



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 9 AUGUST 2016**

**AT 6:30PM**

**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

HELEN SUI

DIRECTOR CORPORATE SERVICES

SEAN MCMANUS

ACTING DIRECTOR PARTNERSHIPS &  
ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE



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**Note:**

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



**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

The Chief Executive Officer opened the meeting with a prayer at 6.31pm.

**1.2 MAYOR'S RECONCILIATION STATEMENT**

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

**1.3 CONDOLENCE MOTION**

The Mayor and Councillors expressed their deep sadness at the passing of Merv Anderson, one of Council's staff from the City Presentation Department. Merv passed away on the morning of Saturday 30 July from a heart attack while working collecting litter bins in the Whittlesea township.

Merv worked at Council for the past 10 years and was a much loved member of the team at the Epping Depot.

Council is providing support to Merv's family and colleagues at this difficult time

**COUNCIL RESOLUTION**

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Griffin*

**THAT Council resolve to send a formal letter of condolence to the family.**

**CARRIED**



**1.4 PRESENT**

**Members:**

Cr Stevan Kozmevski	Mayor (South West Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Ken Harris	Councillor (South East Ward)
Cr Mary Lalios	Councillor (South East Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Rex Griffin	Councillor (North Ward)
Cr Christine Stow	Councillor (North Ward)

**Officers:**

Mr Michael Wootten	Chief Executive Officer
Mr Steve O'Brien	Director Planning and Major Projects
Mr Russell Hopkins	Director Community Services
Mr Nick Mann	Director City Transport & Presentation
Ms Helen Sui	Director Corporate Services
Mr Sean McManus	Acting Director Partnerships & Engagement
Mr Michael Tonta	Manager Governance

**2. APOLOGIES**

**APOLOGY**

Apologies were received on behalf of Councillors Norm Kelly, Darryl Sinclair and Adrian Spinelli who requested that leave be granted for this meeting.

**COUNCIL RESOLUTION**

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

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

**CARRIED**

**3. DECLARATIONS OF INTEREST**

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

The Mayor Cr Stevan Kozmevski declared an indirect interest in Item 6.1.2 – 20 Thomas Street Thomastown – construction of a second dwelling to the rear of an existing dwelling.



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

**COUNCIL RESOLUTION**

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

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

Ordinary Meeting of Council held 19 July 2016.

**CARRIED**

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

**5.1 PETITIONS**

NIL REPORTS

**5.2 JOINT LETTERS**

NIL REPORTS

**6. OFFICERS' REPORTS**

**COUNCIL RESOLUTION**

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

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.4, 6.2.1, 6.3.1 and 6.4.1 .**

**CARRIED**

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

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





**6.1 PLANNING AND MAJOR PROJECTS****6.1.1 391 HIGH STREET, LALOR - CONSTRUCTION OF FIVE THREE-STOREY DWELLINGS AND ALTERATION TO ACCESS IN ROAD ZONE CATEGORY 1**

<b>File No:</b>	<b>715507</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>Eleven Asset Holdings Pty Ltd</b>
<b>ZONING:</b>	<b>Residential Growth</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan (Schedule 3)</b>
<b>REFERRAL:</b>	<b>VicRoads</b>
<b>OBJECTIONS:</b>	<b>Four</b>
<b>RECOMMENDATION:</b>	<b>That Council refuse the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing single storey weatherboard dwelling and construct five new three storey dwellings. The intensification of the use on the land results in an alteration of access to the Road Zone Category 1 (High Street). The existing vehicle crossing is integrated into the design response and will provide access to all dwellings.

Following the initial advertising period one objection was received. The applicant subsequently amended the application under Section 57 of the *Planning and Environment Act 1987* and the application was re-advertised. Re-advertising of the application resulted in four objections being received (including the original objector). The grounds of objection relate to neighbourhood character, overshadowing, privacy concerns, construction disruptions (noise, car parking), devaluation and that the proposal will result in an overdevelopment of the site.

The proposal fails to meet many of the standards of Clause 55 of the Whittlesea Planning Scheme including neighbourhood character, residential policy, street setback, safety, landscaping, parking location, side and rear setbacks, overlooking, dwelling entry, private open space, storage, design detail, site services and Clause 52.06 (Car Parking).

The Housing Diversity Strategy (HDS) nominates this site as being within the Neighbourhood Renewal Change Area. The proposal for five new dwellings complies with the preferred density for this Change Area, which encourages multi-unit developments.

The proposal meets some of the key design principles outlined in the HDS, however the reduction in the street setback does not present a compatible or responsive streetscape appearance, particularly combined with the bulky, sheer built form of the development.

The combination of the triple storey sheer built form and the front setback reduction does not integrate well with the existing housing stock and presents a poor design response to the context of the site and surrounds, and for such a small and narrow site. Similarly, the reduced front setback and the proposed private open space areas do not provide sufficient space for landscaping or the viable planting of canopy trees, nor sufficient opportunity for attractive or viable landscaping to complement the medium density built form.

On the basis of the Clause 55 assessment and the comments regarding the key design principles of the HDS, it is recommended that Council refuse the application.

### **SITE AND SURROUNDING AREA**

The subject site is a residential property located on the western side of High Street, Lalor, approximately 15m north of Richards Street (*see Attachment 1*). The subject site is relatively flat and rectangular in shape with a frontage to High Street of 15.85m and a maximum depth of 39.63m, giving a total site area of approximately 628m<sup>2</sup>. The site currently contains a detached single storey dwelling and a garage/outbuilding along the southern boundary. There is no vegetation of significance on the site.

The surrounding area is generally characterised by similar sized allotments comprising predominantly single storey detached dwellings.

Examples of medium density development within the vicinity of the site are located at Nos. 381, 395, 397, 399, 401 High Street, Nos. 1, 2, 6 and 15 Dickens Street and Nos. 2, 5, 6 and 11 Richards Street.

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

- Nightrider and Bus Routes 554 and 557 (Thomastown via West Lalor), and 555 (Epping – Northland via Lalor, Thomastown, Reservoir) (High Street).
- Peter Lalor Secondary School (150m north).
- Local shopping strip (High Street) (150m south).

### **RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 6 on Plan of Subdivision 021177.

Covenant 2667160 applies to the land and relates to the removal of gravel or sand from the site for purposes other than building.

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

### **PROPOSAL**

It is proposed to construct five new three-storey dwellings and alteration to access to a road in a Road Zone Category 1 (*see Attachment 2*). Dwelling No. 1 will have a frontage to High Street with the remaining dwellings located to the rear (in tandem).

The basic configuration of each floor of the proposed dwellings will include a study, laundry and 6m<sup>3</sup> of storage on the ground floor, an open plan kitchen/meals/living area, powder room, and balcony on the first floor with bedrooms (one or two) generally located on the second floor.

Access to all dwellings will be provided via the existing crossover and a widened driveway along the southern property boundary.

Each of the dwellings will be provided with a single garage. Two visitor car spaces are proposed.

A timber picket infill front fence with rendered brickwork 1.1m in height is proposed along the eastern elevation (High Street).

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

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Triple Storey	2	6.3m front (east), 2.5m side (north), 2.3m (south).	9.0m <sup>2</sup> balcony	Single garage (3.5m x 6.0m)	9.1m (overall)
Dwelling No. 2	Triple Storey	2	2.0m side (north), 2.9m side (south).	11.0m <sup>2</sup> balcony	Single garage (3.5m x 6.0m)	9.1m (overall)
Dwelling No. 3	Triple Storey	2	1.4m side (north). 2.9m side (south).	10.0m <sup>2</sup> balcony	Single garage (3.5m x 6.0m)	9.1m (overall)
Dwelling No. 4	Triple Storey	2	1.4m side (north). 2.9m side (south).	10.0m <sup>2</sup> balcony	Single garage (3.5m x 6.0m)	9.1m (overall)
Dwelling No. 5	Triple Storey	2	0m side (north), 2.3m side (south) and 1.9m rear (west).	38m <sup>2</sup> (including 24m <sup>2</sup> ground floor secluded private open space and a 14.0m <sup>2</sup> balcony)	Single garage (3.5m x 6.0m)	9.1m (overall)

### PUBLIC NOTIFICATION

Following the initial advertising period one objection was received. The applicant subsequently amended the application under Section 57 of the *Planning and Environment Act 1987* and the application was re-advertised resulting in four additional objections being received (including from the original objector).

The grounds of objection relate to the following:

1. Neighbourhood character and overdevelopment of the site
2. Overshadowing
3. Privacy concerns
4. Construction disruptions (noise and car parking)
5. Devaluation

### 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.

**REFERRALS**

VicRoads

The original application was referred to VicRoads under Section 55 of the *Planning and Environment Act 1987*.

VicRoads have not objected subject to the inclusion of conditions on any permit.

**ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME**

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	<p>The surrounding area is generally characterised by similar sized allotments comprising predominantly single storey detached dwellings with an emerging number of medium density development within the vicinity of the site.</p> <p>The proposed development site is constrained in width and length (total site size of 628m<sup>2</sup>), by being located on High Street (in relation to safe access from a Road Zone), and the three-storey building comprises substantial cantilevering design, sheer walls and overall presents a visually dominant and bulky design in the context of the surrounding area.</p> <p>In the context of this site, it is considered that a total of five triple-storey dwellings does not align with the existing or preferred neighbourhood character of the area and is not supported.</p>
B2	Residential Policy	x	x	<p>The Housing Diversity Strategy (HDS) nominates the site as being within the Neighbourhood Renewal Residential Change Area. The proposal resulting in five dwellings does accord with the preferred medium and higher housing density encouraged for this Change Area and some of the design principles for this Change Area. However, it is considered that the cumulative impact of a number of poor and unresponsive design aspects of the development do not result in an outcome envisaged for this Change Area.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				Specifically, the lack of usable private open space by way of apartment style, screened balconies, a lack of attractive landscaping to complement the built form, and the overall form of the development not allowing for all levels to achieve passive surveillance and resulting in a development that does not integrate well or positively with existing housing stock.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	x	x	The proposed setback of Dwelling 1 is 6.3m, 2.05m less than the required setback of 8.35m.
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 the subject site or adjacent to the development.
B12	Safety	x	x	<p>The proposed layout of the development does not provide for the safety and security of residents and property, particularly in relation to the car parking configuration, and the 'gun-barrel' entrance walkway.</p> <p>The entrances to dwellings are mostly obscured and isolated from the street and internal accessways, and the design response has resulted in poor internal visibility/look out for dwellings to undertake appropriate surveillance of car parking areas and internal accessways.</p>
B13	Landscaping	x	x	The design response presents minimal landscaping opportunities within the side setbacks and rear setback, and no landscape plan has been submitted with the application despite being requested. The ability to achieve attractive and viable landscaping appears difficult with the current design response.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B14	Access	✓	✓	
B15	Parking location	x	x	<p>The proposal does not provide for convenient parking for resident vehicles (tight turning circles and maneuverability). In particular the visitor car spaces provided are considered to be sub-standard. The dimensions of these spaces do not meet the requirements of the Clause 52.06 (discussed later in report) and the turning areas are not practical, particularly for visitors who may not be familiar with the access and parking arrangements on site.</p> <p>It is considered that a waiver of the required visitor car space is unacceptable in the context of the five dwelling development on a lot of 628m<sup>2</sup>. There is no convenient off-street car parking in the immediate vicinity of the site and provision of an onsite visitor car space is considered particularly important given that the site is located on a Road Zone Category 1 (High Street).</p>
B17	Side and rear setbacks	x	x	<p>The upper level (first floor) of Dwelling Nos. 2-5 to the north do not meet the minimum setback required under this Clause. The northern balconies of Dwelling Nos. 2 and 5 are setback 1.0m from the boundary, and the walls of Dwelling Nos. 3 and 4 are setback approximately 1.6m. At a height of 6.5m, the building must be setback a minimum of 1.9m from the northern side boundary.</p> <p>The second level (second floor) of Dwelling Nos. 1-4 are required to be setback a minimum of 4.0m-4.2m for building heights of between 8.9m-9.1m. The setback of 3.7m to the northern boundary for each of these dwellings is once again deficient.</p> <p>The rear setback of the second level (second floor) of Dwelling No. 5 must be a minimum of 4.1m. A setback of 3.9m is proposed.</p> <p>The second level (second floor) of Dwelling Nos. 3 and 4 are required to be setback a minimum of 4.2m for a building height of between 9.1m. The setback of 4.0m to the southern boundary for each of these dwellings is once again deficient.</p> <p>It is considered that these non-compliances do not respect the existing or preferred neighbourhood character, and will detrimentally impact on the amenity of existing dwellings.</p> <p>The non-compliance is symptomatic of the application being an overdevelopment. The proposal does not counter the reduced setbacks by any other positive design considerations.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	x	While it is acknowledged that the dwellings are not yet completed, four dwellings are under construction on the south-adjointing property. The dwellings each have north-facing private open space. It is considered that this private open space may be overshadowed as a result of the proposal.
B22	Overlooking	x	x	The upper level windows of all dwellings 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/obscuring. The extent of screening required to achieve compliance with Standard B22 is excessive and would result in a poor design response which will detrimentally impact on internal access to daylight and particularly the amenity of the upper level rooms of the proposed dwellings.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	x	x	The entries to Dwelling Nos. 2-5 are obscured. It is considered that conditions of permit cannot remedy this non-compliance and a redesign would need to be considered. In this way, it is considered that the proposed layout of the development does not provide for the safety and security of residents and property with the inclusion of the 'gun-barrel' entrance walkway.
B27	Daylight to new windows	✓	✓	
B28	Private open space	x	x	It is considered that the proposed 'apartment style' balcony to each townhouse dwelling does not provide a satisfactory level of useability in relation to both size and functionality. Further, the extensive screening to prevent overlooking limits the usability and amenity of the space, and the availability of daylight and outlook for each of the respective living areas.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				The site does not have convenient access to public or communal open space and it is considered that given the orientation of the lot, the proposed 'apartment style' balconies are symptomatic of the proposal being an overdevelopment.
B29	Solar access to open space	✓	✓	
B30	Storage	x	x	Each dwelling has not been provided with at least 6m <sup>3</sup> of externally accessible storage within the one location.
B31	Design detail	x	x	<p>The development does not encourage design detail that respects the existing or preferred neighbourhood character. The design response will result in a visually bulky development which is not considered an acceptable example of high design quality or design that responds to the constraints of the site.</p> <p>The vast majority of habitable room windows of each dwelling have not been designed to avoid direct views into the secluded private open space of adjoining properties or each other. As such, extensive screening and/or high-lite windows have been provided in order to prevent overlooking. In addition, the balconies, while larger than the 8m<sup>2</sup> required, are all screened to a height of 1.7m. This treatment detrimentally impacts on internal access to daylight, and the amenity of the habitable rooms and secluded private open space of the proposed dwellings.</p> <p>The size, narrowness and location of the site on a road zone category 1 compromises the successful delivery of the high level design detail required under the HDS.</p> <p>A full colour schedule of building materials has not been submitted with the application (though this could be addressed by a condition of any approval).</p>
B32	Front fences	✓	✓	
B33	Common property	✓	✓	
B34	Site services	✓	x	The proposed letter box height (millimetres) is undisclosed on the elevation plans. A condition of any approval granted could require the reconfiguration of the letter box, to ensure that it does not impede into visibility splays for vehicles existing the site.



**CAR PARKING**

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

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
Dwelling No. 1	2	1	1	Y
Dwelling No. 2	2	1	1	Y
Dwelling No. 3	2	1	1	Y
Dwelling No. 4	2	1	1	Y
Dwelling No. 5	2	1	1	Y
Visitor car space	-	1	2	N (see below)

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

The car parking arrangement for each dwelling is considered inconvenient and unworkable. Turning circles have been shown and Council’s Traffic Engineers have reviewed the proposal and confirmed that the proposed vehicle swept paths are extremely tight and do not offer a positive response to Clause 52.06 of the Whittlesea Planning Scheme. While it is acknowledged that all vehicles can enter the site in a forwards manner, all vehicles are required to reverse-in to the garages. With that in mind, vehicle swept paths for all dwellings are considered very tight.

The proposal provides for two on-site visitor car spaces, in excess of the one space required by Clause 52.06-3 of the Whittlesea Planning Scheme. However, the dimensions of these spaces are 2.6m x 4.9m respectively. This falls short of the requirements of Clause 52.06-8 Design Standard 2 which requires car spaces to be a minimum of 2.9m wide to allow for clear access to these spaces. The use consisting of five, two bedroom dwellings is likely to have a constant car parking demand over time with both short-stay and long-stay car parking demand likely to be generated. While the site is located in reasonable proximity to Lalor Railway station (600m northeast), the development does not provide for any convenient cyclist access to the land or provide for bicycle parking/end of trip facilities for cyclists in the locality of the land. Given that the site is located on High Street (Road Zone Category 1), on-street parking should not be considered a functional, attractive, safe or desirable option to warrant the waiver, and it should not be expected that the car space can be offset in nearby residential streets (which would impact on fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas). In addition to this, it is considered that the roller door design feature to the garages and visitor car space to the development will provide access issues for visitors to the site. Therefore, it is considered that the overall proposed car parking configuration is unacceptable.

**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

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

**COMMENTS ON GROUNDS OF OBJECTION****1. Neighbourhood character and overdevelopment of the site**

There are minimal examples of similar built form and density in the immediate vicinity of the site, however it is acknowledged that this area is earmarked for medium to higher density development under the Neighbourhood Renewal Residential Change Area (HDS) and is also located within the Residential Growth Zone. Emerging medium to higher density development in the area must provide a balanced approach to the existing low density neighbourhood character, and reflect positive, innovative and high-quality outcomes for the community. The cumulative impact of the numerous Clause 52.06 and Clause 55 non-compliances of the proposed development do not integrate well with the existing housing stock and present a poor design response in the context of the site and surrounds and the existing and preferred neighbourhood character.

Accordingly, this ground can be substantiated.

**2. Overshadowing**

The north and south adjoining objectors have expressed concern that the proposal will result in overshadowing of their properties.

The shadow diagrams provided in respect to the proposal indicate that the shadows cast are within the requirements of Clause 55, and given that there are no existing dwellings located on the south-adjointing site at the time of writing this report.

Accordingly, this ground of objection cannot be substantiated.

**3. Privacy concerns**

Extensive screening is proposed throughout the development to address overlooking which complies with the requirements of Clause 55.04-6 (Overlooking).

Accordingly, this ground of objection cannot be substantiated.

**4. Construction disruptions (noise, car parking)**

The development as proposed complies with Standard B24 of the Whittlesea Planning Scheme which seeks to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise. Construction works on the site (and the parking of associated vehicles in proximity to the site) are not an applicable planning considerations and must be addressed under the Building Permit.

Accordingly, this ground of objection cannot be substantiated.

**5. Devaluation**

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

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 Clause 52.06 and Clause 55. While a number of objectives and standards of Clause 55 have been satisfactorily met, it is considered that the severity of the non-compliances in relation to neighbourhood character, residential policy, street setback, safety, landscaping, parking location, side and rear setbacks, overlooking, dwelling entry, private open space, storage, design detail, site services and Clause 52.06 cannot be remedied without a complete redesign of the proposal. It is considered that the proposed development does not make a positive contribution to the neighbourhood, and fails to achieve key objectives in relation to neighbourhood character. Accordingly, it is recommended that Council refuse the application.

<b>RECOMMENDATION</b>
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**THAT Council resolve to Refuse Planning Application No. 715507 and issue a Refusal to Grant a Planning Permit for the Construction of five three-storey dwellings and alteration to access in Road Zone Category 1 at 391 High Street, Lalor on the following grounds:**

- 1. The proposed development does not satisfactorily respond to its context and surrounding development and does not respect the character of the neighbourhood.**
- 2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme.**
- 3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:**
  - a) Clause 55.02-1 (Neighbourhood Character)**
  - b) Clause 55.02-2 (Residential Policy)**
  - c) Clause 55.03-1 (Street Setback)**
  - d) Clause 55.03-7 (Safety)**
  - e) Clause 55.03-8 (Landscaping)**
  - f) Clause 55.03-10 (Parking Location)**
  - g) Clause 55.04-1 (Side And Rear Setbacks)**
  - h) Clause 55.04-6 (Overlooking)**
  - i) Clause 55.05-2 (Dwelling Entry)**
  - j) Clause 55.05-4 (Private Open Space)**

- k) Clause 55.05-6 (Storage)
- l) Clause 55.06-1 (Design Detail)
- m) Clause 55.06-4 (Site Services)

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

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

**CARRIED**

**6.1.2 20 THOMAS STREET THOMASTOWN - CONSTRUCTION OF A SECOND DWELLING TO THE REAR OF AN EXISTING DWELLING**

<b>File No:</b>	<b>715540</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>Senior Planner</b>
<b>APPLICANT:</b>	<b>Aplus Design Solution</b>
<b>COUNCIL POLICY:</b>	<b>Housing Diversity Strategy</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct a double storey dwelling to the rear of an existing single storey dwelling. The existing vehicle crossing is integrated into the design response.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to overlooking and additional noise.

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

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

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

**SITE AND SURROUNDING AREA**

The subject site is a residential property located on the eastern side of Thomas Street, Lalor, approximately 30m north of Chappell Street (*see Attachment 1*). The subject site is flat and rectangular in shape with a frontage to Thomas Street of 15.2m and a depth of 39.6m giving a total site area of approximately 606m<sup>2</sup>. The site currently contains a detached single storey dwelling constructed of brick with a tiled hipped roof. There is no vegetation of significance contained within the site.

The surrounding area is characterised by predominantly single storey dwellings with some examples of double storey dwellings present within the broader area. The adjoining properties to the east and west of the site are single storey and constructed of brick. Examples of medium density development within the immediate vicinity are located at Nos. 11, 21 and 22 Thomas Street, and 49A Mount View Road.

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

- Thomas Street Recreation Reserve (70m west).
- Bus route 554 – Thomastown via West Lalor (loop) (520m west).
- Bus route 555 - Epping to Northland (520m west).
- Bus route 557 - Thomastown via West Lalor (loop) (520m west).
- High Street Thomastown Shops (600m west).
- Lalor Railway Station (950m southwest).

**RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 31 on Plan of Subdivision 042264. A 1.8m wide drainage and sewerage easement affects the eastern most portion of the land. There are no restrictions on title that preclude Council from determining the application.

**PROPOSAL**

It is proposed to construct a double storey dwelling to the rear of an existing single storey dwelling (see Attachment 2).

The existing dwelling is to be modified internally, reducing the number of bedrooms from three to two. The existing dwelling also will also contain a kitchen, laundry, dining, lounge and bathroom. The stairs leading to the porch of the existing dwelling will also be relocated to avoid conflict with the new common accessway.

The proposed dwelling is to be double storey and will contain an open plan kitchen/lounge/meals area, amenities, three bedrooms, bathroom and attached carport.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1 (Existing)	Single Storey	2	6.0m front (south), 4.1m side (east), 3.0m side (west) and 25.0m rear (north)	123m <sup>2</sup> (including 27m <sup>2</sup> of secluded private open space)	Single carport (6.0m x 3.6m).	5.1m (overall)
Dwelling No. 2	Double Storey	3	19.0m front (south), 7.0m side (east), 3.2m side (west) and 11.0m rear (north)	42.6m <sup>2</sup> (including 32.5m <sup>2</sup> of secluded private open space)	Single carport 6.7m x 3.5m) and tandem car space.	6.9m (overall)

**PUBLIC NOTIFICATION**

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

1. Overlooking.
2. Noise and dust.

**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	✓	✓	<p>Developments within the area are generally from the 1960s and include detached, double and single storey houses in Cream Brick style. Garages, where provided, are generally located at the rear of the property whereas verandah style carports are located in front of the main building line or aligned with the building façade.</p> <p>Neighbouring properties have varying street frontage setbacks ranging from 7-8m.</p> <p>The design of the proposed dwelling and material used including concrete roof tiles, brickwork, 22 degree roof pitch, gutters, fascia and eaves and front portico entrance, complement the existing character of the area.</p>
B2	Residential Policy	✓	✓	<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 Neighbourhood Interface Change Area.</p> <p>The current proposal is generally in accordance with the preferred density and key design principles for this Change Area.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				Of note, the proposal is not capable of providing a large tree to the rear of the property. However, adequate space is available on the site to provide appropriate landscaping including the provision of a large tree within the front setback and a small to medium tree to the rear of the site.
B3	Dwelling Diversity	N/A		Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
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	✓	✓	A landscape plan has been submitted with the application. However, this plan requires modification. A condition requiring these changes can be included in an permit that is issued.
B14	Access	✓	✓	
B15	Parking location	✓	X	<p>The existing windows to the kitchen and dining room of Dwelling No. 1 are not setback from the common driveway in accordance with this Standard.</p> <p>In this instance, the proposal provides a minimum setback of 0.5m from the common driveway, whereas the Standard requires a setback of 1m from the kitchen window and 1.5m from the living room window.</p> <p>The proposed reduction of this standard is considered to be appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>• Each affected window is to be double glazed to reduce noise.</li> <li>• The affected windows are on the existing dwelling.</li> </ul>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
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	✓	X	The plans submitted do not provide storage for each dwelling in accordance with this Standard. Accordingly, it is recommended that should permit be issued, a condition be included requiring storage sheds with a minimum area of 6m <sup>3</sup> be provided and shown on the plans.
B31	Design detail	✓	✓	
B32	Front fences	✓	✓	While the plans indicate that the existing front fence has a height of 0.8m and is to be retained, details of this fence must be shown on the elevations. A condition can be included on any permit that is issued requiring this to be shown.
B33	Common property	✓	✓	
B34	Site services	✓	✓	

**CAR PARKING**

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

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	2	1	1	Y
2	3	2	2	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. Where two car parking spaces are required for a dwelling, at least one space must be covered.

In this instance the proposal does not comply with these requirements. Specifically, the proposed carport to the new dwelling (Dwelling No. 2) does not provide cover for at least one car. Rather, each of the proposed car parking spaces is partly covered. Furthermore, the provision of two car parking spaces prevents the vehicle to the existing dwelling (Dwelling No. 1) from entering and exiting the property in a forward direction.

This issue has been raised with the permit applicant on a number of occasions but has not yet been resolved. The applicant has been advised that a reduction in bedrooms to the proposed Dwelling No. 2 will reduce the car parking requirement and resolve the issue. The applicant is aware that should a permit be issued, it is likely to contain a requirement for the number of bedrooms to the new dwelling (Dwelling No. 2) be reduced from three to two bedrooms. Subsequently, the recommendation of this report includes such a condition.

Visibility splays have been shown on the plans. However, the plans also show letter boxes to be provided at this location. It is proposed that this be addressed by way of a condition of permit, requiring plans and elevations demonstrating that the fence, letterboxes and common meter box to be shown in accordance with the visibility splay requirement.

**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires 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. Overlooking**

Through the use of 'hi-lite' windows and obscure glazing, the applicant has ensured that there will be no overlooking into neighbouring properties, in accordance with ResCode. Accordingly, this ground of objection cannot be substantiated.

**2. Noise and dust**

The development as proposed complies with Standard B24 of the Whittlesea Planning Scheme which seeks to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise. The proposal is for residential

use of the land in a residential area and the development will not require external mechanical plant or any other inappropriate source of noise. While some additional noise will be generated by virtue of the greater number of residents on the land, this is acceptable in a residential area.

With regard to noise and dust generated during construction, this is typically a matter for the Building Permit process. 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 the modifications as outlined. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**DECLARATION OF INTEREST**

Prior to the commencement of the meeting, the Mayor Cr Kozmevski declared an indirect interest in Item 6.1.2 – 20 Thomas Street Thomastown – Construction of a second dwelling to the rear of an existing dwelling and notified the Chief Executive Officer accordingly.

Prior to the matter being considered or any vote being taken in relation to the matter, the Mayor Cr Kozmevski advised the meeting of his conflicts and left the Council Chamber at 6.38 PM.

The Mayor, Cr Kozmevski returned to the Council Chamber at 6.40PM and resumed the Chair.

**ELECTION OF TEMPORARY CHAIRPERSON**

The Chief Executive Officer called for nominations for the position of Temporary Chairperson

**COUNCIL RESOLUTION**

**MOVED:** *Cr Alessi*

**THAT Cr Griffin take the Chair in the Mayor's absence.**

**CARRIED**

Cr Griffin took the Chair as Temporary Chairperson

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**RECOMMENDATION**

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**THAT Council resolve to approve Planning Application No. 715540 and issue a Notice of Decision to Grant a Permit for the construction of a double storey dwelling to the rear of an existing single storey dwelling at 20 Thomas Street Thomastown, in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans required under Condition No. 2 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. Before the development starts, three copies of revised plans and elevations to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority, showing:**
  - a) Deletion of Bedroom No. 2 to Dwelling No. 2. The revised floor plan may increase the size of Bedroom No. 3, but must provide a minimum setback of 4.5m of the upper level from the southern boundary of the site.**
  - b) The carport to Dwelling No. 2 reduced in length to 6m, to provide adequate space for the vehicle to Dwelling No. 1 to enter and exit the site in a forwards direction.**
  - c) Details of the front fence, mailboxes and common meter box demonstrating compliance with the corner splay requirements of Clause 52.06-8 (Design Standard 1 – Accessways).**
  - d) Storage sheds with a minimum volume of 6m<sup>3</sup> provided to each dwelling.**
  - e) A revised landscape plan modified to show:**
    - i. A revision of surface treatments avoiding lawn within garden beds or along narrow areas such as the space to the north of Dwelling No. 1.**
    - ii. A broader variety of plant species.**
    - iii. Correct botanical/common names.**
    - iv. The size of trees and shrubs accurately shown.**
    - v. Details of garden bed edging.**
    - vi. Storage sheds required by Condition No. 2 d).**
- 3. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.**
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
- 5. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to**

the satisfaction of the Responsible Authority.

6. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
7. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
8. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
9. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed to the satisfaction of the Responsible Authority and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
10. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
11. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
12. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
13. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
14. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
15. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.
16. Any litter generated by building activities on the site shall be collected and

stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.

17. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
18. 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.

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

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

**CARRIED**

The Mayor, Cr Kozmevski returned to the Council Chamber at 6.40PM and resumed the Chair.





**6.1.3 WHITTLESEA PLANNING SCHEME AMENDMENT C68 - 46 COOKES ROAD  
DOREEN****File No:** 194825**Attachments:**  

- 1 Locality and Current Zoning Plan
- 2 Proposed Mixed Use Zone Map
- 3 Mernda Strategy Plan - Precinct 2A Plan
- 4 Bassetts Road Development Plan
- 5 Planning Permit 713483 endorsed concept  
Subdivision Plan
- 6 Planning Permit 713483 endorsed Functional Layout  
Plan

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

Whittlesea Planning Scheme Amendment C68 proposes to rezone the north-eastern portion (2213m<sup>2</sup>) of 46 Cookes Road, Doreen, from General Residential Zone to Mixed Use Zone – Schedule 1 to facilitate the development of a Local Convenience Centre in accordance with the *Mernda Strategy Plan* and the approved *Bassetts Road Development Plan*. The Amendment was reported to Council on 2 February 2016, where Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

The Amendment was placed on public exhibition to affected landowners, relevant authorities and prescribed Ministers for a period of 28 days. At the conclusion of the exhibition period on 17 June 2016, three submissions were received. None of the submissions received objected to the Amendment. It is recommended that Council adopt Planning Scheme Amendment C68 and forward to the Minister for Planning for approval.

**PURPOSE**

The purpose of this report is to discuss the outcomes of the statutory exhibition process for Whittlesea Planning Scheme Amendment C68, including, a summary of submissions received and recommendations to finalise the Amendment.

**INTRODUCTION**

Amendment C68 proposes the rezoning 2213m<sup>2</sup> of land at the north-eastern corner of 46 Cookes Road, Doreen from General Residential Zone (GRZ) to Mixed Use Zone – Schedule 1 (MUZ1) (see *Attachments 1 & 2*). The rezoning is required to facilitate the development of a Local Convenience Centre, to allow for a range of retail, home office, and residential uses, as envisaged within the *Mernda Strategy Plan* (MSP) and *Bassetts Road Development Plan*.

**BACKGROUND**

In November 2015, Council received an application on behalf of the landowner to rezone a portion of 46 Cookes Road, Doreen from GRZ to MUZ1.

As reported to Council on 2 February 2016, the MSP identifies a number of Local Convenience Centres throughout the Mernda/Doreen growth corridor, which includes the subject site (see *Attachment 3*). The roles of these centres are to provide a limited range of convenience retail to service local neighbourhoods.

It is envisaged that proposals for each of the Local Convenience Centres nominated within the MSP are prepared and submitted to Council for consideration at various stages through the development process. This enables accurate definition of the centre boundaries and the ability to apply the appropriate zone to the site when the full extent of the Centre is known. This approach is consistent with that applied to centres of similar size as proposed in the MSP, including the Renaissance Rise local town centre, Yan Yean Road local activity centre and the Riverstone local town centre, which were subsequently rezoned to the MUZ.

Specifically for the 46 Cookes Road, Doreen, upon approval of the MSP, this site and surrounding land was rezoned to Residential 1 Zone (now GRZ) and applied the Development Plan Overlay (DPO) Schedule 5.

As required in the DPO, the *Bassetts Road Development Plan* expands upon the MSP and proposes an area for a potential mixed-use (residential/commercial) convenience centre at the corner of Cookes Road and Bassetts Road (see *Attachment 4*). This nomination is consistent with the strategic intent of the MSP.

Planning Permit 713483 approves a subdivision layout which sets aside an area of 2213m<sup>2</sup> (Lot 6) for the provision of a Local Convenience Centre (see *Attachment 5*) in accordance with the framework set out in the MSP and *Bassetts Road Development Plan*.

**NOTIFICATION PROCESS**

Amendment C68 was placed on public exhibition between 19 May 2016 and 17 June 2016, to adjoining landowners, prescribed Ministers and relevant authorities. Notice of the amendment was also placed in the Whittlesea Leader and Victorian Government Gazette.

At the conclusion of the public exhibition period, three submissions were received. All submissions received were from external authorities that did not object to the Amendment. These are summarised in the table below with accompanying officer responses as relevant.

**SUBMISSIONS**

Key Submission Points	Officer Response
Agency	
Vic Roads	
Has reviewed Amendment C68 and has no comments to make.	Noted.
APA Group (APA)	
APA has no objection to C68.	Noted.
Public Transport Victoria (PTV)	
PTV has indicated they do not object to C68. However PTV has raised the prospect of the developer delivering a bus stop closer to the proposed Local Convenience Centre to support the principles of integrated transport planning.	<p>It is acknowledged that the delivery of a bus stop at the Local Convenience Centre will facilitate better integrated public transport within the Mernda/Doreen growth corridor.</p> <p>At the Amendment level to rezone land, Council is unable to require a developer to contribute to any infrastructure works; this is undertaken as part of the Development Plan and/or Planning Permit application assessment process.</p> <p>Amendment C68 is formalising a land use nomination that has been identified within the already approved strategic frameworks and approved subdivision layout of Planning Permit 713483 that apply to the subject land.</p>

Key Submission Points	Officer Response
	<p>Bassetts Road ultimately will be 21.4m wide connector road forming the eastern boundary of the proposed Local Convenience Centre. It is considered that a bus stop can easily be accommodated adjacent to the Local Convenience Centre within the parking shoulder of Bassetts Road at minimal cost to PTV, in consultation with Council Officers (see <i>Attachment 6</i>).</p> <p>As part of any future development application for the site, the application will be referred to PTV for comment under Section 52 of the <i>Planning &amp; Environment Act 1987</i>. This will ensure that the site is included as part of the next review of Bus Routes for the Mernda/Doreen area by PTV.</p>

**CRITICAL DATES**

- **October 2004** – Approval of the *Mernda Strategy Plan*;
- **February 2009** – Approval of the *Bassetts Road Development Plan*;
- **November 2013** – Planning Permit 713483 (Multi-lot subdivision and Removal of Native Vegetation) approved;
- **November 2015** – Request received to undertake Planning Scheme Amendment;
- **February 2016** – Amendment C68 reported to Council requesting Ministerial Authorisation to prepare and exhibit the Amendment;
- **May/June 2016** – Amendment C68 placed on public exhibition.

**DISCUSSION**

The Amendment has been subject of a standard exhibition process. It is noted that at the conclusion of the exhibition period, no objecting submissions were received.

The rezoning reflects the approach taken for similar neighbourhood centres with the MSP area, which is to update the zoning once the boundaries of the centre are defined, in this case from General Residential Zone to Mixed Use Zone – Schedule 1. The Amendment has a strong strategic basis, underpinned by the MSP and *Bassetts Road Development Plan*, and represents the next logical step in implementation of the planning framework for the site.

The MSP nominates the site for a potential Local Convenience Centre; subsequently the *Bassetts Road Development Plan* approved in 2009 supports the location of the Local Convenience Centre at the south-western corner of the Cookes Road and Bassetts Road intersection, adjacent to schools, local open space and connector road. Planning Permit 713483 approves a subdivision layout facilitating standard density residential development, and includes a super lot of 2213m<sup>2</sup> to clearly designate where the Local Convenience Centre is to locate.

It is therefore generally considered that the new zone is the most appropriate mechanism in order to instigate and manage future development of the land as a local mixed use convenience centre, as intended by the strategic frameworks which apply to the site.

**POLICY STRATEGY AND LEGISLATION**

As noted above the proposal is supported by the *Mernda Strategy Plan* and *Bassetts Road Development Plan*.

**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>Local businesses are supported</b>

The proposed amendment will enable the delivery of a Local Convenience Centre to service the day-to-day needs of residents and result in the creation of local jobs within the Bassetts Road development area. The delivery of the amendment will enable the realisation of the centre as envisaged by the MSP and *Bassetts Road Development Plan* and will strengthen the economic function of the broader Mernda-Doreen growth area.

**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 rezoning of 2213m<sup>2</sup> of land at the north-east corner of 46 Cookes Road from General Residential to Mixed Use Zone – Schedule 1 will align the zoning to accurately reflect the primary focus of the subject land as Local Convenience Centre as envisaged within the *Mernda Strategy Plan* and *Bassetts Road Development Plan*. This is consistent with the strategic approach taken across the Mernda-Doreen growth corridor.

The Amendment has been subject to the standard exhibition requirements of a Planning Scheme Amendment. Following exhibition no submissions opposing the Amendment were received. Therefore, it is recommended that Council resolve to adopt Planning Scheme Amendment C68 and forward to the Minister for Planning requesting approval.

Specifically it is recommended that Council resolve to:

- Adopt Planning Scheme Amendment C68 to the Whittlesea Planning Scheme;
- Request the Minister for Planning approve Amendment C68 to the Whittlesea Planning Scheme;
- Advise the proponent and submitters of Council’s resolution regarding the above.

**RECOMMENDATION**

**THAT Council resolve to:**

- 1. Adopt Planning Scheme Amendment C68 to the Whittlesea Planning Scheme;**
- 2. Request the Minister for Planning approve Amendment C68 to the Whittlesea Planning Scheme;**
- 3. Advise the proponent and submitters of Council’s resolution regarding 1. and 2. above.**

**COUNCIL RESOLUTION**

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

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

**CARRIED**



**6.1.4 PLANNING SCHEME AMENDMENT C198 - BUSHFIRE MANAGEMENT LOCAL PLANNING POLICY****File No:** 192160**Attachments:**  

- 1 Bushfire Prone Area (BPA) mapping
- 2 Bushfire Management Overlay (BMO) mapping
- 3 Clause 21.07-4 (Bushfire) MSS updates
- 4 Clause 22.03 Bushfire Management Local Planning Policy

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

The purpose of this report is to consider proposed Amendment C198 to the Whittlesea Planning Scheme and seek Council's approval to request that the Minister for Planning authorise Council to prepare and exhibit the proposed amendment.

Proposed Amendment C198 seeks to make the following changes to the Whittlesea Planning Scheme:

- Introduce a Bushfire Management Local Planning Policy at Clause 22.03; and
- Update the Municipal Strategic Statement at Clause 13.05 (Bushfire).

Funding for this project was received from the State Government's implementation response to the 2009 Victorian Bushfires Royal Commission. The policy assists in implementing key actions related to the planning system that are outlined in the Commission's final report.

The primary aim of the policy is to assist in discretionary decision-making on planning applications where fire risk is a consideration. The policy specifically aims to fill a gap in current planning guidance for land that is at risk of bushfire and/or grassfire, and is within a mapped Bushfire Prone Area (BPA) designation, but is not covered by the Planning Scheme Bushfire Management Overlay (BMO) in the Planning Scheme. The policy only applies in instances when a planning permit application is already required by the Planning Scheme. This proposal does not seek to apply any additional designations or planning controls on any property.

It is recommended that Council resolve to seek Authorisation from the Minister for Planning to prepare and exhibit proposed Amendment C198 to the Whittlesea Planning Scheme.

**INTRODUCTION**

Council officers have developed a new bushfire management local planning policy that is proposed to be introduced into Clause 22.03 of the Whittlesea Planning Scheme. Clause 22 of the Planning Scheme contains the City of Whittlesea's local planning policies, and together with Clause 21 comprising the Municipal Strategic Statement (MSS), makes up the Local Planning Policy Framework (LPPF) of the Scheme.

The new bushfire local planning policies, and the updates to the MSS, are proposed to be introduced into the Planning Scheme via Amendment C198.

The policy is aligned with key strategic directions for bushfire including the City of Whittlesea *Municipal Fire Management Plan (2012-2015)* and the *Regional Bushfire Planning Assessments* undertaken for the Melbourne Metropolitan Region by the Department of Environment, Land, Water and Planning (DELWP, 2012).

This report provides the background to the development of the policy and a summary of its content and application, and seeks approval to request that the Minister for Planning authorise Council to prepare and exhibit proposed Amendment C198.

## BACKGROUND

### PROJECT ORIGINS

The Victorian Bushfire Royal Commission (VBRC) was established in 2009 to investigate the devastating Black Saturday bushfires that swept through Victoria in January and February 2009. Amongst a number of recommendations made to the Victorian Government in the VBRC final report, the following two key actions related to urban planning improvements:

- seek to strengthen consideration of bushfire throughout the planning process.
- better integrate the planning and building systems.

The Victorian State Government subsequently developed an implementation plan (*Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission, May 2011*) to oversee the progress and fulfilment of actions across its various agencies. To progress necessary updates to the planning system, the State Government established the Support Fund for Implementing New Bushfire Planning Provisions to assist Councils in updating planning provisions and hazard identification at a local level. The City of Whittlesea bushfire management local policy project has been made possible through this funding.

The draft local planning policy is informed by a Background Report and Issues and Opportunities paper that collated results from several scoping exercises, including:

- a literature review and audit of existing planning controls;
- hazard identification and mapping exercises;
- the development of a risk factors framework; and
- internal and external engagement of key stakeholders.

The development of the local policy and MSS updates represents the final stage of this project.

### CURRENT BUSHFIRE CONTROLS

There are currently two bushfire controls used across the State of Victoria: the Bushfire Prone Area (BPA) designation and the Bushfire Management Overlay (BMO). Both of these controls apply to land in the City of Whittlesea.

The BPA applies to medium-to-extreme fire hazard and is **implemented through the building system and building permit process** (*Building Regulations 2006*). The BPA is applied to a majority of land in the municipality. On the other hand, the BMO applies to areas of extreme bushfire hazard and is **implemented through the Planning Scheme** (*Planning and Environment Act 1987*). The BMO primarily applies to the northern reaches of the municipality and areas around the Plenty River. Both controls are administered by the



Department of Environment, Land, Water and Planning (DELWP). Attachments 1 and 2 show the BPA and BMO mapping in the municipality.

A table comparing the details of the BMO and the BPA is provided below:

	Fire Hazard	Response Required	Requirement
<b>Bushfire Management Overlay (BMO)</b>	<b>Extreme</b> – potential for crown fire, extreme levels of radiant heat and extreme ember attack.	<ul style="list-style-type: none"> <li>• Planning (BMO) and building (BPA) response.</li> <li>• Triggers a planning permit for subdivision and most works.</li> </ul>	Planning permit process to determine: <ul style="list-style-type: none"> <li>• Site and landscaping hazard assessment.</li> <li>• Defendable space</li> <li>• Access, water and siting arrangements.</li> </ul> Building permit process to determine: <ul style="list-style-type: none"> <li>• Construction standard meets BAL assigned to property.</li> </ul>
<b>Bushfire Prone Area (BPA)</b>	<b>Medium to High</b> – Potential for crown fire, <b>grassfire</b> and ember attack.	<ul style="list-style-type: none"> <li>• Building response only.</li> <li>• Does not trigger a planning permit.</li> </ul>	Buildings must meet construction standards to minimum BAL 12.5 (as set out in Australian Standard AS3959 – 2009).

At present, the BMO is the only planning tool available in the Whittlesea Planning Scheme relating to the management of fire risk, although it only applies to areas of extreme bushfire risk. Areas of medium-to-high fire risk that are identified in the BPA are much more prevalent in the City of Whittlesea and include land subject to grassfire. However, Council currently has limited planning tools available to manage these risks. The bushfire local planning policy and MSS updates propose to fill this gap.

**PROPOSED DRAFT POLICY**

**SUMMARY OF POLICY ELEMENTS – MSS UPDATES**

The updates to the MSS at Clause 21.07-4 (Bushfire) are provided in Attachment 4. The MSS updates provide the context and broad overarching strategies for bushfire management. The MSS updates support the inclusion of a local planning policy which provides more specific guidance on bushfire and grassfire matters. Together with the new local planning policy, the MSS updates will ensure a consistent approach to bushfire throughout the LPPF.

The strategies proposed to be introduced in to the MSS are:

- Direct growth to areas of lower bushfire risk having regard to the municipal and local context and avoid locations where bushfire risk cannot be reduced to an acceptable level.
- Implement the Bushfire Management Local Planning Policy in Clause 22.03 of the Scheme.

The following documents have also been added as policy guidelines in Clause 21.07:

- Clause 22.03 Bushfire Management Local Policy
- Department of Environment, Land, Water and Planning *Regional Bushfire Planning Assessment* – Metropolitan Melbourne Region (2012).
- City of Whittlesea *Municipal Fire Management Plan* (2012-2015), as amended from time to time.

- Country Fire Authority preferred requirements: *Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones* (2006).
- Australian Standard AS 3959: 2011, *Construction of Buildings in Bushfire Prone Areas*.

#### **SUMMARY OF POLICY ELEMENTS – LOCAL PLANNING POLICY**

The Clause 22.03 policy has been developed in accordance with State Government planning practice note *Writing a Local Planning Policy* (PPN08), and in consultation with DELWP. The policy outlines a policy basis, objectives, specific policy provisions, decision guidelines, and reference documents (see Attachment 3).

The policy basis outlines the City of Whittlesea's local context and the need for the policy, including: the impacts of bushfire on the community, the varied development contexts in the municipality, and the growing issue of grassfire at the rural-urban interface.

Specific policy statements are outlined across six subject matters including: strategic and settlement planning, subdivisions, land management, siting and design, water supply and utility, and access. These subject matters are derived from standard bushfire protection measures outlined by DELWP and the CFA, in addition to key matters raised during consultation. The policy statements also reflect the City of Whittlesea's growth context and environmental setting, including:

- Areas of land including large subdivisions that are located in proximity to fire hazards but are not covered by the BMO;
- New or intensified development on the urban interface that is at a higher risk for grassfire;
- Bushfire considerations such as access, siting and design for land not covered by the BMO in more isolated rural settings; and
- The issue of land management of undeveloped parcels, open space, and cleared agricultural land located adjacent to residential estates.

Decision guidelines are included to demonstrate how Council will give specific consideration to a particular issue or fact, and provide further information on how Council will exercise its discretion when considering a planning application.

Of particular importance is the issue of grassfire on the rural-urban interface. The prevalence of grassfires in the City of Whittlesea has increased over the last decade as urban development encroaches into rural areas, leaving some residential estates exposed to quickly moving grassfires that can put lives and property at risk. The policy addresses this issue at a precinct, neighbourhood and street level.

To provide clarity and guidance to applicants and Council officers, the local policy assembles requirements and objectives that are already applied through various planning processes including Precinct Structure Plan (PSP) requirements related to bushfire.

For example, the policy addresses the issue of land management, which was frequently raised during consultation as an issue central to the prevention and mitigation of grassfires. Council's more recent Precinct Structure Plans have included a requirement for a bushfire Site Management Plan. This provision has been included in the bushfire local policy under 'Land Management'. The Site Management Plan forms part of a subdivision permit and can be supported through the policy.

Other bushfire land management issues that sit outside of the planning system are dealt with by Council's Municipal Fire Prevention Officer (MFPO). The MFPO issues fire management notices to landowners leading up to and during fire season.

#### **WHAT THE LOCAL PLANNING POLICY DOES**

The Clause 22.03 policy has been developed to assist in discretionary decision-making on planning applications where fire risk is a consideration. Where a permit is already required under the Planning Scheme, the policy will provide specific guidance on Council's objectives and expectations with respect to bushfire issues in the planning process. The policy will outline what Council will take into consideration when making decisions on a planning application involving fire risk in areas already identified as bushfire prone. This policy pulls together a range of existing fire risk requirements and objectives that are already applied through other processes in order to provide greater clarity and transparency in Council's decision-making.

The policy can be used to seek specific interventions at a lot level with respect to the siting and design of a dwelling, or seek to include larger scale design responses such as perimeter roads and access arrangements in new subdivisions.

The policy will also inform high level considerations related to strategic and settlement planning. For example, Council may have to make decisions regarding new settlements outside the urban growth boundary and in isolated locations where bushfire is a consideration. In these instances, the following objectives outlined in the bushfire policy can inform decision-making:

- Direct growth to areas of lower bushfire risk having regard to the municipal and local context.
- To ensure that strategic and settlement planning decisions prioritise the protection of human life over other policy considerations.
- To facilitate an integrated and strategic assessment of all bushfire hazard that examines overarching issues of settlement planning as a primary consideration, followed by more specific precinct and lot level responses.

The policy **does not**:

- trigger a planning application in its own right;
- add any new development controls or additional application requirements;
- create any new performance standards (utilises Australian Standard AS3959); or
- make any changes, or interact with, the building permit process and/or BAL construction standards triggered under the BPA.

#### **HOW AND WHERE DOES THE POLICY APPLY?**

The policy applies to all land in the municipality within a designated BPA that is not already covered by a BMO. It is important to note that any area covered by a BMO will already have the BPA applied. As with any Clause 22 local planning policy, the bushfire management policy can only apply in instances when a planning permit is already required through another zone or overlay that applies to the land.

The BPA map is administered by DELWP and is currently updated every six months to reflect changes. The BPA designation will be removed from land when the fire hazard is eliminated and the risk no longer exists.

To this end, the area of land to which the policy applies will change according to rolling updates made to the BPA map. The BPA map is readily accessible to the public through the

land channel website ([www.land.vic.gov.au](http://www.land.vic.gov.au)) where a property report can be produced, and to Council officers through the WiGIS system.

Four different scenarios are outlined below to show how the policy would apply in varied urban and rural settings:

Example development type	Potential Response
<p><b>1. Application for new subdivision in Mernda growth area.</b></p> <p>Site is in the BPA and interfaces with grasslands.</p>	<p>Policy provisions could inform the following responses:</p> <ul style="list-style-type: none"> <li>• Establishment of a 60m fire buffer (in line with Australian Standard AS3959).</li> <li>• Inclusion of a perimeter road to define a hard edge at interface with grasslands (note: road contributes to 60m buffer).</li> <li>• Inclusion of multiple access and egress points and ensuring that interim arrangements are made available during the establishment and build out of the subdivision.</li> </ul> <p><i>Note: property still has to meet construction standards to a 12.5 BAL rating.</i></p>
<p><b>2. Application for a dwelling in Eden Park (rural).</b></p> <p>Site is in a rural zone and is within the BPA.</p>	<p>Policy provisions could inform the following responses:</p> <ul style="list-style-type: none"> <li>• That the dwelling is not sited at the top ridge of a steep slope, particularly a north facing slope.</li> <li>• Adequate water supply for fire fighting purposes is supplied on site.</li> <li>• Ensure that the location of electricity and gas limits the possibility of ignition of surrounding bushland, grassland, or the fabric of buildings.</li> <li>• Adequate access for fire authorities to the land.</li> </ul> <p><i>Note: property still has to meet construction standards to a 12.5 BAL rating</i></p>
<p><b>3. Application for a retirement village in Mill Park</b></p> <p>Site is within the BPA and is adjacent to the Plenty Gorge Parklands but outside of the BMO applied directly to parklands.</p>	<p>Policy provisions could inform the following responses:</p> <ul style="list-style-type: none"> <li>• Inclusion of a perimeter road to define a hard edge at interface with parklands.</li> <li>• Ensure multiple access and egress points in case of emergency and to ensure adequate fire authority access.</li> <li>• Potential referral to the City of Whittlesea Municipal Fire Management committee for comment due to potential risk to vulnerable populations.</li> <li>• Consideration of policy reference documents such as the Municipal Fire Management Plan (2012-2015) to pick up any specific guidance on the Plenty Gorge Parklands.</li> </ul> <p><i>Note: policy still has to meet construction standards to a 12.5 BAL rating.</i></p>

Example development type	Potential Response
<p><b>4. Application for multi-unit residential near High Street, Thomastown.</b></p> <p>Application is not within a BPA.</p>	<p>Area has low fire risk and the BPA designation does not apply. Policy is not applicable.</p>
<p><b>5. Application for extension to a dwelling in Lalor.</b></p> <p>Application is within a BPA but is surrounded by development and has no interface with open space or grassland.</p>	<p>While the BPA applies, the site is at a low risk and there is minimal need for any further planning considerations as outlined in the policy.</p>

There are many different contexts in which the policy will apply, and in some instances there will be no need for a further planning response with respect to bushfire/grassfire. In these cases the policy will be a helpful guide for officers to confirm that the range of relevant bushfire matters have been considered, ensuring that a new subdivision or development is as safe as possible from fire risk.

**CONSULTATION**

Project officers engaged a wide range of internal stakeholders during the development of the project issues and opportunities paper. These stakeholders were also invited to provide a review of the draft policy at two project stages. The key internal officers and departments that were consulted throughout the project included:

- Municipal Fire Prevention Officer (Local Laws Department)
- Emergency Management Officer (Community Resilience Department)
- Manager Established Areas Planning (Development Assessment)
- Strategic Planning & Design
- Growth Areas Development Assessment
- Parks and Open Space
- Building Services

The following external stakeholders also provided review and comment on the draft policy:

- The Department of Environment, Land, Water and Planning (DELWP)
- Metropolitan Planning Authority (MPA)
- Country Fire Authority (CFA)

Feedback from the above three external stakeholders have been very supportive of the content and direction of the draft policy. It is noted that the policy is consistent with CFA requirements and standard guidelines for development and subdivision. The content in the policy expands on content requested by the CFA as part of Amendment C197 (MSS updates).

**FINANCIAL IMPLICATIONS**

Minor fees will be incurred as part of the normal Planning Scheme Amendment process. No other significant financial impost to Council is expected.

**CRITICAL DATES**

If Authorisation from the Minister for Planning is granted, it is likely that the exhibition of the Amendment will commence in late August 2016 for a period of four weeks.

Officers will report to Council on the results of the exhibition process, and if no submissions are received a recommendation will be made to Council to approve the Amendment. If submissions are received and remain unresolved, then Council officers will request that a Planning Panel Hearing be established.

**POLICY STRATEGY AND LEGISLATION**

*The following State legislation, strategies or policies have been considered:*

- *Clause 13.05 (Bushfire) of the State Planning Policy Framework (SPPF) of the Victoria Planning Provisions contains the state planning policy for managing bushfire risk and includes bushfire principles and strategies. A key objective of Clause 13.05 is to “assist to strengthen community resilience to bushfire”. This policy also compels Local Governments to: “consider the need for a localised response to bushfire risk when considering a planning permit application...”, and to “ensure that the Municipal Strategic Statement, Local Planning Policies and zones applying to land, provide for use and development of land in a manner compatible with bushfire risk”.*
- *Planning Practice 8: Writing a Local Planning Policy outlines best practice and guidance regarding the role of local planning policy in Planning Schemes, the need for a local planning policy, and how local policy should be written.*
- *Planning Practice Note 64 - Local Planning for Bushfire Protection provides local planning guidance for bushfire protection, and assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary.*
- *Regional Bushfire Planning Assessments – Melbourne Metropolitan Region (2012) map where a significant bushfire hazard may affect land use planning, and identify features such as settlements, urban interfaces and single access roads for six regions across Metropolitan Melbourne.*
- *Final Report of the Victorian Bushfires Royal Commission (2010) is the central output of the Victorian Bushfire’s Royal commission undertaken following the 2009 Black Saturday Bushfires. The report includes 67 recommendations, including two related to the planning and building systems.*

*The following local planning provisions and adopted strategies, plans and policies have been considered:*

- *Clause 21.07-4 in Whittlesea’s Municipal Strategic Statement (MSS) addresses Environmental Risk. Sub-clause 21.07-4 relates to bushfire.*

- *City of Whittlesea Municipal Emergency Management Plan* includes strategies to prevent, prepare, respond to and recover from emergencies, which may occur in or near the City of Whittlesea and impact on Whittlesea’s residents and infrastructure

*City of Whittlesea Municipal Fire Management Plan (2012-2015)* addresses potential fire threats on both public and private land across the prevention, preparedness, response and recovery spectrum. The Whittlesea Municipal Fire Management Plan (MFMP) is a sub-plan of the City of Whittlesea MEMP.

**LINKS TO THE COUNCIL PLAN**

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

Amendment C198 will directly assist in improving community safety through the inclusion of further guidance in the Planning Scheme related to bushfire and grassfire risk. The policy has a primary objective to protect human life from the threat of fire in addition to addressing the protection of property and economic assets, and the protection of environmental and cultural values.

The policy aligns with Council’s *Municipal Fire Management Plan (2012-2015 – currently under review)* and the regularly updated *Municipal Emergency Management Plan*.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Proposed Amendment C198 will ensure that bushfire and grassfire protection measures are appropriately considered in strategic planning and for new subdivisions and dwellings in all designated bushfire prone areas. Together with overarching strategic updates to the MSS, the introduction of the local policy will ensure that Council has the ability to appropriately consider and make planning determinations on fire risk issues.

The new policy addresses the current gap in Planning Scheme guidance for land that is at medium-to-high risk and designated through the BPA. Consequently, the policy assists in creating a more representative approach to bushfire planning that considers not just extreme fire hazard as represented by the BMO, but the full range of fire risk in the municipality as represented by the BPA designation.

The policy completes commitments made through funding received from DELWP to develop a localised bushfire planning policy, and further assists in meeting actions outlined in the 2009 VBRC Final Report. The policy is aligned with the City of Whittlesea *Municipal Fire Management Plan (2012-2015)* and the *Regional Bushfire Planning Assessments* undertaken for the Melbourne Metropolitan Region by DELWP (2012).

A wide range of internal stakeholders and departments were consulted throughout the project, and the draft policy responds to key issues for the City of Whittlesea including grassfire risk at the urban-rural interface.

It is recommended that Council resolve to seek Authorisation from the Minister for Planning to prepare and exhibit proposed Amendment C198 to the Whittlesea Planning Scheme.

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

- 1. Obtain Authorisation from the Minister for Planning to prepare and exhibit Amendment C198 to the Whittlesea Planning Scheme;**
- 2. Prepare and exhibit a Planning Scheme Amendment if Authorisation is provided by the Minister for Planning.**

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

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

**CARRIED**



## 6.2 COMMUNITY SERVICES

### 6.2.1 PREVENTING ALCOHOL RELATED HARM POLICY AND ACTION PLAN

**File No:** 156364

**Attachments:** 1 Preventing Alcohol Related Harm Policy.  
2 Preventing Alcohol Related Harm: Action Plan 2016-2019

**Responsible Officer:** Director Community Services

**Author:** Team Leader Health Planning

#### REPORT

#### SUMMARY

The Preventing Alcohol Related Harm Policy (Attachment 1) outlines Council's commitment to enhancing community safety, amenity, health and wellbeing in the City of Whittlesea through support for the responsible management and regulation of alcohol in the municipality and a proactive approach to preventing alcohol related harm.

The Preventing Alcohol Related Harm Action Plan (Attachment 2), developed to guide implementation of the policy in the initial three years, outlines priority action areas and settings for focus as follows:

1. Intelligence gathering and monitoring
2. Advocacy and communications
3. Leadership & policy
4. Liquor licencing
5. Council facilities and events.

An annual review process will be undertaken to support the identification of emerging issues and opportunities, and refinements to the action plan during the three years of implementation. A range of initiatives can be undertaken within existing resources in the first Year of the Action Plan. The proposed introduction of new planning policy in 2017/18 may have financial implications for Council relating to planning panel costs.

#### BACKGROUND

Victoria's alcohol culture is one in which large percentages of the population drink at risky levels, feel pressure by others to drink, expect that alcohol will be served at a wide array of events, and accept intoxication both in general and at some events.

Alcohol is an integral and often positive component of social activities and celebrations within the local community. This is not the case for all members of our diverse community with over one quarter of adults abstaining from alcohol consumption and the lives of many in our community significantly disrupted by alcohol's impact.

Whilst alcohol has a valid role in our social and economic environment, it is a drug with potential harmful impacts which requires more careful assessment and regulation than other retail commodities. Alcohol is second only to tobacco as a preventable cause of drug-related death and hospitalisation. Alcohol consumption has been associated with a range of factors that may cause ill-health including cardiovascular disease, cancers, liver diseases, mental

health problems, injury, self-harm and exposure to violence. The harmful use of alcohol has both short-term and long-term health effects. In the short term, the effects are mainly related to injury of the drinker or others that the drinker's behaviour has affected. Excessive drinking contributes to crime, family violence, anti-social behaviours, public violence and accidents.

National alcohol consumption trends show a small but promising decrease for both adults and youth. This indicates a potential shift in entrenched attitudes and social norms which have traditionally condoned and reinforced risky alcohol consumption. This positive shift in attitudes and behaviours should be supported, and built upon. Local government is well placed to show leadership in a range of local settings, including sport and recreation settings, where it has influence, and levers for change have been identified.

## **PROPOSAL**

That Council take a proactive approach to preventing alcohol related harms by adopting the City of Whittlesea Preventing Alcohol Related Harm Policy and the associated Action Plan for implementation of the policy in the initial three years.

There is a strong rationale for a focus for local government on strengthening regulation of alcohol availability in the key settings of the action plan: Council as a workplace, sports settings, community facilities and events. A strong rationale for a focus on alcohol availability in retail settings has also been identified. Social harms associated with packaged liquor outlets have been identified as a key priority.

### **Sport and recreation settings**

Sports clubs and venues represent opportune settings to implement strategies to reduce alcohol harm. Research highlights that higher than average levels of risky alcohol consumption and alcohol-related harm occur among people involved in sport settings. Research also highlights some important benefits of investment in sports club participation. A research project focusing on individual health, well-being, trust and social connectedness found for every \$1 spent to run an average club, there were at least \$4.40 returned in terms of social connectedness, wellbeing and mental health status. It also led to improved employment outcomes, personal development, physical health, civic pride and the support of other community groups. This evidence provides additional impetus to maximise these potential benefits and create family friendly inclusive settings where alcohol is not a central focus.

Evaluated interventions in sports settings provide some clear guidance to inform planning and support clubs to create more inclusive family friendly club environments, where alcohol harms are minimised. Whilst consultations with clubs demonstrate evidence of a need for greater regulation of alcohol use in Council facilities they also highlight club representatives who will be allies for change and a level of readiness to work in partnership with Council staff to co-design strategies.

### **Community Events, Celebrations and Festivals**

Historically there have been few instances of problematic behaviour related to alcohol consumption at Council events. Council does not have local laws related to alcohol free zones. There are no liquor licences at Council run events and festivals and only Youth Events are specifically designated alcohol free.

Council Halls and Community Activity Centres meet an important community need and foster opportunities for social participation which are very much aligned with the Community Building approaches. Consultations regarding hire of Council Halls for public events and private celebrations suggested there is an opportunity to review and strengthen the *Consumption of Alcohol Clause in Conditions of Hire Agreements*. There is also an opportunity to provide advice and resources in relation to the responsible use of alcohol.

## Workplaces

Between 2010 and 2013, there was a drop in the proportion of the population who went to work while under the influence of alcohol (from 5.0% to 4.2%). This National Household Survey data highlights that attention to alcohol management in the workplace is a priority. It is likely the decline reflects a shift in cultural norms and expectations which workplace policies can support and reinforce.

A comprehensive Council *Workplace Drug and Alcohol Policy* has been developed which applies to all staff. This policy was informed by a range of best practice resources and guides and incorporates a focus on Education and Training, and Treatment and/or Counselling rather than an emphasis on Testing and Disciplinary Action.

Council could expand influence in local workplace settings by sharing learning from the development and implementation of its *Workplace Drug and Alcohol Policy*. After a period of monitoring and review of the Policy the City of Whittlesea could show leadership and share good practice policy with local business and employers engaged in the Healthy Together Workplace Achievement Program and other Council initiatives.

## Liquor licencing

The hospitality and liquor industry can play an important role in a vibrant local economy. However, the significant increase in the availability of alcohol in Australia over the last 15 years through expansion of liquor licenses and trading hours has been accompanied by a wide range of associated social and health harms. For this reason alcohol warrants more careful assessment and regulation than other retail commodities.

The attention of many Councils and the media has tended to focus on public violence, anti-social behaviour and amenity issues associated with licenced premises in inner city entertainment precincts. In contrast, the focus of many outer urban, growth area and regional Councils is increasingly on packaged liquor which accounts for over 78% of all alcohol sales. More recently the proliferation of “big box” bottle shops, and the substantial evidence of the associated negative social and health outcomes has been the subject of collaboration and joint advocacy across a number of LGAs.

The body of evidence that the proliferation of liquor outlets (especially packaged liquor) has a significant negative impact on community health and wellbeing suggests the most effective policies for reducing alcohol consumption and related harms are those that focus on restricting alcohol availability. Local government can play a role across a number of settings including sport settings, community facilities and events. The role of local governments in retail settings to address availability of alcohol is currently limited and work to strengthen influence in this setting is essential.

A Victorian Auditor General’s (VAGO) report in 2012 highlighted the limited ability of local government to influence the liquor and hospitality industry in response to these harms and how it is hampered by shortcomings in the planning permit and liquor license application processes. The grounds for objecting to a liquor license are narrow, and the evidentiary requirements and decision-making processes for contested license applications are not clear. These limitations restrict Council’s capacity to influence planning decisions and local liquor licencing outcomes.

In recent years researchers have demonstrated strong and alarming links between alcohol outlet density and negative social outcomes, being:

- The number of on-premise venues and a broad range of alcohol related problems - including public violence, assault and injury.
- Increases in packaged liquor availability and the rates of family violence.

Recent research has highlighted “chain” liquor stores as having a significantly stronger correlation with injury rates.

Alcohol's role as a *contributing* factor in family violence is increasingly understood and reflected in Policy at the National and State level. The launch of the [National framework for action to prevent alcohol-related family violence](#) at Parliament House in Canberra in June 2015, and the report of the Royal Commission into Family Violence tabled in Victorian Parliament on 30 March 2016 emphasise that action to address alcohol is fundamental to reducing family violence. It highlights alcohol availability as a key issue and provides recommendations for action.

Over three quarters (78%) of all alcohol in Australia is bought as packaged liquor for off-premises consumption. Evidence reviews indicate the most effective policies for alcohol related harms are those that focus on restricting alcohol availability (factors such as size, location and opening hours of outlets). In the local context this will require a more proactive and strategic approach to planning and liquor licencing to limit the proportion of retail floor space in the community being allocated to big box liquor chains.

### **CONSULTATION**

A review of evidence and consultation with content experts, internal departments and local stakeholders has been undertaken to inform the scoping of this issue and identify local contextual factors and opportunities for action. Preventing alcohol related harms has been identified as a key priority within the draft Community Safety and Crime Prevention Strategy. The Community Safety and Crime Prevention Committee, which includes representatives from Victoria Police, Department of Justice and both adult and youth drug and alcohol support services have had input into the action plan.

### **CRITICAL DATES**

Nil.

### **FINANCIAL IMPLICATIONS**

The draft action plan outlines a range of initiatives that can be undertaken within existing resources in Year 1. The proposed introduction of new planning policy may have financial implications for Council relating to planning panel costs in Year 2.

The City of Whittlesea has been working closely with an alliance of Councils undertaking research and advocacy to strengthen local government's capacity to influence planning permits and liquor license application processes for packaged liquor.

A financial contribution to support a partnership approach to research and advocacy will be managed within the existing Health Planning budget. This will provide cost effective access to expert advice, data collection methodologies and tools to support the development of Local Planning Policy.

### **POLICY STRATEGY AND LEGISLATION**

- *Shaping our Future*: City of Whittlesea Council Plan 2013-17 and integrated Municipal Public Health and Wellbeing Plan
- City of Whittlesea Community Safety and Crime Prevention Strategy (in development)
- *Safe in our homes Safe in our communities* City of Whittlesea Family Violence Strategy 2014-2018
- *Better Together* City of Whittlesea Community Building Strategy
- Victorian Public Health and Wellbeing Plan 2015–2019
- Victorian Public Health and Wellbeing Act 1987
- Victorian Liquor Control Reform Act 1998
- Victorian Local Government Act 1989
- Victorian Planning and Environment Act 1987.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Health and Wellbeing</b>
<b>Theme</b>	<b>Healthy community</b>
<b>Strategic Objective</b>	<b>We take a prevention approach to health issues and health policy</b>

The development of the Preventing Alcohol Related Harm Policy is an action under Future Direction 5 Health and Wellbeing.

Goal 5.15 - *Council will develop policy to support and encourage health promoting in community settings to reduce risk factors for preventable chronic disease.*

Action: *Develop an alcohol management policy and amendment to the Planning Scheme to support implementation of the Policy.*

An alcohol harm prevention approach has strong synergies and intersections with the City of Whittlesea approaches to address family violence, enhance community safety and strengthen community as outlined in:

- City of Whittlesea Community Safety and Crime Prevention Strategy (in development)
- *Safe in our homes Safe in our communities*, City of Whittlesea Family Violence Strategy 2014-2018, and
- *Better Together*: City of Whittlesea Community Building Strategy.

These are complementary Municipal Public Health and Wellbeing Plan objectives in *Shaping our Future*: City of Whittlesea Council Plan 2013-17.

Preventing alcohol related harm actions will integrate with and complement rather than duplicate actions in these strategies.

**DECLARATIONS OF CONFLICT 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**

There is a strong rationale for a focus for local government on strengthening regulation of alcohol availability in the key settings of: workplaces, sports settings, community facilities and events.

A strong rational for a focus on alcohol availability in retail settings has also been identified. Social harms associated with packaged liquor outlets have been identified as a key priority.

The Preventing Alcohol Related Harm Policy outlines Council’s commitment to enhancing community safety, amenity, health and wellbeing in the City of Whittlesea through support for the responsible management and regulation of alcohol in the municipality and a proactive approach to preventing alcohol related harm.

The Preventing Alcohol Related Harm Action Plan, developed to guide implementation of the policy in the initial three years, outlines priority action areas and settings for focus. This will enable Council to take a proactive preventive approach to social harms associated with alcohol in the local community.

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

1. Adopt the City of Whittlesea Preventing Alcohol Related Harm Policy.
2. Endorse the Action Plan for implementation of the Policy for the initial three years.

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

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

**CARRIED**

**6.2.2 LIVING OUR LIVES - 50+ YEARS A POSITIVE AGEING STRATEGY FOR THE WHITTLESEA MUNICIPALITY 2016 - 2025**

<b>File No:</b>	<b>154345</b>
<b>Attachments:</b>	<b>1 Positive Ageing Policy</b> <b>2 Positive Ageing Strategy</b>
<b>Responsible Officer:</b>	<b>Director Community Services</b>
<b>Author:</b>	<b>Manager Aged and Disability Services</b>

**REPORT****SUMMARY**

*Living our lives – 50+ years A Positive Ageing Strategy for the Whittlesea Municipality 2016-2025* has been developed to provide an overarching direction and framework for improving residents' health and wellbeing as they age. The Strategy promotes an age-friendly municipality which is friendly for all ages and all abilities. The Strategy is supported by a *Positive Ageing Policy*. The Strategy and Policy are consistent with Council's vision, key policies and strategies.

**BACKGROUND**

The *Living our lives – 50+ years A Positive Ageing Strategy for the Whittlesea Municipality 2016-2025* has been developed over recent months based upon comprehensive consultation and analysis.

Key drivers behind the Strategy include:

- Council currently has a significant investment and role in providing activities and services to the older population, as provider, advocate and facilitator.
- The City of Whittlesea has a growing ageing population and growth in this demographic is projected to continue.
- A need for Council to clarify its role and responsibilities to the ageing population alongside a rapidly growing municipality.
- A need for a strategic approach to inform priorities and responses to ageing well across all of Council policy, planning, advocacy and service and program delivery.
- A need for a greater focus on 'ageing' and 'ageing well' from individuals, Council, organisations and the community as a whole.

Positive ageing targets the 50+ population and is inclusive of all of the life-stages across this age group. Health and wellbeing actions taken (or not taken) earlier in life have a profound impact on wellbeing and quality of life in later years. This also has an impact on demand for support and services. Evidence clearly shows that many illnesses associated with 'ageing' can be prevented or the onset delayed through active, connected and purposeful lives.

Whittlesea municipality's 50+ population is predicted to rapidly grow and will almost double over the next 20 years. The socio-economic makeup of residents 50+ years reports higher rates of disadvantage than the total population. Populations with higher rates of disadvantage are at greater risk of poor wellbeing outcomes.

The Positive Ageing Strategy outlines how Council, residents and community will work together to ensure the municipality supports quality of life, health and wellbeing (regardless of age, background or ability) for the increasing ageing population.

The Positive Ageing Strategy will also bring the municipality in line with developments happening across State and local government in Victoria in raising the focus on the growing ageing population and activating opportunities and choices to improve wellbeing for people as they age.

**PROPOSAL**

The Positive Ageing Policy outlines Council’s position on positive ageing and underpins the Positive Ageing Strategy.

The Strategy aims to ensure that as residents age, they have opportunity to continue to live active and healthy lives and continue to be included in community life. The Strategy promotes the many opportunities that an ageing population brings to a society and challenges stereotypes and misconceptions about ageing. The Strategy focuses on what an older person ‘can do’ rather than what they ‘can’t do’ and encompasses social and structural factors that impact on ageing well.

The Positive Ageing Strategy is based on Age-friendly community principles, evidence of population ageing and evidence of interventions which are most likely to improve outcomes.

The Strategy is a whole-of-Council, whole-of-community strategy that:

- Links with a number of other Council policies and strategies which together contribute to making the Whittlesea municipality a vibrant, active and inclusive community.
- Promotes the World Health Organisation’s (WHO) Age-friendly cities approach across all of Council business. An Age-friendly city is friendly for all ages (not just aged friendly).
- Facilitates an integrated and whole of Council response for ageing well.
- Promotes partnership opportunities between residents, Council and organisations.
- Provides an understanding of positive ageing and how to age well.
- Builds on community strengths and social capital of residents 50+ years.
- Articulates Council’s leadership role in positive ageing.

The Strategy identifies eight strategic focus areas. The strategic focus areas and their intent are:

Focus area	Intent/goal
1. Friends, connections and a welcoming community	Improve wellbeing for people as they age through social connections and an inclusive community.
2. Active – socially, mentally, physically	Increase opportunities for people to remain active and engaged and maintain functional health, wellbeing and independence for as long as possible.
3. Learning and sharing knowledge	Increase opportunities for people of all ages to continue to learn and actively contribute their skills in the community.
4. Getting around	Improve access to a variety of transport options to assist community participation, maintain social engagement and access facilities and services.
5. Informed and having a say	Improve communication and provision of information to increase community participation and connections and support older people to have a say in decisions that affect their lives.
6. Feeling safe	Address perceptions / feelings / experiences around safety to encourage residents 50+ years to remain active and engaged in the community as they age.



Focus area	Intent/goal
7. Housing, employment and financial security	Support housing, employment and financial security for people in their older years.
8. Health and support services when required	Access to a range of health and wellbeing support when required and assist people to manage / treat their health conditions.

**CONSULTATION**

The Strategy development included extensive community consultation involving surveys, focus groups and conversations in the community as well as consultation and engagement across Council departments and community stakeholders. Consultation with residents and community organisations involved seeking their views on ageing, challenges and opportunities. Approximately 300 residents and 200 stakeholders including Council staff contributed their views.

The Strategy development was supported by a Positive Ageing Strategic Reference Group with members from many Council departments.

Further engagement across Council included presentations to the Corporate Leadership Team, Council planning networks/groups and discussions with departmental directors and managers.

**CRITICAL DATES**

It is proposed that the Strategy be launched on 15 September 2016 in conjunction with Council’s Seniors Grant presentation event.

**FINANCIAL IMPLICATIONS**

The Positive Ageing Strategy has been developed to be primarily delivered within current resource allocations. Any additional resources which may be required will be considered as part of Council’s annual budget development.

**POLICY STRATEGY AND LEGISLATION**

The Strategy has been developed within an international and local context of population ageing, age-friendly cities and research on the factors that contribute to ageing well.

The Positive Ageing environment in which the Strategy has been developed includes:

- Global population ageing – growing numbers and proportions of older people in the total population.
- The World Health Organisation (WHO) Age-friendly Cities Framework and resources.
- Victorian Government’s Age-friendly Victoria (2016).
- Municipal Association of Victoria’s Age-friendly commitment and role in supporting local government in positive ageing.
- Local government role in shaping cohesive and inclusive communities for residents of all age groups.
- Social Determinants of Health Frameworks and Victorian Health Priorities Framework.

The City of Whittlesea’s key overarching strategic and policy context for the Positive Ageing Strategy include:

- Council Plan
- *Shaping our future* Whittlesea 2030 Strategic Community Plan

- *Shaping our future* Strategic Community Action Plan 2013-2017
- *Health and Wellbeing Plan 2013-2017*
- *Better together* Community Building Strategy 2016
- *Positive Ageing Policy 2016* (To be adopted as part of Strategy).

The Strategy and Policy have been developed within current Council policy and strategy development guidelines/approach.

The Positive Ageing Strategy will bring the municipality in line with developments happening across State and local government in Victoria by raising the focus on the growing ageing population and activating opportunities and choices to improve wellbeing for people as they age.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Health and Wellbeing</b>
<b>Theme</b>	<b>Healthy community</b>
<b>Strategic Objective</b>	<b>We take a prevention approach to health issues and health policy</b>

The Positive Ageing Strategy is a commitment of the current Council Plan and the policy and strategy will provide strategic focus areas and actions to address challenges, structural barriers and opportunities for healthy and active ageing.

The Strategy promotes a preventative approach to health and wellbeing by increasing opportunities for people to participate in health behaviours regardless of age, health or life-stage. Specific approaches and actions from the Strategy involving a preventative approach to health issues and health policy include:

- Taking a holistic approach to health – incorporating social, physical and mental aspects of health and wellbeing.
- Targeting of the 50+ population in order to build health behaviours that will result in better opportunities for ageing well.
- Promoting a positive outlook on ageing.
- Identifying key focus areas for action based on evidence and understandings of healthy ageing and prevention of illness.
- Promoting a strength based approach – recognise and build the wide range of capacities and resources amongst older people.

Positive Ageing closely links with the social determinants of health as outlined in the Victorian Health Priorities Framework and the City of Whittlesea’s Municipal Public Health and Wellbeing Plan.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Living our lives – 50+ years A Positive Ageing Strategy for the Whittlesea Municipality 2015-2025 is underpinned by Council’s Positive Ageing Policy. The Strategy promotes the many opportunities that an ageing population brings to a society and the vast benefits for individuals and the community when people continue to be active, healthy and participate in the community as they age.

The Strategy hopes to activate opportunities and choices to improve wellbeing for people as they age and to achieve a positive change in the way residents live their lives.

**RECOMMENDATION**

THAT Council resolve to adopt the Positive Ageing Policy and the Living our lives – 50+ years A Positive Ageing Strategy for the Whittlesea Municipality 2016-2025.

**COUNCIL RESOLUTION**

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

THAT Council resolve to adopt the Recommendation.

**AMENDMENT**

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

THAT Council resolve to add an additional point on page 20 of the Strategy as follows:

- 7.4 Develop a policy to assist people who have difficulty paying their rates.

**CARRIED**

The Amendment was put and **CARRIED** and became the **SUBSTANTIVE MOTION** which was then put and **CARRIED**

**COUNCIL RESOLUTION**

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

THAT Council resolve to:

1. Adopt the Positive Ageing Policy and the Living our lives – 50+ years A Positive Ageing Strategy for the Whittlesea Municipality 2016-2025; and
2. Add an additional point on page 20 of the Strategy as follows:

7.4 Develop a policy to assist people who have difficulty paying their rates.

CARRIED

**6.2.3 2016 POST SEASON FESTIVAL AND EVENTS REVIEW****File No:** 195036**Responsible Officer:** Director Community Services**Author:** Team Leader Aboriginal & Cultural Diversity**REPORT****SUMMARY**

Council events contribute significantly to individual and community well-being and to the city as a whole. They provide opportunities to profile and acknowledge the City of Whittlesea's diverse cultures, Aboriginal culture, local history and heritage, as well as facilitate celebration, community participation and collaboration. They make a broader contribution to achieving Council's vision of '*creating vibrant self-sustaining communities together*' and encourage a sense of pride of place and identity.

At its meeting of 15 March 2016, Council considered Notice of Motion 812 in relation to a Council Events Post Festival Season Review and resolved to;

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

In line with Council's event management business improvement cycle and in response to the 15 March 2016 Council Resolution officers conducted the Festival and Events review between April and June 2016. The review involved a series of stakeholder consultations, a three year retrospective security and risk analysis and local government mapping exercises. The review findings have resulted in seven operational recommendations that will be implemented to ensure that Council events continue to meet community needs and expectations.

**BACKGROUND**

Whilst Council events have evolved in order to meet community needs and population growth over recent years, an isolated incident at Council's 2016 Australia Day celebrations served as the catalyst to further consider arrangements including security, fireworks and event scheduling and how this may impact upon anti-social behaviour.

All Council events have a duty of care under the Victorian Occupational Health and Safety Act 2004 (the OHS Act) to provide a safe environment. Under this legislation, event organisers must ensure all reasonably practicable measures are taken to ensure that the public or employees are not exposed to risks arising from the operation of the event. To achieve this Council Officers undertake extensive event planning and preparation including the development of communication plans, emergency management plans and risk assessments for all events and the application of event standard operating procedures developed to manage risk and emergencies.

Taking into consideration the operating environment and recent increases in attendance rates the review was centrally focused on the anti-social behaviour and security arrangements, use of fireworks, presence of alcohol and timing of Council events.

### **Anti-social behaviour**

Anti-social behavior can take many forms at a public event including: threatening behaviour, physical and verbal abuse, vandalism and equipment damage. It influences perceptions of public safety and can cause reputational damage. Drugs and alcohol are often major influencers on anti-social behavior and the ability to control and manage these issues at events is a continuing reality for all Councils and event organisers. The length of events can relate to the likelihood of anti-social behaviour as longer and evening events tend to have a higher rate of anti-social incidences and proceed into the night time or evening hours.

The LGA benchmarking analysis highlighted that many other municipalities are implementing strategies to manage the risks associated with anti-social behaviour especially night time events. The review also discovered that at least three Victorian Councils have moved away from running night-time events.

Currently Council mitigates anti-social behaviour through a range of measures including Police presence, engaging appropriate security contractors, and use of fencing and lockable storage in an attempt to prevent theft, vandalism and equipment damage.

### **Fireworks at Council events**

Throughout the review process it was apparent that the provision of fireworks at Council events continues to rank as the main attraction for many people. Fireworks appeal across all ages and cultures and are also an advantageous operational tool to signal that an event has finished. Fireworks also have an impact for people that are not present at the event site. This is particularly true at Australia Day where surrounding parks, car parks and hills are full of people enjoying the display.

Concerns expressed by some residents about fireworks centred around the impact of the noise on animals and the risk they pose during the fire season. Council addresses the animal related concerns by adequately notifying local residents of the event, predominately through the local paper and Council's website. The fire danger risks are adequately managed through coordinated efforts across Council, CFA and professional pyrotechnic contractors. There is also concern about fireworks attracting anti-social behaviour. It is hard to distinguish between cause and effect as most anti-social behaviour occurs at night as do fireworks displays.

Throughout the review and in the preceding years concerns have also been raised with Council about whether legal fireworks might encourage the use of illegal fireworks. Victoria Police Local Area Inspector Paul Tyson was consulted on this matter and advises that the use and promotion of their 'legal' fireworks provide a show for the public and Council should continue to reinforce the importance of using licensed pyro-technicians, appropriate safeguards and obtaining of permits, as opposed to Council no longer providing them.

### **Alcohol at Council events**

There is little doubt that alcohol is a contributor to anti-social behaviour experienced at events. There are currently no restrictions on bringing alcohol to events, and there is no clause in the General Municipal Law banning alcohol in public places including Council parks. The ability to enforce a drinking ban at events would require Council to amend the local law and then gazette areas, times and/or dates.

The only event that has presented an issue with alcohol is Australia Day, where a small minority of people including underage drinkers 'preloading' and attend the event or drink on the far edges of the event site. The link between Australia Day and excessive alcohol consumption is well known. This problem is widespread and not particular to the City of Whittlesea, however there is no alcohol publically served or sold at Council run events, and alcohol is not promoted in marketing or communications material.

While it is not proposed that a change to the current arrangements be made at this time, the impacts of alcohol consumption at public events will continue to be monitored as part of the regular post-event review.

**Timing and nature of Council events**

The timing and nature of Council events was examined as part of the review no changes are recommended to Council events for the 2016/17 event season as a result of the review.

**PROPOSAL**

That Council note the following seven recommendations pertaining to the future delivery of Council events.

1. Increase security guards' presence at all events particularly Australia Day.
2. Liaise closely with Victoria Police in the planning of Council events and increase communication channels between Victoria Police, security contractors and Council throughout events.
3. Promote Council's legal fireworks as the only 'safe' fireworks.
4. Heavily promote all events as family friendly.
5. Adopt a precinct approach to the Australia Day event including a Traffic Management Plan.
6. Retain current event timing for the 2017 Australia Day event and undertake a consultation process following the event with stakeholders.
7. Provide real time social media and communications updates and monitoring throughout the Community Festival and Australia Day event.

**CONSULTATION**

Consultations were central to the review process and associated recommendations as such, consultations were held with a range of internal Council departments, external agencies, and other Victorian Councils.

**CRITICAL DATES**

Nil

**FINANCIAL IMPLICATIONS**

It is estimated that the financial implication associated to the review's recommendations will be approximately \$11,550, which can be accommodated within existing recurrent budgets.

**POLICY STRATEGY AND LEGISLATION**

The review and ongoing delivery of Council events are guided by Council's Festival and Events Policy which stipulates; *Festivals and events in the City of Whittlesea will contribute to achieving the community vision of creating vibrant, self-sustaining communities together.* Whilst Shaping Our Future Whittlesea 2030 Strategic Community Plan; Strategic Objectives 1.4 states; *Council will co-ordinate and review the range of festivals provided to bring people together.*

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Community spirit</b>
<b>Strategic Objective</b>	<b>There are festivals that bring us together</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**

A comprehensive review of Council events over the past three years has been undertaken, including benchmarking with other Councils and consultation with relevant stakeholders. Implementation of the review recommendations will ensure that all Council events continue to meet community needs and expectations and contribute to Council’s vision of *‘creating vibrant self-sustaining communities together’*.

**RECOMMENDATION**

**THAT Council resolve to note the recommendations resulting from the 2016 post season festival and events review.**

**COUNCIL RESOLUTION**

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

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

**CARRIED**



**6.3 CITY TRANSPORT AND PRESENTATION****6.3.1 GREENING OUR STREETS - STREET TREE MANAGEMENT PLAN - FINAL PLAN 2016****File No:** 194192**Attachments:**  
**1 Greening Our Streets - Street Tree Management Plan 2016**  
**2 Community consultation face to face survey results**  
**3 Community consultation online survey results****Responsible Officer:** Director City Transport & Presentation**Author:** Senior Arborist**REPORT****PURPOSE**

To seek Council endorsement of the Street Tree Management Plan 'Greening Our Streets' 2016.

**BACKGROUND**

The Street Tree Management Plan (the Plan) has been developed to provide a blueprint for the ongoing greening of Whittlesea's neighbourhoods and to provide clear direction for the management of Council's street trees.

Street trees provide a multitude of social, environmental and economic benefits to the community. They are one of the most effective and cost efficient tools for reducing air-pollution, stormwater flows and to mitigate the challenges of climate change. Street trees are a critically important asset for the City of Whittlesea's future liveability and through the new Plan will be valued and managed to enhance their benefits.

**KEY OBJECTIVES AND GUIDING PRINCIPLES**

The Vision for the City's street trees is that:

*"Healthy, well managed street trees will be a defining feature of the City's attractive streetscapes and liveable neighbourhoods".*

This Vision will be achieved by:

- Planting the right tree, in the right place, in the right way, and at the right time
- Achieving a minimum canopy cover of 30% across the urban streetscape
- Ensuring all urban streets within the City will be lined with uniform tree planting within 10 years
- Improving the diversity of our street trees, with no individual species or age of tree being over represented
- Coordinating a 10 year renewal program to fill approximately 17,000 vacant tree sites

- Working with developers to improve the number, health and quality of trees being handed to Council in new developments and ensure they meet the appropriate standards
- Only undertake street tree removals in accordance with this Street Tree Management Plan and the tree removal request assessment procedure

The Plan contains a robust, evidence-based, decision making framework that is easy to understand and transparent to the community. It details Council's service provision in the six key areas of street tree management and how Council will respond to community concerns about street trees. Once endorsed, the Plan will be used to ensure that all tree management decisions are consistent, transparent and fair.

The Plan is a 10 Year document. During the life of the Plan a review will be undertaken two years after endorsement and then every three years to ensure technical manuals, standards, species list guidelines are updated, and that our management approach to trees is addressing community expectations.

### **CONSULTATION**

The Plan (inclusive of the Technical Guidelines and 10 Year Street Tree Renewal Program Plan) was presented to Council Forum on 5 May 2016. The Plan was then placed on public exhibition for a four week period from 9 May 2016 to 10 June 2016.

The activities undertaken as part of the community consultation were:

- Public exhibition of the draft Plan and associated documents on / in:
  - Council's website
  - Local newspapers (including the North Central and Whittlesea Review)
  - Displays and banners erected at various public events and locations
  - Posters and postcards at Whittlesea, Mill Park, Thomastown, and Lalor libraries
  - Draft copies of the Plan placed on display at Council Offices and Community Activity Centres
- Public access to an online survey on Council's website
- Letters sent to 395 key interested stakeholders
- Community consultation events, held on Saturday 21 May (between 10am and 2pm) at:
  - Mill Park Stables Shopping Centre, Mill Park - (South East Ward)
  - Pacific Epping Shopping Centre, Epping - (South West Ward)
  - Laurimar Town Centre, Doreen – (North Ward)

The above consultation resulted in 342 visits to the Plan's Community Voice consultation page, with 201 downloads of the Plan.

At the community consultation sessions held on 21 May 2016, a short survey was completed and feedback obtained on key elements of the draft Plan relevant to community views.

Across the three consultation sessions, almost 100 residents attended. Some interactions involved very detailed conversations with those who were contacted by mail and resulted in nine customer service requests being created.

In total, 80 surveys were completed as part of the community consultations. Attachment 2 summarises the results of the surveys completed by residents attending the face to face

community consultation sessions. Attachment 3 summarises the results of the surveys completed online.

Overall, results of the community consultation indicate that there is strong community support for the Plan’s vision, key objectives, and policy positions. Specifically there was overwhelming support for Council to:

- Create uniform streetscapes to preserve and enhance the local character.
- Plant trees with the potential to grow around 15m tall in streets where there is enough space.
- Better protect street trees from damage during development.
- Remove healthy trees to achieve uniform streetscapes when renewal occurs.
- Adopt the criteria used to prioritise streets for inclusion in future Street Tree Renewal Programs.

The table below provides a summary of the feedback received and changes that were made to the draft Plan prior to it being finalised for Council’s consideration.

Comments Summary	Proposed changes to the draft Plan
The key to success is that Council plants the right tree in the right place at the right time. Overwhelming support of Councils desire to increase shade in streets	<b>No change:</b> The key principle identified in the Plan is the commitment to plant the right tree, in the right place, in the right way and at the right time (pg. 3)
Some concern raised about narrow streets and setback distances	<b>No change:</b> see Action 16 ; ‘Actions for ongoing street tree management’ (pg. 47) where Plan advocates for widening existing streetscapes and increasing minimum setbacks with alternative street layout designs. Section 1.2 (pg. 28) and the new street tree Species List (pg. 50) also incorporates principle of right tree for particular sites
Overwhelming support for protecting street trees better but discussion about what kind of fence	Appendix specifying the tree protection fencing requirements will be added.
Some concern about large trees	<b>No change:</b> see Action 16 ; ‘Actions for ongoing street tree management’ (pg. 47) where Plan recommends investigating creation of a dedicated large tree management program. The Plan recommends more frequent street sweeping services and increased inspections of large trees in order to better manage the existing large trees within the city’s neighbourhoods. The plan also reinforces planting of the right tree species to suit the characteristics of the planting location.
A strategic approach to street tree renewal is required.	<b>No change:</b> The criteria used to develop the 10 Year Street Tree Renewal Program Plan (see Sections 1.1 – 1.3, pg. 27-29), was undertaken after an assessment of the whole municipality and prioritises planting to replace trees that are senescing or unattractive, or to address street tree gaps.

Comments Summary	Proposed changes to the draft Plan
When renewing streets, include review of the state of naturestrips and footpaths not just trees	<b>No change:</b> The Street Tree Renewal Program will be coordinated with the Road Rehabilitation Program see Action 14 ; ‘Actions for ongoing street tree management’ (pg. 47).
Expectations of the community when it comes to making a tree root damage claim should be clearer	Section 3.3 of the Plan contains a section (pg. 35) outlining the steps that the community should take when reporting tree root damage or making an associated claim.  To provide clearer information to the community fact sheets will be developed to provide clear guidance and be easily distributable to residents wishing to report damage or make an associated claim.
Needs to be more street sweeping to control leaves	<b>No change:</b> see Action 15 ; ‘Actions for ongoing street tree management’ (pg. 47) where the Plan recommends increasing street sweeping services where tree debris is excessive due to species type.  The Plan also addresses this by committing to planting the right tree, in the right place, in the right way and at the right time to ensure that wise species selection choices are made to minimise these impacts in future.

**FINANCIAL IMPLICATIONS**

Funding of \$80,000 has been allocated to develop the Street Tree Management Plan.

The budget for the Street Tree Renewal Program is \$300,000 for the 2016/2017 Financial Year.

To achieve the vision set out in the Plan additional budget allocation in future years will be required; specifically funding to:

- 1) enable achievement of the 30% urban streetscape canopy cover target
- 2) deliver the planting commitments to ensure all urban streets within the City are lined with uniform tree planting within 10 years
- 3) facilitate the filling of approximately 17,000 vacant tree sites
- 4) implement some of the listed ‘Actions for ongoing street tree management’ (page 46-47) of the Plan

Financial support will be sought through Council’s budget preparation processes to enable achievement of these goals over the life of the Plan (10 years).

**CRITICAL DATES**

There are no critical dates associated with this proposal.

**LINKS TO THE COUNCIL PLAN**

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

The Street Tree Management Plan will assist in the delivery of five of the seven Future Directions described in the Council Plan 2013 - 2017. These directions are:

- Inclusive and Engaged Community
- Accessibility in, out and around our City
- Places and spaces to connect people
- Health and Wellbeing
- Living Sustainably

The implementation of the Plan will create more attractive neighbourhoods, and will improve the liveability of the city.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Extensive community consultation has informed the development of the Plan with community views considered and changes made to the draft versions of the Plan in response.

The draft Plan was placed on public exhibition for a 40 day period from 9 May 2016 to 10 June 2016 with community consultation activities coordinated to obtain feedback from the public on the Plan. Community consultation results and responses indicated that there was strong community support for Council's:

- vision and guiding principles associated with street trees
- key objectives and policy positions
- street tree renewal assessment criteria
- street tree species list
- street tree risk management approach and associated inspection and maintenance programs
- street tree protection measures
- street tree valuation methods

The Plan sets out a clear strategic approach to street tree planting throughout the City's neighbourhoods, establishes policy that ensures the 'right tree is planted at the right place in the right time' and provides clear direction for the ongoing management of street trees within the municipality.

**RECOMMENDATION**

**THAT Council resolve to endorse the 'Greening Our Streets' Street Tree Management Plan.**

**COUNCIL RESOLUTION**

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

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

**CARRIED**

**6.4 CORPORATE SERVICES**

**6.4.1 ASSEMBLIES OF COUNCIL REPORT - 9 AUGUST 2016**

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

**REPORT**

**SUMMARY**

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

**BACKGROUND**

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

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

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

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

**PROPOSAL**

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

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum <b>5 July 2016</b>	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Harris Cr Kirkham Cr Pavlidis Cr Sinclair Cr Spinelli Cr Stow	CEO DCS DCRS DCTP-A DPMP DPE-A LP MADS MLCF MMP MOW TLP TLPA TLBDP	1. Contract Management Matters – Contingencies, Variations and Closure 2. City of Whittlesea Soccer Strategy 2016 – 2026 3. Draft Positive Ageing Strategy 4. Chief Executive Officer’s Update  <i>Nil disclosures</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum 12 July 2016	Cr Kozmevski (Mayor) Cr Alessi Cr Griffin Cr Harris Cr Kirkham Cr Laliotis Cr Pavlidis Cr Sinclair Cr Stow	CEO DCS DCRS DCTP-A DPMP DPE-A FEC MCCD-A MOW MMP MPOS SA SPMIP SSPP TLPOSP TLSP	<ol style="list-style-type: none"> <li>1. Bushfire Management Local Planning Policy</li> <li>2. Greening our Streets – Street Tree Management Plan – Final Plan 2016</li> <li>3. 2016 Post Season Festival and Events Review</li> <li>4. Lalor Retail Precinct – Streetscape Improvement Program</li> <li>5. General Business Items                             <ol style="list-style-type: none"> <li>5.1 Mud on Road Issues – New Development Estates</li> <li>5.2 Landfill Mud on Road Issues – McKimmies Road</li> <li>5.3 Landscaping on McKimmies Road</li> <li>5.4 Bridge Inn Road</li> <li>5.5 South Morang Train Station Temporary Car Park</li> <li>5.6 Council’s Advocacy Priorities</li> <li>5.7 McKimmies Road Street Lights</li> </ol> </li> <li>6. Chief Executive Officer’s Update</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
CEO	Chief Executive Officer – Michael Wootten	MOW	Manager One Whittlesea – Sam Dureau
DCS	Director Community Services – Russell Hopkins	MPOS	Manager Parks & Open Spaces – Kristen Jackson
DCRS	Director Corporate Services – Helen Sui	SA	Senior Arborist – Adrian Munroe
DCTP-A	Acting Director City Transport and Presentation – Ben Harries	SPMIP	Senior Project Manager Infrastructure Projects – James Dickson
DPMP	Director Planning & Major Projects – Steve O’Brien	SSPP	Senior Strategic Policy Planner – Molly Wilson
DPE-A	Acting Director Partnerships and Engagement – Sean McManus	TLBDP	Team Leader Business, Development & Planning – Patricia Hale
FEC	Festivals & Events Coordinator – Julie McBride	TLP	Team Leader Procurement – Tom Masters
LP	Leisure Planner – James Lake	TLPA	Team Leader Positive Ageing – Katherine Wositzky
MADS	Manager Aged and Disability Services – Steve Ward	TLPOSP	Team Leader Parks Operations & Strategic Projects – Stephen Comben
MCCD-A	Acting Manager Community Cultural Development Benjamin Waterhouse	TLPOSP	Team Leader Parks Operations & Strategic Projects – Stephen Comben
MLCF	Manager Leisure & Community Facilities – Paul Reading	TLSP	Team Leader Strategic Planning Policy – Denise Turner
MMP	Manager Major Projects – Nick Mazzarella		

**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 Stow  
**SECONDED:** Cr Kirkham

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

**CARRIED**



**6.4.2 REAPPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT & RISK COMMITTEE AND PROPOSED FEE INCREASE**

**File No:** 160616  
**Responsible Officer:** Director Corporate Services  
**Author:** Internal Compliance Officer

**REPORT****SUMMARY**

In accordance with the City of Whittlesea Audit & Risk Committee Charter, Council is required to appoint three independent external representatives to the Audit & Risk Committee. This report seeks Council's approval to reappoint one of the existing independent members for a further two year term, as well as seeking Council's consideration of an increase in fees paid to external representatives of the Committee.

**BACKGROUND**

At its meeting on 4 August 2015, Council resolved to appoint Mr Michael Said (Chair) and Mr Homi Burjorjee as independent external representatives to the Audit & Risk Committee for a two year term ending 30 September 2017. Mr Michael Ulbrick was also appointed as an independent external representative to the Audit & Risk Committee for a one year term ending 30 June 2016. In accordance with the Audit & Risk Committee Charter, external representatives can be reappointed for a second two year term subject to Council approval.

The Audit & Risk Committee Charter also states that the remuneration paid to external members for attendance fees is to be reviewed annually by Council. The current fee of \$1,320 per meeting for the Chair and \$1,050 per meeting for the other independent members was last reviewed by Council at the 4 August 2015 Council meeting.

**PROPOSAL****Reappointment of Independent Committee Representative**

In 2012 the Local Governance Investigations and Compliance Inspectorate undertook a compliance audit of Council as part of their sector wide audit program. A suggestion from this audit was that Council consider reviewing the tenure of the three independent Committee members and take a staggered approach to their appointment to ensure that all skills, knowledge and expertise are not lost should all members vacate simultaneously.

To implement a staggered approach to Committee member appointments, Mr Ulbrick's most recent appointment to the Committee was for a one year term ending 30 September 2016.

Mr Ulbrick is considered to be a valuable member of the Audit & Risk Committee and has expressed a strong desire to continue with the City of Whittlesea to further enhance the role and importance of the Audit and Risk Committee. It is recommended to Council that Mr Ulbrick be reappointed to the Audit & Risk Committee for an additional term of two years commencing 1 October 2016.

**Proposed Fee Increase for External Committee Representatives**

The role and responsibility of Audit & Risk Committee members is ever increasing, particularly in this time of increased focus and scrutiny over matters of compliance, audit, risk management and prudent financial management. From 1 October 2016, it is proposed to increase remuneration to independent external members from \$1,050 to \$1,075 per meeting and the Chair from \$1,320 to \$1,350 per meeting.

This represents a 2.5% increase, which is comparable with the most recent increase in Mayoral and Councillor Allowances. This increase also recognises the time, commitment, responsibilities and level of business knowledge required by Audit & Risk Committee members.

**FINANCIAL IMPLICATIONS**

The appointment of independent external members to the Audit & Risk Committee and proposed fee increase has been allowed for in the 2016/2017 Budget

**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**

In accordance with Council’s Audit & Risk Committee Charter, three independent external members of the Committee must be appointed by Council to the Committee. To allow for staggering of Committee member appointments, and as one of the Committee member’s terms is due to expire, Council is required to make a further appointment. Additionally, the proposed fee increase is reflective of the Committee members’ responsibilities and duties.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Reappoint Mr Michael Ulbrick as an independent member to the City of Whittlesea’s Audit & Risk Committee commencing 1 October 2016 for a two year term ending 30 September 2018, in accordance with the terms of reference contained in the Audit & Risk Committee Charter.**
2. **Set the fee per Audit & Risk Committee meeting, effective from 1 October 2016, to \$1,350 for the Chair and \$1,075 for the other independent members.**

**COUNCIL RESOLUTION**

**MOVED:**                    *Cr Kirkham*  
**SECONDED:**            *Cr Lalios*

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

**CARRIED**



## 6.5 PARTNERSHIPS & ENGAGEMENT

### 6.5.1 ADVOCACY STRATEGY AND 2016-2020 ACTION PLAN

**File No:** 194504

**Attachments:** 1 City of Whittlesea Advocacy Strategy  
2 Advocacy Strategy 2016-2020 Action Plan

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

**Author:** Team Leader Media & Communications

#### REPORT

### SUMMARY

The Advocacy Strategy and 2016-2020 Action Plan provides a strategic framework for Council's advocacy role. The Action Plan identifies the tasks Council will undertake over the next five years to enhance our advocacy efforts by working in partnership with community and stakeholders to identify priorities and work towards positive outcomes. The Strategy and Plan were developed through extensive internal and external consultation.

### BACKGROUND

Since the current Advocacy Framework was established in 2010, Council has explored new approaches to advocating with a high level of success. Council now has a coordinated approach to advocacy, built on the experience of recent years. However, there are opportunities to further enhance advocacy efforts and in doing so uphold Council's commitment to community building and strengthening.

### PROPOSAL

The Advocacy Strategy outlines the long term framework to guide Council's approach to advocating with, and on-behalf of the community. The Action Plan identifies the tasks to be undertaken over the next five years to ensure Council's advocacy reflects the needs and aspirations of the community and achieves positive outcomes. The Strategy outlines six guiding principles for advocacy:

- Equity, access and inclusion
- Evidence-based
- Place-based approach
- Strategic and consistent
- Collaboration and partnerships
- Comprehensive communication

The four key strategic directions for Council's advocacy articulated in the Strategy are:

1. Build community capacity to advocate
2. Build organisational capacity to advocate
3. Build partnerships to plan and advocate together
4. Build comprehensive communication

The Strategy and Plan include a process for evaluating outcomes and measuring success.

## CONSULTATION

The Strategy was developed through extensive internal and external consultation in two phases. The initial consultation was conducted between August and September 2015 and involved a series of focus groups and interviews with:

- Members of various multicultural groups from Lalor, Thomastown and Epping, including Whittlesea Multicultural Communities Council
- Aurora Community Association
- Whittlesea Community Futures Network and local agencies
- City of Whittlesea Mayors Youth Council
- Community members and groups from the South and North East Wards such as Friends of South Morang, neighbourhood houses and senior citizens groups
- Local state and federal Members of Parliament
- Councillors and staff from across the organisation.

A draft Strategy was developed and presented to Council Forum on 8 March 2016. A second phase of consultation was then conducted between April and May 2016. All stakeholders involved in the initial consultation were invited to review the draft Strategy and Plan and provide feedback via workshops, email, telephone and Council's online Community Voice. Targeted workshops were held with the Aurora Community Association, Whittlesea Reconciliation Group and a group of community members from various multicultural groups including Whittlesea Multicultural Communities Council.

## CRITICAL DATES

The outcomes of the Advocacy Strategy and 2016-2020 Action Plan will be reported on annually in August, beginning 2017.

## FINANCIAL IMPLICATIONS

The Advocacy Strategy includes the delivery of advocacy campaigns in the lead up to State and Federal Elections based on one or two priorities. Depending on the scope of the campaign, additional resources may be required. All proposed campaigns will be presented to Council for endorsement prior to being implemented and considered as part of the recurrent budget process.

All other elements of the Strategy and Plan will be implemented using existing resources.

## POLICY STRATEGY AND LEGISLATION

To work towards Council vision, and to uphold principles of human rights, equity and social justice, Council has a vital role in advocating with and on behalf of Whittlesea's diverse communities. This role is articulated in the *Council Plan 2013-17* and '*Shaping our Future*' *Community Plan 2030*.

Council's advocacy role is set out in the *Victorian Local Government Act 1989* which states: 'It is the role of the Council to provide governance and leadership for the local community through advocacy, decision making and action.'

The key functions under the Local Government Act also include '...advocating and promoting proposals which are in the best interests of the local community and planning for and providing services and facilities for the local community.'



The Advocacy Strategy and Plan build on the *City of Whittlesea Community Building Strategy* by embedding the principles of community building into Council's advocacy approach. This means Council's advocacy will focus on working with the local community to strengthen partnerships, develop shared priorities and acting together to advance them.

**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>

The Advocacy Strategy and Plan provides the framework for a coordinated, strategic and effective approach to Council's advocacy that is aligned with the expectations of community and key stakeholders.

**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 Advocacy Strategy and 2016-2020 Action Plan presents a strategic framework for Council's approach to advocating with, and on-behalf of Whittlesea's diverse communities. The Strategy focusses on partnerships and engagement with community and stakeholders to ensure Council's advocacy reflects the needs and aspirations of the community and achieves positive outcomes. The Strategy and Plan present a clear process for prioritising advocacy efforts, measuring impacts and continuous improvement.

<b>RECOMMENDATION</b>
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**THAT Council resolve to endorse the Advocacy Strategy and 2016-2020 Action Plan.**

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Alessi*

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

**CARRIED**



**6.6 EXECUTIVE SERVICES**

**NIL REPORTS**

**7. NOTICES OF MOTION**

**NIL REPORTS**

**8. QUESTIONS TO OFFICERS**

**NIL QUESTION**



**9. URGENT BUSINESS**

**9.1 STATE GOVERNMENT REPORT ON MERNDA RAIL EXTENSION COMMUNITY CONSULTATION**

Cr Lalius raised an item of urgent business regarding the Community Consultation Report for the Mernda Rail Extension prepared by the State Government Report.

**COUNCIL RESOLUTION**

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

THAT Council resolve to admit the item as an item of urgent business.

**CARRIED**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalius*  
**SECONDED:** *Cr Kirkham*

THAT Council resolve to write to the relevant State Government Department to obtain a copy of the report in relation to the community consultation outcomes for the Mernda Rail extension.

**CARRIED**

**9.2 SUPPORT FOR THE PEOPLE OF MACEDONIA GIVEN THE RECENT NATURAL DISASTER**

Cr Lalius raised an item of urgent business regarding the recent natural disaster at Skopje Macedonia .

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalius*  
**SECONDED:** *Cr Harris*

THAT Council resolve to admit the item as an item of urgent business.

**CARRIED**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalius*  
**SECONDED:** *Cr Griffin*

THAT Council resolve to investigate ways to support the recent Skopje natural disaster.

**CARRIED**



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

Councillor Kris Pavlidis left the Council Chamber at 8.14PM prior to the vote on this item.

**10.1 VICTORIAN LOCAL GOVERNMENT ASSOCIATION MEETING**

Cr Christine Stow provided an overview of a recent meeting of the Victorian Local Government Association where John Della Bosca gave a presentation in relation to the NDIS.

**COUNCIL RESOLUTION**

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

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

**CARRIED**

**11. QUESTIONS TO COUNCILLORS**

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

**NIL QUESTIONS**





**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**12.1.1 RFT 2016-34 RENEWAL OF THE ATHLETICS TRACK AT THE MEADOWGLEN INTERNATIONAL ATHLETICS STADIUM - TENDER EVALUATION REPORT**

**12.1.2 2016-35 RECONSTRUCTION OF TENNIS COURTS AT THE LALOR TENNIS CLUB - STAGE 3 - TENDER EVALUATION REPORT**

**12.2 COMMUNITY SERVICES**

**NIL REPORTS**

**12.3 CITY TRANSPORT AND PRESENTATION**

**12.3.1 2014-14 TRAFFIC SURVEY MONITORING**

**12.3.2 PLAYGROUND AUDITING SERVICES**

**12.4 CORPORATE SERVICES**

**12.4.1 CONTRACT 2015-57 PROVISION OF ISR (PROPERTY) INSURANCE 2015-2016 - FINALISATION REPORT**

**12.4.2 MAPS 1511-1212 DEBT COLLECTION SERVICES CONTRACT EXTENSION**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 11 JULY TO 29 JULY 2016**

**12.6.2 LEADERSHIP DEVELOPMENT PROGRAM FINALISATION OF CONTRACT NUMBER 2014-183**

**12.6.3 CHIEF EXECUTIVE OFFICERS EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) TERMS OF REFERENCE**

**12.6.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS - CEO KPIS 2016-17**

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**COUNCIL RESOLUTION**

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

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

- 12.1.1 RFT 2016-34 RENEWAL OF THE ATHLETICS TRACK AT THE MEADOWGLEN INTERNATIONAL ATHLETICS STADIUM - TENDER EVALUATION REPORT  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.1.2 2016-35 RECONSTRUCTION OF TENNIS COURTS AT THE LALOR TENNIS CLUB - STAGE 3 - TENDER EVALUATION REPORT  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.3.1 2014-14 TRAFFIC SURVEY MONITORING  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.3.2 PLAYGROUND AUDITING SERVICES  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.4.1 CONTRACT 2015-57 PROVISION OF ISR (PROPERTY) INSURANCE 2015-2016 - FINALISATION REPORT  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.4.2 MAPS 1511-1212 DEBT COLLECTION SERVICES CONTRACT EXTENSION  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 11 JULY TO 29 JULY 2016  
*Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989.*
- 12.6.2 LEADERSHIP DEVELOPMENT PROGRAM FINALISATION OF CONTRACT NUMBER 2014-183  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.6.3 CHIEF EXECUTIVE OFFICERS EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) TERMS OF REFERENCE  
*Confidential in accordance with Section 89(2)(a) of the Local Government Act 1989.*
- 12.6.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS - CEO KPIS 2016-17  
*Confidential in accordance with Section 89(2)(a) of the Local Government Act 1989.*

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CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 8.24 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 8.33PM.

**13. CLOSURE**

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 8.39PM.

CONFIRMED THIS 30<sup>TH</sup> DAY OF AUGUST 2016.

CR STEVAN KOZMEVSKI  
MAYOR