *Mernda Strategy Plan*, which was approved in October 2004. The *Mernda Strategy Plan* is an Incorporated Plan within the Whittlesea Planning Scheme. Precinct 2A shows the subject site as being set aside for 'Low Density Allotments'.

Section 3.3.1 of the *Mernda Strategy Plan* details environmental conservation actions and objectives. The site of the subject tree is not included in an area of environmental significance in Plan 3.10 of the *Mernda Strategy Plan*.

There is no Development Plan approved for this area within Precinct 2A at the time of writing this report.

## **Particular Provisions**

### Native Vegetation (Clause 52.17)

A permit is required to remove, destroy or lop native vegetation.

The following decision guidelines must be considered when assessing an application to remove native vegetation under Clause 52.17:

- The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:
  - The extent and condition of the native vegetation.
  - The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.
- 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.
- Managing native vegetation to preserve identified landscape values.
- The conservation of native vegetation protected under the *Aboriginal Heritage Act 2006*.

Taking the above into account, when considering the application under the Decision Guidelines of Clause 52.17, it is considered that the proposed vegetation removal is satisfactory for the following reasons:

- In accordance with the Biodiversity Assessment Report submitted (prepared by ABZECO), the vegetation proposed for removal is classified as falling within the low risk-based pathway as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013);
- The vegetation makes a minimal contribution to Victoria's biodiversity, given they are scattered through the site and do not provide habitat for any rare or threatened species;
- The site does not have any identified landscape values as defined in the Whittlesea Planning Scheme;
- The vegetation is not protected under the provisions of the Aboriginal Heritage Act 2006; and
- The vegetation is not located in proximity to a waterway and do not have a significant role in protecting water quality, preventing land degradation or preventing adverse effects on the groundwater quality of land.

Accordingly, it is considered that the application has been satisfactorily considered against the decision guidelines of this clause and that the removal of this native vegetation is 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. It is considered that the removal of native vegetation is acceptable and appropriate in the development of the area. Therefore, it is recommended that a Planning Permit be issued, subject to appropriate conditions.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve Planning Application No. 715295 and issue a Notice of Decision to Grant a Permit for Removal of native vegetation within the road reserve adjacent to 290 Cookes Road, Doreen, in accordance with the endorsed plans and subject to the following conditions:**

1. **Works 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.**

2. At the completion of the works, the permit holder is to arrange for an appropriate Council officer to inspect the site to ensure compliance with the planning permit.
3. In order to offset the removal of native vegetation (habitat hectares and scattered trees) approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity assessment guidelines and the Native Vegetation Gain Scoring Manual.

The offset must also contribute a gain of 0.003 general biodiversity equivalence units, be located within the boundary of the Whittlesea municipality, and have a strategic score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority.

4. Prior to removal, the subject trees must be inspected by a suitably qualified and experienced zoologist to determine the presence of animals living or nesting in the trees. Should any native animals be detected, reasonable steps must be taken to capture and relocate such animals as recommended by the zoologist.
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 trees.
6. The permit holder / project manager is to ensure that tree removal is carried out in a safe manner.
7. Each native tree nominated for removal or pruning works shall be suitably marked prior to its removal or works commencing and an inspection arranged with an appropriate Council officer to verify that the tree marked accords with this permit.
8. No further native vegetation shall be destroyed, felled, lopped, ringbarked or uprooted, without the consent of the Responsible Authority.
9. 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.
10. This permit will expire if the trees are not removed within two 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.

## **NOTES**

### **Tree Protection**

- A consulting arborist must be employed to supervise works which may impact upon trees marked for retention on the approved plan.

- The consulting arborist must conduct an induction of all personnel involved in construction that may impact on tree protection zones.
- Any works within the tree protection zone should be completed or supervised by the consulting arborist.
- The area inside the tree protection zone should, where considered relevant by the consulting arborist, be modified in the following manner to enhance the growing environment of the tree and to help reduce stress or damage to the tree:
  - the area within the tree protection zone may require mulch with wood chips or compost matter to a depth of 150 millimetres.
  - trees may require supplementary watering, with the amount to be assessed by the consulting arborist and determined by the extent of disturbance to the trees roots and climatic conditions.
  - where severing of roots (greater than 50 millimetres in diameter) is required directly adjacent to the exclusion zone they must be cut cleanly. Where possible this is to be completed at the beginning of development of the site. Roots are not to be left exposed, but back-filled or covered with damp hessian.
- The storing or disposing of chemicals or toxic materials must not be undertaken within 10 metres of any tree protection zone. Where the slope of the land suggests these materials may drain towards a tree protection zone, the storing or disposing of these materials is strictly forbidden.
- Tree protection envelope fencing is to be constructed to the following requirements:
  - Ring lock wire mesh (or equivalent) no less than 1.2 metres high.
  - Main posts 100mm treated pine (TP).
  - Intermediate posts steel star pickets (SP).
  - The corner posts are to be TP with TP stays.
  - Every third post is to be TP.
  - SP to be placed intermediately between the TP at 3m intervals.
  - The ring lock mesh to encircle the structure and be firmly secured at each post.
  - Posts must be sunk into the ground by 450mm (there is to be no concrete to secure posts as this may affect pH. levels).
  - The tree protection zone is to be clearly sign posted in accordance with the condition titled Tree Protection Zone fencing.

With the agreement of the responsible authority, tree protection zone fencing may not be provided where permanent reserve fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of the Responsible Authority.

<b>COUNCIL RESOLUTION</b>
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**MOVED:**                *Cr Sinclair*  
**SECONDED:**        *Cr Lalios*

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

**CARRIED**

**6.1.5 75 CRAIGIEBURN ROAD, WOLLERT - REMOVAL OF NATIVE VEGETATION****File No:** 715925

**Attachments:**

- 1 Locality plan
- 2 Tree Removal Plan (including trees which do not require planning permission)
- 3 Proposed subdivision layout
- 4 Photograph of tree proposed for removal

**Responsible Officer:** Manager Growth Areas Development Assessment**Author:** Planning Officer GADA**APPLICANT:** Breese Pitt Dixon Pty Ltd**COUNCIL POLICY:** River Red Gum Protection Policy**ZONING:** General Residential

**OVERLAY:** Development Contributions Plan (Schedule 10 – ENEDCP Precincts 1 and 2)  
Development Plan (Schedule 21 – ENEDP)  
Vegetation Protection (Schedule 2)

**REFERRAL:** Department of Environment, Land, Water and Planning**OBJECTIONS:** Nil**RECOMMENDATION:** That Council approve the application.**REPORT****EXECUTIVE SUMMARY**

The subject site is located at 75 Craigieburn Road, Wollert, approximately 200 metres to the west of Epping Road, is zoned General Residential 1 and is affected by the Development Contributions Plan (Schedule 10), Development Plan (Schedule 21), and Vegetation Protection (Schedule 2) Overlays.

The application proposes the removal of one River Red Gum tree to facilitate the orderly development of the land. A concurrent application to subdivide the land into 199 residential lots, as well as setting aside land for a future government school, a Council Community Activity Centre (CAC), and a number of conservation and passive open space reserves, is currently under assessment.

The proposed subdivision layout has been designed to maximise the retention of remnant River Red Gum trees through the provision of additional open space and 'pocket parks'. As a result, only one out of a total of 14 remnant River Red Gums trees on the site are required to be removed, resulting in an overall retention rate of 93% of remnant River Red Gum trees. It is noted that a further 12 River Red Gums and 39 other native trees are also proposed to be removed, however these are all planted, juvenile species and do not require planning permission for their removal.

The site is subject to the Epping North East Development Plan (ENEDP), which was adopted by Council at its meeting of 26 August 2008), which provides detailed guidance in relation to the level of tree removal permitted throughout the Development Plan area as well as specifically nominating both groups and individual River Red Gums which must be retained.

The River Red Gum tree proposed for removal is not identified on the ENEDP for retention and is located within the alignment of two connector roads nominated within the ENEDP to be constructed through the site. Various options were explored to realign and/or redesign the road network and subdivision layout in this location to allow for the retention of the tree. However, all these options would have resulted in unacceptable impacts on road safety and function and consequently were not considered desirable nor practical.

Based on the ecological and arboricultural assessments submitted with the application, the River Red Gum tree proposed to be removed contributes to the surrounding landscape character but is only in fair condition, does not provide habitat to rare or threatened species, is isolated from other groups of Red Gums on the site, and does not significantly contribute to Victoria's biodiversity values.

This tree will be appropriately offset using the '*Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines*' which were implemented by the State Government in December 2013.

Consequently, it is recommended that the application to remove the tree be approved, subject to appropriate conditions.

## **SITE AND SURROUNDING AREA**

The subject site is located on the south side of Craigieburn Road, Wollert, approximately 400 metres west of Epping Road. The site is square in shape, with a frontage of approximately 400 metres to Craigieburn Road, depth of approximately 510 metres, and total site area of 2.02 hectares (see *Attachment 1*).

The site is currently developed with a single storey detached dwelling and associated outbuildings, located near the western property boundary and set back approximately 165m from Craigieburn Road. The site has largely been cleared of vegetation, with the exception of garden tree plantings around the existing dwelling and driveway and scattered native trees (including River Red Gums) through the southern and north-east parts of the site. Topographically, the site falls gently from west to east into a shallow valley which extends to Epping Road. A stony knoll is located on the western property boundary.

The site is currently used for low intensity agricultural/rural residential purposes, however historically it was used as a quail farm. The surrounding area is undergoing rapid change as land on the southern side of Craigieburn Road is subdivided into conventional residential development. Land on the north side of Craigieburn Road currently remains rural, however is likely to be rezoned (and consequently developed) for residential purposes in the next year pending approval of the Wollert PSP.

The site directly abuts two approved residential developments, Woodcrest Estate to the west and Lyndarum Estate to the south and east, which are currently under construction. The approved layouts for both estates include road connections extending to the boundaries of the subject site.

## **RESTRICTIONS AND EASEMENTS**

The site is described as Lot 1 TP380667D on Certificate of Title Vol 06357 Folio 228. There are no restrictions attached to the Title which affect this application. However, there is a small triangular powerline easement at the south-west corner of the land in favour of SP Ausnet.

## **PROPOSAL**

The application for planning permit proposes the removal of one remnant River Red Gum tree from the site, as shown in *Attachments 2 and 4* and described in the following table:



**Figure 1: Trees proposed for removal (Tree numbering as per arboricultural assessment)**

Tree no	Species	DBH* (cm)	Height (m)	Canopy width (m)	Condition
148	River Red Gum ( <i>Eucalyptus camaldulensis</i> )	74, 37, 36 (three trunks)	14	6	Fair

\* DBH – Diameter at breast height

The further development of the land also requires the removal of an additional 12 River Red Gums and 39 native trees on the site (see *Attachment 2*). Planning permission is not required for the removal of these trees as they are planted specimens located in proximity to the existing dwelling as well as along boundary fence lines. It is noted that the ecological and arboricultural assessments accompanying the application have also confirmed that the trees in question are largely juvenile specimens of low environmental and landscape value. This assessment has been confirmed by Council's Parks and Open Space Department.

## **PUBLIC NOTIFICATION**

Pursuant to Clause 43.04-2 of the Whittlesea Planning Scheme, the application is exempt from public notice requirements as the application is generally in accordance with an approved Development Plan.

## **PLANNING ASSESSMENT**

### **State Planning Policy Framework**

#### 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**

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

- Recognise the intrinsic value of River Red Gums in establishing character and identity in urban and rural areas.
- Request a comprehensive site analysis and arborist's report with any planning proposal for development on land which contains one or more remnant River Red Gums.
- Encourage that the majority of River Red Gums proposed for retention are sited in public open space reserves and/or road reserves.
- Ensure that, where a tree is to be located in a lot, the lot is large enough to accommodate a suitable development envelope that does not disturb the tree or its root system.
- Ensure that, where feasible, areas of significant River Red Gum regeneration are protected in any development proposal.
- Encourage tree removal to be generally limited to only those trees independently assessed as presenting a danger to people and property.
- Appropriately protect trees identified for retention during the construction phase, and thereafter ensure that their health is regularly monitored by an appropriate environmental consultant where located on public land.
- Ensure that any tree nominated on a development and/or subdivision plan for protection is located within an appropriate tree protection zone. The protection zone must be large enough to ensure that the trunk and canopy remain intact and that the root system is not severely damaged or destroyed during the construction phase.
- Ensure that any planning permit for subdivision which contains a protected tree on a lot includes a requirement that the protected tree, protection envelope, development envelope and any conditions relating thereto be nominated on the relevant title.

When assessed in the context of the level of remnant River Red Gums being retained across the site as a whole, the proposed removal of one River Red Gum is considered to be satisfactory when assessed against the relevant decision guidelines of this policy. The overall design and layout of the associated subdivision ensures that a very high proportion (93%) of significant River Red Gums will be retained as part of the future development of the land, thereby providing the area with a strong neighbourhood and landscape character (see *Attachment 3*).

Whilst it contributes to the landscape character of the surrounding area, the River Red Gum tree proposed to be removed is only in fair condition, does not provide habitat to rare or threatened species and is isolated from other stands of River Red Gums in the immediately surrounding area. Within the context of the site as a whole, as well as the broader area, it is considered that its removal is acceptable in this instance given the planned transition of the area from a rural to a conventional residential environment. Whilst it is preferable that the retention of all River Red Gums be integrated into the design response of new developments within areas undergoing this type of transition, with respect to the tree in question this is not practical given it is located within the future intersection of two connecting roads which have already been constructed to the property boundary. As the alignment of these roads is largely set and is required under the ENEDP, retaining this tree would significantly compromise the future development of the site. Given that the subdivision layout has been designed to retain the majority of significant trees, the removal of this tree is considered to be acceptable in this instance.

Consequently, it is considered that the removal of this tree is consistent with the overarching objectives and decision guidelines of this policy.

## **ZONE**

### **General Residential Zone (Schedule 1)**

The purpose of the General Residential Zone is to encourage development that respects the neighbourhood character of the area; to implement neighbourhood character policy and adopted neighbourhood character guidelines; to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport; and to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A planning permit is not required to remove vegetation under the zone.

## **OVERLAYS**

### **Development Contributions Overlay (Schedule 10 – ENEDCP Precincts 1 and 2)**

The subject site falls within the DCPO10 which requires development contributions to be provided in accordance with the Epping North East Local Structure Plan Development Contributions Plan. The development contributions will be secured through the subdivision of the land and is not relevant to this application.

### **Development Plan Overlay (Schedule 21 – Epping North East Development Plan)**

The Development Plan Overlay requires that a Development Plan be approved prior to the grant of a planning permit for the subdivision or development of the land. Any permit granted must be generally in accordance with the approved Development Plan.

In accordance with the requirements of this overlay, the Epping North East Development Plan (ENEDP) was prepared for the subject land and approved by Council at its meeting on 26 August 2008. A subsequent amendment was made to the ENEDP on 4 February 2014, however the changes do not relate to the subject site.

As discussed above, the tree proposed for removal is not specifically nominated for retention on the Development Plan itself. However, the ENEDP does require the preparation of an arborist report at planning application stage providing an assessment of all remnant River Red Gums on site to identify additional trees of high environmental and amenity value which should be protected within the ultimate subdivision layout.

### **Vegetation Protection Overlay (Schedule 2)**

Vegetation Protection Overlay – Schedule 2 (VPO2) applies to land within the Epping North area. This overlay identifies the land as being part of the River Red Gum Grassy Woodland, which includes remnant River Red Gums, Yellow Gums as well as native grassland species and riparian species along watercourses.

Pursuant to Clause 42.02 of the Whittlesea Planning Scheme, a planning permit is required for the removal, destruction and lopping of native vegetation on land affected by the overlay.

It is noted that the removal of planted vegetation, as well as dead vegetation which has fallen or has a DBH of less than 40cm, is exempt from these requirements and consequently does not require a planning permit.

The relevant decision guidelines which must be considered when assessing an application to remove native vegetation under this Overlay are:

- The conservation and enhancement of the area, including visual amenity.
- Preservation of and impact on the natural environment.
- The preservation and protection of significant vegetation.
- Whether any revegetation is required.

- Broad open space areas shown within the Epping North Strategic Plan.
- The management of vegetation to minimise fire hazard.

The decision guidelines of the Vegetation Protection Overlay are generally consistent with the decision guidelines for Clause 52.17 Native Vegetation. A combined assessment against these requirements is provided below, under “Clause 52.17 Native Vegetation”.

## PARTICULAR PROVISIONS

### Clause 52.17 Native Vegetation

A permit is required to remove, destroy or lop native vegetation, including dead vegetation.

It is noted that the removal of planted vegetation, as well as dead vegetation which has fallen or has a DBH of less than 40cm, is exempt from these requirements and consequently does not require a planning permit.

The relevant decision guidelines which must be considered when assessing an application to remove native vegetation under Clause 52.17 are:

- The contribution that native vegetation to be removed makes to Victoria’s biodiversity. This is determined by:
  - The extent and condition of the native vegetation.
  - The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.
- 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.
- The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.
- The role of native vegetation in:
  - Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the *Catchment and Land Protection Act 1994*.
  - Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:
    - Where ground slopes are more than 20 per cent.
    - On land which is subject to soil erosion or slippage.
    - In harsh environments, such as coastal or alpine area.
  - Preventing adverse effects on groundwater quality on land:
    - Where groundwater recharge to saline water bodies occurs.
    - That is in proximity to a discharge area.
  - Which is a known recharge area.

- In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the Conservation, Forests and Land Act 1987.
- Managing native vegetation to preserve identified landscape values.
- The conservation of native vegetation protected under the *Aboriginal Heritage Act 2006*.

As highlighted above, the proposed subdivision layout has been designed to maximise the retention of significant native vegetation, particularly River Red Gums, within public land. Given that only one tree is required to be removed, it is therefore considered that the application is consistent with the 'three step approach' to native vegetation removal required under this provision, as follows:

- 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.

As discussed above, it is considered that whilst the removal of this tree cannot be avoided due to the location of existing and planned road infrastructure, the proposed subdivision layout has minimised the extent of significant vegetation removal as much as is practical. Taking the above into account, when considering the application under the relevant Decision Guidelines it is considered that the proposed removal of one River Red Gum tree is satisfactory for the following reasons:

- The tree proposed for removal is classified as falling within the low risk-based pathway as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013);
- The tree makes a minimal contribution to Victoria's biodiversity given it does not provide habitat for any rare or threatened species, as confirmed by the ecological assessment provided by the applicant and confirmed by both the Department of Environment, Land, Water and Planning (DELWP) and Council's Parks and Open Space Department;
- The site does not have any identified landscape values as defined in the Whittlesea Planning Scheme, and the trees is not prominent within the wider landscape;
- The tree is not protected under the provisions of the Aboriginal Heritage Act 2006; and
- The tree is not located in proximity to a waterway and do not have a significant role in protecting water quality, preventing land degradation or preventing adverse effects on the groundwater quality of land.

Accordingly, it is considered that the application has been appropriately considered against the decision guidelines of this clause and that the removal of one River Red Gum tree is appropriate in this instance. It will be a requirement of any permit issued that an appropriate offset for the loss of this tree be provided in accordance with the requirements of this clause.

**REFERRALS***External*

Whilst the application does not trigger any external referrals, informal comments were sought from the Department of Environment, Land, Water and Planning (DELWP) regarding the proposed removal of one River Red Gum tree. No objection was received in relation to the removal of the River Red Gum tree from the land.

*Internal*

An assessment of the proposed vegetation removal was undertaken by Council's Parks and Open Space Department. No objection was received in relation to the removal of one River Red Gum tree (Tree 148) due to its low environmental value, fair condition, and location within the planned alignment of two connecting roads which are under construction within the adjoining Lyndarum Estate to the site boundary. Both Council's Parks and Open Space and Development Engineering Departments have confirmed that the alignment of these roads cannot be altered to enable retention of this tree without compromising the function of the road network in this location.

Council's Parks and Open Space Department also reviewed the arboricultural and ecological assessments provided by the applicant and confirmed that the remaining native vegetation earmarked for removal (12 River Red Gums and 39 other native trees) are juvenile, planted specimens of low environmental and landscape value. Consequently, planning permission is not required for the removal of these trees.

**DISCUSSION**

The application has been assessed against the requirements of both the Vegetation Protection Overlay and Clause 52.17 of the Whittlesea Planning Scheme, and is considered to be a satisfactory planning outcome in this instance.

As discussed above, the River Red Gum tree proposed to be removed is located close to the southern boundary of the site, directly within the alignment of two collector roads currently under construction within the Lyndarum Estate to the southern boundary of the site and which are required under the ENEDP to form a three-way intersection within the site with a future north-south connection to Craigieburn Road. Both Council's Development Engineering and Parks and Open Space Departments have confirmed that the road network in this location cannot be redesigned to enable its retention. Whilst it is accepted that the tree does contribute to the landscape amenity of the broader area it is of limited environmental significance, is only in fair condition, and its removal is required to enable the orderly future development of the land in accordance with the ENEDP.

It is also relevant that only one of the 14 remnant River Red Gums on the land is proposed for removal, resulting in a retention rate of 93% of all remnant River Red Gums on the site. This reflects the willingness of the applicant to work with Council to develop a subdivision layout which is highly responsive to the physical characteristics of the site, and which prioritises the retention of River Red Gums through the provision of additional open space reserves.

Should Council determine to support the application, it is recommended that a condition be included which requires an offset plan be prepared and implemented to Council's satisfaction, either by way of replanting and ongoing management, or as a monetary contribution to Council to undertake these works elsewhere.

## 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 proposal has been assessed against the relevant policies and provisions of the Whittlesea Planning Scheme, specifically Clauses 22.10 (River Red Gum Protection Policy), 42.02 (Vegetation Protection Overlay Schedule 1), 43.04 (Development Plan Overlay Schedule 5) and 52.17 (Native Vegetation Removal). The proposal shows a satisfactory level of compliance with the relevant planning policy guidance and requirements. Accordingly, it is recommended that the application be supported subject to appropriate conditions, including the provision of suitable vegetation offsets.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve Planning Application No. 715270 for Removal of Native Vegetation, including one River Red Gum Tree, at 75 Craigieburn Road, Wollert and issue a Planning Permit in accordance with the endorsed plans and subject to the following conditions:**

- 1. No native vegetation approved for removal under this permit shall be removed until a planning permit has been issued for the associated subdivision of land at 75 Harvest Home Road, Wollert (Application No. 714965).**
- 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 the removal of the tree approved for removal under this permit, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. The native vegetation offset must be provided in accordance with the *Permitted clearing of Native Vegetation – Biodiversity assessment guidelines* and the Native Vegetation Gain scoring manual.**
- 4. 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.**
- 5. The 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.**
- 6. The applicant 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.**
- 7. The project manager is to ensure that tree removal is carried out in a safe manner.**

8. The project manager is to locate all services either above or below ground prior to the commencement of any works.
9. 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 project manager must supply and replace suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe.
10. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint.
11. All stumps must be removed within 14 days of removal of the tree.
12. After the 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. Wherever possible and appropriate, the tree to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other uses determined appropriate by the Responsible Authority.
14. All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined as appropriate by the Responsible Authority shall be hammer milled and shredded for reuse as mulch within the subject site.
15. All timber less than 300mm in diameter and branch/leaf material shall be shredded for re-use as mulch within the subject site.
16. 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.
17. 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 tree, the permit holder must notify all adjacent landholders that the tree is to be removed with Council consent.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lali*

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

**CARRIED**



**6.1.6 OFFICER SUBMISSION TO THE MANAGING RESIDENTIAL DEVELOPMENT ADVISORY COMMITTEE**

**File No:** 192893

**Attachments:** 1 Terms of Reference  
2 Officers Submission

**Responsible Officer:** Director Planning & Major Projects

**Author:** Planning Officer

**REPORT****EXECUTIVE SUMMARY**

The State Government of Victoria has appointed the Managing Residential Development Advisory Committee (the Committee) to report on the implementation of the reformed residential zones that were introduced by the previous state government. The Committee's report will document progress to date, in managing housing growth, proximity to transport and jobs, housing affordability and diversity. As part of this process, the Advisory Committee is consulting with the community, councils and key stakeholders. The purpose of this Report is to advise Councillors of a recent officer submission to the Committee, and to seek Council's endorsement of the submission.

The key points in the submission to the Committee can be summarised as follows:

- Council's experience with the implementation of the Reformed Residential Zones.
- Regulatory tools available to manage and monitor residential growth.
- Evidence and justification required to prepare Amendments to the residential zones.
- Improvements to the residential zones through modifications to the wording.

**INTRODUCTION**

The State Government of Victoria has undertaken a review of the process for implementing the reformed residential zones introduced by the previous Government. The Minister for Planning appointed the Managing Residential Development Advisory Committee to carry out this review.

In accordance with Clause 11 of the Committee's Terms of Reference (*see Attachment 1*), and drawing on background information already provided by councils, the Department of Environment, Land, Water and Planning (DELWP) released a series of background documents on 3 February 2016 that are intended to assist the community, councils, the development industry and ultimately the Committee to review the implementation of the new residential zones.

The Committee had requested that councils not prepare a submission until after the release of the abovementioned background documents and as such, officers had no opportunity to prepare the submission and present it to Council prior to submissions closing on 15 March 2016. An officer submission was submitted in advance of Council endorsement, and this is the submission now presented to Council for consideration (*see Attachment 2*). The Committee will be advised of the outcome of Council's decision.

Following public hearings in April and May 2016, the Committee will prepare and submit their Issues and Options report to the Minister for Planning.

The submission outlines the background to Amendment C181, including the implementation of Council's Housing Diversity Strategy (HDS), the Panel process that considered the introduction of the zones, and Council's capacity to consider the impact of the new zones given the limited time between the approval of the amendments and this current review.

In terms of the next stage of the implementation of the HDS, the submission seeks guidance on the evidence required to vary the schedules to the zones.

The content of the submission is outlined in greater detail in the Discussion section of the report.

### **KEY DATES FOR THE COMMITTEE'S REVIEW**

The Committee held inception meetings with Councils and other stakeholders in early December 2015, to explain the Committee's role, to provide guidance to councils on making submissions, to clarify the timeframe for each step of the process, and to refer councils to background material that would be made available.

Public submissions were invited from 10 December 2015 until 15 March 2016. However councils were specifically discouraged from preparing a submission prior to DELWP's release of additional background information on 3 February 2016.

A Directions Hearing was held on 1 April 2016 and a number of public hearings are scheduled to take place from 18 April 2016, allowing for input from the community, councils, and other stakeholders.

### **DISCUSSION**

The key points raised in the submission to the Committee are as follows:

1. The issues that arose during Planning Scheme Amendment C181, which is the process through which the new residential zones were implemented in the Established Areas in the City of Whittlesea:
  - a) Transparency: The Minister's decision to depart from the exhibited Amendment C181 and from the recommendations of the Residential Zones Standing Advisory Committee.
  - b) The limited timeframe for Council to review and refine the approach taken in the HDS and Amendment C181, following the release of the interim report of the planning panel that advised on the implementation of the reformed residential zones.
  - c) Inconsistency in the application of the reformed residential zones across Melbourne's municipal areas. That is, not all councils implementing the zones were subject to consideration by the abovementioned planning panel.
2. Within the context of managing housing growth in Melbourne and Victoria, officers raised the following concerns with the current application of the zones:
  - a) The need to clarify the requirement for councils to monitor and evaluate the outcome of the application of the zones, to ensure consistency in the approach across all Councils.
  - b) Difficulties in monitoring the specific performance of the zones due to the influence of other planning provisions that control density and housing outcomes (not subject to this review) such as Comprehensive Development Zone, Activity Centre Zone, Development Plans, Precinct Structure Plans, and land use strategies.

3. In terms of the level of evidence and justification needed when preparing relevant planning scheme amendments, officers identified the need for additional guidance on the level of evidence required for each proposed variation to the zone schedules. This would relieve the pressure on each council to speculate and overinvest in preparing documentations to justify their policy rationale. Such guidance should be developed in consultation with councils.
4. Recommended improvements to the residential zones:
  - a) In referring to the changes already advocated by stakeholders, support was provided for the following changes:
    - i. Prohibition of subdivision permits without a concurrent dwelling planning permit in established suburbs.
    - ii. Review of zoning decisions across Melbourne by the State Government to achieve a more equal distribution of Neighbourhood Residential zoned land.
    - iii. Providing mechanisms to encourage the development of social/affordable housing in Residential Growth Zone areas.
    - iv. Introduction of Building Design Guideline criteria for multilevel developments in General Residential zoned areas, with regard to affordability, accessibility, flexibility, and adaptability in housing proposals.
  - b) Update of *Practice Note 78: Applying the Residential Zone* to reflect the importance of existing policy framework and the zone purposes, as recommended by the Residential Zones Standing Advisory Committee in an earlier review process.

## POLICY STRATEGY AND LEGISLATION

The officer submission was strongly influenced by the ongoing implementation of the strategic directions of the *Housing Diversity Strategy 2013-2033* (HDS), adopted by Council in 2013. The issues experienced throughout the Planning Panels Victoria assessment and the ministerial decision relating to Amendment C181 formed the basis of a substantial part of the submission.

This State Government review of the residential zones has the potential to inform and clarify requirements for the next stage of the implementation of the HDS, which is the preparation of schedules to the new residential zones.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Growth and change</b>
<b>Strategic Objective</b>	<b>Services and infrastructure keep pace with population growth</b>

## 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 State Government review has provided a valuable opportunity for Council to inform and influence the future implementation of the residential zones.

It is understood that Council's position on the implementation of the residential zones represents valuable input to the Committee's report and that the report may provide a clearer direction for relevant Council's projects in the future, such as the creation of schedules to the new residential zones. It is recommended that Council endorse the officer submission to the Committee in its current form.

<b>RECOMMENDATION</b>
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**THAT Council resolve to endorse the officer submission to the Managing Residential Development Advisory Committee and authorise officers to notify the Committee accordingly.**

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Sinclair*

**SECONDED:** *Cr Lalios*

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

**CARRIED**

**6.1.7 PLANNING SCHEME AMENDMENT C76 - APPLICATION OF DPO25 TO LAND AT 530 MCDONALDS ROAD, SOUTH MORANG****File No:** 161817**Attachments:**  

1	Amendment Map
2	Context Plan
3	McDonalds Road Employment Precinct Development Plan 2014

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

Amendment C76 proposes to apply the existing Development Plan Overlay Schedule 25 (DPO25) to the land at 530 McDonalds Road, South Morang (*Attachment 1*). This will ensure that the controls for this property are consistent with surrounding landholdings. The subject property is affected by the *McDonalds Road Employment Precinct Development Plan 2014* (refer to *Attachment 3*). The amendment will not result in any impact on the landowner or those adjoining.

The amendment was placed on exhibition in accordance with Section 20(2) of the Planning and Environment Act 1987, with direct notification to Ausnet Services, Melbourne Water and Prescribed Ministers on 9 March, 2016. At the conclusion of the exhibition period on 6 April, 2016, no submissions had been received. It is recommended that Council adopt Planning Scheme Amendment C76, and forward it to the Minister for Planning for approval.

**INTRODUCTION**

The purpose of the report is to consider the outcomes of the exhibition process for Planning Scheme Amendment C76 and seek recommendation to forward the amendment to the Minister for Planning for approval. The amendment proposes to apply the existing Development Plan Overlay Schedule 25 (DPO25) in the Whittlesea Planning Scheme, to land specifically at 530 McDonalds Road, South Morang.

The subject land is generally defined by McDonalds Road to the south, Melbourne Water pipe track to the west, undeveloped land to the north, and Murdoch Road to the east (refer to *Attachment 2*). The surrounding land is partially developed for commercial uses.

**BACKGROUND**

In 2001 the subject site was included with surrounding properties as part of a broader Development Plan. In February 2011, to facilitate the Masters development in South Morang, the State Government prepared Amendment C155 and a Development Plan Overlay (DPO25) was applied to the surrounding properties, but did not include the subject site. The *McDonalds Road Employment Precinct Development Plan* (DP), was subsequently prepared and approved in 2014 (*Attachment 3*). At that time the abovementioned omission was discovered, noting that whilst the DP had been prepared and approved, technically no Development Plan Overlay applied to the site. It was therefore considered appropriate to correct this technical omission to ensure that the strategic intent of the property can be implemented through the existing DP applying to the site and surrounds.

A request was made to the Minister for Planning and a letter was received on 4 January, 2016, which granted authorisation to prepare the amendment under section 20(2) of the Act. This included exemption from the full notice requirements of section 17, 18 and 19 of the Act. This was on the basis that the amendment was correcting a minor, technical omission which was not changing the longstanding strategic intent proposed for the subject site and surrounds.

## NOTIFICATION

An exemption from the full notice requirements of section 17, 18 and 19 of the Act, was granted by DELWP in their letter of authorisation dated 4 January, 2016. At the direction of DELWP, notification was provided to Ausnet Services, Melbourne Water and the Prescribed Ministers, on the 9 March, 2016.

The exhibition period concluded on 6 April, 2016, at which time there had been no submissions received.

## DISCUSSION

This amendment has been proposed to correct a technical omission, which has resulted in the subject property not being subject to any Development Plan Overlay, despite the surrounding landholdings being subject to these controls. It is important to ensure that a consistent planning framework applies to the site. The proposed amendment does not seek to alter development outcomes for the site, but rather, is considered to provide a minor, technical change to ensure that the existing *McDonalds Road Employment Precinct Development Plan (2014)* may be formally applied to the land.

The amendment will not result in any impact on the landowner or those adjacent, and a written statement has been provided by the landowner in support of the amendment. As previously noted, no objections were received during the notification period.

## CRITICAL DATES

- McDonalds Road Development Plan Approved (now superseded) - October 2001
- Amendment C155 was approved to facilitate the Masters development (South Morang), excluding the subject site - February 2011
- McDonalds Road Employment Precinct Development Plan Approved – December 2014
- Authorisation granted – January 2016
- Exhibition period closes – April 2016

## POLICY STRATEGY AND LEGISLATION

The amendment is considered to accord with the relevant policy direction of the SPPF, LPPF and Plan Melbourne.

## LINKS TO THE COUNCIL PLAN

**FUTURE DIRECTION**                      **Growing our economy**

**Theme**    **Economic development**

**Strategic Objective**                      **We have strategies that encourage new business investment**

The amendment will provide the statutory means to implement the existing approved *McDonalds Road Employment Precinct Development Plan 2014*, which outlines development of the land for employment generating uses.

**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 amendment is considered necessary in order to ensure an integrated approach to the development of the land with adjoining properties. The amendment provides for a technical change to correct an omission and ensure that the Development Plan Overlay (Schedule 25) is placed on the site as per adjoining properties, and to reflect the strategic intent of the existing *McDonalds Road Employment Precinct Development Plan* 2014, currently applying to the property. The amendment is in accordance with all relevant policy provisions, and the consistent strategic approach taken to the development of the land.

**RECOMMENDATION**

**THAT Council resolve to:**

1. Adopt Planning Scheme Amendment C76 to the Whittlesea Planning Scheme;
2. Request the Minister for Planning approve amendment C76 to the Whittlesea Planning Scheme; and
3. Advise the landowner of 1. and 2. above.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**





**6.1.8 125 REGENT STREET, MERNDA- PARK HILL DEVELOPMENT PLAN****File No:** 194882**Attachments:**  
1 Locality Plan  
2 Park Hill Development Plan**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Strategic Planner**REPORT****EXECUTIVE SUMMARY**

A Development Plan submission has been lodged for 125 Regent Street, Mernda – Park Hill Estate. The Development Plan area is surrounded by existing residential development to the north and east, and potential future development to the west. The site is bound to the north by Regent Street (*Area Context Plan – Attachment 1*). The Development Plan proposes residential development consisting of conventional (standard) density with a large central reserve. The Development Plan also identifies the land associated with the Quarry Hills Regional Park (*Development Plan – Attachment 2*).

The Development Plan has been informally exhibited to adjoining properties, with the submission period closing on 6 April 2016. One submission was received from notified landowners, and two submissions were received from external agencies (Melbourne Water and Department of Environment, Land, Water and Planning).

The purpose of this Development Plan is to provide Council and the community with greater certainty about the future use and development of the site. The Development Plan submitted complies with the provisions of the Development Plan Overlay Schedule 27 which applies to the site. The development of the site will result in the transfer of land into the Quarry Hills Regional Parkland to Council. It is recommended that the Development Plan is approved by Council.

**INTRODUCTION**

The purpose of this report is to consider the 125 Regent Street, Mernda – Park Hill Development Plan.

The plan has been prepared in order to meet the requirements of the Development Plan Overlay Schedule 27. The DPO27 was applied to the site when it was rezoned to Residential 1 Zone (now General Residential Zone) on 1 December 2012.

The plan has been prepared following analysis and consideration of the unique landscape and vegetation elements of the site. Consideration has been given to how the development can build upon these unique elements to create an innovative residential development which responds both to the landscape characteristics of the site, and its location in the broader context of the Quarry Hills Regional Parkland.

Noting the above, the design of the development has included the creation of a large central reserve (1.8 hectares) in order to protect a hilltop and conserve more than 80% of the trees found on the site.

In a broader context, the development will also facilitate the transfer of 3.5 hectares of land into the Quarry Hills Regional Parkland.

## BACKGROUND

The 125 Regent Street, Mernda – Park Hill Development Plan has been prepared as a result of extensive planning of the subject site and the consideration of adjoining existing and future development at 110 Sackville Street, Mernda, and 240 Bindts Road, Wollert (*Area Context Plan – Attachment 1*).

The subject site was brought into the Urban Growth Boundary in 2010 as part of the Urban Growth Boundary shift associated with Amendment VC68. The site was included as part of the process to facilitate the future residential rezoning of part of the site and associated transfer of the balance of the site for inclusion into the Quarry Hills Regional Parkland.

In 2012, the landowner entered into a Section 173 Agreement with Council to facilitate the transfer of the remaining land outside of the Urban Growth Boundary into the Quarry Hills Regional Parkland. Subsequently, the land located inside the Urban Growth Boundary was rezoned for urban development and a Residential 1 Zone was applied to the site.

The rezoning formed part of Amendment C166, and applied a Residential 1 Zone (now known as a General Residential Zone), along with a Development Plan Overlay Schedule 27. Amendment C166 was approved on 1 November 2012.

In order to develop the site, a Development Plan must be prepared in order to fulfil the requirements of the Development Plan Overlay (Schedule 27) which covers the subject site.

The planning history of the subject site is described in the following section of this report.

## PLANNING ASSESSMENT

### ZONES

The subject land is affected by the General Residential Zone (GRZ) (Clause 32.01) and the Rural Conservation Zone (RCZ) which covers the balance of the site beyond the Urban Growth Boundary to be included as part of the Quarry Hills Regional Parkland. Amendment C166 rezoned part the land to the Residential 1 Zone but this was subsequently changed to GRZ on July 1 2014, as part of the State Government's zone reform process.

### OVERLAYS

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

- Vegetation Protection Overlay (VPO1); and
- Development Plan Overlay (DPO27).

The Development Plan seeks to comply with the provision of the DPO27.

The Development Plan is reflective of the nature of development which has occurred on surrounding properties to date, and has considered the existing and future development of the sites located at 110 Sackville Street, Mernda and 240 Bindts Road, Wollert.

## DEVELOPMENT PLAN PROPOSAL AND KEY FEATURES OF THE PLAN

The 125 Regent Street – Park Hill Development Plan is considered generally in accordance with the Development Plan Overlay-Schedule 27.

The densities which are proposed on the site are conventional in nature and are reflective of the surrounding sites which have been developed in line with the Mernda Strategy Plan.

The Development Plan demonstrates suitable interfaces with Regent Street, the Quarry Hills Regional Parkland, and the large internal reserve which sits centrally to the proposed estate.

It is noted that perimeter roads have been provided to the Quarry Hills Regional Parkland, and to the internal parks/reserves.

The subject site abuts land to the west which is likely to be developed in the future subject to the rezoning of the site. This site is known as 240 Bridge Inn Road, Mernda. The subdivision associated with the Park Hill Development Plan has been designed to ensure potential connectivity to adjoining landholdings and the continued orderly planning of the area.

The proponent has sought to retain the majority of trees on the site in a mix of both small local parks, and a large central reserve. This is considered to be an appropriate outcome and is one which has been negotiated through the development of the plan in order to meet conservation objectives and to create a high amenity estate for the future community.

The road layout of the Development Plan is generally reflective of the surrounding road network.

The proposed road network is sufficient to carry anticipated overland flows and will provide adequate drainage to the site. The Development Plan (*Attachment 2*) outlines the proposed Development Plan layout.

Specifically, the 125 Regent Street, Mernda – Park Hill Development Plan proposes:

- A range of standard density residential housing including a mix of lots ranging from 300m<sup>2</sup> to lots which are in excess of 600m<sup>2</sup>. The overall density is 13 dwellings per hectare and this is comparable with the Mernda West area.
- A 1.8 hectare internal reserve associated with the hill top and vegetation retention located to the centre of the site.
- Pedestrian and bicycle links across the site which will ultimately link into the Quarry Hills Regional Parkland path network to the south of the site and neighbouring development sites.
- Provision for road connections to the east and west to accommodate the development of the abutting properties.

## NOTIFICATION

Whilst there is no statutory requirement to advertise the Development Plan document, in accordance with Council practice, a copy of the Development Plan was sent to abutting and potentially affected properties for comment as part of a non-statutory exhibition process. The Development Plan was referred to all relevant authorities and adjoining landowners. Advertising of the document concluded on 6 April 2016. At the conclusion of the exhibition period one submission was received from landowners and two submissions were received by external agencies. The submission and the Officer response are summarised below.

Submitter	Issue	Officer Response
2 Plantation Avenue, Mernda	That Regent Street requires substantial upgrades prior to the approval of further development along the street.	<p>The upgrading of Regent Street is occurring progressively as part of on-going works associated with development in the broader “Mernda West” area.</p> <p>Developers will be required to provide land for the widening of Regent Street, and to construct the ultimate road pavement of two trafficable lanes and a shared path as part of their planning approvals. This staged approach of delivery is typical in the growth area context, and allows for the construction of roads as developments progress.</p> <p>In the instance of 125 Regent Street, the landowner will be required to undertake upgrade works for the</p>

Submitter	Issue	Officer Response
		extent of Regent Street abutting their property. These works will include the construction of the ultimate road pavement and an off-road shared path that will connect into the proposed large local reserve and the Quarry Hills Regional Parkland further south. These works are to be undertaken to the relevant standards.
Melbourne Water	The submission did not object to the proposed Park Hill Development Plan. Provides additional standard permit requirements which will need to be included on any future subdivision approval for the subject site.	Noted, additional requirements will be included on future permits as conditions.
Department of Environment Land Water and Planning (DELWP)	The submission did not object to the Park Hill Development Plan. Requests that the future subdivision application is referred to DELWP to confirm offset obligations with landowner.	Noted, future application will be referred to DELWP at the subdivision application stage.

Internal referral and assessment of the document has been extensive and was undertaken following each iteration of the Development Plan.

Through the internal review process prior to exhibition, a range of changes were made to the document in order to address road network issues, interfaces with Regent Street, interfaces with the Quarry Hills Regional Parkland, and interfaces with the internal central reserve.

In this context, it is considered that each of these issues have been resolved to the satisfaction of internal Council Departments and the Development Plan can be approved.

## DEVELOPMENT CONTRIBUTIONS

Whilst there is no Development Contributions Plan Overlay affecting the site, the standard Section 173 Agreement entered into for the purposes of transferring land within the Quarry Hills Regional Parkland, and facilitating the rezoning of the land, provides for a local development contribution. In addition, the agreement also requires a Growth Area Infrastructure Contribution (GAIC) equivalent payment.

## DISCUSSION

As outlined earlier in the report, the proposed 125 Regent Street, Mernda – Park Hill Development Plan is consistent with the DPO27 which applies to the subject land and provides a consistent extension to the approved Development Plan for the Mernda on the Park Development Plan to the east of the site.

The proposed Development Plan has also considered the potential future development of 240 Bindts Road, Wollert which is to the immediate west of the subject site. It is noted that the landowner was provided with copies of conceptual road layouts for the site, and that they

used these to inform the ultimate layout of their proposed Development Plan to ensure an integrated outcome.

The preparation of the Development Plan will provide Council, and future residents, with a greater level of certainty about the nature of development which will occur on the land.

The review and referral process which has been undertaken in order to prepare the Development Plan has been extensive with several versions of the document being prepared following officer review and feedback.

As outlined above, one landowner submission was received in relation to the proposal. Considering the nature of the submissions received, it is considered appropriate to approve the Development Plan as exhibited.

## **POLICY STRATEGY AND LEGISLATION**

As discussed earlier in the report, the proposed Development Plan is consistent with the objectives and general provisions of the State Planning Policy Framework and Local Planning Policy Framework.

Clause 16 (SPPF) and Clause 21.09 (LPPF) are consistent in the requirement to provide increased housing diversity and housing quality that can be appropriately supported by infrastructure. In the instance of the Mernda on the Park Development Plan it is considered that the plan will assist in meeting these objectives.

## **LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Planning our space</b>
<b>Strategic Objective</b>	<b>Our urban design helps build connection to place and the community</b>

The 125 Regent Street, Mernda – Park Hill Development Plan will provide for an extension to a well-designed estate located within close proximity of the Quarry Hills Regional Parkland. Residents will be afforded with direct access to this open space asset, along with convenient access to local facilities and retail offerings. As such, 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 each other 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 125 Regent Street- Park Hill Development Plan has been the subject of an extensive pre-planning process which has refined the plan significantly. The document has been exhibited and referred externally to relevant agencies with no objecting submissions received. The Development Plan represents an extension of the emerging and existing development along the southern extent of Regent Street.

The Development Plan is consistent with the remainder of the Mernda West area and is considered to accord with the relevant provisions of the Development Plan Overlay Schedule 27, and the relevant policies and strategies of the City of Whittlesea Planning Scheme.

Implementation of this Development Plan will also result in the transfer of land into the Future Quarry Hills Regional Parkland.

To this end it is recommended that Council approve the 125 Regent Street, Park Hill Development Plan as exhibited.

<b>RECOMMENDATION</b>
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**THAT Council resolve to:**

1. Approve the 125 Regent Street- Park Hill Development Plan as exhibited; and
2. Advise the applicant and submitters of the above decision.

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr Sinclair  
**SECONDED:** Cr Lalios

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

**CARRIED**

## 6.1.9 2015/16 THIRD QUARTER NEW WORKS PROGRAM REPORT

**File No:** 192600

**Attachments:**

- 1 Financial Summary
- 2 Project Progress Report
- 3 Project Status Photos
- 4 Proposed Budget Variations

**Responsible Officer:** Director Planning & Major Projects

**Author:** Team Leader Business Support

### REPORT

#### EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the financial performance of the New Works Program at the end of the third quarter of the 2015/16 financial year and to provide an update on the status of the New Works Projects.

The value of work completed at the end of the third quarter is \$22,256,010 compared to the budget of \$30,159,366 with contracts and purchase orders committing another \$35,124,603 (see Attachment 1) as at 31 March 2016. The underspend is due to external and other factors that have delayed projects, including extensive time invested in pre-planning and business case approval for the Civic Centre Sustainable Climate Control (Heating, Ventilation and Air Conditioning – HVAC Replacement, \$5,250,000) project; additional time to negotiate and formalise the regional partnership for the the Animal Welfare project (\$2,517,961); and unexpected site conditions in current projects.

The third quarter was a transition period in which major design and construction projects have been let. In particular, the following projects have achieved significant milestones during the third quarter:

#### Completed Projects:

- Korin Korin (Champions Parade) Family and Community Centre in Epping North;
- Kindergarten compliance upgrade at Epping Pre School and Blossom Park, Mill Park;
- Refurbishment of 713 High Street, Epping (Epping Service Hub);
- Meadowglen Athletics Stadium additional toilet facility and temporary track repairs, South Morang;
- Civil works for the construction of the Animal Welfare Facility project, Epping;
- Sycamore Reserve Pavilion kitchen upgrade, Mill Park;
- Bicycle island refuge on McDonalds Road, South Morang;
- Pedestrian operated signals on Kingsway Drive, Lalor;
- McDonalds Road pedestrian refuge island and shared path link along the frontage of Meadowglen International Athletics Stadium; and
- Casey Drive playground, Lalor.

#### Projects commenced:

- Redevelopment of the Barry Road Community Activity Centre, Thomastown;
- Hawkestone Early Learning Centre in partnership with the Department of Education and the YMCA, Mernda;
- McMillian Run playground, South Morang;
- Design of the TH Hurrey Reserve courts and pavilion, Yan Yean; and
- Construction for the Lalor Community Tennis Pavilion, Lalor.

Significant projects scheduled for progress in the fourth quarter of 2015/16 include:

- Commencement of the building construction of the Animal Welfare Facility project, Epping;
- Commencement of the synthetic surface installation at Mill Park Lakes oval;
- Commencement of the Mill Park Lakes Pavilion extension and upgrade; and
- Commencement of construction of additional change facilities at RGC Cook pavilion, Thomastown.

For a detailed progress report on significant projects refer to Attachment 2. Photos on the progress of some significant projects can be found in Attachment 3.

## BACKGROUND

Council adopted the 2015/16 New Works Program budget on 23 June 2015 with the total budget of \$51.7 million including \$11.5 million carry forward.

## CONSULTATION

External stakeholder consultation and engagement is undertaken in relation to individual projects and programs. This occurs throughout the financial year.

## FINANCIAL IMPLICATIONS

The 2015/16 budget includes \$51,694,907 for the New Works Program (including carry forward funding). The value of work completed for the year-to-date is \$22,256,010 compared to the year-to-date plan of \$30,159,366. Further commitments (contracts and purchase orders) to the value of \$35,124,603 have been generated. The commitments include pre-commitments of future budgets for approved projects where they are delivered over multiple years (e.g. Animal Welfare Facility project). A summary of progress on the Program performance by Group can be found below whilst a description on key projects has been included in Attachment 2.

Financial details for contracts within each project are provided through tender and contract reports to Council.

### Financial Status of the New Works Program by Group:

Note: The commitment figures listed in the tables below do not contain any expenditure amounts, they are balances remaining on purchase orders.

Group	Year to Date Actuals	Year to Date Budgets	Year to Date Variance	Commitments	Annual Budget
<b>Buildings</b>	<b>7,510,070</b>	<b>12,402,484</b>	<b>4,892,414</b>	<b>20,218,291</b>	<b>25,382,636</b>

The Buildings category is currently showing a favourable variance to the year to date budget of \$4,892,414 with commitments greater than the variance.



The key projects contributing to the variance are:

- Animal Welfare Facility, Epping - \$2,517,961 behind the planned expenditure budget due to additional time required to pursue partnership agreement with Moreland City Council and the City of Darebin. The construction contract for the building was awarded at the Council meeting in December 2015 with construction to commence in May 2016. As such, this project will significantly contribute to the total commitment amount for 2015/16.
- Korin Korin (Champions Parade) Children and Family Centre, Epping North - \$561,372 behind the planned budget due to significant rock being encountered in excavation which has delayed construction. The volume of rock encountered was significantly greater than that identified by geotechnical investigations undertaken pre-construction. Project completed in February 2016 with final invoices to be processed.
- Redevelopment of Barry Road Community Activity Centre - \$260,809 behind the planned budget due to the works not being able to proceed until the Interface Growth Fund Grant agreement was executed. This is a multi-year project.
- Civic Centre Sustainable Climate Control project - \$5,250,000 behind the planned budget due to more time in pre-planning and business case approval for the Heating, Ventilation and Air-Conditioning (HVAC) project.

Group	Year to Date Actuals	Year to Date Budgets	Year to Date Variance	Commitments	Annual Budget
<b>Drains</b>	<b>47,242</b>	<b>221,512</b>	<b>174,270</b>	<b>102,819</b>	<b>246,512</b>
<b>Feasibility &amp; Planning</b>	<b>82,753</b>	<b>125,000</b>	<b>42,247</b>	<b>118,722</b>	<b>125,000</b>

Drains – Delays have been encountered due to extended negotiations with property owners and complications with designs. Project schedules are being reviewed to ensure projects are completed within the financial year. This is a timing issue only and budget is expected to be spent by year end.

Feasibility and Planning – Year to date expenditure reports behind budget, however projects are progressing well with commitments in place for planning and feasibility assessments for future projects in the four year New Works Program. This will enable these future projects to be delivery ready prior to funding allocations made for construction.

Group	Year to Date Actuals	Year to Date Budgets	Year to Date Variance	Commitments	Annual Budget
<b>Open Space</b>	<b>1,709,368</b>	<b>3,960,546</b>	<b>2,251,178</b>	<b>6,126,460</b>	<b>6,338,778</b>

The Open Space category is currently showing a favourable variance to the year to date budget of \$2,251,178.

The key projects contributing to the variance are:

- Playground Renewal and General Landscape Improvements \$1,001,755 – Community consultation has been completed for Lorne Park, Nick Ascenzo, RGC Cook and Peppercorn Park. Contracts have been awarded contracts and works commenced on-site. Detailed design of the Huskisson Reserve playground is almost completed and expected to be tendered shortly.

- Training Lights at Kelynack Reserve \$91,060 – Project has been delayed due to rock being encountered during the trenching works. The extent of rock was greater than originally assessed. The project is due for completion in the fourth quarter.
- Lalor Community Tennis Pavilion \$470,000 – Project is behind the planned budget as works could not proceed until the Interface Growth Fund agreement was executed. Contract was awarded in November 2015 and construction of the prefabricated modular building has commenced off-site.
- Mill Park Lakes Sport Ground \$340,505 – Contract has been awarded and on-site works commenced following extended project pre-planning and business case development.

Group	Year to Date Actuals	Year to Date Budgets	Year to Date Variance	Commitments	Annual Budget
<b>Plant &amp; Equipment</b>	<b>1,670,474</b>	<b>1,732,570</b>	<b>62,096</b>	<b>1,486,504</b>	<b>3,055,647</b>
<b>Transport</b>	<b>1,111,929</b>	<b>1,329,368</b>	<b>217,439</b>	<b>1,019,898</b>	<b>2,005,999</b>

The Plant and Equipment category is currently showing a favourable variance to the year to date budget of \$62,096. This is a timing issue and not a significant variance.

The Transport category is currently showing a favourable variance to the year to date budget of \$217,439.

The key projects contributing to the variance are:

- Roundabout modifications at Centenary/Bradley Drive, Mill Park – Completion of roundabout modification is at tender and planned for the fourth quarter which is behind the planned budget. This is a timing issue only and will be completed by year end.
- Pedestrian Operated Signals High Street Thomastown – Design issues have been encountered and will require the project scope to be reviewed in conjunction with the broader Thomastown Precinct Improvement Program. Project to be deferred and considered as part of a re-scoping in 2016/17.

Group	Year to Date Actuals	Year to Date Budgets	Year to Date Variance	Commitments	Annual Budget
<b>Roads &amp; Paths</b>	<b>10,161,254</b>	<b>10,387,886</b>	<b>226,632</b>	<b>6,051,910</b>	<b>14,540,335</b>

The Roads and Paths category is currently showing a favourable variance to the year to date budget of \$226,632 with commitments of \$6,051,910 which exceeds the budget variance.

Although not a large variance in the context of the Roads program budget, the key project contributing to the variance is:

- Laurimar Estate Road Resurfacing \$200,000 – Due diligence investigations into underlying pavement faults and pavement surface solutions are ongoing. Commencement of works delayed as a result with likely impact on expenditure of budget in 2015/16.

### Project Budget Variations

Throughout the course of the financial year there is the need to make budget adjustments due to unforeseen circumstances to reflect the likely project budget. Attachment 4 outlines the Schedule of Project Budget Adjustments identified in the third quarter. Offset funding is available from other project budget surplus within the New Works Program or from identified funding reserves.

It is recommended that Council approves the budget variations contained in Attachment 4 of this report, summarised below:

PID 225 – Various Computer Hardware / other IT Equipment:

- Variation of \$220,000 – Additional expenditure for latest round of bulk PC replacements to replace end of lease PCs for Council operations. This can be funded from the Technology Improvement Fund.

PID 1207 - Galada Community Centre, Epping North:

- Variation of \$120,000 – Planned Activity Group kitchen as provided by Places Victoria is a domestic design and requires upgrading to a commercial scale to meet the operational requirements of the resident Planned Activity Groups and minimise additional staffing resources that would otherwise be required. The scope of works includes:
  - Existing kitchen joinery alterations;
  - Installation of a commercial combi oven; and
  - Installation of a commercial dishwasher.

PID 2067 – Renewal of Meadowglen Athletics Track, South Morang:

- Variation of \$20,000 - Additional works required to investigate the power issues experienced at the Meadowglen International Athletic Stadium. The key issues identified are the compliance of the switchboard to current standard and the undersized electrical cable to the McDonalds Road AusNet power supply.

## Forecast

There have been substantial commitments to projects to the end of March 2016 with works continuing to accelerate during April and May whilst the weather is conducive to outdoor construction work. The end of financial year forecasts have been reviewed with Project Managers and adjusted on a project by project basis.

## POLICY STRATEGY AND LEGISLATION

The business case associated with individual projects identifies the respective policy to which they relate.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Growth and change</b>
<b>Strategic Objective</b>	<b>Services and infrastructure keep pace with population growth</b>

## CONCLUSION

This report provides a summary of the status of the 2015/16 New Works Program. Continuous improvement of the planning and delivery of the New Works Program is underway with processes, systems and governance to provide improved delivery and reporting of the New Works Program. Overall the New Works Program is meeting the challenges of providing much needed infrastructure for the City of Whittlesea's community.

**RECOMMENDATION**

**THAT Council resolve to:**

- 1. Note the report; and**
- 2. Approve the project budget variations as listed in summary below (as contained in Attachment 4).**
  - A. PID 225 – Various Computer Hardware / other IT Equipment:**
    - Additional expenditure for latest round of bulk PC replacements to replace end of lease PCs for Council operations.
  - B. PID 1207 - Galada Community Centre:**
    - Variation of \$120,000 – Planned Activity Group kitchen as provided by Places Victoria is a domestic design and requires upgrading to a commercial scale to meet the operational requirements of the resident Planned Activity Groups and minimise additional staffing resources that would otherwise be required.
  - C. PID 2067 – Renewal of Meadowglen Athletics Track, South Morang:**
    - Variation of \$20,000 - Additional works required to investigate the power issues experienced at the Meadowglen International Athletic Stadium. The key issues identified are the compliance of the switchboard to current standard and the undersized electrical cable to the McDonald's Road AusNet power supply.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**

**6.1.10 PROPOSED AMENDMENT TO THE AURORA DEVELOPMENT PLAN: PART 2 - REVISED TOWN CENTRES****File No:** 192628

**Attachments:**

- 1 Aurora - Comprehensive Development Plan July 2007
- 2 Existing Aurora Development Plan Part 2 Land Use Layout
- 3 Proposed Aurora North Town Centre Masterplan
- 4 Proposed Aurora Southern Town Centre Masterplan
- 5 Proposed Aurora Development Plan Part 2 Land Use Layout Plan
- 6 Revised Section 5.7 Retail and Commercial requirements
- 7 Summary of Technical Changes to Aurora Development Plan Part 2
- 8 Changes required in Section 5.9.4 Drainage

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

Places Victoria, developers of the Aurora Estate, has lodged a request to amend the Aurora Development Plan: Part 2 (ADP2).

The key changes proposed are as follows:

- A switch in the retail hierarchy between the two primary town centres, resulting in the Northern Town Centre becoming the larger town centre;
- A net increase in the overall retail floor area across both primary town centres from 20,000m<sup>2</sup> to 30,000m<sup>2</sup>, (with the Northern Town Centre increasing from 6,000m<sup>2</sup> to 21,500m<sup>2</sup> and the Southern Town Centre changing from 14,000m<sup>2</sup> to 8,500m<sup>2</sup>);
- Relocating the Discount Department Store and the Library to the Northern Town Centre;
- Reconfiguration of the Secondary Activity Centre located immediately north of O'Herns Road;
- Change in land designation for the surplus non-government school site; and
- Minor technical changes to update the overall DP.

A non-statutory exhibition process of the amended Development Plan was undertaken between 18 January 2016 and 26 February 2016. The exhibition included an extensive mail out with notification letters posted to approximately 2,500 households, agencies and other known stakeholders. Eighteen (18) formal submissions were received in this period. Some changes are proposed to the DP as a result of the submissions received.

On balance, it is considered that the proposed changes have merit and should be supported.

Accordingly, it is recommended that the amendments to the Aurora Development Plan: Part 2 are approved, subject to the changes as outlined in this report.

## INTRODUCTION

The purpose of this report is to consider proposed changes to the *Aurora Development Plan: Part 2* (the existing Development Plan). The changes are proposed by Places Victoria which remains the owner of the majority of the commercial and retail land in the area. However, Places Victoria has sold the balance of the residential area of the Aurora Estate to Lend Lease.

This report will consider the strategic merits of the proposed amendments as well as assessment of the submissions received during the non-statutory exhibition of the proposed amendment.

## BACKGROUND

The subject site sits within land known as the Aurora estate which forms part of the Epping North Growth Corridor.

The *Aurora Comprehensive Development Plan* covers an area of approximately 592 hectares and is bounded by O'Herns Road to the south, Craigieburn Road to the north, the Hume Freeway to the west and pre-existing lot boundaries to the east. The area affected by the *Aurora Comprehensive Development Plan* represents the area of the original Places Victoria landholding. The *Aurora Comprehensive Development Plan* is an Incorporated Document in the Whittlesea Planning Scheme and was approved as part of Amendment C41 (Part 1) in November 2007 and is shown in *Attachment 1*.

The *Aurora Comprehensive Development Plan* established the basis for the more detailed existing ADP2 by establishing a set of land use principles for the development of the area. Together these documents provide the strategic guidance required to facilitate the urban development of the precinct which will ultimately be home to approximately 25,000 residents. The ADP2 was also approved in 2007 in accordance with the Development Plan Overlay Schedule 23, and is the key document guiding land use and development decisions. The ADP2 layout is shown in *Attachment 2*.

Places Victoria approached Council with a proposition to amend the existing Development Plan to make the larger of the proposed town centres more central to the ultimate residential catchment of the Epping North Growth Corridor as one of a number of changes proposed. Council officers subsequently worked with Places Victoria to finalise documentation suitable for exhibition purposes.

## PROPOSAL

There are three key changes proposed as part of this amendment:

- Changing the overall retail hierarchy so that the Northern Town Centre becomes the larger centre and the Southern Town Centre becomes the smaller centre;
- Reconfiguration of the land uses in the south-west precinct of the ADP2 to allow for a consolidation of uses; and
- Removing the non-government school land use designation in the Edgars Creek Community Precinct.

These changes are outlined in more detail below.

### ***Change in retail hierarchy***

The amendment essentially proposes to change the hierarchy and ultimately the size of the two primary town centres proposed by the existing Development Plan.

The Aurora North Town Centre is proposed to increase in size, from 6,000 square metres of retail to 21,500 square metres. In practical terms, this will change the centre from having the potential to accommodate one full line supermarket to being able to accommodate 2 full line supermarkets and potentially a discount department store, which is to be relocated to this

centre. This would also attract a greater amount of smaller specialty retail outlets, as well as food and drink premises.

Conversely, the Aurora South Town Centre is proposed to decrease in size, from 14,000 square metres of retail to 8,500 square metres. However, the existing and future residents will still be serviced by a single full line supermarket centre, associated specialty retail, a potential future train station and a Council Community Centre (similar to the recently constructed Galada Facility) as per the original plans.

As part of the amendment, the community library is also proposed to be relocated to the Northern Town Centre as part of the changes. This allows the library to be located within close proximity to the potential future train station, the existing Galada Community Centre and anchor retail stores. This would also have the benefit of making the library more central to the residential areas planned for Epping North.

The existing Development Plan included a location for a Discount Department Store (DDS) within the larger Southern Town Centre. Like the library, given that the Northern Town Centre is proposed as the larger centre of the two, the DDS has been shifted to the Northern Town Centre for it to be more centrally located for Epping North residents.

The proposed amendment results in a hierarchy switch between the two primary activity centres in the ADP2 area. It also proposes an increase in the overall retail floor areas for both centres, and a total increase in floor area within the ADP2 from 20,000 square metres to 30,000 square metres. This means, in particular, that while the Southern Town Centre may not have the same amount of retail floorspace as originally proposed there is still opportunity for more commercial and retail options for current and future residents than if a straight switch in floor area was proposed.

Noting the proposed changes, Council officers considered it appropriate, and important, to ensure that the guiding principles for these town centres in the original ADP2 are maintained in any revised document. To this end, masterplans have been developed to provide firm guidance on the development of these town centres as mixed use, main street centres.

The concept masterplan for the proposed Northern Town Centre is provided in *Attachment 3* and the concept masterplan for the proposed Southern Town Centre is provided in *Attachment 4*. It is proposed that these concept masterplans will be included within any revised ADP2 if approved.

### ***Changes in the south-western precinct***

Places Victoria also requested the consideration of changes to the broader pattern of land uses shown in the Development Plan to the south of the high voltage electricity transmission easement in the vicinity of the Hume Freeway.

The existing ADP2 designates the area west of Edgars Creek as a Tertiary Activity Centre which encourages a focus on the development of business park featuring office based employment uses (see *Attachment 2*). Places Victoria considers that this land use is not viable in the medium to longer term and that this area could be altered to allow a broader range of commercial uses, including larger format retail uses that could leverage off the imminent construction of an interchange to the Hume Freeway at O'Herns Road.

This is proposed to be facilitated through rationalising these uses to the west of Koukoura Drive, one of the main collector roads running through the site and further bounded by the transmission easement to the north, Craigieburn Bypass to the west, and O'Herns Road to the south. To this end, it is proposed to make residential and mixed use development the focus east of Koukoura Drive, to take advantage of Edgars Creek and the relationship with the Southern Town Centre.

In order to provide greater flexibility for uses it is proposed to alter the description from 'Tertiary Activity Centre' to 'Secondary Activity Centre'. The Secondary Activity Centre designation currently applies essentially along the entire frontage of O'Herns Road and provides for consideration of a range of commercial and mixed use outcomes.

Accordingly, a change to the land use designation between the Hume Freeway, O'Herns Road, the future alignment of Koukoura Drive and the High Voltage Electricity Easement is proposed from 'Tertiary Activity Centre' to 'Secondary Activity Centre' (see *Attachment 5*).

In summary, the revisions to this area:

- Change the land use description from 'Tertiary Activity Centre' to 'Secondary Activity Centre';
- Rationalise the precinct west of the Koukoura Drive alignment as the appropriate boundary for commercial offices and larger format retail uses;
- Preserve the ability to create a mixed use spine along O'Herns Road that encourages commercial uses; and
- Encourage higher density residential uses to locate east of Koukoura Drive in the vicinity of the Edgars Creek and finer grain mixed use around the revised town centre.

***Additional Change to the non-government school designation at the proposed Edgars Creek Community / Education Precinct***

The existing ADP2 shows an Education Centre in the northern precinct, west of Edgars Creek. This precinct was originally planned to accommodate one government P-12 School, a Community Activity Centre and a non-government school. Planning and funding has now been committed to the government P-12 school.

It was the original intention that a Catholic school was to be developed within this precinct and the land was set aside accordingly. However, the Catholic Education Office has now formally withdrawn interest for this planned non-governmental school site.

Lend Lease, as recent purchasers of the residential balance of the Aurora Estate, sought clarity as to the future use of the site. Council officers advised that whilst the site had been originally planned to meet the Catholic Education Office requirements at the time, the general designation of the site was for an Education Centre and to include a non-government school within this centre.

Council officers considered it prudent to ascertain whether any other non-government education provider, or community provider, would be interested in the site before making any final decision on the long term underlying land use of the site. On this basis, Council officers conducted an extensive Expressions of Interest process to all known non-government school providers as well as some key community organisations. Direct notification was provided with a two month timeframe in which to respond. At the end of this process no interest in purchasing this site had been confirmed.

Following this exercise, Council officers engaged in discussions with Lend Lease to determine an appropriate future use. Ultimately as part of these discussions it was determined that the land would be best placed from an 'in principle' perspective being reflected as the underlying land use of residential. The exhibited Development Plan shows this proposed change (see *Attachment 5*).

*Attachment 5* highlights the new overall layout which includes all of the exhibited changes.



The table below summarises the proposed changes:

Proposal	Current	Proposed
<b>Northern Town Centre</b>	<ul style="list-style-type: none"> <li>6,000 sqm retail floor space including one supermarket and a range of specialty shops;</li> <li>The existing Galada Community Centre.</li> </ul>	<ul style="list-style-type: none"> <li>21,500 sqm retail space including;</li> <li>two supermarkets, a range of specialty shops;</li> <li>Potential for a Discount Department Store;</li> <li>The existing Galada Community Centre;</li> <li>Relocated library site.</li> </ul>
<b>Southern Town Centre</b>	<ul style="list-style-type: none"> <li>14,000 sqm retail floor space including;</li> <li>two supermarkets a Discount Department Store and a range of specialty shops;</li> <li>a community centre;</li> <li>library site.</li> </ul>	<ul style="list-style-type: none"> <li>8,500 sqm retail space including;</li> <li>One a supermarket and specialty retail;</li> <li>A community centre.</li> </ul>
<b>Secondary Town Centre south-west precinct of ADP2</b>	Designated Tertiary Activity Centre area focusing on office uses.	<ul style="list-style-type: none"> <li>Change designation for this area to be in line with the balance of the O'Herns Road frontage with the potential for more diverse range of commercial and mixed use outcomes;</li> <li>Rationalise the area west of Koukoura Drive for proposed Secondary Activity Centre designation and allow for the potential for large scale commercial and retail uses west of Koukoura Drive;</li> <li>Provide for residential/ mixed use outcomes for the area between Koukoura Drive and Edgars Creek.</li> </ul>
<b>Edgars Creek/ Community Precinct</b>	Education Centre for non-government school	Residential land use.

## PLANNING ASSESSMENT

### Zoning

The majority of the ADP2 area is zoned Comprehensive Development Zone (Schedule 4).

The following parcels of land within the ADP2 area are still zoned Farming Zone:

- 200 O'Herns Road, Epping;
- 240 O'Herns Road, Epping;
- 250 O'Herns Road, Epping;
- 95 Cotters Road, Epping; and
- 239-255 Craigieburn Road, Wollert.

These parts are individually owned and do not form part of the original Places Victoria landholding.

These parcels of land have been identified within ADP2 for development, however, they are yet to be rezoned. Rather than implementing the more conventional Developer Contributions Plan system, Places Victoria entered into a legal agreement to provide or contribute to physical and community infrastructure. The same 'agreement' approach is to be applied to other landholdings, which must be secured prior to commencing the process to rezone the land. It is noted that 250 O'Herns Road, Epping has recently commenced this process.

## Overlays

The subject land is covered wholly by two planning scheme overlays, which are:

- Development Plan Overlay (Schedule 23); and
- Vegetation Protection Overlay (Schedule 2).

There are other overlays which only affect a portion of the Development Plan area:

- Public Acquisition Overlay (Schedule 2) affecting the south-west corner of ADP2 related to the O'Herns Road interchange with the Craigieburn Bypass; and
- Rural Floodway Overlay affecting the land along the Edgars Creek.

## NOTIFICATION

As is standard practice at the City of Whittlesea, a non-statutory exhibition process of the amended ADP2 was undertaken. The exhibition period commenced on 18 January 2016 and closed on 26 February 2016.

Due to the interest and importance of the proposed changes, a more extensive consultation was undertaken than usual. This included an extensive mail out with notification letters posted to approximately 2,500 households, agencies and other known stakeholders. In addition to the mail out, Council officers attended meetings with community groups including the Aurora Community Association and Epping North/Wollert Local Area Network (LAN) to explain and discuss the proposed changes.

During exhibition a number of enquiries were received, including 18 formal submissions. There were a range of matters raised, noting that some were able to be resolved with the submitters/ enquirers. The outstanding matters arising from submissions are discussed below accompanied by an officer response.

**Table 1: Agency Referrals**

<b>VicRoads</b>	<b>Response</b>
VicRoads had no objection to the proposed amendment.	Noted.
<b>Metropolitan Planning Authority (MPA)</b>	<b>Response</b>
The MPA indicated that they are generally comfortable with the amount of retail floor space proposed within both the North	The existing Development Plan already makes provision for a Discount Department Store (DDS) at the current Southern Town Centre. As such, this amendment merely seeks to relocate the Discount

<p>and South Town Centre.</p> <p>However they expressed some reservations regarding the potential provision of a Discount Department Store in the proposed Northern Town Centre and its impact on the future Wollert Major Town Centre.</p> <p>The Wollert Major Town Centre is the only major town centre nominated in the immediate area within the State Government's <i>North Growth Corridor Plan</i> and therefore is the preferred location for department stores in this vicinity. MPA indicated that it would be unsupportive of any proposal which would undermine the ability of the Wollert Major Town Centre to attain this position in the retail hierarchy. As a result, it urged Council to carefully consider how the potential impacts of the amended could be considered and managed.</p>	<p>Department Store approximately 1.6 kilometres closer to the future Wollert Major Town Centre rather than adding a further DDS within this precinct.</p> <p>The increase in the overall total floor space in this centre is more closely related to other factors such as the introduction of a second full line supermarket, the increasing size of full line supermarkets more generally and rise of other anchor operators such as Aldi in recent years. In this context, the proposed increase in the overall combined total retail floor space across the two centres is not considered significant from an external hierarchy perspective.</p> <p>The economic assessments to support both this proposed development plan amendment and the one prepared to inform the preparation of the proposed Wollert Precinct Structure considered the potential impacts of relocating and increasing floor space within Aurora on the Wollert Town Centre. While they do indicate that this may delay the delivery of a department store in that location, they did not consider that it would necessarily preclude one from being viable in that location.</p> <p>While the designation of Wollert as a major centre is not questioned, it is not likely to commence development for approximately 10+ years. Given the rapidly changing nature of retail economics to factors such as on line trading, it is considered prudent to continue planning for the highest and best retail outcomes at both centres.</p> <p>Notwithstanding the above, it is considered appropriate to provide for an assessment at the time of any proposal for a Discount Department Store in the Northern Town Centre to determine the potential or otherwise for any adverse impacts on such a future use in the Wollert Major Town Centre.</p> <p><b><u>Officer Recommendation:</u></b></p> <p>Include a provision in Section 5.7 – Northern Town Centre that requires any application for a Discount Department Store in the Aurora North Town Centre to be accompanied by an economic assessment that assesses the impact on a similar facility potentially being located in Wollert and offers measures to ameliorate any identified issues.</p>
Country Fire Authority (CFA)	Response
The CFA had no objection to the proposed amendment.	Noted.
Public Transport Victoria	Response
PTV noted within their submission that roads planned to accommodate buses must meet	Most of the road network that will accommodate buses has already been built in accordance with the cross sections included within the existing Development Plan

the relevant PTV standards.	<p>which is not proposed to change as part of the proposed changes.</p> <p><b><u>Officer Comment:</u></b></p> <p>No further change proposed as a result of this submission.</p>
Requested that the 'potential future train station' be re-titled 'future potential transport terminal'.	<p>It is acknowledged that there is currently no binding commitment from the State Government to extend rail services to Aurora. However, Council officers note that the extension of rail to Aurora and onwards to Wollert is earmarked as a potential long term outcome in Public Transport Victoria's <i>Network Development Plan</i> for rail.</p> <p><b><u>Officer Comment:</u></b></p> <p>The current notation already indicates that the rail is a 'potential' outcome, rather than a committed outcome at this stage. This appears to offer sufficient flexibility while also encouraging the highest and best transport outcome to be promoted. It does not preclude consideration of other alternative transport outcomes.</p> <p>No changes proposed as a result of this submission.</p>

**Table 2: External Stakeholders/ landowners**

Tract Consultants on behalf of Eden Gardens	Response
<p>Raises the potential for high density development in their estate within 600m (walkable distance) of the potential future train station.</p>	<p>The Eden Gardens Estate is located within the neighbouring <i>Epping North East Development Plan</i>. It is to the immediate east of the proposed Aurora North Town Centre site.</p> <p><b><u>Officer Comment:</u></b></p> <p>Given it is not within the area covered by the Development Plan that is under consideration, any changes to this area cannot be considered as part of this amendment.</p> <p>Any proposal to amend other Development Plans will require a separate process.</p> <p>No changes proposed as a result of this submission.</p>
<p>Concerned that the retail report underpinning the proposal does not address the proposed convenience centre at Eden Gardens and questions whether its viability would be threatened by the proposed changes.</p> <p>Request that Council seek an addendum or update from Places Victoria considering whether the revision will affect or compromise the planned convenience at Eden Gardens.</p>	<p>The application relates to the core primary centres and not smaller local and convenience based centres.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>

Tract Consultants on behalf of the landowner of 250 O'Herns Road	Response
<p>There is no objection to the proposed reclassification of their site from activity centre to residential however, does request greater clarity is provided in relation to what is intended to be allowable.</p>	<p>This property is located on O'Herns Road between the future alignment of Koukoura Drive and Edgars Creek.</p> <p>The current ADP2 identifies the parcel as part Secondary Activity Centre along the O'Herns Road frontage and the balance being Tertiary Activity Centre. The exhibited ADP2 proposes this site as 'Residential – High Density/ Mixed Use'.</p> <p>The submission seeks to clarify the range of uses allowable in the exhibited ADP2. Discussions were held with the submitter to determine the types of uses they envisaged for their land.</p> <p>Following these discussions, an alternative proposition was put to revert back to the original Secondary Activity Centre designation of the current ADP2 along the O'Herns Road frontage. This was considered on the basis that it provides the opportunity for a greater range of mixed use and commercial opportunities when compared with the designation proposed in the exhibited ADP2. Another benefit of this approach is that it ensures that the entire O'Herns Road frontage is consistently treated from a land use/ interface perspective.</p> <p>The submitter agreed with this approach.</p> <p><b><u>Officer Recommendation</u></b></p> <p>Amend the Land Use Plan on Page 22 and 77 to reinstate the 'Activity Centre – Secondary' classification along O'Herns Road west of Edgars Creek and east of Koukoura Drive.</p>
<p>Requests the removal of the 'potential heritage site' nomination from this site.</p>	<p>This site is the subject of a Planning Scheme Amendment to rezone the land to Comprehensive Development Zone. As part of this amendment, documentation has been submitted to determine if the existing dwelling on site has heritage value.</p> <p>If it does have heritage value, then a further Planning Scheme Amendment may be necessary to apply the necessary heritage controls.</p> <p>If the site is not determined to have heritage value, then it has no significant impact as the plan shows 'potential heritage site' and the area will be developed in a similar fashion to the surrounding properties.</p> <p>Until a final position is determined on the potential heritage significance of the site, it is premature to alter the designation.</p>

	<p><b><u>Officer Comment:</u></b></p> <p>The removal of this nomination is not supported on the basis that it is premature.</p>
<p>Inconsistencies should be amended between the various strategic planning documents including the <i>Aurora Comprehensive Development Plan</i> and the <i>Aurora South Precinct Plan</i> arising from the proposed amendments as outlined in the exhibited ADP2.</p>	<p>The <i>Aurora Comprehensive Development Plan</i> is a broad level land use plan which underpins the planning scheme controls in relation to the Aurora area and informs the preparation of Development Plans within it. More specifically, it outlines the high level road network, Edgars Creek and public transport corridors, activity centre locations, conservation areas and education centres and pockets of potential high density areas. It is an Incorporated Document in the Whittlesea Planning Scheme.</p> <p>The ACDP is consistent with both the existing and proposed new Development Plan insofar as it:</p> <ul style="list-style-type: none"> <li>• Shows the two primary activity centres and does not indicate which is the larger;</li> <li>• Allows for non-residential developments to occur in the area west of Koukoura Drive as per the note;</li> <li>• Shows a Secondary activity centre along O'Herns Road; and</li> <li>• Provides for areas of high density/ medium density/ mixed use around both the northern and southern town centre.</li> </ul> <p>The proposed amended Development Plan is generally in accordance with the broad Comprehensive Development Plan that forms part of the Planning Scheme. Therefore no change to this document is required and a Planning Scheme Amendment to alter this document is not necessary.</p> <p>In terms of the <i>Aurora South Precinct Plan</i> (ASPP), Schedule 23 of the Development Plan Overlay required that a permit may not be granted for any use or development of this land south of the transmission easement until a precinct plan was approved by Council. Schedule 23 lists out which must be shown within the precinct plan.</p> <p>The basis of this precinct plan was that given the fragmented landholdings, the key transport infrastructure in the area and the mix of land uses proposed in this area, an additional layer of strategic planning was necessary to that generally undertaken.</p> <p>The ASPP was prepared by development proponents in the Aurora South Precinct in response to Development Plan Overlay (Schedule 23) and approved by Council at its meeting on 10 November 2009 subject to changes prior to endorsement. These changes have not been done.</p>

	<p>Council officers have no immediate plans to alter this document. If this is required to facilitate further development within the areas to which it applies, this will need to be a developer led process.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
Planisphere on behalf of Places Victoria	Response
<p>Request the following amendments to the overall DP:</p> <ul style="list-style-type: none"> <li>• All VicUrban references should be updated to Places Victoria;</li> <li>• References to Melbourne 2030 (the State Government's old metropolitan strategy) should be updated to Plan Melbourne (the current metropolitan strategy), including a specific example regarding employment growth;</li> <li>• Reduce length of document by removing front sections regarding strategic context, planning objectives altogether or to an appendix; and</li> <li>• Suggested that technical sections, such as Biosis research could be appended to the document.</li> </ul>	<p>The first two changes are minor and are supported by Council officers.</p> <p>In terms of the other two suggestions, Council officers support the technical changes to reduce the overall length of the document and move these types of 'scene setting' elements to an appendix to improve the clarity and useability of the Development Plan.</p> <p><b><u>Officer Recommendation</u></b></p> <ul style="list-style-type: none"> <li>• All references to VicUrban through the document are to be updated to Places Victoria;</li> <li>• All references to Melbourne 2030 are to be updated to Plan Melbourne including a reference to employment growth in Section 2.1.2.</li> <li>• The technical changes to reduce the overall length of the document are supported and have been outlined below under the heading 'other changes'.</li> </ul>
<p>Request that the 'Services and facilities needs' currently identified should be updated or verified.</p>	<p>The 'Services and Facilities Needs' Assessment was undertaken at a broad scale as part of the original Development Plan process. It is considered that at the time of delivery, more detail can be provided and if any updates are needed, this is a more appropriate stage to negotiate any potential changes.</p> <p>It is also noted that the majority of locally significant infrastructure to be delivered in the precinct is managed through a binding legal agreement with Places Victoria a signatory.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Request that the mandatory two storey height limit in the town centre areas be reworded to provide flexibility in certain circumstances.</p>	<p>There may be cases where a single storey development may be appropriate and it is considered that they can be assessed and justified by the applicant as part of a future planning application.</p> <p>However, certain sites such as key gateways into the centre and/or corner sites should continue to have a mandatory minimum height.</p>

	<p>It should be noted that if a single storey development were to be proposed, Council officers would expect the following:</p> <ul style="list-style-type: none"> <li>• architectural treatments to provide articulation and scale in town centre areas; or</li> <li>• Structural provisions to allow for a future multi storey development to be built in the future.</li> </ul> <p><b><u>Officer Recommendation:</u></b></p> <p>Alter wording and plan based guidance in Section 5.7 to create discretion for Council to consider alternative minimum heights in certain locations and circumstances.</p>
Support relocation of the library to the north.	Noted.
<p>Request review of the carparking located within the north-east quadrant of the Northern Town Centre. This is to ensure that sufficient and accessible car parking can be provided to access the anchor supermarket.</p> <p>It is suggested that provision be made to demonstrate flexible design options on the masterplan for the Northern Town Centre.</p>	<p>The area in question is the north east part of the Northern Town Centre. This is the site located north of Harvest Home Road and east of the 'main street'.</p> <p>The current masterplan shows an 'anchor retailer' on the corner of Harvest Home Road and the main street, sleeved by some speciality retail to activate the street. The anchor retailer in this location is likely to be a supermarket.</p> <p>There is a 'shared streetscape main street' running east-west above the anchor retail site. A carpark is located north of this street, behind the library.</p> <p>As per the revised <i>Section 5.7 - Retail and Commercial</i>, the Town Centres in Aurora are intended to provide for a variety of functions within a compact walkable area. Carparking has been considered, but it is not the primary focus in terms of movement and accessibility.</p> <p>Carparking within the Northern Town Centre has been located towards the centre of perimeter blocks and 'sleeved' by either buildings or landscaping.</p> <p>The proposed masterplans are designed to provide general principles and requirements to guide the development of all Town Centres within ADP2.</p> <p>However, at the time of delivery when more detail is known, Council officers can review the level and accessibility of carparking within this quadrant.</p> <p>It should be made clear that Council officers would not accept any changes which are at the expense of the proposed library site. This site has been carefully located to create civic markers at key locations in the town centre leveraging off the existing Galada Community Centre, the future potential rail station and the retail earmarked in between.</p>



	<p><b><u>Officer Recommendation:</u></b></p> <p>Include wording in Section 5.7 for both Primary Town Centres to locate adequate parking areas to suit the proposed uses having regard to the strategic context of the site, and key land use and design considerations.</p>
Request the slight relocation of the community centre in the Southern Town Centre to the north-west corner of the intersection of main street and Edgars Road on the basis that it would be in a more accessible and visible location.	<p>Council officers consider that this suggestion has significant merit and should be supported.</p> <p><b><u>Officer Recommendation:</u></b></p> <p>Update the land use plan for the proposed Southern Town Centre in Section 5.7 to show the Community Activity Centre and associated open space to the north-west corner of the intersection of Main Street and Edgars Road.</p>
Request that the bridge over Edgars Creek should be moved to provide a more direct connection.	<p>This request is not possible as this is outside the scope of the amendment. The location of the bridge is also shown as part of an approved subdivision application.</p> <p><b><u>Officer Comment:</u></b></p> <p>Outside the scope of the proposal. No changes proposed as a result of this submission.</p>
<b>Aventus Property Group Pty Ltd on behalf of Epping Homemakers Centre</b>	<b>Response</b>
<p>Notes the policy support for Epping Central to become Metropolitan Activity Centre in Plan Melbourne and raises some concern with the nomination of bulky goods for the proposed Secondary Activity Centre in the Southern Precinct on the basis of its potential to adversely impact on the role of the Epping Homemaker Centre.</p> <p>Requests the removal of the references to the establishment of bulky goods within Aurora or the inclusion of specific retail floor area ranges.</p>	<p>The approved <i>Epping Central Structure Plan</i> encourages significant redevelopment opportunities for the Epping Homemaker Centre. Further, the overall role of Epping as a regional destination is unlikely to be compromised by development in Aurora given the relative size of Epping Plaza and other attractions in this area.</p> <p>It is also noted that the Epping Central area is located over 3 kilometres from the site in question.</p> <p>The exhibited ADP2 proposes replacing the Tertiary Activity Centre designation in the south-west of the ADP2 area with the Secondary Activity Centre designation which applies currently to land along the O'Herns Road interface.</p> <p>The text component of the exhibited ADP2, specifically Section 6.7 – Secondary Activity Centre A, details bulky goods as the likely and preferred outcome for the Secondary Activity Centre designation replacing the former Tertiary Activity Centre designation.</p> <p>It is acknowledged that whilst this may be considered an appropriate location for bulky goods, it emphasises this outcome over other potential uses such as a Business Park or office.</p> <p>The benefit of the Secondary Activity Centre designation is that it provides a greater range of uses</p>

	<p>and development opportunities.</p> <p>Therefore it is considered appropriate to retain the proposed exhibited Secondary Activity Centre designation but remove specific references to bulky goods from the relevant section, to provide greater flexibility for consideration of a range of potential uses.</p> <p><b><u>Officer Recommendation:</u></b></p> <p>Amend <i>Section 5.7 – Secondary Activity Centres</i> a) and b) of ADP2 to revise wording such to still encourage a Business Park/ Office uses to be developed in this area while not prohibiting bulky goods.</p> <p>The request for floor space caps are not supported for areas outside of the primary town centres.</p>
<b>Beveridge Williams on behalf of Lend Lease</b>	<b>Response</b>
<p>Request clarity on the traffic modelling note.</p>	<p>This refers to the note on Page 25 of the exhibited ADP2 which states:</p> <p>‘The Urban Growth Boundary extension has now been extended northwards to allow for the growth of a new community at Wollert. Further traffic modelling analysis to that shown above will be required.’</p> <p>The comment was provided within the DP to recognise that the modelling is quite dated now and was undertaken prior to more recent modelling exercises that are relevant such as those provided within the proposed Wollert PSP.</p> <p>However, it is not intended that a new overall model is required for the entire growth area, or that roads will need to substantially change in their role and function from what is shown in the cross sections within the DP. Moreover, it is intended to indicate that these numbers should not be relied upon in a detailed sense and that Traffic Impact Assessments will still be required as we progress to more detailed phases of the planning process such as planning permits for subdivisions and significant site specific development proposals. The note will be revised for clarification purposes.</p> <p>The submitter was advised of this verbally and accepted Council’s explanation.</p> <p><b><u>Officer Comment:</u></b></p> <p>Revise traffic modelling note on page 25 of the exhibited ADP2 to clarify its intent relating to detailed Traffic Impact Assessments as part of future planning permit application processes.</p>
<p>There is an unclear note on the Land Use Plan on Page 29. It is requested that this is amended.</p>	<p>Council officers accept this and the note will be made clearer on the document that will ultimately be approved.</p>

<p>Request market demand analysis for high density residential development proposed on the former non-government school site.</p>	<p>This reflects the proposed change of the independent school site to a residential use. This was discussed with the submitter and Council officers indicated that although it was a strategic location, flexibility to where and how the density was to be provided can be resolved as part of the permit process at the planners discretion.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Request that greater flexibility for the provision of local centres within the overall DP area.</p>	<p>It should be noted that this DP amendment process is not reviewing the status of the Local Centres within ADP2. If Lend Lease believes there are grounds to review the size and/ or location of these local centres then it should be subject to a separate process.</p> <p>However, any discussions relating to changes to local activity centres would need to be underpinned by further substantiating evidence.</p> <p>Furthermore, it is considered that the ADP2 needs to nominate the indicative locations of all local centres. Otherwise, development of these on an 'ad hoc' basis as part of the permit process may allow centres to come forward in alternate locations and potentially jeopardise the currently nominated local centres.</p> <p><b><u>Officer Comment:</u></b></p> <p>Request is outside the scope of the current amendment. No changes proposed as a result of this submission.</p>
<p>The Local Activity Centres heading should be revised to stand alone within the revised ADP2 instead of being grouped under the 'Secondary Activity Centre' heading as per the exhibited ADP2.</p>	<p>The exhibited ADP2 shows 'Local Activity Centre' within the 'Secondary Activity Centre' section.</p> <p>The basis for this request was that currently the controls required that prior to any development within a Secondary Activity Centre, a Precinct Plan must be prepared and approved.</p> <p>It should be noted that a Precinct Plan is only required for the land south of the transmission easement, which doesn't affect Lend Lease's landholding.</p> <p>Notwithstanding the above, there is no objection to this separation occurring as it will clarify the different status of town centres within the overall hierarchy.</p> <p><b><u>Officer Recommendation</u></b></p> <ul style="list-style-type: none"> <li>• Create a new part in Section 5.7 called 'Local Activity Centres'</li> <li>• Move the information currently in Secondary Activity Centre (d) – Local Activity Centres into this new part.</li> </ul>
<p>Request removal of text within the section 'Local Activity Centres' relating to the investigation of interim residential uses at the ground floor in</p>	<p>The exhibited ADP2 proposes that 'in the absence of market demand for commercial uses in the short term, the potential for interim ground floor community or residential uses should be investigated to ensure the Local Activity Centre is occupied and provides some</p>

<p>spaces that designs allow potential commercial uses in the future.</p>	<p>level of street activation at time of delivery’.</p> <p>While the intent of the request is understood, it is not supported by Council officers. In practice, once commercial land is developed for residential purposes, there is limited to no opportunity for further adaption back to its original commercial intent. This requirement is designed as a short term measure and is not intended to be a permanent outcome.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Requests that the text within the ‘Local Activity Centre’ be less prescriptive in terms of discouraging a supermarket in a Local Activity Centre.</p>	<p>The text within ADP2 outlines the purpose and function of a local activity centre. The exhibited ADP2 states that ‘these centres should not be large in scale and will not accommodate a major anchor tenant such as a full line supermarket’.</p> <p>It is clear within this text that a full line supermarket such as Coles or Woolworths would not be supported in this location. The anchor tenants should be located in the two primary activity centres.</p> <p>However, a smaller convenience supermarket may be considered.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No changes proposed as a result of this submission.</p>
<p>Clarify responsibilities for the preparation of the Aurora Community Development Plan or Strategy in terms of which developer delivers it and for which area it is triggered.</p>	<p>The current ADP2 has a section relating to Housing Tenure and Affordability (Section 5.2.3). The exhibited ADP2 shows revision to the text within this section.</p> <p>When the ADP2 was written, it focused on VicUrban (now Places Victoria) as they owned the majority of land within the Development Plan area. This section focused on housing affordability and the like and was designed as objectives for VicUrban to achieve. They were included within ADP2 as they aligned with the charter and functions of VicUrban at the time.</p> <p>Since the Development Plan was originally approved, VicUrban have changed names to Places Victoria and also changed their focus away from greenfield development to projects focused more on urban infill. As part of this change, Places Victoria has sold a significant portion of the Aurora Estate off to Lend Lease.</p> <p>Section 5.2.3 (c) of the exhibited ADP2 requires the preparation of an Aurora Community Development Plan/ Strategy. While the original intent was for Places Victoria to undertake the Aurora Community Development Plan/ Strategy, given that they are not the only significant landowner, it is considered that this would be a requirement of Lend Lease as well.</p> <p>The exhibited ADP2 included a timing trigger for this strategy to be completed. In terms of the timing, while it is noted that limiting it to the Primary Activity Centres is</p>

	<p>not an unreasonable request, it does miss out on the opportunity to provide social and affordable housing around Local Activity Centres. The Local Activity Centre on Lend Lease's land is one which is close to a number of activities and services and could be a suitable area for this type of housing. As such their request is not supported.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No changes proposed as a result of this submission.</p>
<p>Small raingarden components should be considered as part of the total unencumbered open space component.</p>	<p>This is not supported. While raingardens can provide some passive amenity as part of the overall open space if effectively landscaped, their primary function is for drainage. As such it should not be considered as unencumbered open space.</p> <p>It should also be noted that open space is provided in accordance with the land budget as prescribed with</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No further change required as a result of this submission.</p>
<b>Spiire on behalf of Aurora Retail Pty Ltd</b>	<b>Response</b>
<p>Revise the land nomination of their site at 2A Union Street, Epping from 'Commercial-Mixed Use' to 'Specialty Retail'.</p>	<p>The site in question is 2A Union Street, Epping. This site is located within the Northern Town Centre. It is south of Harvest Home Road, west of the future rail line and east of the 'main street'.</p> <p>The exhibited ADP2 shows the priority for Specialty Retail along the north-south main street. While Speciality retail is not prohibited at 2A Union Street, Epping, including it here will take focus of the key main street.</p> <p><b><u>Officer Comment:</u></b></p> <p>The outcome intended by the submission is not precluded by the current designation. No changes proposed as a result of this submission.</p>
<p>Add the primary frontage symbol along the northern boundary of the site at 2A Union Street, Epping.</p>	<p>This provision is not considered necessary as the planning application received by Council shows tenancies facing both Harvest Home Road and the carpark. The Development Plan does not prevent this outcome from occurring.</p> <p><b><u>Officer Comment:</u></b></p> <p>The outcome intended by the submission is not precluded by the current designation. No changes proposed as a result of this submission.</p>
<p>Add a north-south pedestrian link through their site at 2A Union Street, Epping.</p>	<p>A planning application has been received by Council which shows a north-south pedestrian link through the site. This is a positive outcome that is likely to be</p>

	<p>supported and as such does not need to be replicated on the Development Plan.</p> <p><b><u>Officer Comment:</u></b></p> <p>The outcome intended by the submission is not precluded by the current designation. No changes proposed as a result of this submission.</p>
BDMA on behalf of Coles	Response
<p>The Guiding Principles of the ADP2 should be adjusted to reflect current circumstances such as:</p> <ul style="list-style-type: none"> <li>• The involvement of a private developer;</li> <li>• The lack of commitment to the extension of the Epping Rail; and</li> <li>• The higher level of car usage than originally envisaged.</li> </ul>	<p>This proposed amendment is not reviewing the document on a 'whole scale' level.</p> <p>Any impact of car usage and the current lack of public transport will be taken into account with any Traffic and Transport Assessment prepared with future planning permit applications.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No changes proposed as a result of this submission.</p>
<p>The submitter believes that the change in the guiding principles has led to a greater demand in car usage and carparking need as well as under-estimates of traffic volumes which should be recognised.</p>	<p>The exhibited ADP2 did not include any upgraded traffic modelling. However it did recognise that the traffic modelling is now out of date, mainly because the Urban Growth Boundary has now been extended north of Craigieburn Road. This occurred after ADP2 was approved.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Carparking is not referenced in the document except in a few circumstances, so the consistent application of Clause 52.06 of the Whittlesea Planning Scheme is requested. However the planning application at 2A Union Street proposes zero on-site spaces.</p>	<p>Carparking numbers are determined in accordance with Clause 52.06 of the Whittlesea Planning Scheme. Any application to reduce the level of carparking proposed with a development is done on a merits based assessment.</p> <p>It is not uncommon for activity centres such as this type to have communal carparking areas, rather than designated carparking per shop. This allows for a more efficient use of land.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No further change required.</p>

<p>The original ADP2 was prepared with the expectation of the railway line being constructed. Given there is no indicative timeframe available for this project and bus services are limited, there should be a clearer recognition that car travel will be higher in the suburb.</p>	<p>It is considered that the highest and best order transport provision should be provided for the corridor and Council is still committed to advocating for the extension of the railway line through to Wollert.</p> <p>While it is noted that this project is not on the immediate program of PTV, neither was the Mernda rail extension and its delivery was brought forward a number of years.</p> <p>Regarding buses, the State Labor Government made pre-election commitments to reorganise the bus network servicing Epping North, Epping West and Wollert with new and improved routes to service Aurora, Lyndarum and Eucalypt Estates. Council is advocating for funding for these routes.</p> <p>As such, while there may be a high level of car travel in the suburb currently, this is not necessarily going to be the case once public transport options improve over time.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>The exhibited ADP2 shows the land at 2A Union Street within the Northern Town Centre as 'Commercial/ Mixed Use' but the current planning application shows two rows of small shops, therefore not according with the DP.</p>	<p>The revised ADP2 show the priority for Specialty Retail along the north-south main street. However, specialty retail is not prohibited at 2A Union Street, and this provision allows for the development of other uses above in the future.</p>
<p>The submitter believes that the provision of shops at 2A Union Street, Epping, particularly before the 'main street' is constructed, will affect the overall viability of the Main street shops.</p>	<p>Coles have held a permit for their site in the Aurora Northern Town Centre since 17 June 2015. While it is noted that there are additional plan approvals associated with this site, these have just recently been submitted to Council for consideration.</p> <p>The current planning permit application for 2A Union Street shows small tenancies and their location outside of the 'main street' is likely to result in more convenience style retail opportunities rather than core specialist retail as expected in the main street. However it is acknowledged that this application is still being assessed and is yet to be determined.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>The nomination of the Primary Frontage of the shops on Harvest Home Road in the Northern Town Centre is contrary to the revised General Elements on Page 50 and 51 of the exhibited ADP2.</p>	<p>The plan shows the primary frontage facing the carpark for additional passive surveillance. The submitted planning application for 2A Union Way shows back to back tenancies which have frontages to both the carpark and Harvest Home Road. This is a positive outcome as it provides passive surveillance in both directions and also meets the provisions of the exhibited ADP2.</p>

	<p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>The original ADP2 shows a possible form of the rail corridor design and the suggestion of Harvest Home Road becoming an overpass. However given the current status of the rail extension, the submitter believes there is 'no basis for adhering to this assumption'.</p>	<p>As indicated above, it is considered that the highest and best order transport provision should be provided for the corridor and Council should remain committed to advocating for the extension of the railway line through to Wollert.</p> <p>Council officers do not agree with the assumption provided by the submitter.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Further to the above, given current grade separation planning elsewhere, the Harvest Home Road frontage is likely to remain unaffected. As such, the submitter recommends that 2A Union Street use the widened road reserve (created to accommodate the future rail corridor and a likely overpass) to accommodate on street parking on Harvest Home Road.</p>	<p>The provision of a potential overpass for Harvest Home Road has been accommodated with the design of the road. It is recommended that the existing widening remains as is. Developing this land for carparking will compromise the future design of the rail corridor and the integration of Harvest Home Road. If the land is not needed in the future if the rail corridor was constructed, then an appropriate use would be determined at that time.</p> <p>Any determination on the carparking proposed with 2A Union Street Epping will need to be undertaken as part of the planning permit application.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No further change required.</p>
<p>The submitter believes that the shops at 2A Union Street should front Harvest Home Road primarily.</p>	<p>The proposed shops have a frontage to both Harvest Home Road and the carpark. This is a positive outcome as it allows for passive surveillance in both locations. The exhibited document does not preclude this from happening.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>Carparking should be provided consistently and equitably from all uses, and it is recommended that a section of 2A Union Street is shown as carparking and 80% of its carparking demand is provided.</p>	<p>It is not uncommon for activity centres such as this type to have communal carparking areas, rather than designated carparking per shop. This allows for a more efficient use of land. Also, these types of centres allow for multiple trips, hence why one centralised carpark is generally provided.</p> <p><b><u>Officer Comment:</u></b></p> <p>The request is not supported. No further change required.</p>
Individual Submitter	Response
<p>No overall objections to the proposed change to the retail hierarchy but raises concerns in regards to the increased traffic</p>	<p>Both Edgars Road and Harvest Home Road are higher order boulevard connector roads that have been planned to accommodate the bulk of traffic movements from the town centre to the arterial road network and to</p>



<p>around the Northern Town Centre given it wasn't intended to cater for that size retail floorspace.</p>	<p>disperse residential areas. As such, it is not anticipated that the change in the retail hierarchy would result in the need to substantially widen roads. Further traffic impact assessments are also required as part of individual planning applications.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>The submitter also questions if the roads around the Northern Town Centre are able to cope with additional traffic generated by high density residential development given the lack of public transport options in the area and other alternative options such as walking and cycling.</p>	<p>No additional high density housing is being proposed by the amendment in the Northern Town Centre as it is the same as what was planned for and shown in the original ADP2.</p> <p>Notwithstanding this, development proponents are required to demonstrate what impact their development will have on the surrounding road network and outline how these impacts are proposed to be mitigated.</p> <p><b><u>Officer Comment:</u></b></p> <p>No changes proposed as a result of this submission.</p>
<p>The submitter recommends that the future train station has plenty of car-parking. No parking for the train station is shown on the plans.</p>	<p>Carparking locations and numbers will be determined as part of the future train station design.</p> <p>However, it is recommended that the preferred location and footprint for carparking for the future train station be hatched over the underlying land use shown in the exhibited amended DP to indicate what the development outcome for the land should be if the parking is provided elsewhere, or is surplus to needs.</p> <p><b><u>Officer Recommendation</u></b></p> <p>Update each Primary Town Centre Plan in Section 5.7 to show the indicative location and footprint for the future train station carparking hatched over the underlying land use.</p>

A number of enquiries were received from people not objecting to the proposed changes but seeking clarification around the timing of construction of Edgars Road. Officers provided the current update and detailed the various sections of Edgars Road between Cooper Street and Craigieburn Road and advised on likely timing and provision responsibilities of each of these sections.

In relation to the submissions table above, it is proposed that the officer recommendations which result in a change to the exhibited ADP2 will form part of the Council recommendation at the end of the report.

## DISCUSSION

The purpose of this section is to discuss the key strategic issues arising from the proposed changes to ADP2 and the submissions.

The key strategic issues are discussed in turn below.

### ***Proposed changes to the Town Centre hierarchy***

As indicated through the report, the key change proposed to ADP2 is for the change in retail hierarchy between the Northern and the Southern Town Centres.

The approved Aurora Development Plan: Part 2 showed two town centres, with the largest of these town centres to be developed in the southern part of the Development Plan area. This amendment proposes to switch the size of the centres around so the larger of the centres is now the Northern Town Centre and the smaller centre is now the Southern Town Centre.

The applicant has justified the changes as follows:

- Developing the Northern Town Centre as the larger centre allows for higher level services and facilities to be located more centrally within the Epping North growth corridor;
- There appears to be more developer interest to build and provide services in the shorter term in the more central location, which has the potential to get development on the ground faster; and
- The relocation of the larger centre further north moves it away from the catchment to Epping Plaza, therefore making it more viable in the short term.

Under this amended proposal, the Northern Town Centre would essentially gain an additional supermarket (to make a total of two supermarkets), the Discount Department Store and the library site. This is along with the existing Galada Community Centre.

The Southern Town Centre retains one full line supermarket (loss of one), retains the future community centre and loses the Discount Department Store and the library.

In terms of the Northern Town Centre, the total retail floor space is 21,500 square metres and for the Southern Town Centre it is 8,500 square metres. Combined, this represents an increase of 10,000 square metres in total retail floor space.

In an overall context, it is considered that the proposal has merit and should be supported.

Clearly this does represent a change from the current ADP2. However, it is considered that an appropriate balance has been struck with respect to ensuring that the Southern Town Centre retains a scale which can adequately meet the convenience/ supermarket needs of the residents in the southern portion of the Aurora Estate. To this end it is noted that an additional floor area has been provided to accommodate a large full line supermarket and specialty shops resulting in an overall retail floor area of 8,500 square metres. The Southern Town Centre is larger than the original Northern Town Centre which had 6,000 square metres proposed. The community facility is also being retained as a community focal point in conjunction with the potential future train station.

In this context, it is important to ensure that if the hierarchy shift is endorsed that the Southern Town Centre is not reduced to a scale which will make it unviable and not provide appropriate and adequate access to shopping and services for residents in the south. The increase in the smaller town centre floorspace to 8,500 square metres and the retention of the community centre seeks to ensure that this is achieved. As indicated above, the existing and future residents in and around the Southern Town Centre will still have access to a full line supermarket to cater for grocery shopping, along with a Community Activity Centre and a proposed train station as per the original Development Plan. Residents living in and around the Southern Town Centre also have access to other commercial uses, such as the office park and bulky goods developments proposed along O'Herns Road.

If approved, the change in retail hierarchy is still compliant with the relevant strategic planning documents for the area, namely the *Northern Growth Corridor Plan* and the *Aurora Comprehensive Development Plan*. Specifically, the *Aurora Comprehensive Development Plan* outlines two primary centres within the Aurora Precinct. It does not specifically outline which should be the larger of the two centres.

It should also be noted that the growth envisaged for the area has changes since the original Aurora Development Plan: Part 2 was approved. The ADP2 was approved in a context where Craigieburn Road formed the Urban Growth Boundary (UGB). Since then, the UGB has moved further north and now includes the Precinct Structure Plan areas such as Wollert, Donnybrook-Woodstock and Lockerbie. The future growth north of Craigieburn Road allows for a greater catchment to access the Northern Town Centre, particularly as residential development is likely to occur before the hierarchy of centres is constructed, particularly for residents in the Wollert Precinct Structure Plan area.

The change in retail hierarchy is still compliant with the *Northern Growth Corridor Plan*. As indicated in the submissions table, the Metropolitan Planning Authority raised concerns with the potential impact a Discount Department Store (DDS) located within the Aurora Northern Town Centre may have on the future Wollert Major Town Centre. The Wollert Major Town Centre is the higher order centre in terms of the growth corridor hierarchy. However, as indicated in the submissions table, the development of a DDS in the Northern Town Centre will not preclude one being viable in Wollert. It is important to note that the current ADP2 provides for a DDS in the Southern Town Centre. Therefore it is not an additional DDS proposed for this corridor, it is merely a change in its location. Also, the development of the Wollert Major Town Centre is not likely to occur for at least another decade, in which the Aurora area is likely to have been substantially built out.

To ensure that the Wollert Major Town Centre is considered, there will be a further requirement for any application for a Discount Department Store application to be accompanied by an economic assessment that re-evaluates the impact of a similar facility being located in Wollert and offers measures to minimise these impacts.

#### **Officer Recommendation**

- Provide 'in principle' support to the change in the retail hierarchy within ADP2 as exhibited; and
- Endorse the ADP2 Land use plan as per *Attachment 5* with respect to the proposed change in the retail hierarchy.

#### ***Design based outcomes for the Northern and Southern Town Centres***

The current ADP2 has concept plan based design guidance for the current town centre hierarchy and floor space. Given the proposed change, it is considered important that this design based guidance and philosophy is maintained within any amended ADP2.

To this end, As part of the overall proposal to change the retail hierarchy, Council officers have been working with Places Victoria in order to ensure a good urban design outcome for both centres and to ensure the master planning for these centres represent a best practice outcome for the local community.

This process has resulted in:

- A conceptual masterplanning diagram;
- A set of design principles which will establish specific requirements; and
- A set of policy statements, in order to ensure the key design principles are met.

Both town centres continue to be based around the concept of a 'main street'. This main street layout will encourage walking and cycling as the primary mode of transport. Both layouts ensure that community uses are key focal points of their centre that are also integrated well into key shopping streets.

The proposed new design concept for the Northern Town Centre aims to create a view line north-south between the Galada Community Centre and the future library to create a strong civic presence in the centre. Retail development is proposed along a north-south main street that connects these two important civic buildings either side of Harvest Home Road. This matches into the approved Coles development which is located south of Harvest Home Road

A second east-west main street is then proposed to create a direct link between the future library and the potential future location of a train station as part of the Epping North-Wollert Public Transport Corridor. The relocation of the library will allow it to be more centrally located to the overall residential growth in Epping North.

This layout is significant in that it uses the public buildings as the anchors on key corners and seeks to activate the areas in between with high quality retail and mixed use development to create a fully integrated and community focussed town centre. An indicative location for a town square is also nominated. The centre will be well served from a vehicular perspective by Harvest Home Road and Edgars Road, though cars will also still be able to access the more pedestrian friendly main streets as well, in a more controlled, slow speed environment. The concept layout for the centre is shown in *Attachment 3*.

Under the original proposal, Harvest Home Road was going to be the main street, similar to that already established at Laurimar. However, given that the railway line is expected to only be partially undergrounded in the future, Harvest Home Road is likely to have a ramp that does not make it ideal for a high amenity retail environment. The new layout promotes more walking and cycling along the core north-south main street.

The road layout for the southern town centre is still similar in that the future extension of Edgars Road passes through the middle of this centre. This road, along with those located along O'Herns Road ensures that there is opportunities for businesses developing that capitalise on the significant passing trade. The overall size of the centre will be similar in size to that provided at Lyndarum, including a full line supermarket.

Similar to the Northern Town Centre, the design of the Southern Town Centre prioritises using public buildings in the form of the future Community Centre and the potential train station as bookends to a retail based east-west main street. This main street is designed to be a low speed environment as a shared zone and focused on providing a high quality public space for the local community. Open space is proposed to be located near the Community Centre.

The removal of the DDS from this centre creates additional opportunities for bulky goods retailing, which is anticipated to create stronger links with the employment precinct to the south and further west. These precincts create the opportunity for a mix of highway-based commercial uses to establish along O'Herns Road, and a mixed-use business park precinct to be developed to complement the southern town centre, and surrounding medium density residential development which has already commenced development.

The concept layout for this centre is shown in *Attachment 4*.

Accompanying the concept plans is the text component which provides the overall design guidance to support implementation of the town centres. The updated text forming part of the exhibited ADP2 is at *Attachment 6*.

The submissions show scope for Council officers to shape a positive, design-led outcome for the future of these two primary activity centres. Accordingly it is recommended that they are supported.

### **Officer Recommendation**

- Support the Northern and Southern Town Centre concept layout as contained within the exhibited ADP2 and shown in *Attachment 3 and 4* of this report;
- Support the wording in *Section 5.7 – Retail and Commercial* of the exhibited ADP2 and shown within *Attachment 6* of this report.

### ***Changes to the Tertiary Activity Centre - south-western precinct***

This exhibited ADP2 also proposes changes to the broader pattern of land uses on the land south of the high voltage electricity transmission easement, east of the Craigeburn Bypass and north of O'Herns Road and west of Edgars Creek.

The current ADP2 designates this area as a Tertiary Activity Centre to encourages a 'business park' style development featuring office based employment uses.

Places Victoria considers that this land use may not be viable in the medium to longer term and has requested that this area could be altered to allow a broader range of commercial uses, including larger format retail uses that could leverage off the imminent construction of an interchange to the Hume Freeway at O'Herns Road. This is proposed to facilitated through a change to the designation of this area from 'Tertiary Activity Centre' to 'Secondary Activity Centre' west of Koukoura Drive and Residential/ Mixed Use desinations between Koukoura Drive and Edgars Creek (see *Attachment 5*).

Land designated "Secondary Activity Centre" is already located along O'Herns Road. A secondary activity centre is described in the existing Development Plan as encouraging uses such as corporate headquarters, offices, commercial buildings and show rooms. These uses were intended to match into the business/ employment uses encouraged along the southern interface to O'Herns Road in the Cooper Street Employment Area to reinforce the role of the road as a key gateway. This description is not proposed to be altered as a result of the proposed changes to the Development Plan.

Accommodating this change in the exhibited Development Plan also created the need for a re-think of the area between the future Koukoura Drive alignment at the Edgars Creek which is now as a result proposed to be refocused on to residential mixed use outcomes that can capitalise on the amenity of the creek and proximity to the Southern Town Centre.

In summary, the revisions to this area:

- encourage commercial offices and larger format retail uses to the west of the future Koukoura Drive alignment;
- preserve the ability to create a mixed use spine along O'Herns Road that encourages commercial uses; and
- encourage higher density residential uses to locate in the vicinity of the Edgars Creek and finer grain mixed use around the revised town centre.

As indicated in the submissions, Epping Homemaker Centre raised significant concerns in regards to the nomination of the bulky goods precinct in this area on the basis of its potential to adversely impact on their existing centre. In assessing the submission, it is determined that the regional destination status of Epping is unlikely to be compromised by the development in Aurora and the Epping Central Area is located over 3 kilometres from this site in question.

It is noted that the exhibited ADP2 specifically nominates 'bulky goods' within the text for this area (known in *Section 5.7 – Retail and Commercial* as 'Secondary Activity Centre – A) for this newly proposed Secondary Activity Centre. Upon assessing the above submission it is

considered appropriate to remove the focus of 'bulky goods' from the designation and rather leave it as the same designation as the existing Secondary Activity Centre land along O'Herns Road.

This approach will allow for a broader range of uses to be considered such as office/ business park whilst not prohibiting consideration of bulky goods type proposals.

Generally it is considered that this proposal should be supported. It rationalises the Activity Centre land west of Koukoura Drive to an area which would capitalise on the locational attributes of the Craigieburn Bypass and future O'Herns Road Interchange. On the opposite side it provides for residential/ mixed use opportunities east of Koukoura Drive to capitalise on the amenity of Edgars Creek and proximity to the Southern Town Centre. This is considered to be an appropriate land use balance.

Finally, as outlined in the submissions, one of the landowners raised questions with regards to the potential land uses for their site abutting O'Herns Road between Koukoura Drive and Edgars Creek given that the Secondary Activity Centre designation had been removed within the exhibited ADP2. Post-consultation, Council officers recommend that the Secondary Activity Centre classification reinstated along O'Herns Road west of Edgars Creek as per the original land use plan in the DP. This offers a greater variety of commercial uses while still permitting high density developments. It also allows for a consistent approach to development along O'Herns Road.

#### **Officer Recommendation**

- Provide 'in principle' support to the land use changes in the Aurora South precinct contained within the exhibited ADP2 as shown in *Attachment 5* of this report;
- Amend the exhibited land use plan to designate the land frontage along O'Herns Road between Koukoura Drive and Edgars Creek to 'Activity Centre – Secondary' as per the current approved ADP2;
- Amend Section 5.7 – Secondary Activity Centres a) and b) to include revised wording that still encourages the development of the area west of Koukoura Drive to be developed as a 'Business Park' while not prohibiting bulky goods or other large floor plate developments.

#### ***Removal of the non-government school designation in the Edgars Creek Community Precinct***

As indicated earlier in the report, one of the proposed changes to ADP2 relates to the redesignation of the nominated non-government school site to residential/ mixed within the northern Edgars Creek Community Precinct (*Attachment 5*).

Upon advice received from the Catholic Education Office that they now had no interest in the site, Council officers undertook an Expression of Interest process with other known school providers and community organisations to ascertain whether any would be interested in the site.

It was important to undertake this process to ensure that all options were exhausted prior to working through a final decision in the ultimate/ underlying land use.

On this basis, Council officers have determined that the land would be best placed being reflected as the underlying land use of "Residential – High Density/ Mixed Use" with the exhibited ADP2 showing this proposed change.

This land use is consistent with the surrounding precinct and allows for an opportunity to implementing a mixed use element to the future Edgars Creek Community Precinct. This, along with the Local Activity Centre located to the south provides an opportunity to establish a local character and sense of place for the future community through a mix of built form elements and uses. Incorporating educational, community and retail uses would provide

access to local services and facilities for residents and with the scale proposed would not detrimentally impact other uses in surrounding areas.

### **Officer Recommendation**

- Provide 'in principle' support to the change in land use for the non-government school site near Edgars Creek to 'Residential – High Density/ Mixed;
- Support the land use plan within the exhibited ADP2 as shown in *Attachment 5* of this report that shows the new land use designation for this site.

### ***Other technical changes***

Whilst the focus of the proposed amendments to the ADP2 has been on the key strategic issues discussed above, the exhibition process offers the opportunity to tidy up and make minor changes to the document. To this end, Council officers have taken the opportunity to review the document and recommend some minor technical and administrative changes which do not impact on the strategic intent or detail of the ADP2.

Given the nature of these changes, it is not proposed to detail them individual here. The proposed changes are contained in the table format in *Attachment 7*.

In summary, a review of Section 2 – Site Context and Analysis has been undertaken and it is recommended that the bulk of this section is included within ADP2 as appendices.

There are also parts of Section 3 – Assessment of Services and Facilities Needs and Section 5 – Development Plan Objectives and Responses which can be streamlined and the relevant sections are recommended for amendment.

Finally, a change to Section 5.9.4 – Drainage is also proposed to reflect and update the Integrated Water Management Strategy currently being undertaken by Melbourne Water and developers. The minor note changes are listed within *Attachment 8*.

### **Officer Recommendation**

- Amend the exhibited Aurora Development Plan Part 2 to incorporate the minor technical changes within the table contained in *Attachment 7* and the notes listed in *Attachment 8* of this report.

## **POLICY STRATEGY AND LEGISLATION**

The *Aurora Comprehensive Development Plan* was adopted by Council and the Minister for Planning in 2007. It sets the long term strategic direction for the area and is the approved council framework for the wider area. The proposal is intended to facilitate the ongoing development of Aurora and is necessary to achieve the overall aims and objectives of the *Aurora Development Plan (Part 2)*.

The proposed changes are considered necessary to support timely economic development within the Aurora estate.

## **LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Growing our economy</b>
<b>Theme</b>	<b>Economic development</b>
<b>Strategic Objective</b>	<b>We have strategies that encourage new business investment</b>

## 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

Places Victoria requested consideration of a number of changes to the current Aurora Development Plan Part 2.

An extensive non-statutory exhibition process was undertaken to consider these amendments.

The key strategic issues considered included:

- Change in the retail hierarchy of the Northern and Southern Town Centres;
- Change in the designation of the Tertiary Activity Centre in the south-west section of the Aurora Estate; and
- Change in the designation of the non-government school site to residential/ mixed use within the northern Edgars Creek Community Precinct.

These proposed changes are supported in principle, subject to minor changes and it is recommended that the Aurora Development Plan Part 2 be amended in line with the exhibited Development Plan.

A number of submissions were received to the non-statutory exhibition process. These are detailed in the submission table in the body of the report. It is recommended that the Aurora Development Plan Part 2 is amended in line with the officer recommendations contained within that table.

Further, Council officers have also recommended some minor technical administrative changes to the Aurora Development Plan Part 2 which are detailed in *Attachment 7* and *Attachment 8*.

Accordingly, it is recommended that Council approve the Aurora Development Plan - Part 2 (2016) subject to:

- Amendment of the Town Centre hierarchy as proposed within the exhibited Aurora Development Plan Part 2 and *Attachment 5* of this report.
- Amendment of the Town Centre Concept Masterplans and accompanying text (as per *Attachment 6* of this report) in accordance with the exhibited ADP2 subject to:
  - Showing the indicative location and footprint for carparking for each potential train station hatched over the underlying land use for each Primary Town Centre Plan.
  - Altering the wording and plan based guidance in *Section 5.7 – General Elements – Town Centres - Development Framework* to note that adequate parking areas are located to suit the proposed uses having regards to the strategic context of the site, and key land use and design considerations.
  - Altering the wording and plan based guidance in *Section 5.7 – General Elements – Town Centre – Character* to create discretion for Council to consider alternative minimum heights in certain locations and circumstances.



- Including a provision in Section 5.7 – Northern Town Centre that requires any application for a Discount Department Store in the Aurora Northern Town Centre to be accompanied by an economic assessment that assesses the impact on a similar facility in Wollert Major Town Centre and offers measures to address any identified issues.
- Updating the land use plan for the Southern Town Centre in Section 5.7 to show the Community Activity Centre and associated open space to the north-west corner of the intersection of Main Street and Edgars Road.
- Creating a new heading in Section 5.7 called ‘Local Activity Centres’ and move the information currently contained within *Secondary Activity Centre – Local Activity Centres* into this new section.
- Amendment of the Tertiary Activity Centre designation within the Aurora South Precinct as exhibited in the Aurora Development Plan: Part 2 subject to:
  - Revision of the land use plan along O’Herns Road west of Edgars Creek to reinstate the ‘Activity Centre – Secondary’ designation;
  - Provision of additional wording within *Section 5.7 – Secondary Activity Centres A* that encourages the development of the area west of Koukoura Drive for a range of Business/ Employment Uses whilst not prohibiting bulky goods or other large floor plate developments.
- Amendment of the land use designation of the non-government school area within the Edgars Creek Community Precinct to ‘Residential – High Density Mixed Use’.
- Amendment of the exhibited Aurora Development Plan - Part 2 in accordance with the technical and formatting changes outlined in *Attachments 7 and 8* of this report.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve the Aurora Development Plan - Part 2 (2016) subject to:**

- 1. Amendment of the Town Centre hierarchy as proposed within the exhibited Aurora Development Plan Part 2 and *Attachment 5* of this report.**
- 2. Amendment of the Town Centre Concept Masterplans and accompanying text (as per *Attachment 6* of this report) in accordance with the exhibited ADP2 subject to:**
  - a. Showing the indicative location and footprint for carparking for each potential train station hatched over the underlying land use for each Primary Town Centre Plan.**
  - b. Altering the wording and plan based guidance in *Section 5.7 – General Elements – Town Centres - Development Framework* to note that adequate parking areas are located to suit the proposed uses having regards to the strategic context of the site, and key land use and design considerations.**
  - c. Altering the wording and plan based guidance in *Section 5.7 – General Elements – Town Centre – Character* to create discretion for Council to**

consider alternative minimum heights in certain locations and circumstances.

- d. Including a provision in Section 5.7 – Northern Town Centre that requires any application for a Discount Department Store in the Aurora Northern Town Centre to be accompanied by an economic assessment that assesses the impact on a similar facility in Wollert Major Town Centre and offers measures to address any identified issues.
  - e. Updating the land use plan for the Southern Town Centre in Section 5.7 to show the Community Activity Centre and associated open space to the north-west corner of the intersection of Main Street and Edgars Road.
  - f. Creating a new heading in Section 5.7 called ‘Local Activity Centres’ and move the information currently contained within *Secondary Activity Centre – Local Activity Centres* into this new section.
3. Amendment of the Tertiary Activity Centre designation within the Aurora South Precinct as exhibited in the Aurora Development Plan: Part 2 subject to:
    - a. Revision of the land use plan along O’Herns Road west of Edgars Creek to reinstate the ‘Activity Centre – Secondary’ designation;
    - b. Provision of additional wording within *Section 5.7 – Secondary Activity Centres A* that encourages the development of the area west of Koukoura Drive for a range of Business/ Employment Uses whilst not prohibiting bulky goods or other large floor plate developments.
  4. Amendment of the land use designation of the non-government school area within the Edgars Creek Community Precinct to ‘Residential – High Density Mixed Use’.
  5. Amendment of the exhibited Aurora Development Plan - Part 2 in accordance with the technical and formatting changes outlined in *Attachments 7 and 8* of this report.
  6. Advise the proponent and submitters of the above.

**COUNCIL RESOLUTION**

**MOVED:** Cr Sinclair  
**SECONDED:** Cr Lalios

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

**CARRIED**

## 6.2 COMMUNITY SERVICES

### 6.2.1 VICTORIAN CHILD FRIENDLY CITIES AND COMMUNITIES CHARTER

**File No:** 194772

**Attachments:** 1 Victorian Child Friendly Cities and Communities Charter

**Responsible Officer:** Director Community Services

**Author:** Manager Family, Children and Young People

#### REPORT

#### SUMMARY

This report provides an overview of the Victorian Child Friendly Cities and Communities (VCFCC) Charter and outlines the advantages of signing this Charter.

#### BACKGROUND

The Victorian Child Friendly Cities and Communities Charter is a statement of the principles and actions that underpin the creation of inclusive child friendly environments and support for increased participation by children (refer Attachment 1).

The VCFCC Charter has been developed specifically for local governments and is consistent with state, national and international protocols. This Charter embraces rights that are embedded in the Convention of the Rights of the Child (1990), UNICEF's Building Blocks for Developing a Child Friendly City (2004) and the Victorian Human Rights and Responsibilities Charter 2006.

Recognising the need for, and valuing increased participation of children through consultation, equitable access and by creating child friendly environments, the Charter seeks to ensure:

- Organisations and services actively seek the input of children on matters that impact them, and consider their needs in planning and developing programs.
- Public places and spaces encourage the capacity for children to feel safe, welcomed and actively engaged in their local environment.
- Children have access to a range of responsive services, programs, activities and events.
- Communities and services are actively promoted as welcoming places for children and their families to live, work and visit.
- The community actively nurtures the development of children.
- Policies and governance processes are developed in the best interest of children.

The Victorian Local Government Association (VLGA) has forwarded a written request to the City of Whittlesea to join a growing number of local government authorities and become a signatory of the VCFCC Charter.

Other local governments that have recently signed up to the Charter include:

Ballarat	Cardinia	Greater Dandenong	Moreland
Bass Coast	Baw Baw	Melton	Brimbank
Nillumbik	Maribyrnong	Whitehorse	Port Phillip

The City of Whittlesea has been an active member of the VLGA CFCC working group for the past four years. This working group has developed resources to support Victorian local governments and community organisations in continuing to build child friendly cities and communities.

Council's Early Years team has established an internal CFCC network, comprising representation from a number of Council departments. The working group plans to develop an action plan to align with the CFCC Charter objectives.

Anticipated outcomes from endorsing the VCFCC Charter and resulting action plan include:

- Delivery of training in child consultation.
- Support to staff in undertaking consultations with children and analysis of results.
- Increased knowledge and awareness of the needs and issues of importance to children in the City of Whittlesea across the organisation.
- Strategies, policies and plans that consider and align with the needs, concerns, values, ideals and aspirations of children.
- Increased civic participation by children in the City of Whittlesea.

It's important to note that the City of Whittlesea already actively undertakes many of the activities listed above, with many actions already included in Council's engagement processes and strategies such as *Connect* and *YouthPlan*. Becoming a signatory to the Victorian Child Friendly Cities and Communities Charter is complementary to Council's existing work and supports many of the activities already occurring. It recognises and builds on this work, and is a formal endorsement of and commitment to the Charter in conjunction with the VLGA and a number of other councils.

## PROPOSAL

Council to consider the Victorian Child Friendly Cities and Communities Charter.

## CONSULTATION

Council's internal CFCC network has been the primary consultation forum in relation to the VCFCC.

## FINANCIAL IMPLICATIONS

No financial implications.

## POLICY STRATEGY AND LEGISLATION

The Victorian CFCC Charter supports a range of key Council strategies including:

- Spaces 8 to 12 - creating engaging places for young people (2013 to 2018)
- Community Building Framework
- Multicultural Action Plan
- Municipal Public Health and Wellbeing Plan
- Recreational Strategy
- Life Long Learning Strategy

- Growth Areas Social Planning Tool (GASPT)
- City of Whittlesea Family Violence Strategy 2014-2018 - Safe in our homes, Safe in our community.

#### LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Participation &amp; decision making</b>
<b>Strategic Objective</b>	<b>Community decision making is inclusive</b>

#### 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 City of Whittlesea, by endorsing the charter will be joining the growing number of local governments in advocating for the best interests of children in their community and valuing increased participation of children.

#### RECOMMENDATION

**THAT Council resolve to endorse signing the Victorian Child Friendly Cities and Communities Charter.**

#### COUNCIL RESOLUTION

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**



## 6.3 CITY TRANSPORT AND PRESENTATION

### 6.3.1 LIGHTING CONDITIONS - CAR PARK OF LOWALDE RECREATION RESERVE, EPPING

**File No:** ST/106140

**Attachments:** 1 Petitioners (Lowalde Drive Area)  
2 Proposed Additional Street Light - Concept Plan

**Responsible Officer:** Director City Transport & Presentation

**Author:** Asset Engineer

## REPORT

### SUMMARY

The purpose of this report is to consider a petition requesting the installation of an additional street light in car park of Lowalde Recreation Reserve, Epping.

### BACKGROUND

A petition requesting the installation of an additional street light in car park of Lowalde Recreation Reserve, Epping, was tabled at Council's meeting on 5 April 2016, where Council resolved *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.*

The petition contained 10 signatures representing 7 dwellings along Lowalde Drive and surrounding area (Attachment 1) and requested Council install a light in car park of Lowalde Recreation Reserve, Epping. In support of the request, the petitioners raised concerns about:

- Vandalism;
- Unsociable behaviour; and
- Other criminal activities.

### PROPOSAL

As a result of this petition, Council Officers conducted an investigation into the Lowalde Recreation Reserve car park area, which services Lowalde Recreation Reserve, Greenbrook Primary School and Greenbrook Pre-school.

As a result of the investigation lighting improvements are proposed to the car park through the inclusion of an additional 150 watt High Pressure Sodium (HPS) street light orientated towards the car park, located on the existing pole fronting the car park on Lowalde Drive (Attachment 2).

### CONSULTATION

Council Officers have made contact with the head petitioner to gain further details on the enquiry who is agreeable with the lighting improvements proposed.

## FINANCIAL IMPLICATIONS

The cost of installing an additional street light would be approximately \$1,800. This will be installed in 2015/2016 through existing operational budgets for additional street light installations.

## POLICY STRATEGY AND LEGISLATION

The investigation and implementation to improve the light distribution accords with Council's Community Plan (CP), in particular CP Item 2.6 – Deliver road safety improvement projects to the satisfaction of authorities and residents.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Health and Wellbeing</b>
<b>Theme</b>	<b>Safety</b>
<b>Strategic Objective</b>	<b>Our built form incorporates safety design</b>

The installation of an additional street light would improve the visibility and amenity of the car park and reduce the likelihood of unsociable activity in future.

## 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 Officers have completed an investigation of the request and existing site conditions. The investigation confirmed that additional street lighting is warranted in this instance in order to improve community safety at this location.

It was determined that the best solution would be to install an additional 150 watt HPS lantern on the existing pole fronting the car park on Lowalde Drive, considering both benefit to the community and financial impact to Council.

## RECOMMENDATION

**THAT Council resolve to:**

1. Install a 150 watt HPS lantern on the existing light pole in front of Lowalde Recreation Reserve, Epping.
2. Advise all petitioners of Council's decision.

## COUNCIL RESOLUTION

**MOVED:** Cr Sinclair  
**SECONDED:** Cr Lalios

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

**CARRIED**



**6.3.2 REMOVAL AND REPLACEMENT OF GUM TREES ON THE NATURE STRIPS IN IRIS WAY, BUNDOORA**

**File No:** SU/143551

**Attachments:** 1 Iris Way Tree Location Map

**Responsible Officer:** Director City Transport & Presentation

**Author:** Assistant Arborist

**REPORT****SUMMARY**

This report has been prepared in response to a petition tabled at the 15 March 2016 Council meeting. The petition expresses a number of issues with 17 *Corymbia maculata* (Spotted Gum) street trees in Iris Way, Bundoora and requests their removal. Council's Arborist inspected the trees and determined that 12 of the trees required pruning. This pruning has been completed. The residents request to remove the trees is not supported.

**BACKGROUND**

A petition was tabled at Council on 15 March 2016, for the removal of the 17 *Corymbia maculata* street trees along the frontages of Iris Way, Bundoora. Regarding the concerns of the residents, the letter from the head petitioner states 'They range from the fear of them, or branches falling in strong winds, to the mess the leaves, bark and twigs make, to the damage the roots are creating'. The petitioners would like the *Corymbia maculata* trees removed and replanted with smaller evergreen trees.

At the Council meeting on 15 March 2016 Council resolved to:-

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

Iris Way, Bundoora is located within the Botanica Park estate. The species growing in the nature strips of Iris Way are semi-mature *Corymbia maculata* (Spotted Gum). The species choice and the character of the street 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.

**PROPOSAL**

The 17 *Corymbia maculata* trees were inspected by Council's Arborist on 25 February 2016. As a result of this inspection it was determined that the trees are in a healthy condition. It was identified that 12 of the trees required pruning, where the works required ranged from removing dead wood, broken branches and removing low branches for increased canopy clearance of resident's properties. As a proactive measure to address some of the resident's concerns while the petition investigation was being undertaken, pruning works were actioned and completed on 13 April 2016.

The petition raises concern that the trees pose a danger to residents, pedestrians and cars. Council via its contractor conducts two-yearly proactive inspections on all street trees. The street trees in Iris Way were last inspected as part of this program in July 2014 and are due to be reinspected for works in July 2016. The purpose of the proactive inspections program is to 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 trees falling in the gutters. It is a natural process for trees to drop leaves, twigs, flowers and fruit. There are a multitude of benefits that 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 Home and Community Care service (HACC), Council assists eligible residents in removing leaf litter from gutters.

The petition raises the issue of roots from the trees damaging some of the properties in Iris Way. Residents will be contacted to seek specific details relating to roots damaging private property and tree management actions will be undertaken where required. Council officers are not aware of any engineering reports being submitted to Council relating to tree damage to any of the properties in Iris Way.

The Iris Way streetscape is comprised of semi-mature *Corymbia maculata*. The predominance of this species forms an avenue along the street. These trees provide 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 17 *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 trees and replace them with smaller trees is not supported.

Council is currently drafting a new Street Tree Management Plan which will detail management measures tailored to large street trees such as the ones that are the subject of this petition. The measures will include increased street tree inspections to manage tree risk and increased street sweeping program to better address leaf litter in residential streets.

## CONSULTATION

A letter has been sent to the head petitioner advising that Council's arborist has inspected all the street trees in Iris Way and that pruning was required and would be undertaken. The letter also noted that Council would be considering the petition requesting the trees be removed at an upcoming Council meeting. Discussions were also undertaken with the head petitioner regarding the removal request and pruning works.

Consultation across the City of Whittlesea was undertaken for the development of the Street Tree Masterplan 2000 and the Environmental Sustainability Strategy 2013.

Recently, community consultation has been undertaken as part of the preparation of the new draft Street Tree Management Plan. Further consultation on this plan is proposed.

### FINANCIAL IMPLICATIONS

There are no financial implications of this proposal as inspections and street tree maintenance works are already included within Council's operational budget.

### 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 outline 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 May 2016 and petitioners will be invited to make comment on the plan.

### LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Living Sustainably</b>
<b>Theme</b>	<b>Environmental sustainability</b>
<b>Strategic Objective</b>	<b>We are an environmentally sustainable City</b>

### 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 16 residents raising concerns regarding the street trees in Iris Way, Bundoora. Concerns raised by the petitioners include leaf litter, safety of the trees, falling branches and tree roots causing damage. The petitioners requested the trees to be removed and replaced with smaller trees.

Based on the recommendation from Council's Arborist, there is no valid reason for the trees to be removed. The trees are at a stage in their life cycle where they are providing maximum benefits. The trees form an avenue along Iris Way creating 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 trees in question.

It is recommended that the 17 *Corymbia maculata* in Iris Way, Bundoora be retained.

**RECOMMENDATION**

THAT Council resolve to :

1. Resolve to retain the existing 17 street trees, *Corymbia maculata*, outside the eight Iris Way, Bundoora properties.
2. Seek further details on property damage and undertake management actions as required.
3. Invite all petitioners to provide comment on the draft Street Tree Management Plan; and
4. Advise all petitioners of Council's decision.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalius*  
**SECONDED:** *Cr Sinclair*

THAT Council resolve to :

1. Seek further details on property damage and undertake management actions as required.
2. Invite all petitioners to provide comment on the draft Street Tree Management Plan;
3. Report to Council on the above; and
4. Advise all petitioners of Council's decision.

**CARRIED**

## 6.4 CORPORATE SERVICES

### 6.4.1 ELECTORAL SERVICES - VICTORIAN ELECTORAL COMMISSION

**File No:** SU/132710

**Responsible Officer:** Acting Director Corporate Services

**Author:** Team Leader Governance

#### REPORT

#### SUMMARY

The report seeks to authorise the Chief Executive to enter into an Electoral Service Agreement ('the Agreement') with the Victorian Electoral Commission ('the VEC') for the provision of electoral services to Council for the four years commencing on 1 July 2016 and ending 30 June 2020 for an estimated cost of \$637,089 (excluding GST). During that time VEC will deliver election services for the 22 October Council Election and any related electoral services. The VEC is the sole provider of election services to local government.

This Agreement also requires the VEC to carry out compulsory voting enforcement at the 2016 Council elections. It is now a legislative requirement for the VEC to prosecute non-voters who do not satisfactorily respond during the enforcement process. Accordingly, Council will have no involvement in whether legal proceedings are commenced against non-voters.

#### BACKGROUND

The Victorian Electoral Commission (VEC) has conducted Council's general elections since 1997 and has shown in the past that it has had the capacity to carry out this service to acceptable standards.

In October 2015, the VEC conducted a series of consultation sessions with the local government sector in relation to an Election Service Plan. The final Plan, which is published on the VEC website, sets out how the VEC will apply the requirements of the *Local Government Act* in conducting the upcoming general elections on behalf of 78 Victorian Councils.

#### PROPOSAL

The Agreement is in three parts and provides detailed quotations for the services involved with the 2016 general elections. The quotations are prepared using a costing scenario and are not set at a fixed price.

The total estimated cost for preparation of the voters' roll (Service 1) and the conduct of the election by postal voting (Service 2) is \$527,306 (excluding GST). The total estimated cost for compulsory voting enforcement (Service 3) following the general elections is \$109,782 (excluding GST).

The quotations have been prepared using key parameters identified in consultation with Council officers.

The VEC's quotations are based on the following variables:

- 132,282 estimated total enrolment;
- 74% voter turnout rate;
- Returning Officer's office to be located at the Civic Centre;
- One candidate information session at the Council Offices;
- Multi-language leaflet inserted in ballot pack;
- 11 vacancies; and
- 48 estimated number of candidates.

Any variation in the above assumptions will result in an increase or decrease in costs.

As in previous Council elections, VEC will set up an office at the Civic Centre for the Returning Officer and VEC staff to handle enquiries from voters and prospective candidates.

The VEC proposes to conduct a statewide advertising campaign to promote local government elections which will include statewide press, metropolitan radio, and ethnic press and radio aimed at increasing voter awareness. A component of the total campaign cost is included in the total cost.

A multi-language ballot pack leaflet will also be provided as part of the tender price which will explain how to vote and obligations regarding voting. It will include telephone numbers for the multi-language information and interpreting service.

Council will conduct its own voter information campaign that will be supported with information placed in the local press, Council's website and the VEC's website.

Some concerns have been expressed in the local government sector relating to the availability of experienced senior electoral officers to conduct the 78 elections in Victoria. In this regard, the VEC have made assurances that all returning officers and deputy returning officers appointed by the VEC will have completed a comprehensive training program prior to their appointment and will be able to discharge their duties in an efficient and effective manner.

## **CONSULTATION**

The VEC consulted with councils in December 2015 and, based on the consultation, costing estimates and an Election Plan were prepared and provided to Councils.

## **CRITICAL DATES**

The Agreement is for the provision of electoral services to Council for the four year period commencing on 1 July 2016 and ending 30 June 2020.

## **FINANCIAL IMPLICATIONS**

An amount of \$720,000 has been allocated in the 2016/17 Council budget for the conduct of the general election. The budget covers the estimated cost of \$637,089 for the elections and includes a contingency amount to cover any increase in costs as a result of changes in any of the variables.

The VEC quotation does not include a cost for the conduct of any by-election or count-backs that may be required between October 2016 and the next scheduled General Elections in October 2020. Any by-elections arising during this period will be conducted on terms to be agreed with the VEC at the time a vacancy arises.

## POLICY STRATEGY AND LEGISLATION

Recent changes to the *Local Government Act* ('the Act') prescribe the VEC as the electoral service provider to Victoria's local government sector and removed the requirement for Councils to contract for their elections.

The *Local Government (Improved Governance) Act 2015* makes it mandatory for the VEC to carry out compulsory voting enforcement at the 2016 Council elections including prosecution of non-voters.

## LINKS TO THE COUNCIL PLAN

**FUTURE DIRECTION**                      **Good Governance**

**Theme**    **Continuous improvements**

**Strategic Objective**                      **Council adopts best practice models of operation**

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

It is recommended that Council authorise the Chief Executive Officer to sign an Electoral Service Agreement with the Victorian Electoral Commission for the provision of electoral services to Council for the four years commencing on 1 July 2016 and ending 30 June 2020.

## RECOMMENDATION

**THAT Council resolve to:**

1. Authorise the Chief Executive Officer to sign an Electoral Service Agreement with the Victorian Electoral Commission for the provision of electoral services to Council for the four years commencing on 1 July 2016 and ending 30 June 2020 for an estimated cost of \$637,089 and subject to the qualifications and variations set out in the agreement; and
2. Authorise the Chief Executive Officer to approve any variations in accordance with the provisions of the Electoral Services Agreement.

## COUNCIL RESOLUTION

**MOVED:**                                      **Cr Sinclair**  
**SECONDED:**                              **Cr Lalios**

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

**CARRIED**





**6.4.2 FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 31 MARCH 2016****File No:** 146746**Attachments:** 1 Financial Performance Report - March 2016**Responsible Officer:** Acting Director Corporate Services**Author:** Team Leader Management Accounting**REPORT****SUMMARY**

The Financial Performance Report for the period ended 31 March 2016, is presented for consideration by Council, in accordance with the requirements of the *Local Government Act* 1989.

**BACKGROUND**

The Financial Performance Report includes the following financial statements:

- Comprehensive income statement
- Balance sheet
- Statement of cash flows
- Statement of capital works

A detailed analysis of income and expenditure in the comprehensive income statement is included in the report. The statement shows a favourable year to date variance of Council's underlying surplus of \$9.58 million. This variance is anticipated to reduce by the end of the financial year as expenditure on capital projects and council initiatives increase. Significant income and expenditure variances for the nine month period ending 31 March 2016 are highlighted below.

The favourable income variances have occurred in:

- Rates & charges (\$1.61 million) due to increased revenue from supplementary rates as a result of increased development activity within the municipality.
- User fees and fines (\$915,000) as a result of increased use of community facilities and services such as Green Waste collection and increased development activity.
- Operating grants (\$782,000) for services such as Maternal and Child Health and Aged Services due to population growth and change.
- Capital grants (\$5.17 million) for recently received external funding such as the Interface Growth Fund. Unspent capital grants at the end of the financial year will be carried forward (via reserves) into the 2016/17 financial year.

The favourable expenditure variations are in Employee benefits (\$2.21 million) due to staff vacancies and is partially offset by agency costs; and Materials and services (\$2.72 million) due to lower than anticipated year to date expenditure on works.

**CONSULTATION**

The 2015/16 budget was adopted following consultation with the community (including the statutory budget submission process).

Consultation with the various departments of Council has also been undertaken in preparation of this report.

## FINANCIAL IMPLICATIONS

The financial implications are detailed in the report.

## POLICY STRATEGY AND LEGISLATION

Section 138 of the *Local Government Act* 1989 provides that at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year, with the actual revenue and expenditure to date, is presented to Council.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Resource Management</b>
<b>Strategic Objective</b>	<b>Council is financially sustainable for the long term</b>

## 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

For the nine month period ending 31 March 2016, Council's underlying surplus shows a favourable year to date variance of \$9.58 million against budget. Although this result is generally in-line with budget predictions, previous year trends and forecast data indicate that this variance will reduce by the end of the financial year.

## RECOMMENDATION

**THAT Council resolve to note the Financial Performance Report for the period ended 31 March 2016.**

## COUNCIL RESOLUTION

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**

### 6.4.3 ASSEMBLIES OF COUNCIL REPORT

**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
Council Forum 12 April 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Harris Cr Kirkham Cr Lalios Cr Pavlidis Cr Sinclair Cr Spinelli	DAC DCRS-A DCS DCTP DPMP EMA MFA MHACR MOW TLHP	1. Audit and Risk Committee Chairman's Report 2. 2016/17 Proposed Budget 3. Preventing Alcohol Related Harm Policy and Action Plan 4. General Business  a) Meadow Glen Athletics Facility b) Interface Grants Program c) Youth Services Team d) Masons Road – Cut Through Danger  <i>Nil disclosures</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum <b>19 April 2016</b>	Cr Kozmevski (Mayor) Cr Alessi Cr Griffin Cr Kirkham Cr Lalios Cr Pavlidis Cr Sinclair Cr Stow	CEO DCRS-A DCS-A DCTP DPMP DPE-A MADS MEAP MMC MMP MOW MSP NDISPPO TLPPF	1. 50 – 60 Hunters Lane, Mernda – Amendment to the Mernda Strategy Plan 2. Options for Future NDS Service Delivery to Existing HACC Clients who will Transition to the NDIS 3. Landscape Bond Policy Review 4. 2013-17 Council Plan – Year 4 (2016/17) Action Plan 5. Signage Management Plan  <i>Nil disclosures</i>
CEO Employment Matters Advisory Committee <b>3 May 2016</b>	Cr Kozmevski (Mayor) Cr Lalios	CEO	CEO Performance Review Process  <i>Nil disclosures</i>

Legend of officer titles

Initials	Title of Officer	Initials	Title of Officer
CEO	Chief Executive Officer – Michael Wootten	MEAP	Manager Established Areas Planning – Darren Jackson
DAC	Director Advocacy & Communications – Griff Davis	MFA	Manager Finance and Assets – Darryl Nelson
DCRS-A	Acting Director Corporate Services – Michael Tonta	MHABR	Manager Health Access & Bushfire Recovery – Neville Kurth
DCS	Director Community Services – Russell Hopkins	MMC	Manager Marketing & Communications – Sean McManus
DCS-A	Acting Director Community Services – Neville Kurth	MMP	Manager Major Projects – Nick Mazzarella
DCTP	Director City Transport & Presentation – Nick Mann	MOW	Manager One Whittlesea – Sam Dureau
DPE-A	Acting Director Partnerships & Engagements – Mary Agostino	MSP	Manager Strategic Planning – George Saisanis
DPMP	Director Planning & Major Projects – Steve O'Brien	NDISPPO	NDIS Prepare Project Officer – Kathy Pompetti
EMA	Executive Manager Advocacy – Mary Agostino	TLPPF	Team Leader Project Planning & Facilitation – Tim Smith
MADS	Manager Aged and Disability Services – Steve Ward	TLHP	Team Leader Health Planning – Philippa McLean

**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

<b>Future Direction</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Continuous improvement</b>
<b>Strategic Objective</b>	<b>Best practice models of operation are adopted by Council</b>
<b>Council Goal</b>	<b>Council adopts best practice models of operation</b>

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

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

## RECOMMENDATION

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

## COUNCIL RESOLUTION

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**



**6.4.4 LEASE - ASHLEY PARK TRUST - ASHLEY PARK COMMUNITY ACTIVITY CENTRE****File No:** 195049**Attachments:**  
1 Site Plan & Photo  
2 Concept Design Plan**Responsible Officer:** Acting Director Corporate Services**Author:** Senior Property Officer**REPORT****SUMMARY**

This report seeks Council approval to invite public submissions on the proposed lease with the Ashley Park Trust in relation to the new Community Activity Centre within Ashley Park (see *Attachment 1 – Site Plan & Photo*). The land is in the municipality's North Ward.

**BACKGROUND**

Council, at its meeting held on 15 March 2016, endorsed a proposal from a consortium led by the YMCA (Whittlesea) (YMCA), to design, build, manage and ultimately transfer to Council, a full function integrated community and early childhood facility in Mernda/Doreen Precinct 2B, nominally known as Ashley Park or the Riverstone estate. A Community Activity Centre (CAC) at this location is a requirement of the endorsed Mernda/Doreen Strategic Plan (2004).

YMCA and Planum have agreed to establish a special purpose entity called Ashley Park Trust. YMCA confirms its role as consortium lead for the delivery of the Ashley Park project. As consortium lead YMCA has engaged Lloyds - Builders, Clarke Hopkins Clarke - Architects and Planum Partners - Finance.

YMCA and Planum Partners have agreed to work together to develop, own and manage community and child care centres. As part of this process YMCA has identified the opportunity for Planum to participate with YMCA in the Ashley Park development alongside the City of Whittlesea.

The key features of the Ashley Park arrangement are:

- YMCA will be the primary point of contact with the Council
- YMCA will manage and be responsible for the design and construction
- YMCA will provide all services
- Planum will provide funding to enable YMCA to contribute its share of the development costs
- Planum will provide development oversight and expertise.

A lease will be granted to the Ashley Park Trust (special purpose consortium endorsed by Planum Partners and authorised representative under Australian Financial Services Licence (AFSL) 479535 and joint venture partner of the YMCA Centre), for a period of 25 years with no further provision of a further term and request an annual lease rental of \$104 per annum (plus GST). All terms and conditions will be drawn in consideration of comparable leases, including the payment of all rent, rates and taxes, insurance, legal costs, maintenance and the removal of all improvements at the expiry of the lease (if requested).

Alternatively, Council will retain ownership of the building following the expiry of the lease (at no cost to Council).

The Community Activity Centre would provide a community hall of 200m<sup>2</sup>, 70m<sup>2</sup> of community meeting rooms, two additional consulting rooms for visiting professional services as well as a generous MCH facility. In addition, it will provide sufficient kindergarten capacity to meet the projected peak needs of this precinct and a 102 place childcare component.

Planum Partners is an advisory and investment firm (established in 2015) with a specialised focus on real estate, infrastructure and project finance. From an investment perspective, Planum has acted as sole equity, underwriter, partner or manager of investment funds, for a variety of projects and asset classes, including the Carlton Connect project (\$250m), Puhoi to Warkworth PPP bid (\$1bn), Capital Square project – Perth (\$800m), Herston Quarter Precinct Brisbane (\$1bn) New Zealand education facilities (\$300m) amongst other projects. The company was established under three co-founders, each retaining a minimum of 20 years' experience in the finance, advisory and investment banking sector.

## PROPOSAL

To invite public submissions on the proposed lease to the Ashley Park Trust for the construction of a new Community Activity Centre within Ashley Park (121 Orchard Street, Doreen).

## CONSULTATION

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

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

## CRITICAL DATES

YMCA is ready to commence a planning permit application and could commence construction as soon as statutory requirements are met. Allowing for State Government licencing, it is envisaged that it could open in early 2017.

## PUBLIC SUBMISSIONS

Council will invite public submissions under Section 223 of the *Local Government Act* 1989 with regard to the proposed lease. An advertisement will be placed in the Whittlesea Leader newspaper and Council's website on Tuesday 24 May 2016 requesting public submissions be received by Wednesday 22 June 2016 (12 noon).

## FINANCIAL IMPLICATIONS

Council's Manager Property & Valuations has recommended that an annual lease of \$104 per annum (plus GST) be charged to the Ashley Park Trust, in light of the significant financial contributions paid by for the design and development of the facility. The rent will be reviewed annually in accordance with the Consumer Price Index (*'All Melbourne index'*).



## POLICY STRATEGY AND LEGISLATION

Council must seek public submissions on the proposed lease under Section 190 and 223 of the *Local Government Act* 1989. Submissions will be invited for a period no less than 28 days and referred on to an appointed Committee of Council for consideration. The appointed Committee will consider and report all findings to Council for its final recommendation at their next available meeting.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Community hubs</b>
<b>Strategic Objective</b>	<b>We have areas that bring people together around services and entertainment experiences</b>

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

## 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

To invite public submissions on the proposed lease presented to the Ashley Park Trust and enable the construction of new Community Activity Centre within Ashley Park (121 Orchard Road, Doreen).

## RECOMMENDATION

**THAT Council resolve to:**

1. **Invite public submissions in accordance with Section 190 and 223 of the *Local Government Act* 1989, on its intentions to lease the land located at 121 Orchard Road, Doreen, to the Ashley Park Trust, for the construction of a new Community Activity Centre. The lease will be drawn under the following terms and conditions –**
  - a) **The Tenant will be offered a lease for a period of 25 years with no provision of a further term.**
  - b) **The Tenant will pay a commencement date rental of \$104 per annum (plus GST) that will be reviewed annually in accordance with the Consumer Price Index ('All Melbourne' index).**
2. **Establish an advisory Committee of Council comprising of North Ward Councillors, to consider any written submissions received on the proposal and make recommendations to Council on any such submissions.**

3. Authorise the Chief Executive Officer to carry out administrative procedures necessary to enable Council to carry out its functions under Section 223 of the *Local Government Act 1989*.
4. Receive a further report on the proposed lease following the close of the submission period.

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr Sinclair  
**SECONDED:** Cr Lalios

*The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Sinclair, Seconded by Cr Lalios. 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 REPORTS**

**9. URGENT BUSINESS**

**9.1 FUNDING CUTS TO COMMUNITY LEGAL CENTRES**

Cr Alessi raised an item of urgent business in relation to the proposed Federal Government funding cuts to Community Legal Centres

**COUNCIL RESOLUTION**

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

**THAT Council resolve to accept the item as an item of Urgent Business.**

**CARRIED**

**COUNCIL RESOLUTION**

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

**THAT Council resolve to write to the Federal Government asking not to cut funding as proposed in the Federal Budget to Community Legal Centres especially in growth areas such as the City of Whittlesea.**

**CARRIED**

**DIVISION**

Immediately after the motion was voted on, Cr Alessi called for a division which resulted in the following votes being recorded.

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Alessi	Nil	Cr Stow
Cr Griffin		
Cr Harris		
Cr Lalios		
Mayor Cr Kozmevski		
Cr Spinelli		
Cr Sinclair		

Based on the votes cast during the Division, the motion was carried.

**CARRIED**



## 10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

### 10.1 MAV STATE COUNCIL MEETING

Cr Christine Stow provided an overview of the MAV State Council Meeting when the following items were discussed:

- Voting was held in relation to 54 Motions put forward for the State Council Meeting later this year, Council submitted three Motions that were all accepted:
- Rate Capping;
- Funding to eradicate Lobed Needle Grass; and
- Social Affordability Housing.

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Griffin*

**SECONDED:** *Cr Lalios*

**THAT Council resolve to note the Delegate's report.**

**CARRIED**

### 10.2 WHITTLESEA COMMUNITY CONNECTIONS

Cr Sam Alessi provided an overview of a recent meeting of the Whittlesea Community Connections when the following items were discussed:

- Recruiting for a new CEO – in the final stages;
- Draft Budget being considered – turnover now \$3M approximately;
- A special Family Violence Unit has been set up with grant funding of \$120K;
- In the most recent quarter (Jan 1-March 31) saw 128 new clients across all services for the Family Violence Unit.
  - This equates to more than two clients per working day
  - This is an increase of almost 50% from the previous quarter (87)
  - 80% of these clients entered through the legal service
  - Of those entering through the legal service, a majority came through the Family Violence Unit (increasing from 31% to 40% of cases) and our outreach lawyer (increasing from 3% to 11%).
  - The outreach lawyer reports a large number were from the growth areas and that word of mouth about services is possibly fuelling this increase.
  - For almost half these cases, this was their first contact with a support agency regarding their Family Violence.
- This data reflects not so much an increase in family violence, but an increase in community awareness and ability to access services. It also shows the importance of having a dedicated Family Violence Unit within the legal service because we know that for many people this is the first opportunity to disclose Family Violence, and is a pathway for referral in additional/holistic supports such as emergency relief or casework.
- Funding cuts for Legal Services in Community Legal Centres has been cut from Community Legal Centres are proposed in the Federal Budget.

<b>COUNCIL RESOLUTION</b>
---------------------------

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

**THAT Council resolve to note the Delegate's report.**

**CARRIED**



**11. QUESTIONS TO COUNCILLORS**

**11.1 SUBMISSION TO GC28 DONNYBROOK/WOODSTOCK PSP**

**CAZ MONTELEONE - EPPING**

What is the Melbourne Planning Authority's (MPA) response to specific reviews sought in the Council meeting on 1 March 2016 as part of their stakeholder recommendations submitted on 8 March 2016?

**MAYOR, CR KOZMEVSKI**

Thank you for your question.

All the points raised by the Monteleone's form part of Council's submission to the GC28 Donnybrook/Woodstock PSP. The MPA response will be provided in their submission to the Planning Panel.

The matter is still being considered by the Panel which commenced yesterday.

Council is yet to receive a formal response.

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



**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**NIL REPORTS**

**12.2 COMMUNITY SERVICES**

**NIL REPORTS**

**12.3 CITY TRANSPORT AND PRESENTATION**

**12.3.1 HANSON LANDFILL SERVICES AGREEMENT 1986 (AMENDED)  
PROVISION OF TIP VOUCHERS - CONTRACT VARIATION**

**12.4 CORPORATE SERVICES**

**12.4.1 CONTRACT SR121312 IN-HOUSE PHYSIOTHERAPY SERVICES -  
CONTRACT EXTENSION**

**12.4.2 MAPS 1212-1017 PROVISION OF NATURAL GAS & ASSOC SERVICES -  
CONTRACT FINALISATION**

**12.4.3 PANEL CONTRACT EXPENDITURE DISTRIBUTION**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER – 18 APRIL TO 6 MAY  
2016**

**COUNCIL RESOLUTION**

**MOVED:** Cr Stow  
**SECONDED:** Cr Harris

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:

**12.3.1 HANSON LANDFILL SERVICES AGREEMENT 1986 (AMENDED) PROVISION OF TIP VOUCHERS - CONTRACT VARIATION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*

**12.4.1 CONTRACT SR121312 IN-HOUSE PHYSIOTHERAPY SERVICES - CONTRACT EXTENSION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*

**12.4.2 MAPS 1212-1017 PROVISION OF NATURAL GAS & ASSOC SERVICES - CONTRACT FINALISATION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*

**12.4.3 PANEL CONTRACT EXPENDITURE DISTRIBUTION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER – 18 APRIL TO 6 MAY 2016**  
*Confidential in accordance with Section 89(2)(a),(b),(c),(d),(e),(f),(g),(h) of the Local Government Act 1989.*

**CARRIED**

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7.22 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 7.30PM.

**13. CLOSURE**

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 7.30PM.

CONFIRMED THIS 7<sup>TH</sup> DAY OF JUNE 2016.

CR STEVAN KOZMEVSKI  
 MAYOR