



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 28 JUNE 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

SEAN MCMANUS

ACTING DIRECTOR PARTNERSHIPS &  
ENGAGEMENT

ANGELO MAMATIS

TEAM LEADER GOVERNANCE



## ORDER OF BUSINESS

The Chief Executive Officer submits the following business:

<b>1.</b>	<b>OPENING.....</b>	<b>9</b>
	1.1 MEETING OPENING AND PRAYER.....	9
	1.2 MAYOR’S RECONCILIATION STATEMENT .....	9
	1.3 PRESENT.....	9
	1.4 APOLOGIES .....	9
<b>2.</b>	<b>DECLARATIONS OF INTEREST.....</b>	<b>11</b>
<b>3.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>11</b>
<b>4.</b>	<b>CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS .....</b>	<b>13</b>
	4.1 PETITIONS.....	13
	4.1.1 PETITION – OBJECTION TO THE USE AND DEVELOPMENT OF LAND FOR INDUSTRY AND LANDSCAPE – 266 MAHONEYS ROAD THOMASTOWN, PLANNING APPLICATION NUMBER 715368 .....	13
	4.1.2 PETITION – REQUESTING COUNCIL SUPPORT AND ADVOCATE FOR THE FUNDING OF A 6 LANE E6 FREEWAY BY THE STATE AND FEDERAL GOVERNMENTS FROM THE M80 RING ROAD TO BRIDGE INN ROAD .....	13
	4.2 JOINT LETTERS .....	14
	NIL REPORTS.....	14
<b>5.</b>	<b>SIGNING OF COUNCILLORS CODE OF CONDUCT.....</b>	<b>15</b>
	5.1 SIGNING OF COUNCILLORS CODE OF CONDUCT 2016 .....	15
<b>6.</b>	<b>OFFICERS’ REPORTS .....</b>	<b>17</b>
	6.1 PLANNING AND MAJOR PROJECTS.....	19
	6.1.1 6-8 DUNSTANS COURT, THOMASTOWN - CONSTRUCTION OF 70 WAREHOUSES AND A CAFÉ, REDUCTION IN THE STANDARD CAR PARKING REQUIREMENT AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 .....	19
	6.1.2 9 DE CASTELLA CLOSE, MILL PARK - CONSTRUCTION OF TWO DOUBLE-STOREY DWELLINGS TO THE REAR OF THE EXISTING DWELLING .....	35
	6.1.3 10 MADISON COURT, BUNDOORA - CONSTRUCTION OF THREE TWO-STOREY DWELLINGS .....	47

6.1.4	AMENDMENT TO THE SOUTH MORANG ACTIVITY CENTRE DEVELOPMENT PLAN .....	59
6.1.5	GREEN WEDGE MANAGEMENT PLAN 5 YEAR REVIEW .....	65
6.1.6	WHITTLESEA PLANNING SCHEME AMENDMENT C197 - MSS UPDATE (PLANNING SCHEME REVIEW PROJECT - ACTION 3) .....	75
<b>6.2</b>	<b>COMMUNITY SERVICES.....</b>	<b>85</b>
	NIL REPORTS.....	85
<b>6.3</b>	<b>CITY TRANSPORT AND PRESENTATION .....</b>	<b>87</b>
	NIL REPORTS.....	87
<b>6.4</b>	<b>CORPORATE SERVICES.....</b>	<b>89</b>
6.4.1	UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING .....	89
6.4.2	ASSEMBLIES OF COUNCIL REPORT - 28 JUNE 2016.....	91
6.4.3	COMMITTEE OF COUNCIL RECOMMENDATION - LEASE - ASHLEY PARK TRUST - ASHLEY PARK COMMUNITY ACTIVITY CENTRE .....	95
<b>6.5</b>	<b>PARTNERSHIPS &amp; ENGAGEMENT .....</b>	<b>99</b>
6.5.1	EPPING COMMUNITY SERVICE HUB- SUB TENANCY .....	99
<b>6.6</b>	<b>EXECUTIVE SERVICES.....</b>	<b>103</b>
6.6.1	YEAR 4 ACTION PLAN -2013/17 COUNCIL PLAN.....	103
<b>7.</b>	<b>NOTICES OF MOTION .....</b>	<b>107</b>
7.1	NOTICE OF MOTION NO 814 - PUBLIC SAFETY CCTV POLICY.....	107
<b>8.</b>	<b>QUESTIONS TO OFFICERS .....</b>	<b>109</b>
<b>9.</b>	<b>URGENT BUSINESS .....</b>	<b>111</b>
9.1	URGENT BUSINESS - NDIS ROLLOUT.....	111
9.2	URGENT BUSINESS - MERNDA RAIL EXTENSION .....	113
<b>10.</b>	<b>REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES .....</b>	<b>117</b>
10.1	WHITTLESEA MULTICULTURAL COMMUNITY COUNCIL .....	117
10.2	NATIONAL GENERAL ASSEMBLY .....	117
10.3	WHITTLESEA CHINESE ASSOCIATION .....	117
10.4	VICTORIAN ETHNIC COMMUNITIES COUNCIL .....	118
<b>11.</b>	<b>QUESTIONS TO COUNCILLORS .....</b>	<b>119</b>
<b>12.</b>	<b>CONFIDENTIAL BUSINESS.....</b>	<b>121</b>
12.1	PLANNING AND MAJOR PROJECTS.....	121



NIL REPORTS.....	121
<b>12.2 COMMUNITY SERVICES.....</b>	<b>121</b>
12.2.1 MARQUEE & EQUIPMENT HIRE FOR COUNCIL EVENTS 2013-13A&B EXTENSION OF CONTRACT .....	121
12.2.2 HIRE OF AUDIO AND LIGHTING EQUIPMENT FOR COUNCIL EVENTS - EXTENSION OF CONTRACT NO. 2013-12.....	121
<b>12.3 CITY TRANSPORT AND PRESENTATION .....</b>	<b>121</b>
12.3.1 SUPPLY OF ASPHALT WORKS - CONTRACT NO. 2016-20 - TENDER EVALUATION REPORT .....	121
12.3.2 PROVISION OF PAINT AND GRAFFITI REMOVAL - CONTRACT MAPS 1308-1001 FINILISATION REPORT.....	121
12.3.3 PROVISION OF CLEANING SERVICES - CONTRACT NO. SR111210 - CONTRACT EXTENSION.....	121
12.3.4 CONTRACT NO. SR091018 PROVISION OF MAINTENANCE SERVICES TO LOCK AND KEY SYSTEMS - CONTRACT EXTENSION.....	121
<b>12.4 CORPORATE SERVICES.....</b>	<b>121</b>
12.4.1 MICROSOFT ENTERPRISE LICENSING AGREEMENT CONTRACT VARIATION .....	121
12.4.2 PHOTOCOPIERS, PRINTERS AND ASSOCIATED PRODUCTS & SERVICES CONTRACT 2016-39 - TENDER EVALUATION .....	121
<b>12.5 PARTNERSHIPS &amp; ENGAGEMENT .....</b>	<b>121</b>
NIL REPORTS.....	121
<b>12.6 EXECUTIVE SERVICES.....</b>	<b>121</b>
12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 30 MAY 2016 TO 17 JUNE 2016 .....	121
<b>13. ADJOURNMENT .....</b>	<b>123</b>

**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 Kris Pavlidis	Councillor (South West Ward)
Cr Darryl Sinclair	Councillor (South West Ward)
Cr Ken Harris*	Councillor (South East Ward)
Cr Mary Lalios	Councillor (South East Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Rex Griffin	Councillor (North Ward)
Cr Christine Stow	Councillor (North Ward)

\*entered the Council Chamber at 6:38PM

**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
Mr Sean McManus	Acting Director Partnerships & Engagement
Mr Angelo Mamatis	Team Leader Governance

**1.4 APOLOGIES**

**APOLOGY**

Apologies were received on behalf of Deputy Mayor Cr Norm Kelly, Cr Sam Alessi, Cr Ken Harris and Cr Adrian Spinelli who requested that leave be granted for this meeting

**COUNCIL RESOLUTION**

**MOVED:** Cr Pavlidis  
**SECONDED:** Cr Stow

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

**CARRIED**



**2. DECLARATIONS OF INTEREST**

**THE FOLLOWING DECLARATION OF INTEREST WAS MADE DURING THE MEETING:**

Cr Ken Harris declared an indirect interest because of conflicting duty in Item 6.1.6 Whittlesea Planning Scheme Amendment C197 – MSS Update (Planning Scheme Review Project – Action 3) on the grounds that he is the President of the Friends of South Morang.

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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

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

- Ordinary Meeting of Council held 7 June 2016;**
- Special Meeting of Council held 14 June 2016; and**
- Special Meeting of Council held 23 June 2016.**

**CARRIED**



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

**4.1 PETITIONS**

**4.1.1 PETITION – OBJECTION TO THE USE AND DEVELOPMENT OF LAND FOR INDUSTRY AND LANDSCAPE – 266 MAHONEYS ROAD THOMASTOWN, PLANNING APPLICATION NUMBER 715368**

**File No: 715368**

Cr Sinclair tabled a Petition from 83 non-residents (residents of Darebin City Council) objecting to the use and development of land as a concrete batching plant located at 266 Mahoneys Road – Thomastown, Planning Application Number 715368.

**COUNCIL RESOLUTION**

**MOVED: Cr Sinclair**  
**SECONDED: Cr Griffin**

**THAT Council resolve to receive the petition from 83 non-residents (residents of Darebin City Council) objecting to the use and development of land as a concrete batching plant located at 266 Mahoneys Road – Thomastown, Planning Application Number 715368 and a report be prepared.**

**CARRIED**

**4.1.2 PETITION – REQUESTING COUNCIL SUPPORT AND ADVOCATE FOR THE FUNDING OF A 6 LANE E6 FREEWAY BY THE STATE AND FEDERAL GOVERNMENTS FROM THE M80 RING ROAD TO BRIDGE INN ROAD**

**File No: SU/177059**

Cr Lalius tabled a petition from 514 people (473 residents and 41 non-residents), requesting Council support and advocate for the funding of a 6 lane E6 Freeway by the State and Federal Governments from the M80 Ring Road to Bridge Inn Road.

**COUNCIL RESOLUTION**

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

**THAT Council resolve to:**

- 1. Note the petition from 514 people (473 residents and 41 non residents);**
- 2. Note that Council’s top ten advocacy position is for the E6 to be constructed from the Metropolitan Ring Road to Bridge Inn Road as an arterial road; and**
- 3. A report be prepared.**

**CARRIED**

**4.2 JOINT LETTERS**

**NIL REPORTS**

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Cr Harris entered the Council Chamber at 6:38PM

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**5. SIGNING OF COUNCILLORS CODE OF CONDUCT**

**5.1 SIGNING OF COUNCILLORS CODE OF CONDUCT 2016**

**File No:** 163964  
**Attachments:** 1 Councillors Code of Conduct 2016  
**Responsible Officer:** Acting Director Corporate Services  
**Author:** Governance Officer

**REPORT**

**SUMMARY**

The purpose of this report is to provide an opportunity for Councillors to sign the amended Councillors Code of Conduct ('the Code') which was adopted by Council at its Special Council Meeting on 14 June 2016. *(Refer to Attachment 1).*

**BACKGROUND**

It is a legislated requirement for Councillors to make a written declaration stating that they will abide by the Code in the presence of the Chief Executive Officer.

**PROPOSAL**

It is proposed that Councillors sign the Code in the presence of the Chief Executive Officer.

**CONSULTATION**

Council adopted the Code at its meeting on 14 June 2016.

**CRITICAL DATES**

The Code must be signed by all Councillors within one month of it being adopted. Failure by a Councillor to sign the Code in the required time is grounds for disqualification as a Councillor. Signing the Code does not have to occur at a Council meeting, but is being proposed in that forum because it provides an opportunity for Councillors to sign the Code in the primary public forum associated with the role of Councillor.

**POLICY STRATEGY AND LEGISLATION**

Under section 76C (6) of the *Local Government Act 1989* ('the Act'), Councillors are required to make a declaration that they will abide by the Code in the presence of the Chief Executive Officer within one month of the Code being adopted - Thursday, 14 July 2016.

A Councillor who does not make the declaration on or before 14 July 2016 is in breach of the Act and would risk disqualification from acting as a Councillor.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Continuous improvements</b>
<b>Strategic Objective</b>	<b>Council adopts best practice models of operation</b>

Signing of the Code by Councillors will promote good governance of the Council by specifying agreed standards of Councillor behaviour.

**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**

Signing of the Code by Councillors will promote good governance of the Council by having agreement amongst Councillors on the standards of Councillor behaviour required for the ethical and professional performance of Councillors' duties.

**RECOMMENDATION**

**THAT all Councillors make a written declaration stating that they will abide by the Councillors Code of Conduct in the presence of the Chief Executive Officer and that the declaration be incorporated in the Council minutes.**

***Chief Executive Officer Explanatory Note***

It is recorded that all Councillors present at the Meeting made a written declaration that they will abide by the Councillor Code of Conduct.

**6. OFFICERS' REPORTS**

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

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.2, 6.1.5, 6.4.1, 6.4.2 and 6.4.3.**

**CARRIED**

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**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.*

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**6.1 PLANNING AND MAJOR PROJECTS****6.1.1 6-8 DUNSTANS COURT, THOMASTOWN - CONSTRUCTION OF 70 WAREHOUSES AND A CAFÉ, REDUCTION IN THE STANDARD CAR PARKING REQUIREMENT AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1**

<b>File No:</b>	<b>715596</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 Established Areas Planning</b>
<b>APPLICANT:</b>	<b>Glossop Town Planning</b>
<b>COUNCIL POLICY:</b>	<b>22.09 Industrial Development Policy</b>
<b>ZONING:</b>	<b>Industrial 1 Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Yes</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to develop the land for 70 warehouses and a café, to reduce the standard car parking rate and alter access to a Road Zone Category 1.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the reduction in car parking including lack of on-street car parking available in the area and a concern with the generation of extra vehicular traffic.

The southern portion of the site is located within the vicinity of a high voltage power line easement, and the site adjoins Dalton Road to the east. The application was referred to VicRoads and SP AusNet. AusNet Services (AusNet Transmission Group) have no objection or conditions, and VicRoads have no objection subject to the inclusion of conditions on any permit issued.

The proposal demonstrates a satisfactory level of compliance with the Industrial Development Policy (Clause 22.09), Industrial 1 Zone (Clause 33.01), Car Parking (Clause 52.06), Loading and Unloading of Vehicles (Clause 52.07) and Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay a Category 1 Road (Clause 52.29) of the Whittlesea Planning Scheme subject to minor modifications.

On the basis of the assessment against relevant provisions of the Whittlesea Planning Scheme, it is recommended that Council approve the application.

The subject land has more recently been unlawfully used for the purpose of the dumping of contaminated materials (including asbestos). The applicant submitted an Environmental Audit Report on 28 January 2016. This report was required as a result of the issuing of a Clean Up Notice (NO10031) by the EPA in 2011.

Any permit issued will require that the land be fully rehabilitated and reinstated before any new use commences.

### **SITE AND SURROUNDING AREA**

The subject site (*Attachment 1*) is located on the western side of Dalton Road and on the eastern side of Dunstans Court, Thomastown. The site has a frontage to Dalton Road of 141.7m in length and a frontage to Dunstans Court of 109m.

The subject site is irregular in shape, has a slope of 3.0m east to west, contains a dilapidated industrial building, and has an area of approximately 25,615m<sup>2</sup>.

The site is located in close proximity to high voltage power transmission lines (just south of the site).

Vegetation on site is limited to some areas of grass and an exotic tree in the north-eastern corner. A 1.5m high fence exists around the perimeter of the site.

The surrounding area has been developed for industrial and other related uses.

### **RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 18 on Plan of Subdivision 034272. The subject site is affected by an easement (E-1) for the purpose of Melbourne Metropolitan Board of Works created by C/E D950420.

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

### **PROPOSAL**

The application is for the development of the land for 70 warehouses and a café, to reduce the standard car parking rate and alter access to a Road Zone Category 1. The application is speculative with no end-users declared.

The café is proposed to operate in the north-western corner of the site (fronting Dalton Road). The café proposes a total floor area of 181m<sup>2</sup>. The café proposes the following hours of operation:

- Monday to Saturday: 7:00am – 3pm and 5pm-10pm
- Sunday: 7:00am – 3pm

The proposed warehouses vary in size and shape between 92.5m<sup>2</sup> and 507.5m<sup>2</sup> and each contain a bathroom and kitchenette on the ground level and an ancillary office at the upper level. Each warehouse contains a 3.6m x 7.6m loading bay.

A total of 286 car parking spaces are proposed in association with the proposal. Car parking is proposed along the frontage to Dalton Road, along the southern boundary, and internal to the site.

Two new vehicle crossovers are proposed along both the Dalton Road frontage (Road Zone Category 1) and Dunstans Court frontage, providing access to the site.

A 2.0m wide landscape buffer is proposed to Dalton Road. Some landscape areas are scattered through the development.

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in one objection being received. The ground of objection is as follows:

- Reduction in car parking including lack of on-street car parking available in the area and a concern with the generation of extra vehicular traffic.

**REFERRALS****External**AusNet Services

This application was referred to AusNet Services (AusNet Transmission Group) pursuant to Section 55 of the *Planning and Environment Act 1987* due to the proposal being located partially within high voltage power line easements. AusNet Services did not object to the application and had no conditions.

VicRoads

This application was referred to VicRoads pursuant to Section 55 of the *Planning and Environment Act 1987* due to the application proposing to alter access to a Road Zone Category 1 (Dalton Road). VicRoads did not object to the application subject to the inclusion of conditions on any approval granted. The conditions relate to removal of redundant crossovers, submission of *functional layout plans in relation to access/exit arrangements to Dalton Road and submission of signage and line-marking plans, swept paths and visibility splay*.

**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 Policies***Use of contaminated and potentially contaminated land (Clause 13.03-1)*

Clause 13.03-1 seeks to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

A condition of any permit issued will require that the contamination status of the land be addressed before the commencement of the development (if not already).

*Design of Industrial Development (Clause 17.02-2)*

The objective of this Clause is to facilitate the sustainable development and operation of industry and research and development activity.

It is considered that the proposed land use for warehousing is a reasonable outcome for the industrially zoned site.

**Local Planning Policies***Industrial Development Policy (Clause 22.09)*

The objective of Council's Industrial Development Policy is to achieve well designed, quality industrial developments that are suitably located so as to meet stated economic development objectives.

It is considered that subject to the inclusion of conditions on any approval granted that the proposal is a reasonable outcome for the reasons set out below.

An assessment of the proposal against the requirements of this Clause is provided below:  
It is policy to:

- *Ensure that the scale and appearance of all buildings and works is consistent with the purpose of the zone, site location, and surrounding land uses.*

The proposal is an allowable use within the Industrial 1 Zone. The proposed warehousing (and ancillary café) is a typical use and development in the Industrial 1 Zone, and is therefore considered to be consistent with the purpose of the zone, site location, and surrounding land uses. The design of the proposed development is contemporary and utilises a number of different colours and design elements to break up the building bulk and ensure that it does not present as a monotonous built form.

However, it is considered that the landscaping could be improved onsite, particularly to the Dalton Road streetscape. The 2.0m wide landscape strip proposed along this boundary is considered unsatisfactory as a response to landscaping for the large site and significant development proposal.

It is considered that this should be combined with the inclusion of a condition of any permit issued to provide five additional landscape bays (resulting in a further reduction in five car parking spaces) along the Dalton Road frontage. A landscape bay will be required to be provided to each eight car spaces along the Dalton Road Frontage (from south to north) and must each contain a medium canopy tree of a suitable species (minimum height of 8.0m). It is considered that this will significantly improve the outlook of the site to the surrounding road network, improve protection of parking areas, and provide some shade and an improved landscape outcome. Therefore, a condition of any approval granted will require the submission of revised plans and the submission of a detailed landscape plan (prepared by a suitably qualified person) showing the landscape bays, to the satisfaction of the Responsible Authority.

- *Encourage appropriate landscape and building setbacks that enhance and / or improve the appearance of industrial areas.*

As mentioned above, it is considered that the proposed landscaping does not provide a satisfactory outcome with respect to the size of the site and the extent of the proposal. Therefore, a condition of any approval granted will require the submission of revised plans and the submission of a detailed landscape plan (prepared by a suitably qualified person) to the satisfaction of the Responsible Authority.

- *Ensure landscape plans are provided, showing:*
  - *an automatic sprinkler irrigation system*
  - *simple landscaping which includes provision of lawn and high canopy trees especially along front setbacks*
  - *provision of trees in carpark areas and*
  - *preservation of existing trees on site.*

The application has indicated some landscaping on the site. A condition of any approval granted will require the submission of a revised, detailed landscape plan (prepared by a suitably qualified person) including modifications as detailed previously.

- *Consider the requirement for levying a landscape bond to ensure the provision and maintenance of all landscaping required.*



Given the size of the site and the extent of the proposal, it is considered appropriate to impose a condition of any approval granted a \$10, 000 landscape bond requirement to ensure the provision and maintenance of all required landscaping.

- *Discourage fencing along the front boundary or in front of the building line.*

No fencing is proposed to the front boundary or in front of the building line proposed to either road frontage (to Dalton Road or Dunstans Court).

- *Ensure all external storage of goods and materials, refuse collection areas and garbage skips is fully screened from view. Screening should be in materials consistent with buildings to be constructed on the site.*

As the submitted waste management plan recommends private internal waste collection, Council's Waste Management Engineers have indicated that they have no issues with the proposal subject to the inclusion of standard conditions on any permit issued.

## **Zoning and Overlay Provisions**

### Industrial 1 Zone (Clause 33.01)

The site is within the Industrial 1 Zone. The objectives of this zone include providing for manufacturing industry, the storage and distribution of goods and associated uses in a manner that does not affect the safety and amenity of local communities.

Subject to the inclusion of conditions on any approval granted, the proposal is considered to be generally in accordance with the purpose and objectives of this zone, and responds to the street character of the surrounding industrial area. It is acknowledged that the site is compromised by the transmission line easement to the south, and use and development of the site along the southern portion of the site is therefore restricted.

The proposed ancillary café will operate Monday to Saturday: 7:00am – 3pm and 5pm-10pm, and Sunday 7:00am – 3pm. It is considered that these hours are acceptable in relation to the use of the site, and to allow for a variety of permissible uses to occur on the site which may involve shift work or non-traditional working hours.

No advertising signage is proposed as part of this application. It is noted that 8m<sup>2</sup> of business identification signage can be provided in accordance with Clause 52.05, without the need for a planning permit.

The application is generally consistent with the zoning of the land and with the State and Local Planning Policy Frameworks.

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

The site is affected by the Development Contributions Plan Overlay (Schedule 3). The schedule to the overlay requires development contributions for drainage infrastructure for industrial/warehouse developments at a rate of \$3.50 per square metre of the total site area. This rate is subject to the Consumer Price Index at the time of payment. 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 for the proposed development:

DESCRIPTION	AREA	CAR PARKING RATE	CAR PARKING REQUIREMENT
Warehouse	12,999 m <sup>2</sup> (70 tenancies)	2 spaces per premise plus 1.5 spaces/100m <sup>2</sup>	194 spaces plus 140 spaces
Food & Drink Premises	181.28 m <sup>2</sup>	3.5 to each 100m <sup>2</sup> of leasable floor area	6 spaces
<b>TOTAL</b>			<b>340 spaces</b>
<b>PROPOSED CAR PARKING</b>			<b>286 spaces</b>
<b>SHORTFALL</b>			<b>54 spaces</b>

A permit is required to reduce (including reduce to zero) the number of car parking spaces required.

In accordance with Clause 52.06, the car parking requirement for the proposed development has a shortfall of 54 spaces. Based on the number of shared parking spaces provided for the entire development and a comparison of other similar developments approved in the area (including a proposed rate of 2.0 spaces to each 100sqm of net floor area for 326 Settlement Rd, which is well over that provided for other similar developments as presented by the case studies undertaken by Traffix Group), the proposed 286 car parking spaces is considered satisfactory, generally based on an overall parking rate being provided of 2.3 spaces to each 100sqm of net floor area.

In addition to this, as a condition of permit, an additional five (5) car spaces are proposed to be lost in the front setback to Dalton Road to make way for landscape bays. It is considered that a total loss of an additional five spaces to equate to a total of 59 cars shortfall is acceptable, and will not unreasonably affect the surrounding industrial area.

In accordance with Clause 52.06-8 of the WPS, accessways 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. This requirement will be included as a condition of any approval granted.

Loading and Unloading of Vehicles (Clause 52.07)

This clause sets out the requirements for the loading and unloading of commercial vehicles and aims to prevent loss of amenity and adverse effect on traffic flow and safety. The proposal complies with these requirements.

Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay a Category 1 Road (Clause 52.29)

This Clause seeks to ensure appropriate access to identified roads and ensure appropriate subdivision of land adjacent to identified roads.

The proposal to alter access to Dalton Road (Category 1 Road Zone) has been referred to VicRoads as a determining referral authority. They have no objection to the application subject to the inclusion of conditions on any permit issued. These conditions relate to access arrangements and visibility.

**COMMENTS ON GROUNDS OF OBJECTION**

1. **Reduction in car parking including lack of on-street car parking available in the area and a concern with the generation of extra vehicular traffic.**

Council's Traffic Engineers have reviewed the proposal and consider the proposed short fall in car parking to be acceptable, based on an overall parking rate being provided of 2.3 spaces to each 100sqm of net floor area. They also considered the increase to traffic generation as a result of the proposal and have no objection. VicRoads have also reviewed the proposal and have not posed any objection to the proposal. Accordingly, this 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 Council's Industrial Development Policy (Clause 22.09), Industrial 1 Zone (Clause 33.01), Development Contributions Plan Overlay Schedule 3 (Clause 45.06), Car Parking (Clause 52.06), Loading and Unloading of Vehicles (Clause 52.07) and Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay a Category 1 Road (Clause 52.29).

The proposal demonstrates a satisfactory level of compliance subject to minor modifications as outlined and subject to site remediation addressing issues of contamination prior to use and development commencing. It is considered that the proposal will have a positive impact on the local economy through the creation of jobs and investment. The proposal will not have a detrimental impact on the character of the area nor on existing surrounding industrial properties and accordingly, approval of the application is recommended.

<b>RECOMMENDATION</b>
-----------------------

THAT Council resolve to approve Planning Application No. 715596 and issue a Notice of Decision to Grant a Permit for Construction of 70 warehouses, reduction in the standard car parking requirement and alteration of access to a road zone category 1 at 6-8 Dunstons Court, Thomastown in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans/reports required under Condition Nos. 2 and 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/reports required under Condition Nos. 3, 4 and 5 or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$10,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.
3. Prior to the commencement of buildings and works, three copies of a revised plan

and/or a report must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans, but modified to show:

- a) Provision of five additional landscape bays (resulting in a further reduction in five car parking spaces) along the Dalton Road frontage. A landscape bay will be required to be provided to each eight car spaces along the Dalton Road Frontage (from south to north) and must each contain a medium canopy tree of a suitable species (minimum height of 8.0m);
  - b) Submission of a landscape plan in accordance with Condition No. 5, to the satisfaction of the Responsible Authority;
  - c) All modifications required by VicRoads.
4. Prior to the endorsement of the plans/reports required under Condition No. 3, three copies of a recent (last six months) Statement of Environmental Site Assessment prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The assessment must document the nature, volume and extent of filling and contamination on the land, measures to remove all fill imported on to the land since 2013, a schedule of works for remediation and a plan for reinstatement of the land.
  5. Prior to the commencement of buildings and works, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any 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. For any plants located within the transmission line easement, the varieties of plant species which must not exceed 3.0m in height, to the satisfaction of the Responsible Authority.
  6. The use of 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.
  7. Once the use of the development has started it must be continued and completed to the satisfaction of the Responsible Authority. Should the use not commence or the use ceases for a period of more than two years, all buildings and works shall be removed from the site at the written direction of the Responsible Authority.
  8. Before the use of the development starts, the permit holder must prepare and have approved by the Responsible Authority a management plan detailing how the management and allocation of car parking lots is to be carried out within the site.
  9. Prior to the use of the development, a signage and line-marking plan showing all road markings and signs is to be submitted to Council 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.
  10. 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.
  11. The café may only operate between the following hours, unless with the prior written consent of the Responsible Authority:
    - Monday to Saturday: 7:00am - 10pm; and

- Sunday: 7:00am - 3pm

12. Noise levels associated with the use and/or development must at all times comply with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1.
13. All disused or redundant vehicle crossings must be removed and the area reinstated (including any footpath, kerb or channel), to the satisfaction of the Responsible Authority
14. Before the use of the development starts, the car parking areas and access ways must be drained and fully sealed to the satisfaction of the Responsible Authority.
15. 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.
16. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
17. 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, 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.
18. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
19. Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed
  - b) Properly formed to such levels that they can be used in accordance with the plans
  - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site
  - d) Drained and maintained
  - e) Line marked to indicate each car space and all access lanes
  - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
20. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
21. A minimum of 281 car spaces must be provided on the land for the development hereby permitted, to the satisfaction of the Responsible Authority.
22. A minimum of 14 car space(s) must be provided for the exclusive use of disabled persons. The car space(s) must be provided as close as practicable to a suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.
23. 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.
24. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
  25. Vehicles under the control of the operators of the use or the operator's staff must not be parked on nearby roads.
  26. Vehicular access to the site must be 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 nature strip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Works in Road Reserve Permit (Road Opening Permit).
  27. 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.
  28. 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.
  29. 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.
  30. 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.
  31. 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.

#### VicRoads conditions (35-38)

32. Any existing disused or redundant vehicle crossovers on Dalton Road or Dunstons Court must be removed and the area reinstated to nature strip, kerb and channel and shared path (if applicable) to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings.
33. Before the development starts, functional layout plans at a scale of 1:250 and fully dimensioned must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans need to show the following works:
  - a) A left in only access from Dalton Road near the southern boundary of the development physically configured to prevent any illegal turns and linemarked and sign posted to encourage correct usage and ban illegal movements.
  - b) A left out only exit onto Dalton road near the northern boundary of the development physically configured to prevent any illegal turns and linemarked and sign posted to encourage correct usage and ban illegal movements.
  - c) An appropriate linemarking and signage plan to complement the access points and shared path requirements.
  - d) Swept paths for design vehicles.

- e) Design to show that clear sight lines from the access points are provided to cyclists and pedestrians using the shared path.
- 34. The installation of no standing anytime signs on the western side of Dalton Road between Keon Parade and Wood Street to prevent parking along this roadway.
- 35. Before the use approved by this permit commences the following roadworks must be completed at no cost and to the satisfaction of the road Corporations.
  - a) Left in only access from Dalton Road near the southern boundary of the development.
  - b) Left out only exit onto Dalton Road near the northern boundary of the development.
  - c) All appropriate linemarking and signage relevant to the access and the parking restrictions along the western side of Dalton Road.
- 36. 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.

Easements

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

Property Numbering

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

**COUNCIL RESOLUTION**

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

**THAT Council resolve to approve Planning Application No. 715596 and issue a Notice of Decision to Grant a Permit for Construction of 70 warehouses, reduction in the standard car parking requirement and alteration of access to a road zone category 1 at 6-8 Dunstons Court, Thomastown in accordance with the endorsed plans and subject to the following conditions:**

- 1. **Prior to the endorsement of the plans/reports required under Condition Nos. 2 and 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/reports required under Condition Nos. 3, 4 and 5 or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$10,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.
  3. Prior to the commencement of buildings and works, three copies of a revised plan and/or a report must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans, but modified to show:
    - a) Provision of 20 additional car parking spaces.
    - b) Provision of five additional landscape bays (resulting in a further reduction in five car parking spaces) along the Dalton Road frontage. A landscape bay will be required to be provided to each eight car spaces along the Dalton Road Frontage (from south to north) and must each contain a medium canopy tree of a suitable species (minimum height of 8.0m).
    - c) Submission of a landscape plan in accordance with Condition No. 5, to the satisfaction of the Responsible Authority.
    - d) All modifications required by VicRoads.
  4. Prior to the endorsement of the plans/reports required under Condition No. 3, three copies of a recent (last six months) Statement of Environmental Site Assessment prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The assessment must document the nature, volume and extent of filling and contamination on the land, measures to remove all fill imported on to the land since 2013, a schedule of works for remediation and a plan for reinstatement of the land.
  5. Prior to the commencement of buildings and works, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any 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. For any plants located within the transmission line easement, the varieties of plant species which must not exceed 3.0m in height, to the satisfaction of the Responsible Authority.
  6. The use of 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.
  7. Once the use of the development has started it must be continued and completed to the satisfaction of the Responsible Authority. Should the use not commence or the use ceases for a period of more than two years, all buildings and works shall be removed from the site at the written direction of the Responsible Authority.
  8. Before the use of the development starts, the permit holder must prepare and



- have approved by the Responsible Authority a management plan detailing how the management and allocation of car parking lots is to be carried out within the site.
9. Prior to the use of the development, a signage and line-marking plan showing all road markings and signs is to be submitted to Council 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.
  10. 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.
  11. The café may only operate between the following hours, unless with the prior written consent of the Responsible Authority:
    - Monday to Saturday: 7:00am - 10pm; and
    - Sunday: 7:00am - 3pm
  12. Noise levels associated with the use and/or development must at all times comply with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1.
  13. All disused or redundant vehicle crossings must be removed and the area reinstated (including any footpath, kerb or channel), to the satisfaction of the Responsible Authority
  14. Before the use of the development starts, the car parking areas and access ways must be drained and fully sealed to the satisfaction of the Responsible Authority.
  15. 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.
  16. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
  17. 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, 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.
  18. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
-

19. Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed
  - b) Properly formed to such levels that they can be used in accordance with the plans
  - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site
  - d) Drained and maintained
  - e) Line marked to indicate each car space and all access lanes
  - f) Clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

20. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
21. A minimum of 281 car spaces must be provided on the land for the development hereby permitted, to the satisfaction of the Responsible Authority.
22. A minimum of 14 car space(s) must be provided for the exclusive use of disabled persons. The car space(s) must be provided as close as practicable to a suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.
23. 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.
24. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
25. Vehicles under the control of the operators of the use or the operator's staff must not be parked on nearby roads.
26. Vehicular access to the site must be 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 nature strip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Works in Road Reserve Permit (Road Opening Permit).
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.

**VicRoads conditions (35-38)**

32. Any existing disused or redundant vehicle crossovers on Dalton Road or Dunstons Court must be removed and the area reinstated to nature strip, kerb and channel and shared path (if applicable) to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings.
33. Before the development starts, functional layout plans at a scale of 1:250 and fully dimensioned must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans need to show the following works:
  - a) A left in only access from Dalton Road near the southern boundary of the development physically configured to prevent any illegal turns and linemarked and sign posted to encourage correct usage and ban illegal movements.
  - b) A left out only exit onto Dalton road near the northern boundary of the development physically configured to prevent any illegal turns and linemarked and sign posted to encourage correct usage and ban illegal movements.
  - c) An appropriate linemarking and signage plan to complement the access points and shared path requirements.
  - d) Swept paths for design vehicles.
  - e) Design to show that clear sight lines from the access points are provided to cyclists and pedestrians using the shared path.
34. The installation of no standing anytime signs on the western side of Dalton Road between Keon Parade and Wood Street to prevent parking along this roadway.
35. Before the use approved by this permit commences the following roadworks must be completed at no cost and to the satisfaction of the road Corporations.
  - a) Left in only access from Dalton Road near the southern boundary of the development.
  - b) Left out only exit onto Dalton Road near the northern boundary of the development.
  - c) All appropriate linemarking and signage relevant to the access and the parking restrictions along the western side of Dalton Road.

36. 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.

**Easements**

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

**Property Numbering**

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

CARRIED

**6.1.2 9 DE CASTELLA CLOSE, MILL PARK - CONSTRUCTION OF TWO DOUBLE-STOREY DWELLINGS TO THE REAR OF THE EXISTING DWELLING**

**File No:** 715552

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

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

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** MS Designer Living Pty Ltd

**ZONING:** General Residential Zone

**OVERLAY:** Development Contributions Plan Overlay  
Vegetation Protection Overlay

**REFERRAL:** Nil

**OBJECTIONS:** One

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

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to retain the existing single-storey dwelling and construct two new double storey dwellings to the rear.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to privacy concerns, car parking, access and traffic concerns, loss of property values, loss of views, and that the proposal will result in an overdevelopment of the site which is not in character with the local area.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme subject to minor modifications as outlined in this report. The proposal meets all standards relating to neighbourhood character, side and rear setbacks, site coverage, permeability, provision of private open space, and overshadowing.

The Housing Diversity Strategy (HDS) nominates this site as being within the Neighbourhood Interface Change Area. The proposal for three dwellings on the site meets the preferred density for this Change Area and meets key design principles in relation to the provision of sufficient side and rear setbacks to allow for some landscaping and external access to the rear, and the provision of usable private open space areas.

On the basis of the Clause 55 assessment it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is a residential property located at the dead-end of De Castella Close, Mill Park, approximately 70m southwest of the intersection of Border Drive and De Castella Close (see *Attachment 1*). The site is rectangular in shape with a street frontage of 11.0m along De Castella Close and a depth of 45.0m, giving a total site area of 720m<sup>2</sup>. The site currently contains a single-storey brick dwelling with outbuildings located to the rear, along the eastern property boundary. Vehicular access is provided via an existing concrete crossover located at the northeast corner of the land.

The surrounding area is generally characterised by detached average size dwellings in cream brick with some modest timber housing. Examples of medium density developments within the vicinity of the site are located at Nos. 1 and 13 Butler Place, No. 1 De Castella Close and No. 24 Border Drive.

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

- Mill Park Recreation Reserve (160m west)
- Bus Routes 562 (Northland SC - Whittlesea via South Morang Station), 564 (Bundoora RMIT - South Morang), 569 (Epping Plaza SC - South Morang), 572 (University Hill to Doreen) (Bus stop 920m southeast)
- Plenty Valley Shopping Centre (1.1km east)
- South Morang Railway Station (1.3km northeast)

**RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 104 on Plan of Subdivision 020069. There are no restrictions on title that preclude Council from determining this application.

A 2.44m wide drainage and sewerage easement is located along the northern boundary. ‘Build over easement’ approval was provided by Yarra Valley Water on 31 May 2016.

**PROPOSAL**

It is proposed to retain the existing dwelling and construct two new double storey dwellings to the rear (south) (see *Attachment 2*).

Dwelling No. 1 (existing) contains an open plan kitchen/dining area, a living room, three bedrooms (one with walk-in-robe and ensuite), a bathroom, laundry and powder room.

Dwelling No. 2 will contain an open plan kitchen/meals area, a lounge room, a laundry and powder room at the ground level, and two bedrooms, a bathroom and study nook at the upper level.

Dwelling No. 3 will contain an open plan kitchen/meals/family area, a laundry and powder room at the ground level, and two bedrooms and a bathroom at the upper level.

Access to all dwellings will be provided via the existing crossover at the northwest corner of the site and an internal accessway will be provided along the eastern property boundary.

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

	<b>Height /Scale</b>	<b>Number of Bedrooms</b>	<b>Setbacks</b>	<b>Private Open Space</b>	<b>Car Parking</b>	<b>Maximum Height</b>
Dwelling No. 1 (existing)	Single storey	3	4.5m front (east), 0m side (north), 1.4m rear (west).	62m <sup>2</sup> (including 26m <sup>2</sup> secluded private open space)	Double carport (6.0m x 6.0m)	4.7m (existing)

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 2	Double storey	2	4.2m side (east), 3.9m rear (west).	40m <sup>2</sup> (all secluded private open space)	Single garage (3.5m x 6.0m).	7.0m (overall)
Dwelling No. 3	Double storey	2 + study	1.0m side (east), 3.1m rear (west), 1.2m rear (south).	48m <sup>2</sup> (including 30m <sup>2</sup> secluded private open space)	Single garage (3.5m x 6.0m).	7.1m (overall)

**PUBLIC NOTIFICATION**

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

- Amenity concerns (privacy, solar access, overshadowing)
- Construction noise
- Car parking and additional traffic
- Loss of property values
- Loss of views
- Proposal is not in character with the local area

**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	✓	✓	Development within the area is generally characterised by detached average size dwellings in cream brick with some modest timber housing. There are some newer, more

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>contemporary medium density developments emerging in the area.</p> <p>The proposed medium density development is considered to be generally in keeping with the changing neighbourhood character.</p> <p>The dwellings present a contemporary design in a neighbourhood which currently contains a number of multi-dwelling developments.</p>
B2	Residential Policy	✓	✓	<p>The HDS includes this area in the Neighbourhood Interface Change Area.</p> <p>The proposed medium density development meets the preferred density for this Change Area and meets key design principles in relation to the provision of sufficient side and rear setbacks to allow for some landscaping and external access to the rear, and the provision of usable private open space areas.</p>
B3	Dwelling Diversity	✓	✓	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	✓	✓	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B13	Landscaping	✓	x	A landscape plan has not been provided with the application. It is considered that this can be dealt with by a condition on any permit that is issued.
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	x	<p>The east-facing habitable room windows located at the upper levels of Dwelling Nos. 2 and 3 may result in some overlooking. Therefore, a condition should be included on any permit requiring the provision of a suitable design mechanism to obscure any overlooking in accordance with Clause 55.04-6 of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority.</p> <p>The existing boundary fences to the west and east are 1.6m in height respectively. In order to address any overlooking potential from each of the three dwellings, a condition of any permit should require provision of a 1.8m high timber paling fence along these boundaries, or other suitable design mechanism in accordance with Clause 55.04-6 of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority.</p>
B23	Internal views	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	x	A detailed schedule of colours and materials has not been submitted to Council for assessment. Therefore, a condition of any permit should require this schedule to be submitted and approved by Council.
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	3	2	2	Y
2	2	1	1	Y
3	2 + open study	1	1	Y

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposed car parking complies with the minimum dimensions required by this Clause.

### **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 development contributions for drainage infrastructure for medium density residential development at a rate of \$1.90 per square metre of the total site area. This rate is subject to the Consumer Price Index at the time of payment. This requirement must be included as a condition on any planning permit that is issued.

### **COMMENTS ON GROUNDS OF OBJECTION**

#### **1. Amenity concerns (privacy, solar access, overshadowing)**

The east-facing habitable room windows located at the upper levels of Dwelling Nos. 2 and 3 may result in some overlooking. Therefore, a condition of any permit should require the provision of a suitable design mechanism to obscure any overlooking in accordance with Clause 55.04-6 of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority. Similarly, the existing boundary fences to the west and east are 1.6m in height respectively. In order to address any overlooking potential from each of the three dwellings, a condition of any permit should require provision of a 1.8m high timber paling fence along these boundaries, or other suitable design mechanism in accordance with Clause 55.04-6 of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority. The shadow diagrams provided in respect to the proposal indicate that the shadows cast are well within the requirements of Clause 55. Accordingly, provided appropriate conditions are included on any permit, this ground of objection cannot be substantiated.

#### **2. Construction noise**

Noise generated by the construction of the proposed development is not a relevant planning consideration and is monitored through other regulations. Accordingly, this ground of objection cannot be substantiated.

#### **3. Car parking and additional traffic**

Each dwelling is provided with car parking which meets the minimum requirements of Clause 52.06 of the Whittlesea Planning Scheme. Accordingly, this ground of objection cannot be substantiated.

#### **4. Loss of property values and loss of view**

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that loss of property values and 'the right to a view' are not a relevant planning considerations. Accordingly, this objection cannot be substantiated.

## 5. Proposal is not in character with the local area

The proposal presents a contemporary design in a neighbourhood which contains a number of multi-dwelling developments. The site is located within the 'Neighbourhood Interface Change Area' as nominated within the HDS, and medium density development (such as the current proposal) is encouraged. 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. The proposal demonstrates a satisfactory level of compliance subject to minor modifications as outlined.

Subject to the inclusion of conditions of approval, it is considered that the proposal will not have a detrimental impact on the character of the area nor on existing surrounding residential properties and accordingly, approval of the application is recommended.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve Planning Application No. 715552 and issue a Notice of Decision to Grant a Permit for construction of two double-storey dwellings to the rear of the existing dwelling at 9 De Castella Close, Mill Park in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans required under Condition 3 of this permit, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. (a) Prior to the endorsement of the plans required under Condition No. 3, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$3,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.**  
**(b) Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.**
- 3. Before the development starts, three copies of revised plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans, but modified to show:**
  - (a) Provision of a 1.8m high timber paling fence along the eastern and western**

- property boundaries, or another suitable design mechanism in accordance with Clause 55.04-6 of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority;
- (b) Submission of a landscape plan in accordance with Condition No. 4 and to the satisfaction of the Responsible Authority;
  - (c) Submission of a detailed schedule of colours and materials (including printed samples) to the satisfaction of the Responsible Authority.
4. Before development commences, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any existing vegetation to be removed or retained, the location of all new planting, a schedule of plant species and height at maturity, and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority. Any proposed trees must be at an advanced stage of growth when planted.
  5. 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.
  6. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  7. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
  8. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
  9. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
  10. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
  11. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
  12. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council.

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

13. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. In accordance with the Planning and Environment Act 1987 a permit for the development expires:
  - (a) the approved development does not start within 2 years of the date of this permit; or
  - (b) the approved development is not completed within 4 years of the date of this permit.

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

**NOTES****Advanced Trees**

An advanced tree under this permit shall generally constitute the following:

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

**Easements**

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

**Property Numbering**

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

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

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

**CARRIED**





**6.1.3 10 MADISON COURT, BUNDOORA - CONSTRUCTION OF THREE TWO-STOREY DWELLINGS**

<b>File No:</b>	<b>715735</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 Established Areas Planning</b>
<b>APPLICANT:</b>	<b>Halton Design</b>
<b>ZONING:</b>	<b>General Residential</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>Six</b>
<b>RECOMMENDATION:</b>	<b>That Council refuse the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct three new two-storey dwellings. Two dwellings are proposed to front Madison Court with the third dwelling located to the rear of the site. The existing vehicle crossing is integrated into the design response and will provide access to Dwelling Nos. 2 and 3 and a new crossover is proposed along the western boundary to provide access to Dwelling No. 1.

Advertising of the proposal resulted in six objections being received. The grounds of objection relate to privacy concerns, car parking, access and traffic concerns, devaluation, loss of views, and that the proposal will result in an overdevelopment of the site which is not in character with the local area.

The proposal fails to meet many of the standards of Clause 55 of the Whittlesea Planning Scheme including neighbourhood character, residential policy, landscaping, parking location, side and rear setbacks, overlooking, accessibility, dwelling entry, private open space, design detail, front fence, and site services.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential Change Area. The proposal for three 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.

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

**SITE AND SURROUNDING AREA**

The subject site is located on the northern side of Madison Court, Bundoora, approximately 360m south of Settlement Road (see Attachment 1). The subject site slopes north to south

by 4.0m and is irregular in shape with a frontage to Madison Court of 17.5m and a maximum depth of 38.5m giving a total site area of 582m<sup>2</sup>.

The site currently contains a detached, single storey brick dwelling. A large native eucalyptus tree located along the western property boundary of the site appears to have been recently removed (16 December 2015 nearmap).

The surrounding area is generally characterised by a mixture of double and single storey dwellings. The adjoining properties to the east and west of the site are single storey and constructed in brick. Examples of medium density development are limited, however there are some examples located at No. 27 Neilsen Crescent and No. 104 Holt Parade.

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

- Holt Park (158m southeast).
- Norris Bank Primary School (260m northeast).
- Norris Bank Parklands (365m northeast).
- Bus Route 902 – Greensborough to Broadmeadows (235m north).

**RESTRICTIONS AND EASEMENTS**

Covenant E012211 applies to the land and prescribes that any building being a dwelling must not have external walls of any material other than brick, brick veneer or stone.

A 2.44m wide drainage and sewerage easement is located along the rear (northern) property boundary.

**PROPOSAL**

It is proposed to construct three double storey dwellings. The existing dwelling will be demolished. Dwelling Nos. 1 and 2 will address the street in a ‘duplex’ arrangement (see *Attachment 2*).

Dwelling Nos. 1 and 3 will contain an open plan kitchen/meals/sitting area, a toilet and laundry at the ground floor and three bedrooms (one with ensuite) and a bathroom on the upper floor. Dwelling No. 2 will contain an open plan kitchen/living/dining area, a toilet and laundry on the ground floor and two bedrooms (one with ensuite) and a bathroom on the upper floor.

Vehicle access to Dwelling Nos. 2 and 3 will be via a shared driveway located along the western boundary. Dwelling No. 1 vehicle access will be via the existing crossover along the eastern boundary.

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

	<b>Height /Scale</b>	<b>Number of Bedrooms</b>	<b>Setbacks</b>	<b>Private Open Space</b>	<b>Car Parking</b>	<b>Maximum Height</b>
Dwelling No. 1	Double storey	3	8.1m front (south), 0m side (west).	96.0m <sup>2</sup> (including 29m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m) + tandem car space	7.9m (overall)
Dwelling No. 2	Double storey	2	8.1m front (south), 3.5m side (east).	58m <sup>2</sup> (including 26m <sup>2</sup> of secluded private open space)	Single covered car space (4.9m x 3.5m).	7.7m (overall)
Dwelling No. 3	Double storey	3	0m side (west), 0m side (east) and 0m rear (north).	39m <sup>2</sup> (all secluded private open space)	Two covered car spaces (5.5m x 4.9m-6.0m)	7.6m (overall)

**PUBLIC NOTIFICATION**

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

- Privacy concerns
- Car parking, access and traffic concerns
- Loss of property values
- Loss of views
- Overdevelopment of the site which is not in character with the local area

**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>Developments within the area are generally from the 1960-70s and typically homogenous detached, single storey houses in brick style. Garages, where provided, are generally located at the rear of the property. There are also a number of garages and outbuildings located on property boundaries; however these buildings are generally significantly setback from the streetscape and/or are screened by existing vegetation. There are minimal examples of medium density development in the area.</p> <p>Neighbouring properties have varying street frontages setbacks ranging from 7-9m.</p> <p>The site is located within the Suburban Residential Change Area of the HDS which</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>does not encourage medium density, as sites are typically removed from public transport and activity centres. Increased side and rear setbacks are required to provide for building separation and landscaping and this has not been provided. Increased areas of private open space are also required to allow for significant landscaping, and this has not been provided. Provision for an extra-large canopy tree in the rear setback should be provided, and there is no viable area proposed to achieve this.</p> <p>On balance, it is considered that proposal results in a number of non-compliances with the key design principles of Clause 21.09 including insufficient side and rear setbacks to provide for building separation and landscaping, and unacceptable private open space area to allow for significant landscaping. In this way, it is considered that the proposal does not align with the existing or preferred neighbourhood character of the area and is not supported.</p>
B2	Residential Policy	x	x	<p>Clause 21.09-4 discusses 'Change Areas in the Established Suburbs' and references the Housing Diversity Strategy 2013 (HDS). The purpose of this Clause and the HDS is to provide greater certainty as to where growth and change can be expected. The HDS nominates the site as being within the Suburban Residential Change Area. This area is identified as "typically not in close proximity to public transport and activity centres" and is projected to be "characterised by standard density housing such as detached housing and dual occupancies/duplexes." The current proposal does not accord with the preferred density or key 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	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	x	x	<p>A landscape plan has not been provided with the application despite being requested. It is noted that a large, significant native eucalyptus tree located along the western property boundary of the site appears to have been recently removed (Nearmap - 16 December 2015). It is considered that this tree was removed to gain development advantage, as it had a significant impact on the neighbourhood character.</p> <p>It is considered that the minimal private open space areas proposed to each dwelling are not suitable to achieve the preferred landscaping outcome as identified within the key design outcomes of the HDS, particularly the provision of an extra-large tree in the rear setback and provision of increased side setbacks and private open space areas to allow for significant landscaping. Landscaping on site contributes to onsite amenity and energy efficiency as well as assisting in softening built form, particularly when a substantial amount of double storey building bulk is introduced into an area which is predominantly single storey. Landscaping needs adequate area to mature, to ensure longevity and make a long term contribution to the area. It is considered that the proposal does not achieve this.</p>
B14	Access	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B15	Parking location	x	x	<p>The car parking proposed for each dwelling is considered unacceptable in relation to Clause 52.06, and the car parking for Dwelling Nos. 2 and 3 is not suitably secure (open to the internal common accessway). Turning templates have been applied and it appears that the vehicle swept paths of Dwelling No. 3 are particularly inconvenient.</p> <p>Visibility splays have not been included on the plans as required by Clause 52.06 of the Whittlesea Planning Scheme.</p> <p>The east-facing ground floor windows of Dwelling No. 2 do not meet the minimum setback requirements of this Standard. It is considered that the non-compliance of this standard is symptomatic of the application being an overdevelopment.</p>
B17	Side and rear setbacks	x	x	<p>It appears that the upper level side setback of Dwelling No. 1 to the west does not meet the minimum side setback requirements, as the wall height has not been provided on the plans. Plans with an accurate scale have also not been provided to date. It is considered that the non-compliance of this standard is symptomatic of the application being an overdevelopment.</p> <p>The site is located in a predominantly single-storey neighbourhood and the provision of increased side setbacks for double-storey, medium density development is considered essential to ensure that the double-storey building bulk is sympathetic to the area. The inclusion of the “duplex” component in the development does not allow for increased side setbacks to appropriately respond to the prevailing and preferred character of the area. Similarly, the upper floors of each dwelling are all larger footprints than the ground floor, resulting in sheer walls and cantilevering, and signifying a development outcome which would be more suited to an area located on a through-road, and is close proximity to facilities and services, such as the <i>Neighbourhood Interface Change Area</i> nominated in the HDS. In this way, it is considered that the proposal is an overdevelopment in this context and a redesign would need to be considered.</p>
B18	Walls on boundaries	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	x	x	<p>It appears that there may be overlooking opportunity (and potentially internal views) from Bedroom No. 1 of Dwelling No. 3 to the south.</p> <p>Further to this, the upper level windows of each dwelling have not been located or designed so as to avoid direct views into the secluded private open space of each other or adjoining properties and therefore propose extensive screening (obscure glazing). It is considered that the extent of obscuring required to achieve compliance with Standard B22 is excessive and results in a poor design response that detrimentally impacts on internal access to daylight and the amenity of the upper level habitable rooms of the proposed dwellings. The extent of obscuring proposed does not offer an innovative design outcome which could potentially negate the need for extensive obscuring while still meeting Standard B22. This results in a 'clunky' and overbearing development in which each dwelling will not have a reasonable internal amenity outcome for future occupants.</p>
B23	Internal views	✓	x	See above
B24	Noise impacts	✓	✓	
B25	Accessibility	x	x	<p>As a result of the slope of the land, the entries to Dwelling Nos. 1 and 2 are not accessible or able to be easily made accessible to people with limited mobility, as they contain a number of stairs. It is considered that this design response does not appropriately respond to the constraints of the site.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B26	Dwelling entry	x	x	The entry to Dwelling No. 3 is obscured and does not provide a sufficient transitional space. The vehicle associated with Dwelling No. 2 is proposed to enter/exit the car space within the transitional space area associated with Dwelling No. 3 and this is considered both inefficient and unsafe. It is considered that the lack of transitional space provided for Dwelling No. 3 is symptomatic of the application being an overdevelopment and a redesign would need to be considered.
B27	Daylight to new windows	✓	✓	
B28	Private open space	x	x	It is considered that the private open space provided to each dwelling does not provide a satisfactory level of useability in relation to the reasonable recreation and services needs of residents, and in respect of the key design principles of the HDS. The minimal secluded areas proposed to Dwelling Nos. 1 and 2 of 29m <sup>2</sup> and 26m <sup>2</sup> are considered insufficient in relation to usability and size, and are contrary to the HDS requirement for an increased area of private open space to allow for significant landscaping. In addition, Dwelling No. 3 actually falls short of the Standard 40m <sup>2</sup> requirement. It is considered that these shortfalls are symptomatic of the proposal being an overdevelopment.
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	x	x	<p>The continuous built form of the development combined with the duplex design response on the higher side of Madison Court results in a visually dominant and bulky development that is inconsistent with the existing and preferred neighbourhood character.</p> <p>The proposal lacks typical dwelling features in the neighbourhood such as eaves on the lower levels, and this exacerbates the height and bulk of the development. The inclusion of design elements such as sheer walls and cantilevering are also symptomatic of the proposal being an overdevelopment, as the upper floors of each dwelling are all larger footprints than the ground floor. Given the</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>constraint of the slope of the site, it is considered that the proposed design does not respond accordingly, and results in a dominant built form which is contrary to the prevailing and preferred character of the area.</p> <p>Covenant E012211 applies to the land and prescribes that any building being a dwelling must not have external walls of any material other than brick, brick veneer or stone. While the plans include a number of building materials which generally comprise brick as the predominant material, it is not clear as the ratio of these building materials, to ensure compliance with this Covenant. This could be addressed through the inclusion of a condition of permit requiring the submission of a revised colour and materials schedule which stipulates full compliance with Covenant E012211.</p>
B32	Front fences	x	x	The proposed 1.2m high brick pier and powder coated steel picket front fence does not respect the existing or preferred neighbourhood character. While a number of front fences exist in the court, they are generally heights less than 1.0m and are constructed in timber, with some transparency. It is considered that the proposed front fence proposes a bulky addition to the development, and does not respect fences located on nearby properties.
B33	Common property	✓	✓	
B34	Site services	x	x	The proposed front fence containing the letter boxes is higher than the permissible 900mm (1.2m proposed) impacting upon the safe access to and from the site (visibility splays).

**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	Y
2	2	1	1	Y
3	3	2	2	N

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

The two covered car spaces (5.5m x 4.9m-6.0m) proposed for Dwelling No. 3 does not meet the minimum requirements of Clause 52.06. It is considered that conditions of permit cannot remedy this non-compliance and a redesign would need to be considered. Further, turning templates have been applied and it appears that the vehicle swept paths of Dwelling No. 3 will result in vehicles having difficulty manoeuvring.

### **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 development contributions for drainage infrastructure for medium density residential development at a rate of \$1.90 per square metre of the total site area. This rate is subject to the Consumer Price Index at the time of payment. This requirement must be included as a condition on any planning permit that is issued.

### **COMMENTS ON GROUNDS OF OBJECTION**

#### **1. Privacy concerns**

In order to prevent overlooking opportunities within the development, the design response proposes extensive obscuring of upper level windows which detrimentally impacts on internal access to daylight and the amenity of the upper level habitable rooms of the proposed dwellings. The extent of proposed obscuring does not offer an innovative design outcome which could potentially negate the need to provide it while still meeting Standard B22. This results in a 'clunky' and overbearing development in which each dwelling will not have a reasonable internal amenity outcome for future occupants. Therefore it is considered, on balance, that this ground of objection can be substantiated.

#### **2. Car parking, access and traffic concerns**

Each dwelling is provided with car parking. The two covered car spaces (5.5m x 4.9m-6.0m) proposed for Dwelling No. 3 do not meet the minimum requirements of Clause 52.06. Accordingly, this ground of objection can be substantiated.

#### **3. Loss of property values and loss of views**

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that loss of property values and 'the right to a view' are not relevant planning considerations. Accordingly, this objection cannot be substantiated.

#### **4. Overdevelopment of the site not in character with the local area**

The site is located in a predominantly single-storey neighbourhood and the provision of increased side setbacks for double-storey, medium density development is considered essential to ensure that the double-storey building bulk is sympathetic to the undulating area. The inclusion of design elements such as sheer walls and cantilevering are also symptomatic of the proposal being an overdevelopment, as the upper floors of each dwelling are all larger footprints than the ground floor. Further, the proposal does not accord with the key design principles outlined in Clause 21.09-4 of the Whittlesea Planning Scheme (Housing Diversity Strategy). Accordingly, this ground of objection can be substantiated.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06 and Clause 55. The proposal does not meet the preferred density or key design principles of Clause 21.09-4 of the Whittlesea Planning Scheme (Suburban Residential Change Area). 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. 715735 and issue a Refusal to Grant a Planning Permit for construction of three two-storey dwellings at 10 Madison Court, Bundoora 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 55.03-8 Landscaping
  - d) Clause 55.03-10 Parking Location
  - e) Clause 55.04-1 Side and Rear Setbacks
  - f) Clause 55.04-6 Overlooking
  - g) Clause 55.05-2 Dwelling Entry
  - h) Clause 55.05-1 Accessibility
  - i) Clause 55.05-4 Private Open Space
  - j) Clause 55.06-1 Design Detail
  - k) Clause 55.06-2 Front Fence
  - l) Clause 55.06-4 Site Services
  
2. The proposal does not accord with Clause 21.09 of the Whittlesea Planning Scheme in relation to the preferred density and key design principles of the Suburban Residential Change Area of the Housing Diversity Strategy, most specifically:
  - a) Provision of low building heights to reflect the existing suburban scale and character
  - b) Provision of increased side and rear setbacks to provide for building separation and landscaping

- c) Provision of an increased area of private open space to allow for significant landscaping
  - d) Extra-large canopy tree in the rear setback.
3. The proposal does not meet the provisions of Clause 52.06 (Car Parking) of the Whittlesea Planning Scheme.

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Laliou*  
**SECONDED:** *Cr Stow*

**THAT Council resolve to defer consideration of this item to a later meeting.**

**CARRIED**

### 6.1.4 AMENDMENT TO THE SOUTH MORANG ACTIVITY CENTRE DEVELOPMENT PLAN

**File No:** 173394

**Attachments:**

- 1 Site Context
- 2 Existing Tree Removal Plan for DP
- 3 Proposed Tree Removal Plan for DP
- 4 Proposed Westfield Entertainment Precinct Plans and Perspectives
- 5 Photos of trees to be removed

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

**Author:** Strategic Planner

## REPORT

### EXECUTIVE SUMMARY

A request has been received by Council from Contour Consultants to amend the *South Morang Activity Centre Development Plan 2009* (DP). Specifically, it is proposed to amend 'Figure 14a – Tree Removal Illustration' of the DP to nominate the removal of two River Red Gums currently identified for protection, and show the retention of another additional River Red Gum (not previously identified). The request also includes the identification of two smaller River Red Gums for removal that have either limited growth potential due to their location below power lines or is regrowth since the DP was prepared, and consequently were not shown. These two trees are very small and to this end from a retention perspective they are not of a high priority and do not warrant retention. Notwithstanding it is important to acknowledge their existence as under the current applicable controls Commercial 1 Zone, Development Plan Overlay – Schedule 8 and Vegetation Protection Overlay – Schedule 1, they constitute native vegetation, and therefore need formal approval for removal.

The purpose of this amendment is to facilitate a proposed planning permit application for the development of an entertainment precinct comprising cafes and restaurants positioned around a central 'piazza', new speciality shops, an indoor recreation facility and a cinema complex on the first floor, as an extension to the Plenty Valley Westfield Shopping Centre.

The amendment is considered necessary to facilitate a suitable design outcome for the entertainment precinct, which has been the subject of detailed design discussions. While the loss of trees is discouraged, the amendment is considered necessary in the context of the broader DP objectives and the development of Plenty Valley Town Centre. Given the nature of the amendment proposed it is not considered that it will have material detriment to the surrounding landowners and as such, a non-statutory exhibition usually undertaken by Council as part of the Development Plan approvals process, is not considered necessary.

It is recommended that Council approve the amendment to the *South Morang Activity Centre Development Plan 2009*, which will allow for the consideration of the planning permit application for the entertainment precinct addition to the Westfield Shopping Centre.

### INTRODUCTION

The *South Morang Activity Centre Development Plan 2009* (DP) is the main strategic planning document affecting land associated with the Westfield Shopping Centre, approved in accordance with the Development Plan Overlay Schedule 8 (DPO8).

This DP area is generally bound by the future alignment of Civic Drive to the south, Bush Boulevard to the east, future Mernda Rail extension to the north and existing Civic Drive to

the west (*Attachment 1*). It forms a large part of the area known as the Plenty Valley Town Centre, which is a higher order commercial, employment and civic precinct servicing the suburbs of South Morang, Mill Park and Mernda within the Plenty Valley growth area.

**PROPOSAL**

The application proposes to amend the *South Morang Activity Centre Development Plan 2009 (DP)* by revising ‘Figure 14a - Tree Removal Plan’ (*Attachment 2*). This plan illustrates the location of significant trees that are to be either be removed or retained.

The amendment proposes the following:

- Changing the nomination of two trees currently shown as retained in order to allow for their removal;
- Showing the removal of two additional River Red Gums on the plan which were not assessed as part of the original DP application; and
- Nominating an additional River Red Gum for retention that is not currently identified in the DP.

Overall the changes result in a net loss of one tree from the original DP. The changes also acknowledge two smaller low value trees not identified in the original DP that require removal. The revised Figure 14a – Tree Removal Plan showing all of these changes can be found in *Attachment 3*.

A summary of the proposed trees is provided in the following table. The trees are numbered as per the Arboricultural Assessment report submitted with the planning permit application for the Westfield Entertainment Precinct extension

Tree No.	Species	H x W (m)	DBH (cm)	Health	Structure	Arboricultural Value
2	<i>Eucalyptus camaldulensis</i> (River Red Gum)	4 x 3	8 x 8	Fair	Poor	Low
28	<i>Eucalyptus camaldulensis</i> (River Red Gum)	12 x 14	53	Fair	Fair-Poor	Low
29	<i>Eucalyptus camaldulensis</i> (River Red Gum)	13 x 15	80	Fair	Fair-Poor	Low
30	<i>Eucalyptus camaldulensis</i> (River Red Gum)	15	Multiple limbs	Poor	Poor	Low
31	<i>Eucalyptus camaldulensis</i> (River Red Gum)	14	Multiple limbs	Poor	Poor	Low

The following table shows the status of the tree as per the current DP and as per this proposed amendment:

Tree No.	Species	Current DP Status	Proposed DP Status
2	<i>Eucalyptus camaldulensis</i> (River Red Gum)	Not shown	Remove
28	<i>Eucalyptus camaldulensis</i> (River Red Gum)	Not shown	Retain
29	<i>Eucalyptus camaldulensis</i> (River Red Gum)	Not shown	Remove
30	<i>Eucalyptus camaldulensis</i> (River Red Gum)	Retain	Remove
31	<i>Eucalyptus camaldulensis</i> (River Red Gum)	Retain	Remove

The proposed DP amendment is required in order to consider the planning permit application for the extension of the Westfield Shopping Centre.

**DISCUSSION**

The Westfield Shopping Centre has a planning permit application currently under assessment by Council officers. This application proposes an expansion of the existing shopping centre and includes an entertainment precinct. This entertainment precinct includes cafes and restaurants positioned around a central ‘piazza’, new speciality shops, an indoor recreation facility and a cinema complex on the first floor. Plans and perspectives of the proposed development can be seen in *Attachment 4*.

This proposal affects two trees which are nominated for retention within the DP and three other trees which are not currently shown within the DP. It is important to note that notwithstanding the nomination, a planning permit is still required to be approved for any tree removal.

The advice provided by Council officers is that any proposal that nominates the removal of retained trees is not ‘generally in accordance’ with the DP and couldn’t be considered. As such, the best approach is considered to be to seek an amendment to the DP in order to allow for the removal of these trees in the interest of assessing the current planning permit application.

The two trees currently marked for retention that are proposed to be removed are classified as ‘poor’ in terms of their health and structure and are classed to have a low arboricultural value.

The additional tree to be retained (which is not shown on the current DP) is important as it provides landscape and visual amenity as it is located at a new vehicle and pedestrian entry to the proposed entertainment precinct.

The other two trees that are proposed to be removed (which are not shown on the current DP) have limited arboricultural and ecological value. One of the River Red Gums is classified as having ‘low’ arboricultural value and is in a poor structural condition. Its growth potential is limited due to its location under the existing power lines, and it will be significantly affected by the proposed road and footpath location onto McDonalds Road. The other River Red Gum is

regrowth which is likely to have occurred after the original arboricultural assessment done with the original DP. It too has 'low' arboricultural value and is in a poor structural condition. Given it is regrowth, the tree is not very large (approximately 4 metres high) and it offers limited landscape value to the precinct. Photos of the subject trees are provided in *Attachment 5*.

It is considered that a genuine attempt has been made to look at options to protect the trees in the detailed design but this has proven to be difficult to balance with an appropriate built form outcome. It is also noted that an additional tree which was not identified within the DP will be protected as part of the overall proposal. It is also acknowledged that the River Red Gums proposed for removal are not considered to be the larger, more significant trees within the precinct which provide arboricultural, landscape, ecological and visual benefits.

One important matter is the context in which this development sits. Westfield sits within the Plenty Valley Town Centre which is a Major Town Centre as per the State Government's Northern Growth Corridor Plan. Major Town Centres are designed to provide for higher order services such as the shopping centre and the entertainment precinct. The current proposal for the Westfield expansion allows for the diversification of services within this Major Town Centre and compliments its role.

Another important matter is that there is an existing conservation reserve located to the east of the Westfield shopping centre, bounded by Bush Boulevard, McDonalds Road and the Melbourne Water Pipe Track. This conservation area allows for the retention and protection of remnant River Red Gums within the Town Centre as well as additional offsets to address the previous vegetation removal associated with the past extension of the shopping centre.

It is noted that if approved, any tree removal will require an offset in accordance with the provisions of Clause 52.17 of the Whittlesea Planning Scheme. While offsets are determined as part of the assessment of the planning permit application, there is an option to consider local offsets within this conservation reserve.

Overall, the most current design submitted by Westfield which is under assessment is considered to be a positive development outcome for the site. This has been achieved through a detailed design process that has responded to the existing context and site conditions, considered a range of potential design options, and resolved an appropriate and well-integrated design for the site. There are good urban design outcomes and also links to other key areas such as the train station.

It is noted that the effect of the DP amendment is to allow for the consideration of the tree removal, the proposal still needs an approved planning permit for tree removal and the overall development.

## **NOTIFICATION**

A non-statutory exhibition process was not considered to be necessary as part of this Development Plan amendment.

It is considered that the nature of the changes do not warrant exhibition to adjoining land owners and the proposed changes are not considered to have a material detriment.

The proposed amendment maintains compliance with the broader DP objectives and development outcomes for Westfield as well as the Plenty Valley Town Centre.

## **POLICY STRATEGY AND LEGISLATION**

The proposed amendment to the DP is considered to meet the objectives of all relevant State and Local policies. It is also considered to meet the provisions of both the Vegetation Protection Overlay, and the Development Plan Overlay Schedule 8, which gives effect to the approved DP.



**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>

The approval of the DP amendment will allow for the approval of the planning permit application for the extension of the Westfield Shopping Centre. This extension will provide jobs during the construction period and ongoing retail jobs once construction has completed.

**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 cannot consider the proposed planning permit application for the development of an entertainment precinct within the Plenty Valley Westfield Shopping Centre as is not currently considered ‘generally in accordance’ with the *South Morang Activity Centre Development Plan 2009* (DP). This is due to the proposed design necessitating the removal of an additional two River Red Gums which are nominated for retention within the approved DP, and two other River Red Gums which are not shown within the current DP. A detailed design process has been undertaken by the applicant, incorporating Council’s feedback, and revised plans are currently under assessment.

The amendment will allow the removal of an additional four River Red Gums that was originally intended by the DP but also ensures the retention of one additional River Red Gum that was not shown as part of the original DP. The proposed changes are considered to generally meet the requirements specified in Schedule 8 to the Development Plan Overlay, as well as the relevant State and Local policy frameworks.

Approval of the revised DP will allow for the planning permit application for the entertainment precinct of Westfield to be considered and assessed, which will expedite development, investment and provision of infrastructure within the developing Plenty Valley Town Centre.

Accordingly, it is recommended that Council resolve as shown below.

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

- 1. Amend the South Morang Activity Centre Development Plan to replace the existing *Figure 14a- Tree Removal Illustration* with plan provided in Attachment 3 in order to allow for the removal of four additional River Red Gums and the retention of an additional River Red Gum; and**
- 2. Notify the landowner and referral agencies of 1. above.**

**COUNCIL RESOLUTION**

**MOVED:**                *Cr Kirkham*  
**SECONDED:**        *Cr Griffin*

**THAT Council resolve to adopt the Recommendation.**

**CARRIED**

**6.1.5 GREEN WEDGE MANAGEMENT PLAN 5 YEAR REVIEW**

<b>File No:</b>	<b>170884</b>
<b>Attachments:</b>	<b>1 GWMP 5 Year Review Report</b> <b>2 GWMP Updated Action Plan</b>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Strategic Policy Planner</b>

**REPORT****EXECUTIVE SUMMARY**

Council Officers have undertaken a 5 Year Review of the Green Wedge Management Plan (GWMP), which was adopted by Council on the 19 July 2011. The 5 Year Review is a requirement of the Plan's Monitoring and Evaluation Framework. It is also a requirement of the State Government.

The purpose of the 5 Year Review is to ensure that the Green Wedge Management Plan is on track to achieving its vision and objectives.

The 5 Year Review has found that the Green Wedge Management Plan is tracking considerably well and that no major changes are required to the plan. Notwithstanding some minor updates are recommended to streamline the reporting and improve implementation of the actions.

It is recommended that Council adopt the 5 Year Review Report and recommended changes to the Green Wedge Management Plan Action Plan. If approved the 5 Year Review Report and updated Green Wedge Management Plan Action Plan will be forwarded to the Minister for Planning in accordance with the State Government mandatory reporting requirements identified in Practice Note 31 Preparing a Green Wedge Management Plan (Department of Transport Planning Local Infrastructure – revised July 2014).

**INTRODUCTION**

This report details the process and findings of the Green Wedge Management Plan 5 Year Review Report (See Attachment 1 Green Wedge Management Plan 5 Year Review Report) and recommends that Council adopt the recommendations identified in the report and the updated Action Plan (see Attachment 2).

The objective of this Review is to review the performance of the GWMP, including whether it is achieving the objectives of the adopted GWMP. It provides an opportunity to “check in” on the progress of the plan and determine whether any changes or updates are required.

It is important to note that it is a State Government requirement to undertake and report on a 5 Year Review as identified in Practice Note 31 Preparing a Green Wedge Management Plan Department of Transport Planning Local Infrastructure – revised July 2014. The completion of this 5 Year Review satisfies this requirement.

**BACKGROUND**

The Green Wedge Management Plan (GWMP) was initially developed to meet the requirements of the then State Government metropolitan strategy, *Melbourne 2030* (DOI, 2002). *Melbourne 2030* identified 12 green wedge areas in 17 municipal Councils across Melbourne and put in place policy to protect these valued areas including the establishment of an Urban Growth Boundary. In order to achieve sustainable management outcomes, each local government area was required to develop a management plan for its Green Wedge

Area. In the City of Whittlesea, the green wedge area represents approximately 61% of the municipality. (See *Attachment 2 of the 5 Year Review Report (Attachment 1)*).

Whittlesea's GWMP was adopted by Council on the 19 July 2011. It outlines Council's vision, objectives, strategies and implementation actions required to enable sustainable management of the green wedge areas, in line with the community vision. The GWMP identifies the values and features that should be protected and maintained. It also identifies current issues and opportunities for action.

The GWMP included an Action Plan comprising 84 actions relating to the GWMP's themes of land, biodiversity, water and people. In summary the Action Plan included:

- 31 short-term actions to commence by Year 3 (2013/2014);
- 22 medium-term actions to commence by Year 7 (2017/2018);
- 1 long-term action to commence after Year 7; and
- 30 on-going actions to be monitored to 2021.

As part of the GWMP a Monitoring and Evaluation framework was adopted. This is an operational plan to coordinate, monitor and evaluate the progress of responsible Council departments against the Action Plan.

Reporting on the progress of the GWMP actions includes the following requirements:

- Collect quarterly progress updates from responsible departments;
- Prepare annual progress reports to Council;
- Prepare a 3 year report (completed) and a 7 year report (due in 2018); and
- Undertake a full (5 Year) review of the GWMP in 2016.

The annual progress report (presented to Council in November 2015) and the 5 Year Review of the GWMP are mandatory reporting requirements set out by the State Government in Practice Note 31 Preparing a Green Wedge Management Plan (Department of Transport Planning Local Infrastructure – revised July 2014).

Quarterly (three monthly) progress updates are collected from responsible departments. The Year 3 Report was completed in October 2013, summarising the progress against the short term actions identified in the GWMP.

This report completes the requirement for the 5 Year Review of the GWMP. The GWMP is a 10 year plan and the purpose of a review at the 5 year mark (the plan's halfway point) is to "check in" on the progress of the GWMP to determine whether it is on track to achieve its objectives, or whether any changes are necessary.

It is noted that given the GWMP is not an incorporated document in the Whittlesea Planning Scheme. To this end, a planning scheme amendment will not be required to implement any changes recommended by the 5 Year Review.

### **5 Year Review Process**

This Review has provided an opportunity to consider the progress of the Action Plan adopted as part of the GWMP, including any action items that have been reported as delayed/outstanding and any new challenges presented within Whittlesea's Green Wedge areas. The approach taken in completing this review included:

- A literature review of all Council policies and strategies relevant to the GWMP and adopted since 2011 to ensure relevance and consistency with the adopted GWMP,
- A review of the GWMP progress to date in implementing the 84 actions,
- A review of the Monitoring and Evaluation Framework,

- Action Plan review, including internal consultation with relevant staff in relation to action items linked to their department. This consultation sought to address delayed/outstanding actions, alignment of actions with relevant departments, action wording and any issues encountered in the implementation of actions.

**Review findings**

**Literature Review**

A literature review was undertaken of all existing Council policies and strategies relevant to the GWMP and adopted since 2011 to ensure relevance and consistency with the adopted Green Wedge Management Plan.

The literature review indicates all policies and strategies are adequately aligned with the GWMP and these documents support and complement the GWMP vision and objectives. In particular, the following documents, adopted post 2011, have particular relevance:

- Community Plan 2013;
- Corporate Plan 2015-16;
- Council Plan 2013-2017;
- Environmental Sustainability Strategy 2012-2022;
- Housing Diversity Strategy 2013-2033;
- City of Whittlesea Heritage Strategy 2015-2018;
- Tourism Development Strategy 2014-2019; and
- Recreation Strategy 2012-2017.

**GWMP Progress to Date**

The GWMP Monitoring and Evaluation Framework sets out requirements to monitor and report on the progress of implementation of the Action Plan which will in turn measure the success of the Plan over time.

The quarterly and annual reporting on the status of the actions involves consultation with the relevant Council departments responsible for specific actions.

As part of the 5 Year Review, the progress of actions was reviewed. Table 1 highlights the progress to date in implementing the short, medium and on-going GWMP actions. It should be noted that short term actions are due to be commenced within 1-3 years, while the medium term actions are due to be commenced within 4-7 years. Note: Specific actions delayed or outstanding will be reviewed later in the report.

**Table 1: GWMP Progress**

	Completed 2016	In progress 2016	Delayed/Outstanding 2016	Not Commenced 2016
Short term	16%	68%	16%	0%
Medium term	5%	63%	-	32%
Ongoing	-	100%	-	-

**Completed:** Action that has achieved its objective and no further work is required.

**In progress:** Action has commenced or is on-going.

**Delayed/Outstanding:** Actions where work has not begun due to funding/resourcing or that are dependent on other actions before they can commence.

**Not Commenced:** Action has not commenced. Note: Medium term actions are only due to commence within year 4-7 of the Plan.

In summary, Table 1 illustrates that Council has made overall significant progress to date in implementing the GWMP actions with 16% of short term (5 actions) and 5% of medium term actions (1 action) already complete. All on-going actions are in progress, reflecting core business activities. A total of 68% of short term actions (21 actions) are on-track, which includes 10 new actions commenced that were previously reported as delayed/outstanding or not commenced. These actions are tracking well and are on track for completion.

A further 63% of medium term actions (12 actions) are in progress and 5% (1 action) completed which is ahead of schedule, as they have been earmarked to commence between year 4 to 7 of the plan. The remaining 32% of medium term actions will be commenced in the next two years, as anticipated.

Given the GWMP is in year 5, essentially the plan's mid-way point; this is a positive result in protecting and enhancing Whittlesea's Green Wedge areas. The 16% of short term actions that have been identified as delayed or outstanding are explored further in the *Analysis of Delayed/Outstanding Actions* section below.

### **Monitoring and Review Framework Review**

The purpose of the Monitoring and Evaluation Framework is to monitor implementation of the GWMP to ensure it achieves the vision and objectives over the 10 year life of the plan. The GWMP 5 Year Review provides an opportunity to streamline the reporting requirements put in place by the GWMP Monitoring and Evaluation Framework, in order to reduce the administrative impact of the reporting process.

The Strategic Planning and Design (SP&D) department is responsible for administering, monitoring and evaluating the progress of responsible departments against the 84 actions. The adopted GWMP includes the following monitoring and reporting requirements:

- Collect quarterly (three monthly) progress updates from responsible departments on the progress of Actions, which are reported to the Executive Leadership Team (ELT);
- Prepare annual progress reports to Council;
- Prepare a 3 year report (completed 2013) and a 7 year report (due in 2018) on the progress of implementation and highlighting key milestones and
- A full 5 Year Review to monitor the relevancy, vision and objectives of the GWMP.

Annual reporting and the 5 Year Review of the GWMP are mandatory reporting requirements by the State Government in Practice Note 31 Preparing a Green Wedge Management Plan (Department of Transport Planning Local Infrastructure – revised July 2014). There is no scope to change these.

However, preparation of a 3 and 7 year report and quarterly progress updates are monitoring mechanisms established by Council to monitor and measure the GWMP implementation. There is latitude, through this Review to amend the current monitoring requirements.

It is recommended that the requirement for quarterly progress updates be removed. The short reporting cycle (three months) means that in many instances minimal or no changes have occurred within the intervening period. As a result, the reporting is not meaningful and causes an unnecessary administrative burden on SP&D in administering the GWMP, as well as other staff across Council. Annual reporting and the 7 year report requirements will remain unchanged. These mechanisms are considered adequate to ensure the GWMP remains on track and that all actions are implemented in a timely manner. This is particularly relevant in the context of the progress achieved to date in implementing the Actions.

**Action Plan Review and Proposed Changes and Updates**

A review of the Action Plan was undertaken through internal consultation with relevant staff in relation to action items linked to their department. The internal consultation was undertaken from December 2015 to February 2016.

Following internal consultation, 29 of the 84 GWMP actions items were identified to be amended or updated. The issues and problems identified are discussed in detail in the 5 Year Review Report (see *Attachment 1*). The 5 Year Review Report also contains a table detailing all recommended updates and the rationale for the proposed changes (See *Attachment 4 of the 5 Year Review Report*). The nature of the changes recommended for these 29 actions are quite minor and are summarised below under the headings of:

- Analysis of Delayed/Outstanding Actions,
- Introducing Dual Lead/Support role,
- Identify a Lead Department for all Actions,
- Re- word Actions,
- Change of Department Lead.

***Analysis of Delayed/Outstanding Actions***

In reviewing the GWMP progress to date, 16% of the short term actions (to be commenced within 1-3 years) were identified as delayed/outstanding. This represents five of 31 short term actions. An analysis of delayed/outstanding actions identified the following key findings:

- Four of the delayed/outstanding actions are allocated to Strategic Planning and Design (SP&D) as the lead department:
  - Two Actions (W05 & B02) require specific ecologic specialist research to inform amendments to planning provisions. SP&D currently does not have the resources to undertake this background work. The recent appointment of a Biodiversity Planner in Sustainability Planning will enable some of this background work to be undertaken via the Biodiversity Action Plan (BAP). It is anticipated that this action will be able to be progressed by SP&D once the BAP is completed by June 2017.
  - Action PO5 relates to the development of Rural Information Packs providing pre- purchase planning information for the community. SP&D have not had the resources available to commence this action to date. However, it is noted this action to likely to be progressed in 2017/18 as staff resources/capacity become available.
  - Action L11 - This action requires a review of local planning provisions to identify and evaluate controls relating to agribusiness and the right to farm in rural areas. Council has limited ability to progress this action as zoning provisions can only be altered by the State Government. Given the State Governments commitment to the green wedges and its future protection, DELWP have indicated that further initiatives may provide additional policy support to farming. One recent initiative is the establishment of the Animal Industries Advisory Committee. Subject to the outcomes of these initiatives/processes, SP&D can explore scope for any changes implemented by the Minister for Planning to support farming. It is recommended that the action wording be revised to reflect the State's lead role in the area.
- The remaining delayed/outstanding action is Action P15 which relates to investigating partnership opportunities to extend our network of multiuse trails. This action is linked

to Action P17 and the development of the Northern Regional Trails Strategy in partnership with neighbouring Councils. Following Council adoption of this Strategy, the next step is for the Interface Councils to advocate for funding and partnership opportunities in line with Action P15. A Change Management Form was submitted on 11 March 2013 to update the action start date to 2018, effectively amending it from a short term action to a medium term action.

On the basis of the above, it was found that these five actions will be progressed in the coming years.

### ***Introducing Dual Lead / Support role***

It was identified that some actions required considerable input work to be generated by another department that were not the lead originally but had requisite specialist skillset, necessary for the action to be progressed. To reflect this more appropriately and to ensure actions can be progressed, it is recommended that “dual lead” and “support role” categories be introduced. This will provide greater recognition of the work required by various departments to progress actions and ensure inclusion in departmental work plans.

The “dual role” recognises the responsibility that two departments share in undertaking the requirements to complete an action.

Four actions have been recommended for a dual lead role between SP&D and the Sustainability Planning Department (SUS). This recognises the strong links between the Departments on those actions. Specifically, it recognises the role of SUS in providing the ecological background information and strategic justification that will inform SP&D in implementing planning scheme outcomes in accordance with the GWMP actions.

The addition of a “support role” acknowledges the role other departments may have in assisting to implement an action. This may be through providing technical expertise or monitoring and advocating for an action objective, whilst the responsibility of undertaking the action will still sit with the lead department identified.

Fifteen actions have been identified for inclusion of a “support role”, reflecting the contributory input across Council’s departments in implementing strategies/policies and providing ongoing support on GWMP matters. The SUS Department is identified to provide this support role to seven of the 15 Actions. This is a reflection of the SUS work program, the recent appointment of a Biodiversity Planner and the work to be undertaken on the BAP that will provide the strategic justification for a number of actions. While the action implementation will be led by another department, SUS’s input will be vital.

The Jobs and Investment Department (Agribusiness Officer role) is identified as a support role for four Actions acknowledging the ongoing support, education and promotion of agribusiness provided through this role that contribute to implementing actions.

### ***Identify a Lead Department for all Actions***

In general, a lead department was nominated for all GWMP actions in the GWMP Action Plan. However there are seven Actions where Council’s role was to “Advocate”. No lead department was identified for these actions as it was generally considered that advocacy will occur as opportunities arise to achieve the action objective.

This has caused some difficulty in reporting the progress of the actions as no department is accountable for ensuring the action is implemented. In order to assist in monitoring and ensure these Actions are ongoing through negotiation/advocacy in department work plans it is proposed that a lead department is nominated for each of the seven Advocacy actions.



**Re- word Actions**

The Review recommends the minor re-wording of six Actions. Re-wording does not change the intent or the objective of these actions. The re-wording seeks to improve the readability, clarify the objective, or reflect strategy/policy updates. The reasoning for the proposed re-wording varies and is outlined in detail in the 5 Year Review Report - *Attachment 4 Recommendations and Updates Table*. For example Action B10 is proposed for re-wording to reflect the new State Government native vegetation retention regulations that were released in 2013. "The Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines" now replaces "Victoria's Native Vegetation Management – A Framework for Action" (DNRE 2002). The emphasis of the new regulations is on "no net loss" compared to the "net gain" objective of the previous regulations. Minor rewording of the action will ensure it remains relevant.

**Change of Department Lead**

Since the GWMP was adopted, there have been some organisational changes (both in department title and structure) or shifts in departmental work priorities. Five Actions are recommended to move to another department for the lead role. Three Actions (L24, L28, and L27) are proposed to move to the new Jobs and Investment Department. This is due to the appointment of the Agribusiness Officer in 2011, as the initiatives required by these actions have been incorporated into the ongoing support, research and events program provided through this role.

Two Actions (P15 and P17) are proposed to move to the City Transport and Presentation Directorate given the City Design and Transport Department has undertaken the Northern Regional Trails Strategy project. This Strategy seeks to extend the current multiuse trails network for Whittlesea's Green Wedge in accordance with the action objectives.

It is noted, that Council is currently undergoing an organisational restructure. This Review will endeavour to update and align actions with the 'new' responsible department.

The proposed updates to actions are contained in the 5 Year Review Report (*Attachment 1*). *Attachment 2* shows the updated Action Plan to be adopted.

**CONSULTATION**

Considerable community consultation was undertaken in the preparation of the original GWMP adopted in 2011. DELWP advised that further consultation as part of the 5 Year Review is only required if the GWMP objectives and vision is altered. This is not intended as the Review indicated that the GWMP is tracking well and is current. Targeted consultation is undertaken as part of individual actions, such as the Network Trails Strategy.

Consultation has been undertaken with DELWP as the 5 Year Review is a requirement of the State Government. DELWP reiterated that the Government is committed to the protection of green wedges. They also indicated that as one of the first 5 Year Review to be completed, they may draw the Minister's attention to the Review, with the aim of using the City of Whittlesea's Review as a case study for other GWMP 5 Year Reviews.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of undertaking the GWMP 5 Year Review or proposed updates and changes.

**POLICY STRATEGY AND LEGISLATION**

In 2002, the State Government formally defined and identified 12 Green Wedge areas across 17 municipalities, including the City of Whittlesea.

It was a requirement that each Green Wedge Council develop a GWMP in consultation with the Community and accordance with the policy directions of Melbourne 2030.

**Plan Melbourne**, reinforces the importance of Melbourne’s green wedge areas through identifying the value of securing future use of green wedges and peri-urban regions for agriculture and agribusiness, biodiversity, recreation and open space, tourism, heritage and landscape conservation. **Plan Melbourne** specifies the following key strategic directions in relation to Melbourne’s Green Wedge areas:

- Direction- 5.2 Protect and restore natural habitats in urban and non-urban areas.
- Direction- 5.3 Enhance the food production capability of Melbourne and its non-urban areas.
- Direction- 6.02 Rebalance Victoria’s population growth from Melbourne to rural and Regional Victoria over the life of the strategy.

Plan Melbourne Refresh (October 2015) indicates an intention to reinforce the protection of the key values of green wedges to protect environmental assets and agricultural land.

*Council Goal 6.6: Council will continue delivery of rural incentive programs including the rate rebate and environmental works program*

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Living Sustainably</b>
<b>Theme</b>	<b>Rural sustainability</b>
<b>Strategic Objective</b>	<b>Rural land is managed appropriately</b>

*Council Goal 6.6: Council will continue delivery of rural incentive programs including the rate rebate and environmental works program*

<b>FUTURE DIRECTION</b>	<b>Living Sustainably</b>
<b>Theme</b>	<b>Rural sustainability</b>
<b>Strategic Objective</b>	<b>Rural land is managed appropriately</b>

*Council Goal 3.9: Council will investigate options for using rural land for agricultural production*

Council actions include:

- Continue delivery of rural incentive programs
- Implement relevant actions from Green Wedge Management Plan

*Council Goal 6.6: Council will continue delivery of rural incentive programs including the rate rebate and environmental works program.*

Council actions include:

- Review land and biodiversity conservation strategies
- Review environmental works program

Council's implementation and continued support for the GWMP will enable it to achieve Council Goal 3.9 and 6.6 for the long term protection and management of Whittlesea's green wedge area for agricultural production for the economic benefit of the municipality.

The GWMP outlines Council's vision, objectives, strategies and implementation actions required to enable the sustainable management, enhancement and protection of productive and natural resources in the green wedge/non-urban area of the municipality. Implementation of the GWMP actions is fundamental to Council achieving the Strategic Objectives listed above, which represent the vision the community has for the municipality.

<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>

Council Goal: Council adopts best practice models of operation

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**

Undertaking this 5 Year Review has provided an opportunity to evaluate the progress and objectives of the GWMP. The Review has found that the GWMP is tracking well, as outlined in this report, and that no major changes are required. As highlighted however, some minor updates are recommended to streamline reporting and improve implementation.

The recommended updates identified through this review include:

- Update the Monitoring and Evaluation Framework to remove the requirement for quarterly progress updates. Annual reporting will remain, along with the requirement for a 7 year report to Council (due 2018), to ensure the GWMP remains on-track.
- Updates and amendments to 29 of the 84 Actions highlighted in *Attachment 4* of the GWMP 5 Year Review Report (*Attachment 1* of this report). These include:
  - Introduce a dual lead and/or support role for some actions;
  - Identify a lead department for advocacy related actions where no lead was previously allocated;
  - Minor rewording of some actions to improve readability, clarify the objective or reflect strategy/policy updates; and
  - Change of Department Lead to reflect organisational re-structures.

It is recommended that Council resolve to adopt the 5 Year Review Report and the recommended updates and changes highlighted above (and identified in the 5 Year Review Report). As noted, the GWMP is not an incorporated document in the Whittlesea Planning Scheme therefore a Planning Scheme amendment is not required to implement these changes. An updated GWMP Action Plan is provided for adoption (*Attachment 2*) to form part of the GWMP.

Following a determination from Council, the GWMP 5 Year Review Report and updated Action Plan must be forwarded to the Minister of Planning for his information and to complete Council's requirements with respect to the GWMP review requirements.

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

- 1. Adopt the Green Wedge Management Plan 5 Year Review Report and Updated Action Plan as contained in Attachment 1 and 2 of this report.**
- 2. Forward the GWMP 5 Year Report and updated Action Plan to the Minister of Planning for information.**

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

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

**CARRIED**

**6.1.6 WHITTLESEA PLANNING SCHEME AMENDMENT C197 -MSS UPDATE  
(PLANNING SCHEME REVIEW PROJECT - ACTION 3)****File No:** 192702**Attachments:**  
1 Response to Submissions  
2 Amendment C197 – MSS Update (Post Exhibition)**Responsible Officer:** Team Leader Strategic Planning Policy**Author:** Principal Policy Planner**REPORT****EXECUTIVE SUMMARY**

The purpose of this report is to detail the outcome of the public exhibition of Planning Scheme Amendment C197. Council resolved on the 27 October 2015, to prepare and exhibit Planning Scheme Amendment C197. Planning Scheme Amendment C197 seeks to update the Municipal Strategic Statement (MSS) in the Whittlesea Planning Scheme. The amendment completes Action 3 of the Planning Scheme Review Project and incorporates existing Council policies and strategies into the Local Planning Policy Framework.

The planning scheme amendment was placed on public exhibition for 6 weeks from 12 January 2016 to 26 February 2016 in accordance with Section 19 of the Planning and Environment Act 1987.

Eight (8) submissions were received from a mix of residents, community groups, and State authorities. With respect to submissions, officers have resolved all but 1 submission. That is to say, 7 submissions have now been resolved and withdrawn.

However, under the Planning and Environment Act 1987, Council is obliged to refer any submission which has not been withdrawn and cannot be resolved to an Independent Panel appointed by the Minister for Planning. Under the Act:

- (1) Any person may make a submission to the planning authority about an amendment of which notice has been given under section 19 or in accordance with a condition imposed under section 20(2)(b).

There is however, some concern regarding the relevance of the unresolved submission in relation to whether the submission is about the substance of the Amendment.

**INTRODUCTION**

The purpose of this report is to discuss the outcomes of the statutory exhibition process for Planning Scheme Amendment C197 (**Amendment**) and outline the legislative requirements in finalising the Amendment.

**PROPOSAL**

The Amendment seeks to update the Municipal Strategic Statement in the Local Planning Policy Framework (**LPPF**) to reflect Council adopted policies and strategies. This amendment represents Action 3 of the Planning Scheme Review Project.

**Planning Scheme Review Project (PSR)**

The Planning Scheme Review Project (**PSR Project**) commenced in June 2011 to meet the statutory requirements of Section 12(1) of the *Planning and Environment Act 1987*, which requires the City of Whittlesea to regularly review the operations of its Planning Scheme.

Pursuant to Section 12A (4) of the Planning and Environment Act 1987, Council is required to ensure that the Municipal Strategic Statement (**MSS**) is consistent with the Council Plan.

The PSR Project identifies four stages to updating the Whittlesea Planning Scheme. The project and proposed implementation plan was endorsed by Council on 17 May 2013. PSR Project Implementation Actions 1 and 2 were undertaken through Planning Scheme Amendments C159 and C177. These planning scheme amendments which were completed in November 2012 and March 2014 respectively, removed duplicate requirements which were already in the recently revised State Planning Policy Framework (**SPPF**) or elsewhere within the Victoria Planning Provisions. Those amendments also restructured the MSS policy content using a theme based approach that more clearly aligned to the SPPF.

The Amendment represents Action 3 of the PSR Project. Action 3 effectively proposes to update the MSS to reflect and implement existing Council adopted strategies and policies in the LPPF. Over 90 documents were reviewed for their land use planning content. The outcome is an extensive rewrite of the MSS which reflects State government and Council's planning policy positions. The Explanatory Report to the Amendment stated the following in relation to what the Amendment was about:

The amendment updates Clause 21 (Municipal Strategic Statement) of the Whittlesea Planning Scheme to give effect to the contemporary vision for how land in Whittlesea should be used, developed and protected.

Importantly, the MSS review does not involve any rezoning or changes to planning overlays.

Action 4 of the PSR Project will commence in 2016/2017 and will identify a continuous improvement framework for maintaining the planning scheme.

## **STATUTORY EXHIBITION**

The statutory exhibition period commenced on 12 January 2016 and concluded on 26 February 2016, a period of 6 weeks. Notification of the Amendment was mailed to the prescribed Ministers, service authorities, and state agencies identified by the Minister. Notice of the Amendment appeared in the Whittlesea Leader newspaper on the 12 January and in the Victorian Government Gazette on 14 January 2016.

In addition to the formal notification process, the following communication tools were also utilised; namely Council's webpage and Council's column in the Whittlesea Leader newspaper.

There were eight (8) submissions received in response to the notification period. A detailed summary of the submissions and Council's response to each submission is provided in Attachment 1.

In summary the submissions sought to:

- Reiterate the importance of protecting Melbourne Airport operations which includes the impact of noise contours and prescribed airspace in the Planning Scheme;
- Regulate the need to provide adequate separation buffers between industry and sensitive uses;
- Utilise best practice guidelines for landfills and other EPA guidelines;
- Identify the bushfire risk within the municipality;
- Identify the importance of Aurora Development Plan for commercial and employment purposes;
- Identify the importance of the Tram route 86 extension and provide support for multi-nodal transport hubs;

- Rezone the Neighbourhood Residential Zone land within the Peter Lalor Housing Estate to General Residential Zone and/or Residential Growth Zone.

The submissions have been assessed and where appropriate a number of changes have been made to address the comments received where appropriate. However it is not possible to propose a change to the Amendment to satisfy a submission where the proposed change is not within the ambit of what the Amendment is about in this case a review of the MSS rather than any rezoning of any land.

## **RESPONSE TO SUBMISSIONS AND POST- EXHIBITION CHANGES TO AMENDMENT C197**

Eight (8) submissions were received during exhibition. A summary of the submissions and Council's response to each is provided below. Officers have contacted all submitters with a view to resolving the submissions. It is noted that of the 6 submissions received that requested changes which were within the ambit of what the Amendment was about all have been resolved to the satisfaction of the submitter apart from one submission which is submission no. 6 below.

Attachment 1 provides the officer's suggested wording provided to, and agreed by the relevant submitters who have agreed to resolve their submission as suggested.

### **Submission 1 – Metropolitan Planning Authority**

No concerns raised with the Amendment.

### **Submission 2 –Melbourne Airport**

The submission notes the proximity of Melbourne Airport and the need to protect the operational needs of Melbourne Airport. A change has been proposed to the Amendment to recognise the benefits of Melbourne Airport to the municipality and the need to protect its on-going operations.

Melbourne Airport has advised in writing that the proposed changes to the Amendment satisfy the concerns raised in their submission.

### **Submission 3 - EPA**

The submission requests managing residential encroachment to existing industrial areas by ensuring adequate separation distances, the need to consider the issues around contaminated land and the need to minimise the impacts of rail infrastructure and rail noise on adjacent land uses. It is noted that a number of the issues raised in the EPA submission are already included SPPF. The Amendment is proposed to be changed to address some remaining issues which identify the need to ensure that suitable measures are provided to minimise adverse amenity impacts from industry and future rail infrastructure. This includes providing adequate separation buffers between new residential areas and industry.

The EPA has advised in writing that the proposed changes to the Amendment satisfy the concerns raised in their submission.

### **Submission 4 – Vic Roads**

No concerns raised with the Amendment.

### **Submission 5 – Planisphere on behalf of Places Victoria**

The submission requests greater reference is made to the Aurora Town Centres in the MSS. In response to the submission; the "Economic Development Plan 07" is proposed to be amended to identify Aurora Town Centres as "Proposed commercial/employment area" to reflect the adopted Development Plan for the Aurora Town Centres.

Planisphere acting on behalf of Places Victoria advised in writing that the proposed changes to the Amendment satisfy the concerns raised in their submission.

#### **Submission 6 – Landowner (Peter Lalor Housing Estate)**

The submission requests the rezoning of land from Neighbourhood Residential Zone (NRZ) to General Residential Zone (GRZ) and/or Residential Growth Zone (RGZ) for properties within the Peter Lalor Housing Estate to reflect the intent of Amendment C181- Implementation of the Housing Diversity Strategy and new residential zones in the established areas.

As noted earlier, the Amendment does not propose any rezoning. The Amendment is about a review of the MSS. Council officers have advised the submitter in writing that the rezoning of land is not within the scope of the Amendment. Council would be aware of the complex background and recent State Government decision regarding the zoning of the Peter Lalor Housing Estate. The submitter was advised that any rezoning of land, if it was appropriate, would need to occur in a new and separate planning scheme amendment and is not part of the current Amendment.

The submitter was also advised that Clause 21.09-4 “Change Areas in the Established Suburb” of the MSS implements Amendment C181 by identifying the Housing Change Areas. The Housing Change Areas reflect the Housing Diversity Strategy which identifies the areas around the Peter Lalor Housing Estate as “neighbourhood renewal” areas characterised by medium and higher density housing or “neighbourhood interface” areas characterised by medium and standard density housing.

The submitter is not satisfied with this response and requests the matter be considered by an Independent Planning Panel.

#### **Submission 7– Friends of South Morang (FOSM)**

The submission identified the need to progress the planning and development of the Tram Route 86 extension and a number of other matters, including the provision of inter-modal interchange, possible advocacy partnership with FOSM and other matters relating to the Integrated Transport Strategy.

A meeting was held between a FOSM representative and Council officers to discuss the submission in detail and to provide an opportunity for Council officers to outline the role of the MSS and where the issues raised in the submission could or couldn't be addressed.

Changes were made to the exhibited MSS to identify the role of the Plenty Valley Structure Plan in identifying the preferred route for Tram 86 extension and the importance of inter-modal interchanges.

FOSM advised in writing that the proposed changes to the MSS adequately addresses the issues raised in their submission.

#### **Submission 8 – Country Fire Authority (CFA)**

The submission requests that greater emphasis to bushfire hazard and bushfire mitigation be included in the MSS.

Changes have been proposed to specifically recognise the bushfire risk within the municipality and the importance of life safety in bushfire risk areas. A specific objective was included with accompanying strategies identifying how the environmental impacts of bushfire risk can be minimised.

The CFA have advised in writing that they are satisfied that the proposed changes to the Amendment satisfy the concerns raised in their submission.



**Post Exhibition minor corrections and clarification**

Additional minor changes are also proposed to the exhibited MSS by Council officers to correct policy references and mapping, remove superfluous description, expand on preferred development for the Cooper Street Employment Area and identify constraints which may impact on future development.

The additional proposed changes include:

- Deleted reference to the Municipal Development Guidelines 2010 and replaced with Development Guidelines 2010 Municipal Policy Directions.
- Removed reference to “substantial” in Strategy 2.6 under Clause 21.08-1.
- Removed the term “Industrial Ecology” under Strategy 1.4 of Clause 21.10-1.
- Updated reference from “Industrial Development Guidelines” to “Planning guidelines for Industrial Developments (1997)”.
- Further details provided in the preferred employment generating industries within the Cooper Street Employment Area.

**DISCUSSION**

The Amendment completes Action 3 of the PSR Project and meets section 12A (4) of the Planning and Environment Act 1987, by ensuring the MSS is consistent with the Council Plan and existing State and local government plans, policies and strategies. The outcome of Action 3 is an updated MSS which reflects Council’s current policy positions.

Action 3 of the PSR Project is a long standing project. It was exhibited and eight submissions were received. Following considerable discussion and liaison with submitters, all but one submission have been resolved. These submitters provided written advice that they were satisfied that their submission was addressed on the basis of the proposed draft wording included in Attachment 2.

The only outstanding submission relates to the Peter Lalor Housing Estate and requests that land be rezoned to General Residential/Residential Growth Zone. This submission is considered to be beyond the scope of the Amendment. Council has no ability to ignore the submission on the ground of its relevance to the Amendment. Under the relevant provisions of the Planning and Environment Act 1987 Council must refer the outstanding submission to an Independent Planning Panel. Council officers are also fairly confident that an Independent Planning Panel will also find the submission to be beyond the scope of the Amendment.

Given the cost and time implications of a Panel for 1 submission, it is recommended that Council resolve that at the customary Directions Hearing for the Planning Panel, the Panel be requested to deal with outstanding submission in a summary manner by ruling that it is not relevant to the subject matter of the Amendment. If the panel accepts this then there will be no need for a panel hearing.

**REFERRAL**

The Amendment was referred to the State government agencies, including: Metropolitan Planning Authority, Native Title Services Victoria and the prescribed ministers in accordance with Section 19 (1)(c) of the Planning and Environment Act 1987.

Council has consulted with internal stakeholders to ensure accuracy of proposed content and liaised with the Department of Environment, Land, Water and Planning on the proposed changes to the MSS.

**POLICY STRATEGY AND LEGISLATION**

The Amendment meets the requirements of Section 12A of the Planning and Environment Act 1987 by updating the MSS to be consistent with the Council Plan.

Under Section 22 of the Planning and Environment Act 1987, the Responsible Authority is required to consider all submissions. Pursuant to section 23(1) of the Planning and Environment Act 1987, where a submission cannot be resolved, the submission must be referred to an Independent Planning Panel. As there is one submission which cannot be resolved, it is recommended that Council refers the outstanding submission to an Independent Planning Panel and asks the Panel to deal with the outstanding issue in a summary manner having regard to its lack of relevance to what the Amendment is about.

From a strategic planning perspective, the proposal meets the following State and Local policies:

***State Planning Policy - Metropolitan Planning Strategy - Plan Melbourne*****Direction 1.2: Strengthen the competitiveness of Melbourne's employment land**

- Initiative 1.2.2 Maintain the competitiveness of employment land in Melbourne's Growth Areas.
- Initiative 1.2.3 Plan for commercial land and activity centre needs.

**Direction 1.5: Plan for jobs closer to where people live**

- Initiative 1.5.2 Support development of metropolitan activity centres.
- Initiative 1.5.3 Support planning of other Activity Centres.

**Direction 2.1 Understand and plan for expected housing needs**

- Initiative 2.1.4 Develop more diverse housing in growth areas.

**Direction 2.2 Reduce the cost of living by increasing housing supply near services and public transport**

- Initiative 2.2.4 Increase housing choice within walkable distance of railway stations in the growth areas.

**Direction 2.3 Facilitate the supply of social housing**

- Initiative 2.3.1 Facilitate growth in the social housing sector.

**Direction 2.4 Facilitate the supply of affordable housing**

- Initiative 2.4.2 Increase our understanding of affordable housing in the context of changing household types and needs.
- Initiative 2.4.3 Accelerate investment in affordable housing.

**Direction 3.3 Improve transport infrastructure, services and affordability in Melbourne's newer suburbs**

- Initiative 3.3.1 Improve roads in growth areas and outer suburbs.
- Initiative 3.3.2 Improve outer-suburban rail and bus networks.

**Direction 5.3 Enhance the food production capability of Melbourne and its non-urban areas.**

- Initiative 5.3.1 Protect high quality agricultural land in and around Melbourne for food production.

**Community Plan 2030**

The Amendment reflects the Community Plan Strategic Objectives of:

- Accessibility in, out and around our city
- Growing our economy – Identifying the key activity centres, synergies for future employment areas
- Health and well-being – supporting neighbourhood hubs, walkable communities and social infrastructure
- Living sustainably – supporting the development of self-contained communities, identifying environmentally sustainable design.

**Council adopted policies and strategies**

Over 90 documents were reviewed with the following key documents contributing to the development of the updated MSS:

- Plan Melbourne Submission 2013
- North Growth Corridor Submission 2011
- Social and Affordable Housing Strategy and Action Plan 2012 – 2016
- Integrated Transport Strategy 2014
- Environmental Sustainable Strategy 2012-2022
- Stormwater Management Plan 2012-2017
- Green Wedge Management Plan 2011-2021
- Open Space Strategy 1997
- Disability Action Plan 2013-2016
- Sports Stadium Feasibility Study 2014
- Youth Plan 2030
- Municipal Lifelong Learning 2013-2016
- Playspace Planning Framework and Policy 2013
- Community Gardens Policy 2013
- Gambling Strategy and Action Plan 2014-2024
- Mernda Rail Design Guidelines 2015.

**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>

The Amendment updates the Planning Scheme to reflect existing Council policies and strategies. The updated MSS provides up to date information on Council's position on land use and development. Clear direction on preferred development outcomes provides more clarity and efficiencies for applicants seeking to develop and invest in the municipality.

**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 seeks to update the MSS to reflect existing adopted policies and strategies. The proposed changes to the exhibited MSS seek to address the issues raised in the submissions, provide greater clarity and make minor corrections to the exhibited planning scheme amendment.

While officers have been able to resolve most submissions, there is one outstanding submission which relates to a request to rezone land in the Peter Lalor Housing Estate. This request to rezone land is considered beyond the scope of the Amendment and is not able to be achieved as part of the Amendment. This is because the Amendment is limited in its scope to updating high level policy in the MSS. Any rezoning of land at this late stage would amount to a transformation of the Amendment. This is not allowed as a general proposition. It has not been possible to resolve the submitters’ issues and therefore Council has no option but to refer the unresolved submission to an Independent Planning Panel for consideration, as is required under the Planning and Environment Act 1987.

Given that only this one submission is being referred to an Independent Planning Panel, the Panel will be asked to deal with the submission in a summary manner rather than proceeding to a full hearing. Council officers will flag this in advance of the customary Directions Hearing so that the submitter is well aware of Council’s proposed submissions at the Directions Hearing so the submitter can be prepared to respond to the proposed course of conduct.

Ultimately, however, whether a full panel hearing will be required will be a matter for the Independent Panel to determine.

**DECLARATION OF INTEREST**

Cr Ken Harris declared an indirect interest because of conflicting duty in Item 6.1.6 Whittlesea Planning Scheme Amendment C197 – MSS Update (Planning Scheme Review Project – Action 3) on the grounds that he is the President of the Friends of South Morang.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Harris left the Council Chamber at 7:11 PM and advised the Mayor accordingly.

Cr Harris returned to the Council Chamber at 7:14PM following the vote on this item.

**RECOMMENDATION**

**THAT Council resolve to:**

- 1. Request the Minister for Planning appoint an Independent Planning Panel to consider the Amendment.**
- 2. Refer the single unresolved submission to the panel.**
- 3. Endorse the post exhibition version of Planning Scheme Amendment C197 as contained in Attachment 2 of this report.**

4. Submit to the panel at the first available opportunity that the single submission is directed to matters which are not within the scope of the Amendment and should therefore not be considered as relevant by the panel.
5. Advise all submitters of the resolutions above.

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

**MOVED:** *Cr Griffin*  
**SECONDED:** *Cr Sinclair*

**THAT Council resolve to adopt the Recommendation.**

**CARRIED**



**6.2 COMMUNITY SERVICES**

**NIL REPORTS**





**6.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**



## 6.4 CORPORATE SERVICES

### 6.4.1 UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING

<b>File No:</b>	<b>160616</b>
<b>Attachments:</b>	<b>1 Unconfirmed Minutes of Audit &amp; Risk Committee Meeting 26 May 2016</b> <b>2 Annual Internal Audit Plan 2016/17</b>
<b>Responsible Officer:</b>	<b>Acting Director Corporate Services</b>
<b>Author:</b>	<b>Internal Compliance Officer</b>

## REPORT

### SUMMARY

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

### BACKGROUND

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

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

Main agenda items included:

- Audit & Risk Committee Work Plan
- Corporate Business Report
- Risk Management Report
- Internal Audit:
  - Internal Audit Status Report and Proposed Scopes
  - Internal Audit Reviews: Digital Content Management Framework and Tendering & Contract Management – Parks & Open Space
  - Outstanding Action items Report from Previous Internal Audits
  - Strategic Internal Audit Plan 2016/17 – 2018/19
- External Audit:
  - External Audit Strategy – Year Ending 30 June 2016
  - Interim Management Letter – Year Ending 30 June 2016
- Internal Compliance Reviews
- VAGO Performance Audits: Local Government Service Delivery – Recreational Facilities
- DCP Management Strategy 2016

**ANNUAL INTERNAL AUDIT PLAN 2015/16**

As part of the presentation on the Strategic Internal Audit Plan 2016/17 to 2018/19, PricewaterhouseCoopers (PwC) also presented the Annual Internal Audit Plan 2016/17. The Committee approved the annual plan and recommended it be provided to Council for noting. The Annual Internal Audit Plan 2016/17 is attached with the minutes.

**LINKS TO THE COUNCIL PLAN**

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

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

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

**RECOMMENDATION**

**THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 26 May 2016 and the Annual Internal Audit Plan 2016/17.**

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Kirkham*  
**SECONDED:**                *Cr Griffin*

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

**CARRIED**

**6.4.2 ASSEMBLIES OF COUNCIL REPORT - 28 JUNE 2016**

**File No:** 188199  
**Responsible Officer:** Acting Director Corporate Services  
**Author:** Governance Officer

**REPORT**

**SUMMARY**

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

**BACKGROUND**

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

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

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

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

**PROPOSAL**

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

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Disability Network 12 April 2016	Cr Kozmevski (Mayor) Cr Lalios	ARO ASPO FPS MCW NDISPPPO PO TLA TLCCQC	1. Reports from Working Groups <ul style="list-style-type: none"> <li>a) National Disability Insurance Scheme (NDIS)</li> <li>b) Accessible Parking and Transport Working Group</li> <li>c) Hospital Issues</li> <li>d) Carers' Week</li> <li>e) International Day of People with Disability(IDPwD)</li> <li>f) Budget</li> <li>g) Respite Consortium</li> <li>h) <i>Our News</i> Newsletter</li> </ul> 2. Leisure and Community Inclusion – Minor Sport Strategy 3. Other Business <ul style="list-style-type: none"> <li>a) Accessible parking at South Morang carpark</li> <li>b) Metro and Rural Access funding</li> <li>c) Continued enforcement of footpath trading policy</li> <li>d) Trevor Carroll on Chanel 10 news recently</li> <li>e) Parking and Transport</li> </ul>

*Nil disclosures*

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Reconciliation Group (WRG) Meeting <b>28 April 2016</b>	Cr Kelly	ALC AYP SPACDT TLACD	<ol style="list-style-type: none"> <li>Annual program and arrangements for Sorry Day</li> <li>Annual program and arrangements for the Reconciliation Awards</li> <li>Expressions of Interest process for potential WRG members</li> <li>Budget</li> <li>Council advocacy strategy</li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>
Council Forum <b>24 May 2016</b>	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Griffin Cr Harris Cr Kirkham Cr Lalios Cr Sinclair Cr Stow	CEO DCS DCRS-A DCTP DPMP DPE-A MEAP MG-A MMP MOW	<ol style="list-style-type: none"> <li>Proposed Demolition of Heritage Place (Schultz's Farm) – 45 Bridge Inn Road, Wollert</li> <li>Review of the Planning and Delivery of the New Works Program</li> <li>Mernda Rail Discussion</li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting <b>25 May 2016</b>	Cr Kozmevski (Mayor) Cr Kelly Cr Pavlidis Cr Sinclair Cr Spinelli	MG-A	<p>The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting:</p> <ol style="list-style-type: none"> <li>Taylor Spence – Sporting Grant - Interstate</li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting <b>26 May 2016</b>	Cr Kozmevski (Mayor) Cr Kelly Cr Kirkham Cr Pavlidis Cr Sinclair Cr Spinelli	MG-A	<p>The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting:</p> <ol style="list-style-type: none"> <li>Belinda Ai – Sporting Grant - Interstate</li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>
Council Forum <b>31 May 2016</b>	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Lalios Cr Pavlidis Cr Sinclair Cr Stow	CEO DCS DCRS-A DCTP DPMP DPE-A MFCYP MMP PMMRE YSC	<ol style="list-style-type: none"> <li>Baseline for Young People Presentation</li> <li>Planning &amp; Feasibility Program in the New Works Program</li> <li>Mernda Rail Extension</li> <li>Confidential Item - Quarry Hills Regional Parkland Missing Link</li> <li>General Business                         <ol style="list-style-type: none"> <li>Rubbish Litter Issue Outside Properties in Benjamin Close</li> <li>2016 Community Satisfaction Survey</li> </ol> </li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
ALC	Aboriginal Liaison Coordinator – Bryan Andy	MFCYP	Manager Family, Children & Young People – Jane Price
ARO	Assistant Records Officer – Jordan Plowman	MG-A	Acting Manager Governance – Colleen Lazenby
ASPO	Admin Support & Project Officer – Alice Wells	MMP	Manager Major Projects – Nick Mazzarella
AYP	Aboriginal Youth Portfolio – Donna Wright	MOW	Manager One Whittlesea– Sam Dureau

Initials	Title of Officer	Initials	Title of Officer
CEO	Chief Executive Officer – Michael Wootten	NDISPPPO	NDIS Prepare Project Officer – Kathy Pompetti
DCS	Director Community Services – Russell Hopkins	PMMRE	Project Manager Mernda Rail Extension – Paul Bellis
DCRS-A	Acting Director Corporate Services – Michael Tonta	PO	Project Officer – Brendan O’Reilly
DCTP	Director City Transport & Presentation – Nick Mann	SPACDT	Strategic Planner Aboriginal and Cultural Diversity Team – Ross Barnett
DPE-A	Acting Director Partnerships and Engagement – Mary Agostino	TLA	Team Leader Access – Stephen Bell
DPMP	Director Planning & Major Projects – Steve O’Brien	TLACD	Team Leader Aboriginal & Cultural Diversity – Benjamin Waterhouse
FPS	Future Project Specialist – Ivan Peterson	TLCCQC	Team Leader Community Care – Quality Contracts – Wayne Mitchell
MCW	Manager Community Wellbeing – Neville Kurth	YSC	Youth Services Coordinator – Khan Churchill
MEAP	Manager Established Areas Planning – Darren Jackson		

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

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

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

**RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Kirkham*  
**SECONDED:**                *Cr Griffin*

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

**CARRIED**



**6.4.3 COMMITTEE OF COUNCIL RECOMMENDATION - LEASE - ASHLEY PARK TRUST - ASHLEY PARK COMMUNITY ACTIVITY CENTRE**

**File No:** SU195049  
**Attachments:** 1 Site Plan & Photo  
**Responsible Officer:** Acting Director Corporate Services  
**Author:** Senior Property Officer

**REPORT****SUMMARY**

To report on the recommendations presented by the Committee of Council regarding the proposed lease offered to the Ashley Park Trust for the construction of a new Community Activity Centre within Ashley Park (see *Attachment 1 – Site Plan & Photo*).

The report seeks to endorse 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 (Riverstone estate).

**BACKGROUND**

Council, at its meeting held on 17 May 2016, formally resolved to invite public submissions in relation to the proposed lease offered to the Ashley Park Trust for the new Community Activity Centre within Ashley Park (121 Orchard Street, Doreen).

The lease would be granted to the Ashley Park Trust 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 for community based facilities.

**PROPOSAL**

To seek Council's approval on the proposed lease in consideration of the public submissions received (none) and findings of the Committee of Council (no requirement to meet).

**COMMITTEE OF COUNCIL**

A Committee of Council, comprising of Cr Griffin, Cr Stow and Cr Kirkham, was appointed to consider any written submissions received in response to Council's public notice advertised in the Whittlesea Leader newspaper on Tuesday 24 May 2016.

No submissions were received at the close of the advertising period (22 June 2016, 12 noon). A memo was sent to the Committee of Council on Wednesday 22 June 2016, advising that no public submissions were received and the Committee of Council hearing would not be required.

**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 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 officers have sought public submissions on the proposed lease under Section 190 and 223 of the *Local Government Act* 1989. Submissions were invited for a period no less than 28 days and referred on to an appointed Committee of Council for consideration. The Committee of Council have been advised that no submissions were received and were not required to report any findings to Council for its final recommendation.

**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>

**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**

It is recommended that Council enter into a lease with the Ashley Park Trust and enable the construction of the new Community Activity Centre within Ashley Park (121 Orchard Road, Doreen).

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Note that public submissions on the proposed lease with the Ashley Park Trust were invited in accordance with Section 223 of the *Local Government Act* 1989 and that no submissions were received at the close of the public submission period.**
2. **Enter into a lease with Ashley Park Trust for the construction of the new Community Activity Centre within Ashley Park (121 Orchard Street, Doreen), 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) in light of the significant financial contributions paid for the design and development of the facility. The rent will be reviewed annually in accordance with the Consumer Price Index (*'All Melbourne index'*).**
3. **Authorise the Chief Executive Officer to negotiate all other terms and conditions in preparing and executing the lease.**

**COUNCIL RESOLUTION**

**MOVED:** Cr Kirkham  
**SECONDED:** Cr Griffin

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

**CARRIED**



## 6.5 PARTNERSHIPS & ENGAGEMENT

### 6.5.1 EPPING COMMUNITY SERVICE HUB- SUB TENANCY

**File No:** 193865

**Responsible Officer:** Acting Director Partnerships & Engagement

**Author:** Acting Team Leader Social Policy & Planning

#### REPORT

#### SUMMARY

Leisure Works Association Inc. is a non-profit disability support organisation that has expressed an interest in locating some of its services at the Epping Community Services Hub (the Hub). Discussions have been held with Council officers and the lead tenant, the Brotherhood of St Laurence (BSL), to ensure the services they provide are required by the local community and the agency supports the integrated service provision model stipulated by Council. The BSL and Council officers are satisfied that both of these requirements are met.

In accordance with Council's resolution on 24 February 2015, to formally endorse tenancy applicants, this report recommends that Council endorse Leisure Networks Association Inc. as a tenant at the Hub. Leisure Works Association Inc. has requested to commence its operations at the Hub on Monday 4 July 2016.

#### BACKGROUND

In September 2014, Council entered into an Expression of Interest (EOI) process for the property at 713 High Street, Epping (the site), with the intention of establishing a Services Hub to facilitate the expansion of much needed service provisions to the municipality, and attract best practice collaborative governance and service models.

Council sought interest from agencies to firstly take on the role of lead agency and lead tenant, to manage the facility and to facilitate a collaborative environment, and secondly, partner with other agencies that would like to be accommodated within the building as sub tenants. On 24 February 2015, Council resolved to endorse BSL as the lead agency and lead tenant and lease the site to BSL for a five year period. The lease between Council and BSL has been fully executed.

At its meeting of 15 March 2016, Council endorsed a number of agencies as sub-tenants of the Hub including:

- Catholic Care
- Caraniche
- Youth Support and Advocacy Service
- Drummond Street
- Victorian Arabic Social Services
- Diabetes Specialist - Dr Ghassan Al Hami

- Araluen Disability Service
- Macedonian Community Welfare Association
- Berry Street
- Plenty Valley Community Health
- Foundation House
- North East Local Area Coordination – NDIS
- Banyule Community Health.

### **PROPOSAL**

Leisure Networks Association Inc. is a non-profit disability support organisation committed to connecting people and increasing independence by building a person's skills and capabilities according to their identified needs. The organisation's vision is "*a world which nurtures and celebrates capable, healthy people and inclusive communities*". The service commenced in Geelong over twenty years ago.

The service type that will be offered to Whittlesea residents by Leisure Networks is Support Coordination. It is a specialised service delivered to National Disability Insurance Scheme participants. Leisure Networks has three years' experience working under the NDIS. Its services support people to implement their NDIS plan and life choices. The transferable service model focuses on building a person's capacity to reach their full potential. Leisure Networks has a multi-skilled team approach that educates, mentors and supports people to maximise their informal (family/community networks), mainstream and funded supports ensuring they are active members of their local community, leading fulfilling lives. Some of the ways that Leisure Networks supports NDIS participants are:

- Coordinating and connecting people with therapies
- Exploring new services
- Assisting with employment or training
- Exploring post-secondary school options
- Assisting with identifying housing options
- Monitoring funding
- Assisting with skill-development for people to self-manage their NDIS plan
- Developing meaningful community connections

Since 2013, Leisure Networks has been providing services to people it supports as part of the NDIS Barwon trial, and in response to the NDIS it is expanding its specialised Community Connections team into the north eastern suburbs of Melbourne. The agency is new to the municipality and would add value to the services already sub-leased at the Hub.

Approval is sought from Council to include Leisure Networks Association Inc. Once approval is given, the BSL will proceed to drawing up a sub-leasing arrangement with the agency.

### **CONSULTATION**

Consultations have been undertaken with relevant Council officers as well as other agencies intending to be located at the Epping Community Services Hub.

**CRITICAL DATES**

Leisure Networks Association Inc. has requested to begin operations at the Epping Community Services Hub on Monday 4 July 2016.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY STRATEGY AND LEGISLATION**

The Epping Community Services Hub is intended to respond to gaps in service provision and infrastructure and is consistent with Council priorities and plans. The Epping Central Structure Plan (2011), the South Morang Civic Precinct Community Infrastructure Analysis (2013), the Human Services Needs Analysis (2014) and the Council Plan identify substantial demand for additional infrastructure and community services in the municipality, particularly those targeting the needs of young people, families, new migrants, CALD communities, seniors and people with disabilities. The Epping Services Hub will provide an opportunity to meet the current needs of the community and respond to the evidence of significant population growth.

Including the Leisure Networks Association Inc. in the Epping Community Services Hub also supports the NDIS program being rolled out in Whittlesea, commencing 1 July 2016. The central platform of the NDIS is that participants are able to choose a service that can assist them to establish the disability support programs that they require to reach their own goals. Leisure Networks is one such service and the only one currently interested in operating from the Epping Community Services Hub.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Accessibility in, out and around our city</b>
<b>Theme</b>	<b>Access to services</b>
<b>Strategic Objective</b>	<b>We can access health services</b>

The Epping Services Hub will provide a range of services for the Whittlesea community representing a significant increase in services available which is consistent with the Community and Council Plan and the findings of Council’s Human Services Needs Analysis.

**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**

Leisure Works Association Inc. is a much needed service for Whittlesea residents in the light of the NDIS rollout from 1 July 2016. The agency is fully committed to the vision for the Epping Community Services Hub as an integrated service model and has been deemed to be an important service to contribute to community wellbeing.

<b>RECOMMENDATION</b>
-----------------------

**THAT Council resolve to endorse Leisure Networks Association Inc. as a sub-tenant of the Epping Community Services Hub (713 High St, Epping).**

**COUNCIL RESOLUTION**

**MOVED:**                *Cr Laios*  
**SECONDED:**        *Cr Kirkham*

**THAT Council resolve to adopt the Recommendation.**

**CARRIED**



**6.6 EXECUTIVE SERVICES**

**6.6.1 YEAR 4 ACTION PLAN -2013/17 COUNCIL PLAN**

**File No:** .

**Attachments:** 1 MINUTES OF ADVISORY COMMITTEE MEETING  
2 YEAR 4 ACTION PLAN

**Responsible Officer:** Chief Executive Officer

**Author:** Manager One Whittlesea

**REPORT**

**SUMMARY**

To consider the outcomes from the Year 4 Action Plan of the 2013/17 Council Plan Submissions Committee Meeting held on 14 June 2016 (*Attachment 1*) and adopt the Year 4 Action Plan of the 2013/17 Council Plan (*Attachment 2*).

**BACKGROUND**

Council resolved at its Council Meeting on 26 April 2016, in accordance with Section 129 of the *Local Government Act 1989* ('the Act'), to give public notice of its intention to adopt the Year 4 Action Plan of the 2013/17 Council Plan and to invite submissions from the public.

In accordance with Section 223 of the Act, Council invited written submissions on the Year 4 Action Plan from Monday 2 May 2016 to Monday 30 May 2016. One submission was received.

**PROPOSAL**

It is proposed that Council consider the recommendations of Year 4 Action Plan of the 2013/17 Council Plan Submissions Committee and adopt the Year 4 Action Plan.

**CONSULTATION**

In accordance with the provisions of the Act, public notice was given inviting submissions on the Year 4 Action Plan of the 2013/17 Council Plan. One submission was received and considered by the Advisory Committee appointed by Council. The submission did not make any recommendations for changes to the Year 4 Action Plan.

**CRITICAL DATES**

The process adopted by Council was:

Council approved Year 4 Action Plan for public notice	26 April 2016
Council gave public notice	28 April 2016
Period for lodging submissions closed	30 May 2016
Special Advisory Committee of Council met to consider submissions	14 June 2016
Council meeting to adopt Year 4 Action Plan	28 June 2016

**FINANCIAL IMPLICATIONS**

The financial implications have already been incorporated into the review of the 2013/17 Council Plan, with projects or resources for projects that were not able to be funded in 2016/17 amended accordingly.

The only external cost involved in the review of the 2013/17 Council Plan is the cost of advertising and printing. The printing will only be for the 2016/17 addendum, and not a reprint of the entire Council Plan.

**POLICY STRATEGY AND LEGISLATION**

The Council Plan is a statutory document and a review of the annual actions must be undertaken every year, and submitted to the Minister Local Government by the end of the financial year prior.

**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**

It is recommended that Council adopt the advertised Year 4 Action Plan noting there were no changes recommended by either the Advisory Committee or the submitter and notify the submitter of Council’s decision.

**RECOMMENDATION**

**THAT Council resolve to:**

- 1. Accept the recommendations of the Advisory Committee of Council outlined in *Attachment 1*, having heard and considered public submissions on the proposed Year 4 Action Plan, noting that no changes were recommended by the submitter or the Committee.**
- 2. Notify submitter of Council’s decision and the reasons for the decision.**
- 3. Adopt the Year 4 Action Plan attached to this resolution (*Attachment 2*).**
- 4. As per the requirements of the Local Government Act, provide a copy of the Year 4 Action Plan to the Minister for Local Government by 30 June 2016.**

**COUNCIL RESOLUTION**

**MOVED:**            *Cr Laios*  
**SECONDED:**      *Cr Kirkham*

**THAT Council resolve to adopt the Recommendation.**

**CARRIED**



**7. NOTICES OF MOTION**

**7.1 NOTICE OF MOTION NO 814 - PUBLIC SAFETY CCTV POLICY**

**File No:** .

**Author:** Cr Ricky Kirkham

Councillor Ricky Kirkham of the North Ward moved the following Motion at the Ordinary Meeting of Council held on Tuesday 28 June 2016 at 6:30pm:

1. Develop and implement a Closed Circuit Television ('CCTV') Policy aimed at enhancing community safety across the municipality;
2. Consult with Victoria Police and the wider community on the proposed implementation of CCTV systems in relation to:
  - a. areas of high crime in public spaces; and
  - b. areas of potential risk to personal safety;
3. Use established grants programs through the Federal or Victorian Governments to fund CCTV systems if Council resolve to proceed with this proposal; and
4. Refer any CCTV project to the New Works Program for consideration in future Council budgets.

Cr Ricky Kirkham  
North Ward

**RECOMMENDATION**

**THAT Council resolve to:**

1. Develop and implement a Closed Circuit Television ('CCTV') Policy aimed at enhancing community safety across the municipality;
2. Consult with Victoria Police and the wider community on the proposed implementation of CCTV systems in relation to:
  - a. areas of high crime in public spaces; and
  - b. areas of potential risk to personal safety;
3. Use established grants programs through the Federal or Victorian Governments to fund CCTV systems if Council resolve to proceed with this proposal; and
4. Refer any CCTV project to the New Works Program for consideration in future Council budgets.

**COUNCIL RESOLUTION**

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

**THAT Council resolve to adopt the Recommendation.**

**CARRIED UNANIMOUSLY**



- 8.     **QUESTIONS TO OFFICERS**  
      **NIL**





**9. URGENT BUSINESS**

**9.1 URGENT BUSINESS - NDIS ROLLOUT**

**File No:** .

Councillor Christine Stow requested that the following matter be dealt with as an item of urgent business:

THAT Council resolve to:

1. Undertake a process which will ensure that as the NDIS is rolled out over coming months, clients and their families will have continuity of care by:
  - (a) Finalising the Expression of Interest process with a suitably registered service provider to enable Council to provide continued services during the transition period;
  - (b) Communicate with and explore the potential for HACC staff to be employed by multiple agencies; and
  - (c) Provide information to our Frontline Customer Service Team regarding the NDIS rollout and direct that any client/resident who calls Council with questions be referred to the relevant Disability Services and provide them with information regarding the NDIS rollout.

**COUNCIL RESOLUTION**

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

THAT Council resolve that this matter be dealt with as an item of Urgent Business.

**CARRIED**

**COUNCIL RESOLUTION**

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

THAT Council resolve to:

1. Undertake a process which will ensure that as the NDIS is rolled out over coming months, clients and their families will have continuity of care by:
  - (a) Finalising the Expression of Interest process with a suitably registered service provider to enable Council to provide continued services during the transition period;
  - (b) Communicate with and explore the potential for HACC staff to be employed by multiple agencies; and
  - (c) Provide information to our Frontline Customer Service Team regarding the NDIS rollout and direct that any client/resident who calls Council with questions be referred to the relevant Disability Services and provide them with information regarding the NDIS rollout.

**CARRIED**



**9.2 URGENT BUSINESS - MERNDA RAIL EXTENSION****File No: 174132**

Director City Transport & Presentation requested that the following matter be dealt with as an item of urgent business:

THAT Council resolve to write to the Minister of Public Transport:

1. Noting the significance, magnitude and complexity of the Mernda Rail Extension and thanking the State Government for investing in improved public transport for the communities of the City of Whittlesea;
2. Expressing disappointment that the Reference Design forming part of the Request for Tender produced by the Level Crossing Removal Authority (LXRA) nominates three elevated rail locations, namely at Hawkstowe Parade, The Parkway and adjacent to the future Mernda Town Centre and across Bridge Inn Road;
3. Seeking the release of the geotechnical information from the State Government which lead to the decision to incorporate sections of the elevated rail in the Reference Design;
4. Expressing concern that the amenity of residents who live near the proposed elevated rail sections will be impacted, and that a high quality interface treatment of the rail line be developed to mitigate these impacts in consultation with affected communities;
5. Seeking better integration of the project with the future Mernda Town Centre through a revised approach to the bus interchange proposed in the Reference Design, incorporating all or half of the bus stops on the western side of the rail corridor, the development of a public road as an extension of Schotters Road south of Bridge Inn Road and the provision of a public road across the rail corridor.
6. Noting Council's willingness to provide funding for the signalisation of the Station Street and Bridge Inn Road intersection to enable a bus interchange on the western side of the rail corridor;
7. Seeking State Government investment in the design and development of high quality public spaces under all elevated rail structures and future proofing opportunities for the building of community and other facilities under the structures;
8. Seeking State Government funding for on-going high quality maintenance of the areas under the elevated rail for at least the next 20 years including a commitment to frequent and highly responsive graffiti removal, noting Council's willingness to undertake this on behalf of the State subject to funding;
9. Requesting that a Development Plan be prepared for the Mernda Transport Hub, areas under all elevated rail structures within the town centre, and 620 Bridge Inn Road, to guide integration with the ultimate development of the town centre;
10. Seeking State Government assurance that the delivery of the Mernda Rail Extension project will be in accordance with the Council adopted Mernda Strategy Plan and Mernda Town Centre Comprehensive Development Plan; and will not compromise and/or prejudice the use and/or development of other land parcels in the Mernda Town Centre;
11. Reiterate Council's position regarding ramps at stations; and
12. Seeking a meeting to discuss opportunities for best possible community outcomes from the project.

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**COUNCIL RESOLUTION**

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**MOVED:** *Cr Laliros*  
**SECONDED:** *Cr Griffin*

**THAT Council resolve that this matter be dealt with as an item of Urgent Business.**

**CARRIED**

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**COUNCIL RESOLUTION**

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**MOVED:** *Cr Laliros*  
**SECONDED:** *Cr Kirkham*

**THAT Council resolve to write to the Minister of Public Transport:**

- 1. Noting the significance, magnitude and complexity of the Mernda Rail Extension and thanking the State Government for investing in improved public transport for the community of the City of Whittlesea;**
- 2. Expressing disappointment that the Reference Design forming part of the Request for Tender produced by the Level Crossing Removal Authority (LXRA) nominates three elevated rail locations, namely at Hawkstowe Parade, The Parkway and adjacent to the future Mernda Town Centre and across Bridge Inn Road;**
- 3. Seeking the release of the geotechnical information from the State Government which lead to the decision to incorporate sections of the elevated rail in the Reference Design;**
- 4. Expressing concern that the amenity of residents who live near the proposed elevated rail sections will be impacted, and that a high quality interface treatment of the rail line be developed to mitigate these impacts in consultation with affected communities;**
- 5. Seeking better integration of the project with the future Mernda Town Centre through a revised approach to the bus interchange proposed in the Reference Design, incorporating all or half of the bus stops on the western side of the rail corridor, the development of a public road as an extension of Schotters Road south of Bridge Inn Road and the provision of a public road across the rail corridor.**
- 6. Noting Council's willingness to provide funding for the signalisation of the Station Street and Bridge Inn Road intersection to enable a bus interchange on the western side of the rail corridor;**
- 7. Seeking State Government investment in the design and development of high quality public spaces under all elevated rail structures and future proofing opportunities for the building of community and other facilities under the structures;**
- 8. Seeking State Government funding for on-going high quality maintenance of the areas under the elevated rail for at least the next 20 years including a commitment to frequent and highly responsive graffiti removal;**
- 9. Requesting that a Development Plan be prepared for the Mernda Transport Hub, areas under all elevated rail structures within the town centre, and 620 Bridge Inn Road, to guide integration with the ultimate development of the town centre;**

10. Seeking State Government assurance that the delivery of the Mernda Rail Extension project will be in accordance with the Council adopted Mernda Strategy Plan and Mernda Town Centre Comprehensive Development Plan; and will not compromise and/or prejudice the use and/or development of other land parcels in the Mernda Town Centre;
11. Reiterate Council's position regarding ramps at stations; and
12. Seeking a meeting to discuss opportunities for best possible community outcomes from the project.

**CARRIED**



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

**10.1 WHITTLESEA MULTICULTURAL COMMUNITY COUNCIL**

Cr Kris Pavlidis provided an overview of a recent meeting of the Whittlesea Multicultural Community Council when the following items were discussed:

- Attendance at a local Community Forum hosted by the Hon. Fiona Richardson MP, Minister for Women & Prevention of Family Violence and also attended by local MPs, the Mayor and Council Officers;
- Cr Pavlidis emphasised the need for Local Government to have a voice in the consultation process; and
- Need to build on the excellent ground work of local NGOs and Council to avoid duplication of services.

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Sinclair*  
**SECONDED:**              *Cr Griffin*

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

**CARRIED**

**10.2 NATIONAL GENERAL ASSEMBLY**

Cr Kris Pavlidis provided an overview of a recent meeting of the National General Assembly when the following items were discussed:

- The motion “Welcoming Cities”, put forward by Cr Pavlidis as part of the Scanlon Foundation Project was carried along with other City of Whittlesea motions.

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Sinclair*  
**SECONDED:**              *Cr Griffin*

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

**CARRIED**

**10.3 WHITTLESEA CHINESE ASSOCIATION**

Cr Kris Pavlidis provided an overview of a recent meeting of the Whittlesea Chinese Association when the following items were discussed:

- Tenth anniversary celebration
- Book launch by former Federal House of Representatives Speaker, Harry Jenkins.

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Sinclair*  
**SECONDED:**              *Cr Griffin*

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

**CARRIED**

**10.4 VICTORIAN ETHNIC COMMUNITIES COUNCIL**

Cr Kris Pavlidis provided an overview of a recent meeting of the Victorian Ethnic Communities Council when the following items were discussed:

- Meeting with Victorian Multicultural Council’s Chair, Helen Kapalos;
- Presented the issues concerning Whittlesea groups and the Community.
- An invitation was extended for Chair to visit our Municipality in the near future.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sinclair*  
**SECONDED:** *Cr Griffin*

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

**CARRIED**



11. QUESTIONS TO COUNCILLORS

NIL



**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**NIL REPORTS**

**12.2 COMMUNITY SERVICES**

**12.2.1 MARQUEE & EQUIPMENT HIRE FOR COUNCIL EVENTS 2013-13A&B  
EXTENSION OF CONTRACT**

**12.2.2 HIRE OF AUDIO AND LIGHTING EQUIPMENT FOR COUNCIL EVENTS -  
EXTENSION OF CONTRACT NO. 2013-12**

**12.3 CITY TRANSPORT AND PRESENTATION**

**12.3.1 SUPPLY OF ASPHALT WORKS - CONTRACT NO. 2016-20 - TENDER  
EVALUATION REPORT**

**12.3.2 PROVISION OF PAINT AND GRAFFITI REMOVAL - CONTRACT MAPS  
1308-1001 FINILISATION REPORT**

**12.3.3 PROVISION OF CLEANING SERVICES - CONTRACT NO. SR111210 -  
CONTRACT EXTENSION**

**12.3.4 CONTRACT NO. SR091018 PROVISION OF MAINTENANCE SERVICES  
TO LOCK AND KEY SYSTEMS - CONTRACT EXTENSION**

**12.4 CORPORATE SERVICES**

**12.4.1 MICROSOFT ENTERPRISE LICENSING AGREEMENT CONTRACT  
VARIATION**

**12.4.2 PHOTOCOPIERS, PRINTERS AND ASSOCIATED PRODUCTS &  
SERVICES CONTRACT 2016-39 - TENDER EVALUATION**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 30 MAY 2016 TO 17  
JUNE 2016**

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**COUNCIL RESOLUTION**

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**MOVED:** Cr Griffin

**SECONDED:** Cr Stow

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

**12.2.1 MARQUEE & EQUIPMENT HIRE FOR COUNCIL EVENTS 2013-13A&B  
EXTENSION OF CONTRACT**

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

**12.2.2 HIRE OF AUDIO AND LIGHTING EQUIPMENT FOR COUNCIL EVENTS -  
EXTENSION OF CONTRACT NO. 2013-12**

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

**12.3.1 SUPPLY OF ASPHALT WORKS - CONTRACT NO. 2016-20 - TENDER  
EVALUATION REPORT**

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

**12.3.2 PROVISION OF PAINT AND GRAFFITI REMOVAL - CONTRACT MAPS 1308-1001  
FINILISATION REPORT**

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

**12.3.3 PROVISION OF CLEANING SERVICES - CONTRACT NO. SR111210 -  
CONTRACT EXTENSION**

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

**12.3.4 CONTRACT NO. SR091018 PROVISION OF MAINTENANCE SERVICES TO LOCK  
AND KEY SYSTEMS - CONTRACT EXTENSION**

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

**12.4.1 MICROSOFT ENTERPRISE LICENSING AGREEMENT CONTRACT VARIATION**

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

**12.4.2 PHOTOCOPIERS, PRINTERS AND ASSOCIATED PRODUCTS & SERVICES  
CONTRACT 2016-39 - TENDER EVALUATION**

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

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 30 MAY 2016 TO 17 JUNE  
2016**

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

**CARRIED**

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Cr Lalios and Cr Pavlidis left the Council Chamber and did not return to the meeting.

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**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 8:18 PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 8:23PM.**

**13. ADJOURNMENT**

**THE MAYOR DECLARED THE MEETING ADJOURNED AT 8:23PM TO RECONVENE AT 6PM ON TUESDAY 5<sup>TH</sup> JULY, 2016.**

**CONFIRMED THIS 19<sup>TH</sup> DAY OF JULY, 2016.**

**CR STEVAN KOZMEVSKI  
MAYOR**