



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 30 AUGUST 2016

AT 6:30PM

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

COUNCILLORS

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

SENIOR OFFICERS

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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<p>Note: In these Minutes, Resolutions adopted by Council are indicated in bold text.</p>
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1. OPENING

1.1 MEETING OPENING AND PRAYER

The Chief Executive Officer opened the meeting with a prayer at 6.30pm.

1.2 MAYOR'S RECONCILIATION STATEMENT

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

1.3 PRESENT

Members:

Cr Stevan Kozmevski	Mayor (South West Ward)
Cr Kris Pavlidis	Councillor (South West Ward)
Cr Darryl Sinclair	Councillor (South West Ward)
Cr Adrian Spinelli	Councillor (South West Ward)
Cr Norm Kelly	Deputy Mayor (South East Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Ken Harris	Councillor (South East Ward)* arrived at 6.37pm
Cr Mary Lalios	Councillor (South East Ward)
Cr Ricky Kirkham	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 Cr Griffin and Cr Harris who requested that leave be granted for this meeting.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Lalios

THAT the apologies from Cr Griffin and Cr Harris 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:

Cr Alessi declared an indirect in item 6.1.2 – 2A Union Street Epping – Retail Premises, Advertising Signs and a Reduction in the Standard Car Parking Rate.

Cr Pavlidis declared an indirect in item 6.1.2 – 2A Union Street Epping – Retail Premises, Advertising Signs and a Reduction in the Standard Car Parking Rate.

CR LALIOS DECLARED AN INDIRECT FINANCIAL INTEREST IN ITEM 6.1.8 – LANDSCAPE BOND AS PER PREVIOUS COUNCIL MEETING ITEM 6.1.10 ON 7 JUNE 2016.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION	
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MOVED: *Cr Kirkham*

SECONDED: *Cr Kelly*

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

Ordinary Meeting of Council held 9 August 2016

CARRIED

5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS

5.1 PETITIONS

5.1.1 23-25 NICKSON STREET, BUNDOORA - OBJECTION TO PLANNING APPLICATION 715748

Cr Lalios tabled a petition from 76 residents and 10 non-residents objecting to planning application number 715748 at 23-25 Nickson Street, Bundoora.

COUNCIL RESOLUTION

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

THAT Council resolve to receive the petition and consider it in conjunction with the Council Report on 23-25 Nickson Street, Bundoora Planning Application Number 715748.

CARRIED

5.1.2 TASMAN DRIVE BUNDOORA - PARKING ISSUES

Cr Alessi tabled a Petition from 23 residents requesting Council find a suitable solution to the parking issues in Tasman Drive Bundoora.

COUNCIL RESOLUTION

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

That the petition be received and a report be prepared that includes the following:

- 1. Extend the investigation and consultation zone by a further 400 metres;**
- 2. Continue programmed supervision by local laws; and**
- 3. Undertake a car parking line marking program within the current investigation zone..**

CARRIED

Cr Harris entered the Council Chamber at 6.37PM.

5.1.3 MONASH STREET LALOR - TRAFFIC MANAGEMENT

Cr Pavlidis table a petition from 12 residents requesting Council install speed humps in Monash Street Lalor.

COUNCIL RESOLUTION

MOVED: Cr Pavlidis
SECONDED: Cr Sinclair

THAT Council resolve to receive the petition and a report be prepared.

CARRIED

5.2 JOINT LETTERS

NIL REPORTS

6. OFFICERS' REPORTS

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.4, 6.1.6, 6.1.7, 6.1.9, 6.3.1, 6.4.2, 6.4.3, 6.4.4 and 6.4.5 .

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 68 CYPRUS STREET, LALOR - CONSTRUCTION OF FOUR DOUBLE STOREY DWELLINGS**

File No:	715652
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Principal Planner
APPLICANT:	Steve Demir
COUNCIL POLICY:	Housing Diversity Strategy
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay (Schedule 3)
REFERRAL:	Nil
OBJECTIONS:	Nil
RECOMMENDATION:	That Council refuse the application.

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct four double storey, three bedroom dwellings. The proposal also includes the introduction of three additional crossovers for vehicle access.

The detailed assessment has revealed that the proposal fails to appropriately respond to the Key Design Principles contained within the *Neighbourhood Interface* Change Area of the *Housing Diversity Strategy*. Additionally, as a result of the intensity of proposed development there are a number of Clause 55 objectives and standards that the proposal fails to adequately address and comply with. These non-compliances cannot be appropriately addressed through permit conditions. Accordingly, it is recommended that Council refuse the application.

SITE AND SURROUNDING AREA

The subject site is located on the northeast corner of the Cyprus and Plane Street intersection (see *Attachment 1*). The site currently contains a single-storey brick dwelling fronting Cyprus Street. The vehicle access and storage is via a driveway on Plane Street. The site contains a scattering of vegetation, typical of the area, however there are no significant trees.

To the north of the subject site is a double-storey brick dwelling that addresses William Street. To the east of the site is a single-storey dwelling, similar to the subject site.

The majority of the sites in the area contain the original housing stock, which is typically a single-storey dwelling with an allotment area of approximately 700m². However, there is an increasing number of multi-dwelling developments occurring, typically with a ratio of two or three dwellings per site and one example of four dwellings (opposite corner at 57 Plane Street).

The subject site is located within proximity to the following range of services:

- St Luke Primary School (320m west)
- Lorne Park (350m northeast)
- Vasey Avenue Park (530m north)
- Peter Lalor Shops (560m west)
- Lalor Secondary College (630m northeast)
- Lalor Primary School (700m north)
- Bus Route 555, – Lalor to Northland Shopping Centre
- Bus Route 559 – Thomastown to Lalor Loop
- Bus Route 556 – Epping Plaza Shopping Centre to Northland Shopping Centre
- Lalor Train station (1.2km northwest)
- Thomastown station (1.4km southwest)

RESTRICTIONS AND EASEMENTS

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

There is a 2.4m wide drainage and sewerage easement on the northern (rear) boundary of the site.

PROPOSAL

It is proposed to demolish the existing dwelling and outbuilding and construct four double-storey, attached dwellings. The ratio of the development will be one dwelling per 170m².

Dwelling No. 1 will address Cyprus Street and Dwelling Nos. 2-4 will address Plane Street. Vehicle access for Dwelling No. 1 will be via a new crossover onto Cyprus Street with each of the other dwellings having direct vehicle access to Plane Street.

Each dwelling has the living areas on the lower level, with ground level open space, and bedrooms on the upper levels. A single car garage is provided for each dwelling with a reliance on tandem parking in the driveway for the required second parking spaces.

External materials of the development include brickwork on the lower level with a combination of PVC weatherboards and rendered polystyrene on the upper levels. The pitched rooves are to be tiled (*see Attachment 2*).

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 (facing Cyprus Street)	Double storey	Four (including study)	6.4m front (south); 0m side (east); 3.9m side (west)	25.6m ²	Single garage (6.5m x 3.5m) and tandem space	6.9m
Dwelling No. 2	Double storey	Three	2.9m front (west); 3.0m rear (east)	32.5m ²	Single garage (6.0m x 3.5m) and tandem space	6.8m
Dwelling No. 3	Double storey	Three	2.9m front (west); 3.0m rear (east)	32.5m ²	Single garage (6.0m x 3.5m) and tandem space	6.8m
Dwelling No. 4	Double storey	Three	2.9m front (west); 3.0m rear (east); 0m side (north)	33.8m ²	Single carport (6.5m x 3.5m) and tandem space	6.8m

PUBLIC NOTIFICATION

Advertising of the application was carried out via way of written notice to adjoining and adjacent owners and a sign placed on site. One objection was received but subsequently withdrawn on 18 March 2016; the objection related to fencing.

HOUSING DIVERSITY STRATEGY

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

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

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	√- Compliance X - Non compliance	Objectives	Standards	COMMENTS
B1	Neighbourhood Character	x	x	<p>The surrounding area is characterised by a mixture of single and multi-dwelling developments of both double and single storey scale. Developments in the area range in style from 1950s and 1960s single storey brick and weatherboard to recent infill development usually incorporating both brick and render elements. Housing in the area typically is low scale with generous front setbacks and very limited built form on the boundary (garages and sheds in the rear open spaces are the exception).</p> <p>The proposed dwellings are not considered to be of a scale and form that respects the established character of the area, nor the preferred future character envisaged by the Housing Diversity Strategy.</p> <p>The Housing Diversity Strategy (HDS) nominates this site as being within the Neighbourhood Interface change area. The proposal does not provide for a satisfactory response to the preferred density and design principles of this Change Area and is considered unacceptable in this context.</p> <p>There are a number of aspects of the proposal that are not appropriately responsive to the existing or preferred character of the area including the continual built form, lack of setbacks and spacing, reduced front setback, overall scale and bulk of the four double-storey dwellings with a lack of opportunity for meaningful landscaping.</p> <p>It is acknowledged that there are some other instances of multi dwelling developments, including sets of three and four double storey dwellings, but some of those provide a good example of what not to do as their presentation has been to the detriment of neighbourhood character.</p>
B2	Residential Policy	x	x	<p>The HDS nominates the subject site as located within the 'Neighbourhood Interface' (Clause 21.09-4 of the WPS). This Change Area encourages detached dwellings, dual occupancies/duplexes, townhouses and multi units.</p>

	√- Compliance X - Non compliance	Objectives	Standards	COMMENTS
				<p>The proposed development is not consistent with the preferred density and key design principles outlined in the HDS, including:</p> <ul style="list-style-type: none"> • Insufficient front setbacks to accommodate medium sized canopy trees. • Insufficient side and rear setbacks to provide space for landscaping and external access to the rear. • Site coverage (including buildings and non-permeable areas) too high to provide a balance of built form and landscaping. • Insufficient space to accommodate a large canopy tree in the rear setback.
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	<p>The proposed setback is 6.5m; the required setback: 9.0m. The street setbacks within the area are generous, providing dwelling spacing that accommodates landscaping. The double storey built form and high fence toward the front of the site will exacerbate the appearance and bulk of the proposed dwelling which is not sympathetic to the prevailing neighbourhood character. The front setback is non-compliant.</p> <p>The side setback proposed is 2.9m, therefore complying with the required setback of 2.7m.</p>
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	

	√- Compliance X - Non compliance	Objectives	Standards	COMMENTS
B10	Energy efficiency	x	x	None of the four dwellings have northern light access for the living areas, affecting energy efficiency and onsite amenity. Due to the layouts and attached nature of the Dwelling Nos. 2 and 3 particularly have limited natural light access and ventilation. The setback of the rear fence from the living area being the minimum 3.0m will enclose that area and affect light access. There are no features of the proposal that encourage good energy efficiency. Reducing the number of dwellings will provide more space to better orientate the dwellings.
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	✓	✓	
B13	Landscaping	x	x	<p>A landscape plan was provided with the application, however a review of the plan reveals that there is inadequate space onsite provided to accommodate the expected trees. The planting shown is too close to buildings which will result in maintenance issues and will then likely result in their removal.</p> <p>Rear open spaces are not only limited by their small dimensions but also the competing needs for usable open space, areas of paving and services such as bin storage and outdoor sheds. All these are deemed important for three and four bedroom dwellings where there will be a high occupancy rate.</p>
B14	Access	x	x	<p>The proposal increases the number of crossovers to the site by three.</p> <p>The number and layout of the crossovers is not acceptable because of:</p> <ul style="list-style-type: none"> • Loss of on-street parking; • Inconsistent with neighbourhood character; • Inappropriate splay of driveway due to location of sign and side entry pit; • Potential loss of established street tree;

	√- Compliance X - Non compliance	Objectives	Standards	COMMENTS
				<ul style="list-style-type: none"> Poor design response for encouraging walkability within the area.
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
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	✓	✓	

	√- Compliance X - Non compliance	Objectives	Standards	COMMENTS
B31	Design detail	x	x	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 acceptable within the existing or preferred neighbourhood setting.
B32	Front fences	✓	✓	
B33	Common property	N/A	N/A	
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 required spaces	Car provided spaces	Complies
1	4	2	2	Y
2	3	2	2	Y
3	3	2	2	Y
4	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. The proposal complies with these requirements.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 55. The proposal does not meet the preferred density or key design principles of the Neighbourhood Interface Change Area of the Housing Diversity Strategy. It is considered that the proposal will result in unreasonable impacts on the character of the neighbourhood and surrounding residential properties in addition to providing poor onsite amenity for the future occupants. The site is considered suitable for some form of infill development, however fewer dwellings on site may address many of the concerns. Accordingly, refusal of the application is recommended.

RECOMMENDATION

THAT Council resolve to Refuse Planning Application No. 715652 and issue a Refusal to Grant a Planning Permit for construction of four double storey dwellings at 68 Cyprus Street, Lalor on the following grounds:

1. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:
 - a) Clause 55.02-1 (Neighbourhood Character)
 - b) Clause 55.02-2 (Residential Policy)
 - c) Clause 55.03-1 (Street Setback)
 - d) Clause 55.03-5 (Energy Efficiency)
 - e) Clause 55.03-8 (Landscaping)
 - f) Clause 55.03-9 (Access objectives)
 - g) Clause 55.06-1 (Design Detail)
2. The proposal does not appropriately respond to Clause 21.09-4 (Change Areas in the Established Suburbs) of the Whittlesea Planning Scheme. In particular the proposal provides a poor design response to the key design principles including lack of provision of:
 - a) Moderate front setback to provide sufficient space for landscaping and a medium canopy tree.
 - b) Sufficient side and rear setbacks to allow for some landscaping and external access to the rear.
 - c) Medium site coverage to facilitate a balance between increased densities and landscape opportunities.
 - d) Usable private open space.
 - e) Landscaping to complement medium density built form.
 - f) Medium sized canopy trees in the front setback.
 - g) Large Canopy tree in rear setback.
3. The proposal is considered an overdevelopment of the site that will be to the detriment of the neighbourhood character and onsite amenity.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.1.2 2A UNION STREET, EPPING - RETAIL PREMISES, ADVERTISING SIGNS AND A REDUCTION IN THE STANDARD CAR PARKING RATE

File No: 715837

Attachments: 1 Locality Maps
2 Development Plans

Responsible Officer: Director Planning & Major Projects

Author: Principal Planner

APPLICANT: Aurora Retail Pty Ltd

ZONING: Comprehensive Development Zone Schedule 4

OVERLAY: Development Plan Overlay Schedule 23

REFERRAL: Nil

OBJECTIONS: One

RECOMMENDATION: That Council approve the application

REPORT**EXECUTIVE SUMMARY**

The application seeks a permit for the development of shops in a small part of the Aurora Northern Town Centre. It is consistent with the applicable Aurora Development Plan (Part 2) and is exempt from advertising requirements.

However, one objection has been received, made on behalf of Coles, which is the developer of the adjoining commercial area. A permit has previously been issued to the Coles Group Property Developments P/L for buildings and works and subdivision (to create a central road) which includes two supermarkets (Coles and Aldi), a number of smaller specialty retail tenancies, gymnasium, medical centre and service station and other associated works. This was issued on 17 June 2015 and later amended (with minor layout and condition changes) on 5 July 2016.

On the basis that the development is consistent with all applicable sections of the Whittlesea Planning Scheme and the Aurora Development Plan (Part 2), it is recommended that Council approve the application.

SITE AND SURROUNDING AREA

The site is located on the southern side of Harvest Home Road (fronting the service road) at the south-western corner of Harvest Home Road and Union Street. It has a length of 96m along Harvest Home Road and a depth of 22m. It has an area of 2,072m² and is currently vacant.

The surrounding area is currently vacant land designated for the future Aurora Town Centre. A permit has been issued on the larger parcel of land adjoining the site to the south and west to be developed with a supermarket and a number of separate speciality shops. The car parking area relating to that development is on the eastern side and sits to the immediate south of the subject site, and runs through to Forum Way to the south.

Land to the east is currently constructed as a linear park and at grade car park area which services a sales office associated with the Aurora Estate. This land is also earmarked as a future railway corridor.

RESTRICTIONS AND EASEMENTS

The land is formally described as Lot AL on Plan of Subdivision 712956N (Volume 11429 Folio 767). There are three Section 173 Agreements registered on title which are described as follows:

- Agreement AF163878Y requires the developer to provide reticulated sewer and pay drainage contributions to Melbourne Water.
- Agreement AF771 740P is an agreement between the land owner and Council for the provision of infrastructure and public open space.
- Agreement AG442039G seeks to provide reticulated sewer and storm water discharge points for future residential development.

The proposed development does not breach the requirements of any of these agreements and there are no easements or restrictive covenants identified on the Certificate of Title.

PROPOSAL

It is proposed to develop the site with a number of retail/commercial premises and for a reduction in the standard car parking rate. The application describes the proposed building as follows:

- The proposal has 15 tenancies between 66sqm and 311sqm in size. It has a total retail floor area of 1482sqm. A common/services area (69sqm) is provided in the south-eastern corner.
- It will be constructed to the north, east and western boundaries. A 3m setback has been provided to the southern boundary to facilitate a pedestrian pathway.
- Maximum building height of 9.5m at the corner of Harvest Home Road and Union Street providing a signature built form element to the eastern entrance of the town centre.
- Tenancies 1-13 are single storey, while tenancies 14 and 15 (within the signature corner building) have been provided with mezzanine levels.
- Rooftop services have been discretely located either at the centre of the roofs or recessed and located behind parapets, ensuring minimal visibility from the street.
- The development provides active frontages to both Harvest Home Road and the future car park area to the south. Tenancy 14 has been designed to wrap' around the corner of Harvest Home Road and Union Street to provide a high quality entry statement to the future town centre when heading west along Harvest Home Road.
- The development will be constructed utilising high quality finishes including concrete panels, perforated metal screens, timber cladding and metal cladding.

PUBLIC NOTIFICATION

Under the Development Plan Overlay, the application is exempt from advertising.

However, there has been one objection received, which has been made on behalf of Coles, and the grounds of objection can be summarised as follows:

1. Insufficient on-site car parking is provided for the proposed development.
2. The proposal is not generally in accordance with the Retail and Commercial Objectives in the Development Plan.

PLANNING ASSESSMENT

State and Local Planning Policy Framework

The Aurora Development Plan facilitates the implementation of applicable State and Local Policies. Therefore, a use or development that is consistent with the Development Plan is consistent with and assists in the implementation of applicable policies.

However, it is noted that:

- It will contribute to the current and increasing retail needs for the surrounding residential area.
- The site is identified in Local policy and the Aurora Development Plan Part 2 as an Activity Centre, where retail and other commercial uses are planned.
- The range in tenancy sizes will contribute to a diversity of uses within the activity centre.
- There is no native vegetation to be removed.
- The proposal includes the reconfiguration of on-street parking along Harvest Home Road to increase parking supply.
- The tenancies have a frontage to both Harvest Home Road and the future adjoining car park, consistent with the proposed Amendment to the Aurora Development Plan.
- The development is considered to comprise high architectural standard and urban design response and is complementary to the existing and proposed built form in the area.

Zoning and Overlay Provisions

Comprehensive Development Zone (Schedule 4 Aurora Comprehensive Development Plan)

The site is in the Comprehensive Development Zone Schedule 4. This references the Aurora Comprehensive Development Plan, which applies to the land, between O'Herns Road, east of the Hume Freeway.

The site is within the northern town centre in this Plan (one of two proposed activity centres) and therefore complies.

Development Plan Overlay (Schedule 23 Aurora Development Plan)

The Development Plan Overlay Schedule 23 (DPO23) applies to all land within the Epping North Strategy Plan area. The DPO23 requires that a Development Plan be prepared prior to a permit being granted for subdivision, use or development. The Aurora Part 2 Development Plan was approved by Council on 24 December 2007. A permit is required for all development and for the subdivision of land. It is a requirement of this Overlay that development must be generally in accordance with the approved Development Plan.

The proposal accords with the Development Plan.

Proposed amendment to the Aurora Development Plan Part 2 (ADP2)

Following a request from Places Victoria, Council at its meeting held on 17 May 2016 considered and approved a request to amend the Aurora Development Plan Part 2 (ADP2). Among other things, and relevant to this application, this amendment altered the retail hierarchy between the two primary town centres, resulting in the Northern Town Centre becoming the larger town centre.

This now anticipates the Northern Town Centre increasing from 6,000m² to 21,500m² and the Southern Town Centre changing from 14,000m² to 8,500m², and includes the relocation of the Discount Department Store and the Library to the Northern Town Centre.

The Aurora North Town Centre is proposed to increase in size, from 6,000m² of retail to 21,500m². In practical terms, this will change the centre from having the potential to accommodate one full line supermarket to being able to accommodate two full line supermarkets and potentially a discount department store relocated to this centre. This would also attract a greater number of smaller specialty retail outlets, as well as food and drink premises.

The proposal is within the Northern Town Centre. It is in accordance with the Development Plan, both prior to and after the proposed amendment approved by Council to increase the size of the Northern Town Centre.

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 standard car parking requirement is at the rate of four spaces per 100m² of net floor area.

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

The standard requirement in this instance is for 59 car spaces for the total floor area (of the proposed 15 premises). Approval is required to waive this requirement.

While the proposal provides no parking on site, it is considered justified having regard to the following points:

- The proposal includes the provision of up to 12 additional spaces (number of spaces will depend on infrastructure and tree location) in the outer splitter island on the northern side of the service road immediately north of the frontage. These spaces are in addition to the 11 kerbside spaces along the south side of the service road.
- It is anticipated that the street parking will be adequate for the proposed shops, as the type of shop expected would be 'short stop' high turnover uses, such as convenience and fast food shops. This would be a different range of shops expected to be established in conjunction with the supermarkets and other specialty shops in the main part of the Town centre to the west (i.e. Coles, Aldi and specialty shops).
- There is a likelihood of multi-purpose trips in conjunction with the future supermarkets and other shops approved to the west.
- The activity centre planning for Aurora has not contemplated the provision of on-site car parking for this site. The development of this site with on-site parking would not be feasible and not be an appropriate outcome in the township centre.
- The design activates the O'Herns Road frontage as well as its southern side, and 'sleeves' the car parking to the Coles site at the rear. It is a high quality design and urban outcome.
- Parking is considered to be provided on a 'centre-wide' basis. In that respect, the planned car park immediately south of the subject site, even though it is on the Coles site, provides part of what will become centre wide parking.
- The future railway station is proposed to the north-east.
- The Development Plan established the town centres as central to the catchment they serve, convenient to public transport, pedestrian (and cycling) oriented and having active street frontages. It seeks to lessen the high reliance on private vehicles.

ADVERTISING SIGNS

Clause 52.05 of the Whittlesea Planning Scheme prescribes controls and guidelines relating to proposal for signs. It specifies categories of advertising control, with the Zone provisions specifying which category of advertising control applies.

In this Instance, the CDZ4 nominates that land included in an activity centre under an approved Development Plan is included in Category 1 – Commercial area (minimum limitation).

The proposal incorporates advertising signage to identify business with a mixture of parapet signs, blade signs and a central pylon sign. Each tenancy has also been provided with a projecting blade sign. These are a minimum of 3 metres above the footpath to avoid interfering with pedestrian traffic.

The proposed pylon sign will be integrated into the canopy over the central plaza. This will face towards Harvest Home Road and demarcate the central pedestrian plaza, which connects the north and south sides of the shops.

All signs are proposed to be internally illuminated.

The proposed signs are considered to be appropriate to the proposed development. The site is some 90m from the nearest residential property (at 291 Harvest Home Road), and the extent of illuminated signage is appropriate having regard to the role of Northern Town Centre. It also recognises the commercial and retail focus of the town centre.

COMMENTS ON GROUNDS OF OBJECTION

While the application was not advertised (and is exempt from advertising), there was one objection received in respect of the application. Despite the exemption from advertising, an objection can still be made.

The objection is made on behalf of Coles.

1. **Insufficient on-site car parking is provided for the proposed development.**

The site is a narrow strip of land at the north-eastern corner of the Northern Town Centre. It is 22m deep from the Harvest Home Road service road frontage, and it was not anticipated that this site would contain car parking. It is impractical to expect it to do so. Parking on site would diminish the capability of the site to be properly integrated with the surrounding commercial uses, and in the case of an activity centre, it is appropriate to consider parking on a 'centre-wide' basis.

While the site does not include on-site parking, it is not practical or feasible to do so. However, the proposal includes 12 spaces in the service road area in front of the shops, in addition to the 11 spaces already constructed in the service.

Therefore it is considered that the proposal is provided with sufficient car parking. m

Accordingly, this ground of objection cannot be substantiated.

2. **The proposal is not generally in accordance with the Retail and Commercial Objectives in the Development Plan.**

The proposal is entirely in accordance with the Development Plan. Accordingly, this ground 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 proposal has been assessed against the provisions of the Whittlesea Planning Scheme, and in particular the provisions of the Comprehensive Development Zone and the Aurora Development Plan and is considered to comply with both.

The proposal achieves a high standard built form and design outcome, entirely consistent with the Development Plan. The site is one where the provision of car parking on the site is inappropriate and the additional car parking proposed by the applicant in the service road will enhance the parking availability, beyond the planned provision of the centre-wide parking provision in the Town Centre. The layout of the proposed shops provides active frontages to both the north and south sides, and includes a pedestrian walkway in the development from north to south

The proposal is of a high standard and approval is therefore recommended.

It is recommended that the approval be by the grant of a Permit. While a Notice of Decision to Grant a Permit is typically issued where there are objections to an application, in this case the exemption from notification also excludes the right for any third party (i.e. an objector) from the right to apply to VCAT for a review of the decision (appeal).

DECLARATION OF INTEREST

Cr Alessi declared an indirect interest in item 6.1.2 – 2A Union Street Epping - Retail Premises, Advertising Signs and a Reduction in the Standard Car Parking Rate to the Chief Executive Officer prior to the meeting.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Alessi left the Council Chamber at 6:44 PM and advised the Mayor accordingly.

Cr Alessi returned to the Council Chamber at 6:49PM following the vote on this item.

DECLARATION OF INTEREST

Cr Pavlidis declared an indirect interest in item 6.1.2 – 2A Union Street Epping - Retail Premises, Advertising Signs and a Reduction in the Standard Car Parking Rate to the Chief Executive Officer prior to the meeting

Prior to the matter being considered or any vote taken in relation to the matter, Cr Pavlidis left the Council Chamber at 6:44 PM and advised the Mayor accordingly.

Cr Pavlidis returned to the Council Chamber at 6:49PM following the vote on this item.

RECOMMENDATION

- A. THAT Council resolve to approve Planning Application No. 715837 and issue a Planning Permit for buildings and works associated with construction of a retail premises, erection and display of advertising signs (Internally illuminated signs and a sky sign), a reduction in the car parking requirements of Clause 52.06 and a waiver in the loading bay requirements of Clause 52.07 at 2A Union Street, Epping in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, three copies of a revised plan must be submitted to and approved by the Responsible Authority, showing:
 - (a) Modification to the awnings/verandas to the northern side of the buildings to ensure that there is no conflict to the street trees or canopies at maturity. The awnings/verandas should be cantilevered.
 - (b) Areas of unimpeded space to be provided along the southern side of the development to provide to accommodate the provision of narrow, upright trees spaced at regular intervals along that face.
 - (c) The eastern and southern edges of the bin and service area to be modified to provide an improved interface to Union Street and the car parking area to the south.
 - (c) All dimensions and areas of the proposed advertising signs
2. Before the development starts a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority.

The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any existing vegetation to be removed or retained, the location of all new planting, a schedule of plant species and height at maturity, and a maintenance schedule.

Species selection is to be to the satisfaction of the Responsible Authority. Any proposed trees must be at an advanced stage of growth when planted.

3. Before the development and/or use commences, the owner must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - a) The provision of additional car parking spaces in the outer splitter island between the service road and main carriageway of O'Herns Road outside the subject land, with variations as required by the Responsible Authority including to minimise loss of roadside vegetation

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development and/or use.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) the ending of the Section 173 Agreement.

4. Collection of waste must be in accordance with a Waste Management Plan as approved by the Responsible Authority and must be undertaken by a private contractor and must not cause unreasonable disturbance to nearby residential properties to the satisfaction of the Responsible Authority.

In the preparation of such a management plan, the following items must be addressed:

- (a) How the collection of refuse and recycling material will be managed.
- (b) The frequency for the removal of such refuse and recycling material.
- (c) How it is intended to control the emission of odour caused by such refuse and

recycling material when it is being stored within the site.

- (d) Where such refuse and recycling shall be stored within the site.
 - (e) Waste collection to occur on-site.
 - (f) Collection to occur only outside of peak traffic hours, or as otherwise agreed.
5. Before any works start, including works required by other authorities, three copies of a site management plan must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must:
- (a) Include separate parts describing relevant matters of occupational health and safety, traffic management and delivery times and methods.
 - (b) Include proposed location of car parking for construction workers' private vehicles if they are not to be parked on site.
 - (c) Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while any works are in progress.
 - (d) Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with building and works on the land to the satisfaction of the Responsible Authority.

The developer must keep the Responsible Authority informed in writing of any changes to the Site Management Plan. If in the opinion of the Responsible Authority the changes represent a significant departure from the approved Site Management Plan then an amended Site Management Plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out and completed to the satisfaction of the Responsible Authority.

- 6. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
- 7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 8. 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.
- 9. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
- 10. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also

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

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. 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.
14. 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.
15. 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.
16. The location and details of the signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
17. Signs must not contain any flashing light.
18. All signs must be constructed and thereafter maintained to the satisfaction of the Responsible Authority.
19. The signage component of this permit expires ten years from the date of issue. At the expiry of this permit, any sign authorised by this permit must be removed from the land.
20. 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:

Building Over Easements

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

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

Street Numbering Note

Property Numbers will be allocated by the City of Whittlesea in accordance with Council's Street Numbering Policy. Please do not give potential buyers any interim numbering as this often leads to confusion and problems once the correct number is issued.

Please check with Council's Growth Area Development Assessment Department or GIS Unit to verify all street numberings before commencement of any advertising for sale or lease.

B. THAT the applicant and objector be advised accordingly.

COUNCIL RESOLUTION

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

THAT Council resolve to refuse Planning Application No. 715837 at 2A Union Street, Epping and issue a Refusal to Grant a Planning Permit for buildings and works associated with construction of a retail premises, erection and display of advertising signs (Internally illuminated signs and a sky sign), a reduction in the car parking requirements of Clause 52.06 and a waiver in the loading bay requirements of Clause 52.07, on the following grounds:

- 1. The proposed development fails to appropriately respond to the requirements of Clause 52.06 of the Whittlesea Planning Scheme, due to insufficient car parking; and**
- 2. The proposed development fails to appropriately respond to the requirements of Clause 52.07 of the Whittlesea Planning Scheme, due to the lack of an appropriate loading and unloading area for vehicles.**

CARRIED

**6.1.3 WHITTLESEA PLANNING SCHEME AMENDMENT C199 -
240 BINDTS ROAD, WOLLERT AND 55 REGENT STREET, MERNDA****File No:** 195051**Attachments:**
1 Locality Map 55 Regent Street Mernda
2 Locality Map 240 Bindts Road Wollert
3 Quarry Hills – Boundary Plan Mernda West Precinct**Responsible Officer:** Director Planning & Major Projects**Author:** Strategic Planner**REPORT****EXECUTIVE SUMMARY**

Whittlesea Planning Scheme Amendment C199 proposes to rezone two sites abutting the future Quarry Hills Regional Parkland. The two sites are 240 Bindts Road, Wollert and 55 Regent Street, Mernda.

The proposed amendment seeks the rezoning of part of the land on these sites within the Urban Growth Boundary from the Rural Conservation Zone to General Residential Zone. In addition, it is also proposed that the Development Plan Overlay (Schedule 27) and the Vegetation Protection Overlay be applied to the land that is proposed to be rezoned. It is also proposed to remove the Significant Landscape Overlay from the same portion of land.

The amendment was reported to Council on 15 March 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 18 July 2016, two submissions were received. No submissions were received objecting to the Amendment.

Accordingly, it is recommended that Council adopt Whittlesea Planning Scheme Amendment C199 and forward the Amendment 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 C199. This includes a background, a summary of submissions and recommendations to finalise the Amendment.

INTRODUCTION

Amendment C199 seeks to rezone land within the Urban Growth Boundary on 240 Bindts Road, Wollert and 55 Regent Street, Mernda in order to allow for future residential development and further facilitate the assemblage of the Quarry Hills Regional Parkland.

The Amendment specifically:

- Rezones land which is currently zoned Rural Conservation Zone within the Urban Growth Boundary to the General Residential Zone (GRZ);
- Applies a Development Plan Overlay – Schedule 27 (DPO27) over the land rezoned GRZ;

- Applies the Vegetation Protection Overlay – Schedule 1 (VPO1) over the land proposed to be rezoned to GRZ; and
- Removes the Significant Landscape Overlay – Schedule 2 (SLO2) from the land proposed to be rezoned to GRZ.

The subject area and the specific sites that are subject to this Amendment are identified within *Attachment 1* and *Attachment 2*.

This proposal is part of the ongoing strategy to secure land for the future Quarry Hills Regional Parkland (QHRP). The proposed amendment will give effect to the voluntary legal agreements associated with the two individual sites in question and will facilitate the transfer of land outside of the Urban Growth Boundary (UGB) into public ownership as open space. The amendment if approved will result in approximately 46 hectares of land being transferred into the future Quarry Hills Regional Parkland and 12 hectares of land for residential development.

NOTIFICATION PROCESS

Amendment C199 was placed on public exhibition from 16 June 2016 to 18 July 2016, to affected landowners, Prescribed Ministers and relevant authorities. Notice of the amendment was also placed in the Whittlesea Leader and the Victorian Government Gazette.

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

Table 1: Submissions

Key Submission Points		Officer Response
Agency		
Melbourne Water		
Has reviewed Amendment C199 and has no objection to the proposal.		Noted. No further response necessary.
Metropolitan Planning Authority (MPA)		
The MPA has indicated they do not object to C199 They expect that Council will undertake the steps necessary to collect the development contributions which have been secured with the landowners.		The comments by the Metropolitan Planning Authority are noted. Council officers have secured legal agreements with the landowners for the payment of development contributions. These contributions will be paid at the time of development and this timing is outlined in the relevant agreements. No further action is necessary.

DISCUSSION

Amendment C199 rezoning reflects the statutory planning approach taken with other landowners surrounding the future Quarry Hills Regional Parkland. The proposed planning controls are consistent with the planning framework applied to the rest of the Mernda Strategy Plan area.

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

It is therefore considered that the proposed amendment outlines the most appropriate planning mechanisms to instigate and manage future development of the land as well as facilitate the ongoing assemblage of the Quarry Hills Regional Parkland.

POLICY STRATEGY AND LEGISLATION

The Quarry Hills Regional Parkland is supported by a number of Council Strategies as well as in State Government Policy.

The Quarry Hills Bushland Park Master Plan was approved by Council in 2010, and the Quarry Hills Regional Parkland is referenced in the following Council strategies:

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

The Quarry Hills Regional Parkland is recognised by the State Government through:

- The *Melbourne 2030* (previous metropolitan planning strategy) Smart Growth Committee;
- The current metropolitan planning strategy *Plan Melbourne*; and
- The Northern Growth Corridor Plan.

LINKS TO THE COUNCIL PLAN

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

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

The proposal also ensures that Council responds to another key strategic objective of the Council plan in continuing to provide open spaces which respond to local needs and are in accordance with the Council goal of providing a high quality network of local parks and recreation facilities which have both community and environmental benefits.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

Planning Scheme Amendment C199 will facilitate the transfer of approximately 46 hectares of land into public ownership for the Quarry Hills Regional Parkland in exchange for approximately 12 hectares of residential development.

Amendment C199 has been subject to the standard exhibition requirements of a planning scheme amendment. Following exhibition, no submissions objecting to the Amendment were received by Council. Therefore it is recommended that Council resolve to adopt Planning Scheme Amendment C199 and forward to the Minister for Planning for approval.

Specifically it is recommended that Council resolve to:

- Adopt Planning Scheme Amendment C199 to the Whittlesea Planning Scheme;
- Request the Minister for Planning approve Amendment C199 to the Whittlesea Planning Scheme; and
- Advise the affected stakeholders and submitters of Council's resolution regarding the above.

RECOMMENDATION

THAT Council resolve to:

1. **Adopt Planning Scheme Amendment C199 to the Whittlesea Planning Scheme;**
2. **Request the Minister for Planning approve Amendment C199 to the Whittlesea Planning Scheme; and**
3. **Advise the affected stakeholders and submitters of 1 and 2 above.**

COUNCIL RESOLUTION

MOVED: *Cr Kirkham*

SECONDED: *Cr Stow*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.1.4 43 HOWELL STREET, LALOR - CONSTRUCTION OF TWO DOUBLE STOREY DWELLINGS

File No:	715900
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Senior Planner
APPLICANT:	Entire Design & Construction Pty Ltd
COUNCIL POLICY:	Nil
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan (Schedule 3)
REFERRAL:	Nil
OBJECTIONS:	Two
RECOMMENDATION:	That Council approve the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct two double storey dwellings. The existing vehicle crossing is integrated into the design response.

Advertising of the proposal resulted in two objections being received. The grounds of objection relate to excessive built form, overshadowing and additional traffic.

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

The Housing Diversity Strategy (HDS) nominates this site as being within the Neighbourhood Interface Change Area. The proposal complies with the preferred density and design principles of this Change Area and is considered to be an acceptable 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 southern side of Howell Street, Lalor, approximately 65m east of Mount View Road (*see Attachment 1*). The subject site is flat and irregular in shape with a frontage to Howell Street of 24.7m, a rear boundary with a width of 11.5m and an average depth of 40.5m giving a total site area of 717m². The site currently contains a detached single storey dwelling constructed out of brick with a tiled hipped roof. There is no vegetation of significance contained within the site.

The surrounding area is generally characterised by predominantly single storey dwellings with some examples double storey dwellings present. The adjoining property to the east is a single storey weatherboard dwelling with a tiled hipped roof and the properties to the west consist of three single storey dwellings constructed of brick. Examples of medium density development within the immediate vicinity are located at 35, 45, and 48 Howell Street, 100 and 102 Mount View Road, and 32, 34, 40 and 42 Tramoo Street.

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

- Thomas Street Recreation Reserve (100m west)
- High Street (370m east)
- Bus routes 554, 555 and 557 (370m east)
- Peter Lalor Secondary College (380m north)
- High Street Shops (400m east)
- Lalor Shops (600m east)
- Lalor Railway Station (1km northeast).

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 170 on Plan of Subdivision 021176. The site is affected by a 3m wide drainage and sewerage easement abutting the southern boundary of the site. No works are proposed within the easement and there are no restrictions on title that preclude Council from determining the application.

PROPOSAL

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

The two double storey dwellings (Dwelling Nos. 1 and 2), will each contain an open plan kitchen/lounge/meals area, amenities at ground level and four bedrooms at the upper level. Dwelling No. 1 also has a fifth bedroom at ground level. Dwelling No. 1 will be provided with a new vehicle access, while Dwelling No. 2 will utilise the existing vehicle crossover. Each dwelling is provided with a double garage and third car parking space within the driveway.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	5	6.2m front (north), 1m west (side) and 7.6m south (rear).	172m ² of private open spaces (including 112m ² of secluded private open space)	Double garage (6.0m x 5.5m), plus open car parking space in front of garage.	7.6m (overall)
Dwelling No. 2	Double Storey	4	7.7m front (north), 0m east (side) and 7.6m south (rear).	158m ² of private open spaces (including 125m ² of secluded private open space)	Double garage (6.0m x 5.5m), plus open car parking space in front of garage.	7.6m (overall)

PUBLIC NOTIFICATION

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

1. Excessive built form
2. Overshadowing
3. Additional traffic and cars parked on the street

HOUSING DIVERSITY STRATEGY

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

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

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>Developments within the area are generally from the 1960s and typically detached, and single storey houses constructed of brick or weatherboard. There are some examples of double storey dwellings within close proximity of the subject site. Garages, where provided, are generally located at the rear of the property. However, there are examples of garages fronting the street.</p> <p>Neighbouring properties have varying street frontage setbacks ranging from 6-8m.</p> <p>The proposed development represents a departure from the typical style of dwelling found within the surrounding area. However, the proposed development provides an appropriate design response to the surrounding character presenting a broad built form with upper levels recessed from the ground level.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				The selection and application of materials can be consolidated to simplify the façade while providing distinctly different identities for each dwelling. It is recommended that a condition of permit require a revised façade to be provided on amended elevations.
B2	Residential Policy	✓	✓	<p>The HDS nominates the subject site as located within the Neighbourhood Interface Change Area (Clause 21.09-4 of the WPS). This Change Area encourages medium and standard density development with the preferred housing types comprising single dwellings, dual occupancies (including duplexes), townhouses and multi-units.</p> <p>Key design principles include a range of building heights that support housing diversity, moderate front setbacks to allow for significant landscaping and medium canopy trees, medium site coverage, useable private open space and the provision of a large canopy tree in the rear setback.</p> <p>The proposed development is consistent with the preferred density and key design principles outlined in the HDS.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B12	Safety	✓	✓	
B13	Landscaping	✓	X	A landscape plan has not been provided with the application. The proposed paths to each front door are not necessary and should be removed in favour of additional landscaping. It is considered that this can be dealt with by a condition on any permit that is issued.
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
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	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
B32	Front fences	✓	✓	
B33	Common property	✓	X	While no common areas are proposed, the front yard should be clearly delineated. It is recommended that a condition of permit be included to provide for a low fence to separate these areas.
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	5	2	3	Yes
2	4	2	3	Yes

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

Clause 52.06 also requires visibility splays to be provided at the entrance to the subject site to ensure that appropriate lines of sight are provided for vehicles exiting the land. In this instance the visibility splays have not been shown. Should a permit be issued, it is recommended that a condition requiring visibility splays be submitted to for endorsement.

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. Excessive built form**

The proposed built form provides for two double storey dwellings in a duplex configuration. The western façade is well articulated as Dwelling No. 1 responds to the western boundary of the site, which is not perpendicular to the Howell Street frontage. The eastern boundary is perpendicular to the site frontage. Along this boundary the upper level of Dwelling No. 2 lacks articulation, resulting in a built form that is visually excessive. Accordingly, this ground of objection can be substantiated.

To resolve this issue, it is recommended that the upper level of the eastern façade, be modified to introduce both articulation and a variation of colour to provide visual relief.

2. Overshadowing

The proposed development will result in some shadowing of adjoining properties. However, the proposal complies with Standard B21 and is consistent with the 'Overshadowing open space objective, at Clause 55.04-5. Accordingly, this ground of objection cannot be substantiated.

3. Additional traffic and cars parked on the street

The proposed development provides car parking in excess on the minimum requirements of Clause 52.06 of the Whittlesea Planning Scheme and complies with all relevant standards of Clause 55 relating to vehicle access. Accordingly, this ground of objection cannot be substantiated.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715900 and issue a Notice of Decision to Grant a Permit for the construction of two dwellings at 43 Howell Street Lalor, 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) The articulation of the eastern upper level increased by recessing the walls of Dwelling No. 2 to the sitting room and Bedroom No. 4 by an additional metre from the eastern boundary. The roof form is to also be amended to match.
 - b) A variation of colour at the eastern upper level walls of Dwelling No. 2 to highlight the increased articulation required by Condition No. 2a).
 - c) Provide a low fence to separate the front yards.
 - d) Remove the proposed paths to the front doors to maximise opportunities for landscaping.
 - e) Visibility splays in accordance with Design Standard No. 1 of Clause 52.06 of the Whittlesea Planning Scheme.
 - f) A revised northern façade that:
 - i. Provides a clear distinction and separate sense of identity for each dwelling by use of different (but complementary) materials and colours.
 - ii. Replace the vertical timber cladding with a similar but more durable material.
 - iii. Provide opaque glazing to the glazed balustrade of Dwelling No. 2.
 - g) A schedule (including samples) of all external materials and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed dwellings/buildings, including access ways. Any proposed access way must be constructed from coloured concrete, bricks, pavers and not from plain concrete.
 - h) A landscape plan in accordance with Condition No. 3.
3. A detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any vegetation to be retained, the location of all new planting, a schedule of plant species and height at maturity, and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority and include large and medium sized trees. All trees must be at an advanced stage of growth when planted.
4. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
7. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
8. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
9. 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.

10. 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.
11. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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 Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.1.5 MERNDA TOWN CENTRE NORTH EAST DEVELOPMENT PLAN**File No:** 192811

Attachments:

- 1 Locality and Zoning Map**
- 2 Mernda Strategy Plan - Precinct 3**
- 3 Mernda Town Centre Comprehensive Development Plan**
- 4 Proposed Development Plan**
- 5 2016 Mernda Railway Station Reference Case**

Responsible Officer: Director Planning & Major Projects**Author:** Team Leader Growth Area Projects**REPORT****EXECUTIVE SUMMARY**

The purpose of this report is to consider a Development Plan proposal for the Mernda Town Centre North-East Precinct (land bounded by Bridge Inn Road to the south, Plenty Road to the west, Station Lane to the north and the Mernda Rail Reserve to the east). The Development Plan proposes a mix of retail, office and residential uses to support the mixed use development of the Mernda Town Centre core. The Development Plan area is also affected by the Comprehensive Development Zone and must be in accordance with the incorporated *Mernda Town Centre Comprehensive Development Plan*.

The Development Plan has been prepared to provide greater clarity and more detail with respect to the site. The Development Plan was informally exhibited and a number of submissions received. Consideration of the Development Plan was effectively held in abeyance due to matters arising from the Mernda Rail Extension Project and in particular the treatment of Station Road.

Following an extensive period resolving submitters' concerns and advancement of the Mernda Rail Extension Project, it is recommended that the Development Plan is approved by Council subject to a number of amendments.

BACKGROUND

The Mernda Town Centre North-East Development Plan (MNEDP), submitted by Spiire Consultants on behalf of the collective landowners, has been prepared in accordance with Schedule 15 of the Development Plan Overlay which affects the land. *Attachment 1* shows the area covered by the MNEDP and its locational context.

Due to the nature of submissions received during the non-statutory exhibition and uncertainty regarding the Mernda Railway Extension, the MNEDP has been the subject of lengthy ongoing discussions and negotiation. This report will discuss the merits of the MNEDP proposal and issues raised in the context of the applicable statutory framework and the submissions received.

SITE DESCRIPTION & CONTEXT

The subject site forms part of the north-eastern quadrant of the Mernda Town Centre (MTC). It is bounded by Station Lane to the north, Bridge Inn Road to the south, Plenty Road to the west and the Mernda Rail Reserve to the east.

The precinct itself is made up of twelve landholdings of various sizes. Of note, the area contains the historic Mernda Mechanics Institute and associated buildings at the corner of Plenty Road and Bridge Inn Road. The original main building is a single storey bluestone brick building which dates back to 1888. Directly north of the Mernda Mechanics Institute is a Shell Service Station that has been in operation for approximately 40 years. Except for the buildings themselves, the site collectively is quite undeveloped and reflects previous rural character of the area.

Beyond the site, south of Bridge Inn Road and west of Plenty Road, is additional land forming part of the broader MTC. The land to the south is nominated as the MTC Core and is the retail and community focus of the MTC and broader *Mernda Strategy Plan* area. It also contains the future transport hub associated with the Mernda Rail Extension which will be the focus for this pedestrian oriented mixed use precinct. This will serve as one of the primary anchors of the MTC. To the west of the site retail development has been approved, but has yet to commence construction.

To the east of the MNEDP area is the Mernda Rail Reserve which is to incorporate the future extension of the South Morang railway line to Mernda, more specifically this section is proposed to provide stabling for trains. Beyond the rail reserve further east is the existing Mernda Township. The Township is largely established with a mix of medium and standard density residential, with some open space and drainage reserves. Land to the north of Station Lane is subject to future development and will require the preparation of a Development Plan in accordance with Schedule 5 to the Development Plan Overlay, primarily for residential purposes.

STRATEGIC POLICY

The subject site is affected by a number of strategies that have been incorporated into the Whittlesea Planning Scheme to guide the future direction of growth within the Mernda-Doreen growth area and MTC. These are briefly discussed in turn below.

Mernda Strategy Plan (MSP)

The subject land is included within Precinct 3 of the MSP area (*Attachment 2*) and is nominated as part of the future MTC. The MSP highlights the need to incorporate the key heritage places such as the Mernda Mechanics Institute into the design and development of this area.

Other features of the MSP in this area include:

- A majority of the area shown as retail/mixed use;
- The area to the north-east as medium density residential;
- A north-south collector road providing connection between and Bridge Inn Road and Plenty Road.

Mernda Town Centre Comprehensive Development Plan (CDP)

The CDP (*Attachment 3*) sets out the detailed framework and design principles to be applied in the implementation of the MTC. The CDP seeks to achieve a town centre that *'reflects the realities of a modern economy, but at the same time exhibits the valued characteristics of a traditional urban village'* It seeks to do this by encouraging a high quality of architecture, with a vibrant mix of land uses to create a distinctive sense of place. The CDP addresses each of the four quadrants of the MTC with specific design and land use objectives.

With respect to the north-east precinct (subject MNEDP area) the relevant key objectives of the CDP include:

- Capturing economic benefits that can flow from arterial roads by fronting them with appropriate retail and commercial development.
- Align street linkages to provide safe and convenient access to public transport nodes.

- Utilise Mernda's distinctive heritage buildings, to create a positive sense of place.

Mernda Strategy Plan Development Contributions Plan

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

PLANNING ASSESSMENT/Framework

Zoning

The subject land is affected by the Comprehensive Development Zone Schedule 1 (CDZ1) (Clause 37.02).

Overlays

The subject land is affected by 4 planning scheme overlays, which include:

- Vegetation Protection Overlay Schedule 1 (VPO1) (Clause 42.02);
- Development Plan Overlay Schedule 15 (DPO15) (Clause 43.04);
- Development Contributions Plan Overlay Schedule 9 (DCPO9) (Clause 45.06); and
- Incorporated Plan Overlay Schedule 1 (IPO1) (Clause 43.03).

One landholding within the subject site is also affected by the Heritage Overlay Schedule 20 (HO20) (Clause 43.01) – encompassing the Mernda Mechanics Institute.

DEVELOPMENT PLAN DISCUSSION

The section provides a brief summary of the key features of the proposed MNEDP. The plan component of the MNEDP is shown at *Attachment 4*.

Land Use

- Identification of the Mernda Mechanics Institute as a significant heritage site to be incorporated within future development.
- Sleeved retail/mixed use along Bridge Inn Road and Plenty Road providing activation of the arterial roads.
- Identification of 'prime marker' buildings on major road intersections.
- Designation of residential to the north-east away from Bridge Inn Road and Plenty Road.
- Internal car parking located away from streetscapes, with any frontages to roads or sensitive uses to be landscaped.
- An "Urban Plaza" along the north-south main street extension through the site.

Traffic and Circulation

- Identifies a north-south collector road to act as an extension of Main Street from the MTC.
- Includes a bike path within the north-south collector road, road reserve.
- Nominates signalised intersections of the north-south collector road with Plenty Road and Bridge Inn Road.
- Provides for road interface to rail corridor via Station Road.

- Identifies a local street to provide an alternative access and precinct connectivity and permeability between Station Road and the north-south collector road.
- Maintenance of Station Road to provide for improved circulation, permeability and access to and within the precinct.
- Provides a roundabout treatment at the intersection of the collector road and the local street.
- Nominates four pedestrian crossings.
- Includes shared path treatment along the Plenty Road interface.

Environment

- Landscape buffer interface along sections of Bridge Inn Road.

CONSULTATION AND NON-STATUTORY EXHIBITION

Since the submission of the MNEDP, there has been extensive officer negotiation with the proponent over various iterations of the plan.

Through the internal review process, a range of changes were made to the document in order to address road network issues, interfaces with Bridge Inn and Plenty Roads, and inclusion of appropriate background information. Following these discussions the current MNEDP proposal was submitted in June 2014 and placed on non-statutory exhibition over a four week period between September and October 2014.

Whilst there is no statutory requirement to advertise the MNEDP document, in accordance with Council practice, a copy of the MNEDP was sent to the adjoining and potentially affected properties and referral authorities for comment as part of a non-statutory exhibition process.

At the conclusion of the exhibition period a number of submissions were received from referral authorities and potentially affected landowners. Submissions from Public Transport Victoria (PTV) and VicTrack objected to a fundamental component of the MNEDP relating to the role and function of Station Road. As such, the DP has been held in abeyance until this issue was resolved. This issue is discussed further in the following section.

DEVELOPMENT PLAN SUBMISSION DISCUSSION

Amongst the issues raised in the submissions, the most significant issue relates to the proposed road network and the delivery of road infrastructure within the MNEDP area.

Through the 2014 consultation process VicRoads, PTV and VicTrack provided conflicting positions on the form and ultimate designation of road infrastructure within the MNEDP area. The majority of these concerns related to uncertainty regarding the commitment to, timing and subsequent final design of, the Mernda Rail Extension Project (Rail Extension).

Council Officers had the opportunity to meet with each respective authority in late 2014 to discuss each of the concerns raised in submissions. It was determined through these discussions that most of the issues relating to the road infrastructure ultimately were linked to the planning and delivery of the Rail Extension and its impact on Bridge Inn Road and Station Road, which is nominated within the VicTrack rail reserve.

In their 2014 submission, VicRoads did not raise issue with the proposed road network of the MNEDP, and merely, VicRoads sought clarification on the delivery of infrastructure items.

VicRoads did however acknowledge that the ability to deliver the road network as envisaged by the MNEDP would be impacted upon by the Rail Extension project. VicRoads raised further concerns as to how the Rail Extension would be affecting existing road infrastructure (Bridge Inn Road) and sought clarification from PTV and VicTrack regarding the extent of the Rail Extension project and the potential impacts this would have on the road network for the MNEDP and more broadly the Mernda Town Centre.

VicTrack and Status of Station Road

Like VicRoads, PTV & VicTrack also had no issue with the proposed road network. The only critical concern raised was in relation to the location and subsequent upgrade of Station Road for public use within the Mernda Rail Reserve.

It is important to note that currently, Station Road is an informal Council managed road that is within VicTrack owned land which provides access to existing dwellings. It is proposed by the MNEDP to be upgraded to the role of 'local street' and will link to station lane to create a perimeter road, increasing permeability of the precinct whilst also creating a defined boundary between the MNEDP area and Mernda Rail Reserve.

In VicTrack's 2014 submission to the MNEDP, they stated that:

"Plans for the [rail] extension have yet to be finalised and may not be for some time. Therefore the Development Plan will not be able to rely on access to the subject land from VicTrack owned land. Accordingly, PTV and VicTrack object to the inclusion of direct access onto the rail reserve [Station Road]".

At the time of the receipt of submissions, officers were unaware that Station Road was on VicTrack land, noting that Council has been maintaining the road and the road provided access to a number of existing properties. In essence VicTrack were seeking to revert Station Road to a private road/access.

It is considered that ongoing use of the Station Road link is critical, as the area is earmarked for intense development and needed an additional north-south road link to increase accessibility, circulation and permeability for the MNEDP and avoid the development of a dead end street, in this context.

Relocating Station Road to the west, outside of VicTrack land was considered as an option however the impact on adjoining properties with respect to a land take process is considered excessive. The only efficient and practical option considered to be viable is the retention and upgrade of Station Road.

With the uncertainty regarding the delivery of the Rail Extension and the absence of a reference case at the time and an inability to ascertain the best planning outcomes, the MNEDP was held in abeyance until the matter could be reconsidered by PTV and VicTrack, and Council Officers were satisfied that there was a level of certainty regarding the Rail Extension project and its impacts.

Since the MNEDP was advertised, the Victorian State Government has committed to the delivery of the Mernda Rail Extension which is being project managed by the newly created Level Crossing Removal Authority (LXRA). Council Officers have been actively seeking to be involved with PTV and the LXRA to inform the Rail Extension design. This included amongst a range of issues advocating for the rail reserve to the north of Bridge Inn Road to be used for train stabling and utilising the existing function of Station Road.

In early 2016, a reference case was finalised and a number of public consultation sessions were conducted by the LXRA. The plans that were displayed showed Station Road and associated car parking on the eastern boundary (*Attachment 5*). Whilst the cross-sectional elements were not detailed, the total area set aside for the cross-section will be able to accommodate the local road design and parking requirements within the VicTrack land on the current alignment. Upon reviewing the Reference Design for the Rail Extension, Council Officers in April 2016 sought clarification from VicRoads, VicTrack, PTV and LXRA on the status of Station Road to progress finalisation of the MNEDP.

Over the course of the next two months, PTV, LXRA, VicRoads and Council Officers were involved in a number of discussions that sought to finalise agreement of the road network and access for the MNEDP area. These discussions culminated in a letter dated 28 June 2016 from the LXRA (representing the views of PTV, VicTrack and VicRoads) that confirmed key features of the Rail Extension design. This included (but not limited to):

- The rail will cross over Bridge Inn Road on structure;
- The platforms for Mernda Station will be on elevated structure to the south of Bridge Inn Road;
- Stabling for three 6-car trains to the north of Bridge Inn Road, with provision for future expansion to stabling for eight 6-car trains;
- Car parking, with capacity up to 1000 spaces, will be provided at the station and on both sides of the rail reserve on VicTrack land to the north of Bridge Inn Road; and
- Provision for the future widening of Bridge Inn Road.

In relation to Station Road, the LXRA identified that Station Road will be upgraded to provide approximately 120 (90°) parking spaces adjacent to the stabling area. Given the proximity of the Station Road intersection with Bridge Inn Road, it was identified that the a left-in/ left-out treatment would be appropriate in the interim and that additional access to Bridge Inn Road would be afforded through the road network within the MNEDP and ultimate duplication of Bridge Inn Road. Details regarding the ultimate upgrade of the intersection could be considered once the duplication of the Bridge Inn Road and the Rail Extension is complete. It is considered that this outcome is reasonable and should be supported.

The upgrade of Station Road has allowed existing access arrangements to local properties to be maintained. In summary the LXRA advised that future development along and access to Station Road would be subject to PTV and VicTrack approval. It is noted that this does not definitively resolve the issue of utilising Station Road as a public access road in the long term, however it is considered to be a substantial shift in the position from objection that was conveyed in 2014. Considering that the LXRA have not prohibited use of the reservation, it is considered appropriate to progress the finalisation of the MNEDP. This will allow for detailed design work for the area to commence and provide a level of certainty to the landowners.

It is considered that the resolution of the status of Station Road can be dealt with at the detailed planning permit application stage. It is at this time that Council Officers should work with the LXRA to refine the ultimate cross section for Station Road.

The LXRA, together with VicTrack, PTV and VicRoads, submitted a number of comments for refinement of the MNEDP in response to finalisation of the road and access issues. All comments are supported by Council Officers and include the following by way of recommendations to include these by way of amendments to the MNEDP.

Officer Recommendation

- **Update the proposed Development Plan to reflect that Station Road is part of the existing Mernda Railway Reserve on VicTrack land.**
- **Include a footnote on the Development Plan to the effect that the “use of Station Road for access to Plenty Road and Bridge Inn Road from future development would be subject to no net loss of commuter parking, resolution of the status of Station Road and traffic impact assessment”.**
- **Update the proposed Development Plan to show that the intersection of Station Road and Bridge Inn Road should initially be shown as left in left out and an upgrade to signalisation considered as part of the duplication works of Bridge Inn Road.**
- **Update the proposed Development Plan to show the proposed widening of Bridge Inn Road.**
- **Include a footnote on the Development Plan to the effect that “ultimate access to Station Road from Station Lane or future development would be subject to VicTrack and PTV approval”.**
- **Update the proposed Development Plan to show the proposed railway corridor, stabling, Mernda Station and transport hub.**

- Include text at Section 6.5 of the Development Plan Report to the effect that “the plan should consider the interfaces of the future development with the proposed car park and stabling in the rail reserve”.
- Include a footnote on the Development Plan to the effect that the “all non-signalised intersections on Plenty Road and Bridge Inn Road will be a left-in / left-out treatment in the ultimate”.
- Amend Project RO10 “(Signalisation of Plenty Road and North-South Collector Street)” to show that it will be developer funded to the satisfaction of the Responsible Authority.
- Exclude all traffic treatments shown on Schotters Road, including any intersection treatments, from the Development Plan as they are located outside the boundary of the *Mernda Town Centre North-East Development Plan*.

It is not noted that the LXRA's most recent position is not a direct approval for the use of Station Road. As noted above it contains a number of caveats to support such a proposal in the future. Notwithstanding it is considered that this represents the best possible outcome at this stage to allow for the MNEDP to move forward with these matters to be determined subsequently at the planning permit application stage, thus providing an opportunity for development to commence in the precinct.

Should the Station Road issue not be resolved satisfactorily in the future it is recommended that a second north-south road be pursued within the MNEDP, to ensure the circulation and accessibility within the MNEDP are not compromised by a poor road layout. To this end the MNEDP needs to be amended to reflect this potential outcome should the Station Road matter not be resolved.

Officer Recommendation

- Should the function of Station Road not be upgraded to the role of ‘Local Road’, provision must be made within the *Mernda Town Centre North-East Development Plan* for an additional north-south road link.

Other Submissions

In addition to the LXRA, PTV, VicTrack and VicRoads submission above, other State agencies and one landowner submitted to the MNEDP in 2014. These are summarised in the table below with accompanying officer responses as relevant.

Key Submission Points	Officer Response
Urbis (on behalf of Woolworths)	
The nomination of “higher level retail/commercial/ mixed-use” uses within the MNEDP should not compromise the ability for a full line supermarket and specialty shops to locate within the MTC core, as envisaged by the MSP and CDP.	<p>The provision of retail/commercial mixed uses within the MNEDP is consistent with the retail hierarchy for the subject land as set out within the MSP and CDP which both nominate the majority of the subject land for “retail mixed use”.</p> <p>The CDP dictates the location of a supermarket in the retail core of the MTC and not within this precinct. The MNEDP does not propose the inclusion of a supermarket. Any proposal for a supermarket within the MNEDP area would be inconsistent with the CDP and therefore not supported.</p> <p>There is no change required to the MNEDP.</p>
The inclusion of retail/mixed use proposed within the MNEDP should be supported with sound economic justification.	As per comments above.

Key Submission Points	Officer Response
<p>Request clarification on the delivery of development contributions to provide for necessary infrastructure and the cost apportionment between owners of each precinct.</p>	<p>As previously mentioned the MSP Development Contributions Plan (DCP) sets out the applicable development contributions to be satisfied for infrastructure, community and open space projects. All land within the MSP is required to either pay the applicable contribution rate or deliver specific DCP items subject to agreement. These matters are dealt with generally as additional conditions of permit at the detailed subdivision stage.</p> <p>Items required to service particular development outcomes on a site that are not included within the DCP are considered developer works and do not attract any credit from the DCP. Where such items sit on the border of multiple development sites, there may be benefit in those parties coming to a cost sharing arrangement and delivering the works required by the developments upfront to lessen the overall cost associated with a staged approach. In the absence of such an approach, Council will seek to ensure that the safety and functionality of the area is maintained as a result of the impacts of cumulative development proposals by stipulating works required for each development while preserving the ability to accommodate the ultimate development scenario.</p> <p>There is no change required to the MNEDP.</p>
<p>The requirements and allocation within the Development Contribution Plan Schedule 9 (DCPO9) are out-dated, and clarification is needed for the contribution from each landowner within the MTC area.</p>	<p>The requirements of the DCPO stand in their current form. Contributions are indexed annually.</p> <p>The ultimate overall cost, apportionment, method and timing of delivery of individual infrastructure items forming part of the DCP will be dealt with as part of detailed development proposals for each site within the MTC.</p>
Melbourne Water	
<p>Melbourne Water does not object to the MNEDP, and provided a number of conditions requested to be included as part of any future planning permit application.</p>	<p>Noted. To be dealt with during the detailed subdivision/development stage.</p>
AusNet Services	
<p>AusNet note their current capacity concerns and has requested that should significant development be proposed and the electrical load required be greater than what is available, a lead time of two years must be allowed for the establishment of the new distribution feeder.</p> <p>Furthermore, should Council request new supplies to be underground it will be necessary to make this a planning permit requirement.</p>	<p>As part of the future Planning Permit and Subdivision application process, AusNet will be involved in the process to identify service provision for proposed lots. It is at this time that AusNet will be able to identify concerns regarding the supply electricity and provide appropriate comments to resolve any issues.</p> <p>No change to the MNEDP is required.</p>

Key Submission Points	Officer Response
Yarra Valley Water	
Provided preliminary service advice for the proposed precinct, however did not object to the MNEDP.	Noted.

ADDITIONAL OFFICER ISSUES

Council Officers have undertaken their own assessment noting all other submissions and identified a few minor matters that need strengthening or clarification within the MNEDP. These are discussed briefly below.

Staging

Staging Plans are important components of the Development Plans as they nominate a subdivision sequence, inform infrastructure items in accordance with the subdivision sequence and set out the overall organisation of how the development area is to be delivered.

The process for staging within the MNEDP has been detailed within section 6.6 of the Development Plan Report. Section 6.6 includes 'Table 1: Development plan staging requirements', which identifies each infrastructure requirement for the MNEDP area and which landowner is required to deliver it. The Staging Plan on page 36 of the Development Plan Report proposes how the MNEDP should be developed and in what order.

However, there appears to be a disconnect between how the Staging Plan and Table 1 should be read within the MNEDP. It is considered that the Staging Plan on page 36 should be read in conjunction with Table 1, and that the proposed Staging Plan will need to be revised to clearly show stages for subdivisions and identify exactly when infrastructure items are to be delivered and identified within Table 1. Table 1 should also be updated to correspond with the stage of development on the Staging Plan and clearly state the apportionment of each item for each landowner.

Officer Recommendation

- **Include a footnote on pages 33 and 36 of the Development Plan to the effect that the proposed Staging Plan and Table 1 'Development plan staging requirements', are to be read in conjunction.**
- **Update the proposed Staging Plan to show stages for subdivisions and identify when infrastructure items are to be delivered in accordance with Table 1.**
- **Update Table 1 of the Development Plan Report to correspond with the stages of development on the Staging Plan and clearly state the cost apportionment of each item for each landowner.**

Existing Vegetation/Landscape

The site has some existing vegetation. The accompanying arboriculture report has provided some detail regarding the health and status for a number of the trees within the MNEDP. However, no specific guidance has been provided with regards to the retention and/or removal of native vegetation.

To this end the MNEDP is silent on how the existing vegetation should be incorporated within the MNEDP. On this basis, it is considered that vegetation will be afforded protection in accordance with the provisions of VPO1, which require a planning permit application process for any proposed native vegetation removal and may trigger offsetting requirements.

It is important that this is clarified within the MNEDP further as a first step any proposal needs to maximise tree retention and demonstrate what attempt has been made to incorporate existing significant vegetation within any proposal. This will be required to be identified within the Development Plan report.

With regard to introduced vegetation for the MNEDP area, most will be provided through street based tree planting. However, there is little guidance on the role the trees within the precinct. It is considered that the MNEDP should be updated to identify the types of tree, how they are to be planted and how buildings are to respond to the trees.

Council's Parks and Open Space Department have recommended that larger form canopy trees should be encouraged to create a stronger main street avenue; for example 'Pinegreen Green Pillar' (*Quercus Palustris*), or 'Capital' (*Pyrus Calleryana*). A note should be made on the Landscape Concept Plan to reflect this.

Finally for completeness, it is considered that street tree planting should be included along the interface with Plenty Road and Bridge Inn Road, this will complement the future provision of shared pedestrian paths along these roads.

Officer Recommendation

- Include text within Section 3.3.2 "Ecology", that notes that planning permission will be required for the removal of any native vegetation within the *Mernda Town Centre North-East Development Plan* area in accordance with relevant statutory controls and Council policies.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'the removal of any native vegetation will be subject to a planning permit process in accordance with relevant statutory controls and Council policies'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any application / proposal within the *Mernda Town Centre North-East Development Plan* area must seek to maximise retention of existing native vegetation and demonstrate efforts to incorporate this within any proposal'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'vegetation proposed for retention must be retained in accordance with Council's Tree Protection Zone policy and guidelines'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any trees proposed for removal may be subject to offsetting requirements'.
- Amend the third bullet point on Page 23 to note that "while buildings along the street frontage should incorporate canopies, they must not interfere with regularly spaced trees".
- Amend the first bullet point on Page 25 to include a reference to the provision of street trees within the *Mernda Town Centre North-East Development Plan*.
- Update Figure 15 "Landscape Concept Plan" to show planting along the eastern edge of Plenty Road and northern edge of Bridge Inn Road.
- Update the cross-section on Page 32 to identify street tree planting along the northern side of Bridge Inn Road.
- Include a footnote on Figure 15 "Landscape Concept Plan" to the effect that larger form canopy trees are encouraged and these include "Pinegreen Green Pillar" (*Quercus Palustris*) or "Capital" (*Pyrus Calleryana*).

Traffic Matters & Site Connectivity

At a strategic level, traffic matters and road connectivity have been resolved in collaboration with VicRoads, PTV and the LXRA. There are however a number of matters that require some refinement and most of these relate to provision of bicycle infrastructure, roads meeting Council standards and provision of land to accommodate the required cross section of Station Lane.

It is understood that Station Lane is to serve a higher traffic function than that of a local road, with the potential for a loop Bus Service to access Station Road to facilitate an integrated transport hub. The current road width nominated within the MNEDP is not sufficiently wide enough to allow for bus access. It is considered that the road be upgraded to a minimum width of 20m. The current Station lane cross-section is approximately 10 metres, therefore to achieve an ultimate 20 metre cross-section the MNEDP must provide for a land take of 5m on either side of the current Station Lane Road Reserve to accommodate this potential widening.

In the event that a bus route is not provided along Station Lane, the current proposal of 16m within the MNEDP can be reconsidered. However this will need to be discussed at the detailed planning permit application stage and with PTV. A footnote should be included within the MNEDP to the effect that reflects both potential options.

Another issue relates to the use of roads to act as land use buffer between more sensitive residential uses and the predominant commercial/office uses for the MNEDP. Figure 17 on provides an indicative Residential/Commercial Interface treatment, it is noted that this needs to be amended to provide for a standard 7.3 metre pavement rather than a 7.0 metre pavement depicted for a local road. Notwithstanding, this should not be considered the only potential interface treatment. It is considered that a footnote should be included at the bottom on Figure 17 that states that Council can consider other proposed interface treatments at the detailed planning permit application stage to their satisfaction.

Officer Recommendation

- **Update the proposed Development Plan to show a road width of 20m for Station Lane and that a 5m wide land take is required either side of the current Station Lane road reserve.**
- **Include a footnote on pages 12 and 27 of the Development Plan to the effect that “should Station Lane not be required to accommodate a bus service, the ultimate reservation for Station Lane can be renegotiated with the Responsible Authority and PTV at the planning permit application stage”.**
- **Amend Figure 17 to identify a 7.3 metre wide road pavement as opposed to a 7.0 metre wide road pavement.**
- **Amend Figure 17 to include a footnote to the effect that other residential/commercial interface treatments may be considered by Council to their satisfaction at the planning permit application stage.**
- **Update the proposed Development Plan to nominate a shared path on both sides of Bridge Inn Road.**
- **Amend Figures 12 and 13 to show bicycle lanes on the trafficable side of the north-south collector street as opposed to kerbside.**

POLICY STRATEGY AND LEGISLATION

It is considered that the MNEDP is generally consistent with the objectives and general provisions of the SPPF and LPPF.

The document addresses Clause 11 (SPPF) and Clause 21.04-1 (LPPF) by demonstrating the facilitation of the MTC as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

The opportunities for a mix of uses including residential, office and retail, as well as a permeable layout and retention of the Mernda Mechanics Institute will contribute to an urban environment that is safe and functional as well as providing a good quality environment with a sense of place and cultural identity in accordance with Clauses 15 and 21.08.

Clause 16 and Clause 21.09 are consistent in the requirement to provide increased housing diversity and housing quality that can be appropriately supported by infrastructure. In the instance of the MNEDP it is considered that the mixed use and nomination of residential provided for in the plan will assist in meeting these objectives.

The opportunities for fine-grain retail and well as the extension of the main street north from the MTC core will enable the MTC to become an integrated retail precinct that will meet the communities need for retail and other commercial services in accordance with Clauses 17 and 21.10.

LINKS TO THE COUNCIL PLAN

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

The MNEDP will provide for a precinct that will serve to strengthen the strategic importance of the MTC. Residents will be afforded direct access to a mix of services and amenities as well as key infrastructure including the Mernda Railway. The MNEDP also provides significant links to surrounding areas to enable the creation of a fully-fledged precinct.

As such, it is considered that the plan will meet the direction of creating places and spaces for people to connect, and that the plan has also utilised the principles of good urban design in order to create a place which helps the existing and future community to connect with each other and their surrounds.

FINANCIAL IMPLICATIONS

There are nil financial implications as a result of the *Mernda Town Centre North-East Development 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

The *Mernda Town Centre North-East Development Plan* has been developed in consultation between Council and the consultants of landowners. The plan itself has been the subject of a planning process which has refined the plan. Whilst the overarching plan is focussed on providing a mix of uses, ultimately the plan seeks to extend upon the work of the Development to the south of Bridge Inn Road and Mernda Railway Extension to the east to create an integrated mixed use precinct.

The *Mernda Town Centre North-East Development Plan* proposes the provision of good urban design outcomes that promote walkability, and have a high level of amenity.

Clear thought has been given to the role of the *Mernda Town Centre North-East Development Plan* in the context of the Mernda Town Centre and Mernda Railway Extension to reduce any uncertainty and ambiguity at the future planning permit stage.

The *Mernda Town Centre North-East Development Plan* generally accords with the *Mernda Strategy Plan*, *Mernda Town Centre Comprehensive Development Plan*, and the provisions of the Development Plan Overlay Schedule.

Notwithstanding the above, the matter regarding Station Road has progressed with the work undertaken for the Mernda Rail Extension Project. Whilst it is not ideal that the function of, and ultimate public access to, Station Road matter has not been completely resolved, the opportunity for this matter to be addressed at the future planning permit application has enabled the *Mernda Town Centre North-East Development Plan* to advance to provide certainty to the landowners.

Accordingly it is recommended that the *Mernda Town Centre North-East Development Plan* be approved subject to the amendments as proposed throughout the report. The amendments reflect the comments of the LXRA on the treatment of Station Road, officer responses to submissions and the outcomes of officer review of the *Mernda Town Centre North-East Development Plan* as detailed in the body of the report. These are detailed below:

- Update the proposed Development Plan to reflect that Station Road is part of the existing Mernda Railway Reserve on VicTrack land.
- Include a footnote on the Development Plan to the effect that the “use of Station Road for access to Plenty Road and Bridge Inn Road from future development would be subject to no net loss of commuter parking, resolution of the status of Station Road and traffic impact assessment”.
- Update the proposed Development Plan to show that the intersection of Station Road and Bridge Inn Road should initially be shown as left in left out and an upgrade to signalisation considered as part of the duplication works of Bridge Inn Road.
- Update the proposed Development Plan to show the proposed widening of Bridge Inn Road.
- Include a footnote on the Development Plan to the effect that “ultimate access to Station Road from Station Lane or future development would be subject to VicTrack and PTV approval”.
- Update the proposed Development Plan to show the proposed railway corridor, stabling, Mernda Station and transport hub.
- Include text at Section 6.5 of the Development Plan Report to the effect that “the plan should consider the interfaces of the future development with the proposed car park and stabling in the rail reserve”.
- Include a footnote on the Development Plan to the effect that the “all non-signalised intersections on Plenty Road and Bridge Inn Road will be a left-in / left-out treatment in the ultimate”.
- Amend Project RO10 “(Signalisation of Plenty Road and North-South Collector Street)” to show that it will be developer funded to the satisfaction of the Responsible Authority.
- Exclude all traffic treatments shown on Schotters Road, including any intersection treatments, from the Development Plan as they are located outside the boundary of the *Mernda Town Centre North-East Development Plan*.
- Should the function of Station Road not be upgraded to the role of ‘Local Road’, provision must be made within the *Mernda Town Centre North-East Development Plan* for an additional north-south road link.

- Include a footnote on pages 33 and 36 of the Development Plan to the effect that the proposed Staging Plan and Table 1 'Development plan staging requirements', are to be read in conjunction.
- Update the proposed Staging Plan to show stages for subdivisions and identify when infrastructure items are to be delivered in accordance with Table 1.
- Update Table 1 of the Development Plan Report to correspond with the stages of development on the Staging Plan and clearly state the cost apportionment of each item for each landowner.
- Include text within Section 3.3.2 "Ecology", that notes that planning permission will be required for the removal of any native vegetation within the *Mernda Town Centre North-East Development Plan* area in accordance with relevant statutory controls and Council policies.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'the removal of any native vegetation will be subject to a planning permit process in accordance with relevant statutory controls and Council policies'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any application / proposal within the *Mernda Town Centre North-East Development Plan* area must seek to maximise retention of existing native vegetation and demonstrate efforts to incorporate this within any proposal'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'vegetation proposed for retention must be retained in accordance with Council's Tree Protection Zone policy and guidelines'.
- Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any trees proposed for removal may be subject to offsetting requirements'.
- Amend the third bullet point on Page 23 to note that "while buildings along the street frontage should incorporate canopies, they must not interfere with regularly spaced trees".
- Amend the first bullet point on Page 25 to include a reference to the provision of street trees within the *Mernda Town Centre North-East Development Plan*.
- Update Figure 15 "Landscape Concept Plan" to show planting along the eastern edge of Plenty Road and northern edge of Bridge Inn Road.
- Update the cross-section on Page 32 to identify street tree planting along the northern side of Bridge Inn Road.
- Include a footnote on Figure 15 "Landscape Concept Plan" to the effect that larger form canopy trees are encouraged and these include "Pinegreen Green Pillar" (*Quercus Palustris*) or "Capital" (*Pyrus Calleryana*).
- Update the proposed Development Plan to show a road width of 20m for Station Lane and that a 5m wide land take is required either side of the current Station Lane road reserve.
- Include a footnote on pages 12 and 27 of the Development Plan to the effect that "should Station Lane not be required to accommodate a bus service, the ultimate reservation for Station Lane can be renegotiated with the Responsible Authority and PTV at the planning permit application stage".
- Amend Figure 17 to identify a 7.3 metre wide road pavement as opposed to a 7.0 metre wide road pavement.
- Amend Figure 17 to include a footnote to the effect that other residential/commercial interface treatments may be considered by Council to their satisfaction at the planning permit application stage.

- Update the proposed Development Plan to nominate a shared path on both sides of Bridge Inn Road.
- Amend Figures 12 and 13 to show bicycle lanes on the trafficable side of the north-south collector street as opposed to kerbside.

RECOMMENDATION

THAT Council resolve to:

1. **Approve the *Mernda Town Centre North-East Development Plan* subject to the following amendments;**
 - a) **Update the proposed Development Plan to reflect that Station Road is part of the existing Mernda Railway Reserve on VicTrack land.**
 - b) **Include a footnote on the Development Plan to the effect that the “use of Station Road for access to Plenty Road and Bridge Inn Road from future development would be subject to no net loss of commuter parking, resolution of the status of Station Road and traffic impact assessment”.**
 - c) **Update the proposed Development Plan to show that the intersection of Station Road and Bridge Inn Road should initially be shown as left in left out and an upgrade to signalisation considered as part of the duplication works of Bridge Inn Road.**
 - d) **Update the proposed Development Plan to show the proposed widening of Bridge Inn Road.**
 - e) **Include a footnote on the Development Plan to the effect that “ultimate access to Station Road from Station Lane or future development would be subject to VicTrack and PTV approval”.**
 - f) **Update the proposed Development Plan to show the proposed railway corridor, stabling, Mernda Station and transport hub.**
 - g) **Include text at Section 6.5 of the Development Plan Report to the effect that “the plan should consider the interfaces of the future development with the proposed car park and stabling in the rail reserve”.**
 - h) **Include a footnote on the Development Plan to the effect that the “all non-signalised intersections on Plenty Road and Bridge Inn Road will be a left-in / left-out treatment in the ultimate”.**
 - i) **Amend Project RO10 “(Signalisation of Plenty Road and North-South Collector Street)” to show that it will be developer funded to the satisfaction of the Responsible Authority.**
 - j) **Exclude all traffic treatments shown on Schotters Road, including any intersection treatments, from the Development Plan as they are located outside the boundary of the *Mernda Town Centre North-East Development Plan*.**
 - k) **Should the function of Station Road not be upgraded to the role of ‘Local Road’, provision must be made within the *Mernda Town Centre North-East Development Plan* for an additional north-south road link.**

- l) Include a footnote on pages 33 and 36 of the Development Plan to the effect that the proposed Staging Plan and Table 1 'Development plan staging requirements', are to be read in conjunction.
- m) Update the proposed Staging Plan to show stages for subdivisions and identify when infrastructure items are to be delivered in accordance with Table 1.
- n) Update Table 1 of the Development Plan Report to correspond with the stages of development on the Staging Plan and clearly state the cost apportionment of each item for each landowner.
- o) Include text within Section 3.3.2 "Ecology", that notes that planning permission will be required for the removal of any native vegetation within the *Mernda Town Centre North-East Development Plan* area in accordance with relevant statutory controls and Council policies.
- p) Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'the removal of any native vegetation will be subject to a planning permit process in accordance with relevant statutory controls and Council policies'.
- q) Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any application / proposal within the *Mernda Town Centre North-East Development Plan* area must seek to maximise retention of existing native vegetation and demonstrate efforts to incorporate this within any proposal'.
- r) Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'vegetation proposed for retention must be retained in accordance with Council's Tree Protection Zone policy and guidelines'.
- s) Include a footnote on Figure 6 "Existing Tree Plan" with words to the effect that 'any trees proposed for removal may be subject to offsetting requirements'.
- t) Amend the third bullet point on Page 23 to note that "while buildings along the street frontage should incorporate canopies, they must not interfere with regularly spaced trees".
- u) Amend the first bullet point on Page 25 to include a reference to the provision of street trees within the *Mernda Town Centre North-East Development Plan*.
- v) Update Figure 15 "Landscape Concept Plan" to show planting along the eastern edge of Plenty Road and northern edge of Bridge Inn Road.
- w) Update the cross-section on Page 32 to identify street tree planting along the northern side of Bridge Inn Road.
- x) Include a footnote on Figure 15 "Landscape Concept Plan" to the effect that larger form canopy trees are encouraged and these include "Pinegreen Green Pillar" (*Quercus Palustris*) or "Capital" (*Pyrus Calleryana*).
- y) Update the proposed Development Plan to show a road width of 20m for Station Lane and that a 5m wide land take is required either side of the

current Station Lane road reserve.

- z) Include a footnote on pages 12 and 27 of the Development Plan to the effect that “should Station Lane not be required to accommodate a bus service, the ultimate reservation for Station Lane can be renegotiated with the Responsible Authority and PTV at the planning permit application stage”.
 - aa) Amend Figure 17 to identify a 7.3 metre wide road pavement as opposed to a 7.0 metre wide road pavement.
 - bb) Amend Figure 17 to include a footnote to the effect that other residential/commercial interface treatments may be considered by Council to their satisfaction at the planning permit application stage.
 - cc) Update the proposed Development Plan to nominate a shared path on both sides of Bridge Inn Road.
 - dd) Amend Figures 12 and 13 to show bicycle lanes on the trafficable side of the north-south collector street as opposed to kerbside.
 - ee) Make any consequential changes within the Development Plan Report and Plans as relevant relating to the recommendations 1a) to 1dd) above.
2. Advise the proponent and submitters of 1. above.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

6.1.6 10 MADISON COURT, BUNDOORA - CONSTRUCTION OF THREE TWO-STOREY DWELLINGS

File No: 715735

Attachments: 1 Locality Maps
2 Development Plans

Responsible Officer: Director Planning & Major Projects

Author: Planning Officer Established Areas Planning

APPLICANT: Halton Design

ZONING: General Residential

OVERLAY: Development Contributions Plan Overlay (Schedule 3)

REFERRAL: Nil

OBJECTIONS: Six

RECOMMENDATION: That Council refuse the application.

REPORT**EXECUTIVE SUMMARY**

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

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

The application was deferred from the 28 June 2016 Council meeting to provide the applicant with the opportunity to redesign the proposal to address the multiple non-compliances. Council officers engaged in multiple phone conversations and reviewed draft plans; however the applicant has not made any substantial changes the plans, and the proposal still fails to meet many of the standards of Clause 55 of the Whittlesea Planning Scheme including neighbourhood character, residential policy, landscaping, parking location, side and rear setbacks, overlooking, accessibility, dwelling entry, private open space, design detail, front fence, and site services. No formal amendment to the plans has been submitted by the applicant.

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

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

SITE AND SURROUNDING AREA

The subject site is located on the northern side of Madison Court, Bundoora, approximately 360m south of Settlement Road (see *Attachment 1*). The subject site slopes north to south by 4.0m and is irregular in shape with a frontage to Madison Court of 17.5m and a maximum depth of 38.5m giving a total site area of 582m².

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

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

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

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

RESTRICTIONS AND EASEMENTS

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

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

PROPOSAL

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

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

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

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double storey	3	8.1m front (south), 0m side (west).	96.0m ² (including 29m ² of secluded private open space)	Single garage (6.0m x 3.5m) + tandem car space	7.9m (overall)

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

PUBLIC NOTIFICATION

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

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

HOUSING DIVERSITY STRATEGY

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

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

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	Developments within the area are generally from the 1960-70s and typically homogenous detached, single storey houses in brick style. Garages, where provided, are generally located at the rear of the property.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>There are also a number of garages and outbuildings located on property boundaries; however these buildings are generally significantly setback from the streetscape and/or are screened by existing vegetation. There are minimal examples of medium density development in the area.</p> <p>Neighbouring properties have varying street frontages setbacks ranging from 7-9m.</p> <p>The site is located within the Suburban Residential Change Area of the HDS which does not encourage medium density, as sites are typically removed from public transport and activity centres. Increased side and rear setbacks are required to provide for building separation and landscaping and this has not been provided. Increased areas of private open space are also required to allow for significant landscaping, and this has not been provided. Provision for an extra-large canopy tree in the rear setback should be provided, and there is no viable area proposed to achieve this.</p> <p>On balance, it is considered that proposal results in a number of non-compliances with the key design principles of Clause 21.09 including insufficient side and rear setbacks to provide for building separation and landscaping, and unacceptable private open space area to allow for significant landscaping. In this way, it is considered that the proposal does not align with the existing or preferred neighbourhood character of the area and is not supported.</p>
B2	Residential Policy	x	x	<p>Clause 21.09-4 discusses 'Change Areas in the Established Suburbs' and references the Housing Diversity Strategy 2013 (HDS). The purpose of this Clause and the HDS is to provide greater certainty as to where growth and change can be expected. The HDS nominates the site as being within the Suburban Residential Change Area. This area is identified as "typically not in close proximity to public transport and activity centres" and is projected to be "characterised by standard density housing such as detached housing and dual occupancies/duplexes." The current proposal does not accord with the preferred density or key design principles for this Change Area.</p>
B3	Dwelling Diversity	N/A	N/A	<p>Only applicable to developments of ten (10) or more dwellings</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	x	x	<p>A landscape plan has been provided with the application; however it is considered inadequate. It is noted that a large, significant native eucalyptus tree located along the western property boundary of the site appears to have been recently removed (Nearmap - 16 December 2015).</p> <p>It is considered that the minimal private open space areas proposed to each dwelling are not suitable to achieve the preferred landscaping outcome as identified within the key design outcomes of the HDS, particularly the provision of an extra-large tree in the rear setback and provision of increased side setbacks and private open space areas to allow for significant landscaping. Landscaping on site contributes to onsite amenity and energy efficiency as well as assisting in softening built form, particularly when a substantial amount of double storey building bulk is introduced into an area which is predominantly single storey.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				Landscaping needs adequate area to mature, to ensure longevity and make a long term contribution to the area. It is considered that the proposal does not achieve this.
B14	Access	✓	✓	
B15	Parking location	x	x	<p>The car parking proposed for each dwelling is considered unacceptable in relation to Clause 52.06, and the car parking for Dwelling Nos. 2 and 3 is not suitably secure (open to the internal common accessway). Turning templates have been applied and it appears that the vehicle swept paths of Dwelling No. 3 are particularly inconvenient.</p> <p>Visibility splays have not been included on the plans as required by Clause 52.06 of the Whittlesea Planning Scheme.</p> <p>The east-facing ground floor windows of Dwelling No. 2 do not meet the minimum setback requirements of this Standard. It is considered that the non-compliance of this standard is symptomatic of the application being an overdevelopment.</p>
B17	Side and rear setbacks	x	x	<p>It appears that the upper level side setback of Dwelling No. 1 to the west does not meet the minimum side setback requirements, as the wall height has not been provided on the plans. Plans with an accurate scale have also not been provided to date. It is considered that the non-compliance of this standard is symptomatic of the application being an overdevelopment.</p> <p>The site is located in a predominantly single-storey neighbourhood and the provision of increased side setbacks for double-storey, medium density development is considered essential to ensure that the double-storey building bulk is sympathetic to the area. The inclusion of the "duplex" component in the development does not allow for increased side setbacks to appropriately respond to the prevailing and preferred character of the area. Similarly, the upper floors of each dwelling are all larger footprints than the ground floor, resulting in sheer walls and cantilevering, and signifying a development outcome which would be more suited to an area located on a through-road, and is close proximity to facilities and services, such as the <i>Neighbourhood Interface Change Area</i> nominated in the HDS. In this way, it is</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				considered that the proposal is an overdevelopment in this context and a redesign would need to be considered.
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	x	x	<p>It appears that there may be overlooking opportunity (and potentially internal views) from Bedroom No. 1 of Dwelling No. 3 to the south.</p> <p>Further to this, the upper level windows of each dwelling have not been located or designed so as to avoid direct views into the secluded private open space of each other or adjoining properties and therefore propose extensive screening (obscure glazing). It is considered that the extent of obscuring required to achieve compliance with Standard B22 is excessive and results in a poor design response that detrimentally impacts on internal access to daylight and the amenity of the upper level habitable rooms of the proposed dwellings. The extent of obscuring proposed does not offer an innovative design outcome which could potentially negate the need for extensive obscuring while still meeting Standard B22. This results in a 'clunky' and overbearing development in which each dwelling will not have a reasonable internal amenity outcome for future occupants.</p>
B23	Internal views	✓	x	See above
B24	Noise impacts	✓	✓	
B25	Accessibility	x	x	As a result of the slope of the land, the entries to Dwelling Nos. 1 and 2 are not accessible or able to be easily made

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

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

CAR PARKING

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

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	3	2	2	Y
2	2	1	1	Y
3	3	2	2	N

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

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

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires development contributions for drainage infrastructure for medium density residential development at a rate of \$1.90 per square metre of the total site area. This rate is subject to the Consumer Price Index at the time of payment. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. Privacy concerns

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

2. Car parking, access and traffic concerns

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

3. Loss of property values and loss of views

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

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

The site is located in a predominantly single-storey neighbourhood and the provision of increased side setbacks for double-storey, medium density development is considered essential to ensure that the double-storey building bulk is sympathetic to the undulating

area. The inclusion of design elements such as sheer walls and cantilevering are also symptomatic of the proposal being an overdevelopment, as the upper floors of each dwelling are all larger footprints than the ground floor.

Further, the proposal does not accord with the key design principles outlined in Clause 21.09-4 of the Whittlesea Planning Scheme (Housing Diversity Strategy). Accordingly, this ground of objection can be substantiated.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06 and Clause 55. The proposal does not meet the preferred density or key design principles of Clause 21.09-4 of the Whittlesea Planning Scheme (Suburban Residential Change Area). It is considered that the proposal will result in unreasonable impacts on the character of the neighbourhood and surrounding residential properties.

Accordingly, refusal of the application is recommended.

RECOMMENDATION

THAT Council resolve to Refuse Planning Application No. 715735 and issue a Refusal to Grant a Planning Permit for construction of three two-storey dwellings at 10 Madison Court, Bundoora on the following grounds:

- 1. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:**
 - a) Clause 55.02-1 Neighbourhood Character**
 - b) Clause 55.02-2 Residential Policy**
 - c) Clause 55.03-8 Landscaping**
 - d) Clause 55.03-10 Parking Location**
 - e) Clause 55.04-1 Side and Rear Setbacks**
 - f) Clause 55.04-6 Overlooking**
 - g) Clause 55.05-2 Dwelling Entry**
 - h) Clause 55.05-1 Accessibility**
 - i) Clause 55.05-4 Private Open Space**
 - j) Clause 55.06-1 Design Detail**
 - k) Clause 55.06-2 Front Fence**
 - l) Clause 55.06-4 Site Services**

2. The proposal does not accord with Clause 21.09 of the Whittlesea Planning Scheme in relation to the preferred density and key design principles of the Suburban Residential Change Area of the Housing Diversity Strategy, most specifically:
 - a) Provision of low building heights to reflect the existing suburban scale and character
 - b) Provision of increased side and rear setbacks to provide for building separation and landscaping
 - c) Provision of an increased area of private open space to allow for significant landscaping
 - d) Extra-large canopy tree in the rear setback.
3. The proposal does not meet the provisions of Clause 52.06 (Car Parking) of the Whittlesea Planning Scheme.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.1.7 17 MIDHOLM COURT, THOMASTOWN - CONSTRUCTION OF THREE DWELLINGS

File No:	715316
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Planning Officer
APPLICANT:	MS Designer Living
COUNCIL POLICY:	Nil
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay (Schedule 3) Aboriginal Cultural Heritage Significance Area
REFERRAL:	Melbourne Water
OBJECTIONS:	Two
RECOMMENDATION:	That Council refuse the application

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to construct three double storey dwellings on the subject land. The existing crossover along Midholm Court will provide access into the development.

Advertising of the proposal resulted in two objections being received. The grounds of objection relate to neighbourhood character, amenity impacts, and property devaluation.

The proposal demonstrates an unsatisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme as it fails to meet standards relating to neighbourhood character, street setback, energy efficiency, safety, parking location, dwelling entry, solar access to open space, and design detail.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential Change Area. The proposal does not achieve the preferred density and design principles of this Change Area and is considered to be an unacceptable development in an inappropriate location as nominated by the HDS.

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

SITE AND SURROUNDING AREA

The subject site is a residential property located on the south of Midholm Court, Thomastown approximately 600m east of Edgars Road (*see Attachment 1*).

The land has a fall of 1.88m that runs from the north to the south of the lot. The site is irregular in shape and has a curved frontage of approximately 15.3m to Midholm Court and a maximum depth of 39.5m. The site has a total site area of approximately 671m².

The site currently contains a detached single storey dwelling constructed of brick veneer with a concrete tiled hipped roof. There is no vegetation of significance contained within the site.

The surrounding area is largely characterised by detached single storey dwellings. The adjoining properties immediately to the east and west of the site are both single storey dwellings constructed in brick veneer with tiled roofs.

Examples of medium density development in the general area include 22 Midholm Court, 20 Midholm Court and 50 Travers Street.

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

- Ziebells Farmhouse and Lutheran Church (100m north)
- Hampstead Court Reserve (400m west)
- Bus Route 357 – Wollert West to Thomastown Station (600m west)
- Thomastown Recreation Aquatic Centre (630m south)
- Main Street Reserve (630m south)
- Thomastown Neighbourhood House (630m south)

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 31 on Plan of Subdivision 099238. There are no encumbrances on title that preclude Council from making a decision.

A 3.05m wide easement traverses the rear of the property and contains Council drainage infrastructure. There are no buildings or works proposed over this easement.

PROPOSAL

It is proposed to construct three new double storey dwellings, with single garages, on the subject land (see *Attachment 2*).

Dwelling 1 will contain an open plan kitchen/meals/living area, a rumpus room, two bedrooms, amenities and an attached single garage.

Dwelling 2 will contain an open plan kitchen/meals/living area, an open study room, two bedrooms, amenities and an attached single garage.

Dwelling 3 will contain an open plan kitchen/meals/living area, three bedrooms, amenities and an attached single garage.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	2	6.94m front (north), 3m side (east), 3m side (west), 17.1m rear (south)	34.8m ² Including 31.4m ² of Secluded Private Open Space	Single garage (3.5m x 6.0m)	7.35m
Dwelling No. 2	Double Storey	2	17.4m front (north), 0m side (east), 11.5m side (west), 3m rear (south)	34.8m ² Including 31.4m ² of Secluded Private Open Space	Single garage (minimum 3.5m x 6.0m)	7.18m
Dwelling No. 3	Double Storey	3	23.5m front (north), 9.5m side (east), 0m side (west), 3m rear (south)	34.8m ² Including 31.4m ² of Secluded Private Open Space	Single garage (3.5m x 6.0m) and open car space (2.6m x 5.4m)	6.90m

PUBLIC NOTIFICATION

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

1. Neighbourhood character
2. Amenity impacts through overshadowing and daylight access
3. Property 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.

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 general area is predominantly characterised by homogenous detached, single storey houses in brick construction with tile roofs, of a low building scale, and comprises of large secluded private open space areas. There are minimal examples of medium density development in the area.</p> <p>Overall, the proposed development is considered to be neither consistent nor sympathetic to the area due to its comparatively bulky design and scale, minimal private open space areas, and insensitive setback provisions.</p>
B2	Residential Policy	X	X	<p>Clause 21.09-4 discusses 'Change Areas in the Established Suburbs' and references the Housing Diversity Strategy 2013 (HDS). The purpose of this Clause and the HDS is to provide greater certainty as to where growth and change can be expected.</p> <p>The HDS nominates the subject site as being within the Suburban Residential Change Area.</p> <p>This area is identified as "typically not in close proximity to public transport and activity centres" and is projected to be "characterised by standard density housing such as detached housing and dual occupancies/duplexes." The current proposal does not accord with the preferred density or key design principles for this Change Area.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	X	X	In accordance with Standard B6, the required setback is 7.7m. The proposed setback of 6.94m for Dwelling 1 cannot be supported given the established layout of the neighbourhood. The deficiency of 800mm would be inconsistent with the character of the neighbourhood.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B10	Energy efficiency	X	X	Dwellings 2 and 3 fail to leverage the northern orientation of the lot and lack northern light access to the habitable rooms and private open space areas.
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	X	X	The entrances to Dwellings 2 and 3 are both obscured and isolated from the internal accessway. As a result, it is considered that the design proposed is unsafe and a poor outcome.
B13	Landscaping	✓	✓	
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	X	X	Similarly to Standard B12, the proposed entrances to Dwellings 2 and 3 are considered to be poor planning outcomes due to their obscured and isolated designs. As a result the design also fails to meet the requirements of this Standard as the subject dwellings lack visibility and identity.
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B29	Solar access to open space	X	X	<p>The proposed secluded private open space areas for Dwellings 2 and 3 fall short of the required setback under Standard B29.</p> <p>The ground floor wall heights of approximately 3m require a setback of 4.7m to be compliant with Standard B29.</p> <p>The proposed setback of 3.05m is non-compliant and cannot be supported as it will result in very poor amenity outcomes for the inhabitants of the dwelling.</p>
B30	Storage	✓	✓	
B31	Design detail	X	X	The façade designs for Dwellings 2 and 3 are considered to lack differentiation and features that result in a design that is inconsistent with the identity and character of the neighbourhood.
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

CAR PARKING

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

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

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

However, in accordance with Clause 52.06-8 'Design standards for car parking' of the Whittlesea Planning Scheme, cars must be able to exit the site in a forwards direction as the accessway services four car spaces. The car located within Dwelling 2 will not be able to do this in a safe and efficient manner. Accordingly, the proposed accessway for the development cannot be supported as it does not comply with this requirement.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause

45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing.

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

REFERRAL

The application was referred to Melbourne Water under Section 52 of the *Planning and Environment Act 1987* as the land immediately abuts Melbourne Water owned land (Edgars Creek) that is affected by a 'Land Subject to Inundation Overlay'.

Melbourne Water did not object to the application but required dwellings to be constructed with finished floor levels set at a minimum of 600mm above the applicable flood level, or 109.5m to AHD. Garages are to be constructed at a minimum of 300mm above the applicable flood level, or 109.2m to AHD. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. Neighbourhood character

As per the assessment against Clause 55.02-1 'Neighbourhood character', it is considered that the proposed development is inappropriate and inconsistent with the neighbourhood character of the area.

Accordingly, this ground of objection can be substantiated.

2. Amenity impacts through overshadowing and daylight access

An assessment of the proposal against Clauses and 55.04-3 'Daylight to existing windows' and 55.04-5 'Overshadowing' of the Whittlesea Planning Scheme was carried out and revealed that the design proposal met the relevant requirements prescribed by these Standards.

Accordingly, this objection cannot be substantiated.

4. Property devaluation

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application does not provide a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06 and Clause 55. The proposal does not meet the preferred density or key design principles of Clause 21.09-4 of the Whittlesea Planning Scheme (Suburban Residential Change Area). It is considered that the proposal will result in unreasonable impacts on the character of the neighbourhood and surrounding residential properties.

Accordingly, refusal of the application is recommended.

RECOMMENDATION

THAT Council resolve to Refuse Planning Application No. 715316 and issue a Refusal to Grant a Planning Permit for the construction of three dwellings at 17 Midholm Court, Thomastown based on the following grounds:

1. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:
 - a) Clause 55.02-1 Neighbourhood Character
 - b) Clause 55.02-2 Residential Policy
 - c) Clause 55.03-1 Street Setback
 - d) Clause 55.03-5 Energy Efficiency
 - e) Clause 55.03-7 Safety
 - f) Clause 55.05-4 Private Open Space
 - g) Clause 55.05-5 Solar Access to Open Space
 - h) Clause 55.06-1 Design Detail
2. The proposal does not accord with Clause 21.09 of the Whittlesea Planning Scheme in relation to the preferred density and key design principles of the Suburban Residential Change Area of the Housing Diversity Strategy, most specifically:
 - a) Extra-large canopy tree in the rear setback.
 - b) Provision of an increased area of private open space to allow for significant landscaping
 - c) Provision of increased side and rear setbacks to provide for building separation and landscaping
 - d) Provision of low building heights to reflect the existing suburban scale and Character
3. The proposal does not comply with Clause 52.06 'Car Parking' of the Whittlesea Planning Scheme due to the car parked within Dwelling 2 not being able to exit in a forward direction.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.1.8 LANDSCAPE BOND POLICY REVIEW**File No:** 141796**Attachments:** 1 Revised Landscape Bond Policy**Responsible Officer:** Director Planning & Major Projects**Author:** Assistant Manager Established Areas Planning**REPORT****EXECUTIVE SUMMARY**

This report presents a revised landscape bond policy for Council approval.

BACKGROUND

The background to Council's review of the current Landscape Bond Policy is set out in the Council minutes dated 7 June 2016 (Item 6.1.10). At this meeting Council resolved to:

1. *Request that officers redraft the Landscape Bond Policy for all development to include:*
 - a) *Refund of bond if generally in accordance with the endorsed landscape plan;*
 - b) *Refund of the bond within one month of satisfactory completion of the landscaping;*
 - c) *Change to the rate for residential development to \$1,000 bond per five units or part thereof;*
 - d) *Refund of the bond to payee;*
 - e) *Landscaping bond to apply to the front setback and driveway;*
 - f) *Where refunds are refused the matter be reported to Council; and*
 - g) *Change to the rate for industrial and commercial development to an appropriate rate per square metre.*
2. *Request that officers present to Council the revised Landscape Bond Policy for consideration.*
3. *Approve the landscape guidelines prepared for residential development, non-residential uses in residential areas and for industrial areas.*
4. *Include a sunset clause in the revised Landscape Bond Policy.*

This report is concerned with Resolution Nos. 1, 2 and 4. The landscape guidelines referred to in Resolution No. 3 above were approved by Council and are now in use.

AMENDED POLICY

The revised Landscape Bond Policy is shown in *Attachment 1* and reflects the changes requested by Council.

In relation to changes to the rate for industrial and commercial development to an appropriate rate per square metre, the policy has been amended to include an amount of \$1,000 for each 1,000m² of site area (which will be indexed annually).

Approximately 10 percent of a new commercial/ industrial development site will, on average, be dedicated to landscaping (predominantly comprising the front landscaped setback).

In accordance with Council Resolution No. 4, the revised policy includes a lapsing date of three years (unless extended by Council prior to this date).

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION **Good Governance**

Theme **Continuous improvements**

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

The Landscape Bond Policy is also relevant to the theme: 'Planning our Space' and in particular the strategic objective: 'our urban design helps build connections to place and the community.'

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The revised Landscape Bond Policy has been amended to reflect the requirements of Council and when adopted can form the basis for consistent permit conditions. The amended policy will ensure the ongoing and effective provision and maintenance of landscaping for the City's residential, commercial and industrial areas.

DECLARATION OF INTEREST

Cr Lalios declared an indirect financial interest in item 6.1.8 – Landscape Bond Policy Review to the Chief Executive Officer on the grounds as per previous council meeting 6.1.10 on 7 June 2016.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Lalios left the Council Chamber at 6:54 PM and advised the Mayor accordingly.

Cr Lalios returned to the Council Chamber at 6:58PM following the vote on this item.

RECOMMENDATION

THAT Council resolve to adopt the revised Landscape Bond Policy.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

**6.1.9 WHITTLESEA PLANNING SCHEME AMENDMENT C197 - MSS UPDATE
(PLANNING SCHEME REVIEW PROJECT - ACTION 3)**

File No: 195041
Attachments: 1 Panel Report
Responsible Officer: Director Planning & Major Projects
Author: Principal Policy Planner

REPORT**EXECUTIVE SUMMARY**

The purpose of this report is to detail the outcomes of the Independent Panel Review and to seek Council adoption of Planning Scheme Amendment C197.

Council considered Planning Scheme Amendment C197 on the 28 June 2016 and resolved to request the Minister for Planning to appoint an Independent Planning Panel to consider the one (1) unresolved submission to the Planning Scheme Amendment.

A Panel was appointed and a Directions Hearing was held at Planning Panels Victoria on the 4 August 2016. Council requested that the Panel process be conducted “on the papers” as the objecting submitter did not request to be heard by the Panel and the issues raised in the unresolved submission were considered beyond the scope of the Amendment. The Panel agreed with Council and a Panel Report was subsequently provided on 16 August 2016.

The Panel report recommends that Whittlesea Planning Scheme Amendment C197 be adopted as exhibited with the proposed changes as endorsed by Council at its meeting on 28 June 2016. On that basis it is recommended that Council adopt Amendment C197 and forward to the Minister for Planning for approval.

BACKGROUND

Planning Scheme Amendment C197 forms part of the broader Planning Scheme Review Project which commenced in June 2011 to meet the statutory requirements of Section 12(1) of the Planning and Environment Act 1987. This requires the City of Whittlesea to regularly review the operations of its Planning Scheme.

Amendment C197 seeks to update the Municipal Strategic Statement in the Local Planning Policy Framework (LPPF) to reflect Council adopted policies and strategies.

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

Planning Scheme Review Project (PSR)

The PSR Project identifies four stages to updating the Whittlesea Planning Scheme. The project and proposed implementation plan was endorsed by Council on 17 May 2013. PSR Project Implementation Actions 1 and 2 were undertaken through Planning Scheme Amendments C159 and C177. These planning scheme amendments which were completed in November 2012 and March 2014 respectively, removed duplicate requirements which

were already in the recently revised State Planning Policy Framework (SPPF) or elsewhere within the Victoria Planning Provisions. Those amendments also restructured the MSS policy content using a theme based approach that more clearly aligned to the SPPF.

Amendment C197 represents Action 3 of the PSR Project. Action 3 effectively proposes to update the MSS to reflect and implement existing Council adopted strategies and policies in the LPPF. Over 90 documents were reviewed for their land use planning content. The outcome is an extensive rewrite of the MSS which reflects State Government and Council's planning policy positions.

Statutory Exhibition

The planning scheme amendment was publicly exhibited between 12 January 2016 to 26 February 2016.

Seven of the eight submissions relating to the Amendment were resolved following liaison between Council officers and submitters. These submitters provided advice that they were satisfied that changes in proposed draft wording address the issues in their submission.

The outstanding submission (Submission 6) included a petition with 20 signatures. The submission requested the rezoning of land in the Peter Lalor Housing Estate from NRZ to either GRZ or RGZ to reflect the intent of Amendment C181.

Council officers advised the submitter that:

- the rezoning of land is not within the scope of the Amendment and any rezoning of land, if it was appropriate, would need to occur in a new and separate planning scheme amendment.
- MSS Clause 21.09-4 (Change Areas in the Established Suburb) implements Amendment C181 by identifying Housing Change Areas.
- the Housing Change Areas reflect the Housing Diversity Strategy, which identifies the areas in and around the Estate as: neighbourhood renewal areas characterised by medium and higher density housing; or - 'neighbourhood interface' areas characterised by medium and standard density housing.

At Council's meeting on the 28 June 2016, to consider the planning scheme amendment and submissions, Council resolved to:

- a) Request the Minister for Planning appoint an Independent Planning Panel to consider the Amendment;
- b) Refer the single unresolved submission to the Panel;
- c) Endorse the post exhibition version of Planning Scheme Amendment C197 (contained in Attachment 1 of this report);
- d) Submit to the Panel that the single unresolved submission is directed to matters which are not within the scope of the Amendment and should therefore not be considered as relevant by the panel; and
- e) Advise all submitters of Council's resolution.

All submitters were advised in writing of Council's resolution (correspondence dated 7 July 2016) and Council officers met with the submitter of the unresolved submission on the 26 July 2016.

Directions Hearing

Council in its submission at the Directions Hearing on the 4 August 2016 noted that the issues raised in the unresolved objecting submission stem from the outcomes of Amendment C181. Amendment C181 related to the introduction of the Reformed Residential Zones and the objectives of the Housing Diversity Strategy. Council would be aware of the competing views from residents regarding the ultimate zoning of the Peter Lalor Housing Estate.

The Panel concluded that the requested rezoning of land in the Peter Lalor Housing Estate is beyond the scope of the Amendment as it would transform the purpose of the Amendment and those affected may not have had an opportunity to present their views. The zoning of land in the Estate is contentious and any rezoning proposal(s) should be considered through a separate amendment process.

Based on the reasons set out in the Panel report (Whittlesea Planning Scheme Amendment C197- Municipal Strategic Statement Update, 16 August 2016) (Panel Report contained at Attachment 1), the Panel recommends Whittlesea Planning Scheme Amendment C197 be adopted as exhibited with the proposed changes to wording as per the post-exhibition version of the Amendment endorsed by Council at its meeting on the 28 June 2016.

Release of Panel Report

In accordance with Section 26 1(b) of the Planning and Environment Act, the report must be made publically available 28 days from the receipt of the Panel Report, the report was intended to be released on 13 September 2016. Notwithstanding there is no reason to delay release of the report until this time and therefore it is recommended that the report be released to submitters.

CONSULTATION

All submitters were advised in writing of Council's resolution at the 28 June 2016 Council meeting (correspondence dated 7 July 2016) and Council officers met with the submitter of the unresolved submission on the 26 July 2016 to discuss the submission and the planning scheme amendment.

A Directions Hearing was held at Planning Panels Victoria on the 4 August 2016 where the objecting submitter did not request to be heard by the Panel and the Panel agreed to Council's request to conduct the Panel process "on the papers". Council was represented by Maddocks Lawyers and Council officers.

FINANCIAL IMPLICATIONS

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

POLICY STRATEGY AND LEGISLATION

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

Pursuant to Section 27 (1) of the Planning and Environment Act, Council must consider the Panel's report before it decides on whether or not to adopt the amendment.

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

State Planning Policy - Metropolitan Planning Strategy - Plan Melbourne

Direction 1.2: Strengthen the competitiveness of Melbourne's employment land

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

Direction 1.5: Plan for jobs closer to where people live

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

Direction 2.1 Understand and plan for expected housing needs

- Initiative 2.1.4 Develop more diverse housing in growth areas.

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

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

Direction 2.3 Facilitate the supply of social housing

- Initiative 2.3.1 Facilitate growth in the social housing sector.

Direction 2.4 Facilitate the supply of affordable housing

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

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

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

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

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

Community Plan 2030

The Amendment reflects the Community Plan Strategic Objectives of:

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

LINKS TO THE COUNCIL PLAN

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

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

Amendment C197 seeks to update the MSS to reflect existing adopted policies and strategies. The Independent Planning Panel considered the single unresolved submission and a Panel Report was received on the 16 August 2016. The Panel found that the “unresolved submission” is beyond the scope of the Amendment. The Panel recommended that Council adopt the Planning Scheme Amendment as exhibited with the proposed changes as endorsed by Council at its meeting on the 28 June 2016.

It is recommended that Council adopts the post-exhibition version of Planning Scheme Amendment C197 (endorsed by Council on the 28 June 2016) as recommended by the Planning Panel and forward the Planning Scheme Amendment to the Minister of Planning for approval.

RECOMMENDATION

THAT Council resolve to:

- 1. Adopt the post exhibition version of Planning Scheme Amendment C197 as endorsed by Council on the 28 June 2016;**
- 2. Forward the post-exhibition version of Planning Scheme Amendment C197 to the Minister for Planning for approval into the Whittlesea Planning Scheme; and**
- 3. Publicly release the Planning Panel Report (Attachment 1) and notify the submitters of the Planning Scheme Amendment.**

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

The above Recommendation was adopted unchanged as part of an en bloc Resolution Moved by Cr Kelly, 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 COMMUNITY SAFETY AND CRIME PREVENTION POLICY AND STRATEGY 2016-2020

File No: 194451

Attachments:

1	Community Safety and Crime Prevention Policy 2016
2	Community Safety and Crime Prevention Strategy 2016-2020

Responsible Officer: Director Community Services

Author: Community Safety Officer

REPORT

SUMMARY

The Community Safety and Crime Prevention Policy (Attachment 1) and Strategy (Attachment 2) outline Council's commitment to improving community safety and crime prevention in partnership with local police and agencies. The Policy and Strategy seek to prioritise effort in social crime prevention approaches; approaches that support action to address socio-economic factors such as disengagement with education and unemployment which are correlated with incidence of crime. There are ten goals outlined in the Strategy which will guide the work of Council and its partners for the next four years.

BACKGROUND

In 2012, the City of Whittlesea and key external stakeholders were involved in a partnership with the State Government Department of Justice and Regulation to develop a 'Local Area Community Safety Profile' which brought together key crime and safety data with social indicators to develop a profile outlining key areas of focus to prevent crime and improve safety.

Further to this, community consultations and data analysis undertaken for the City of Whittlesea Community Plan in 2012 identified community safety as a priority issue for Council to address. Subsequently, the City of Whittlesea Council Plan and Municipal Health and Wellbeing Plan 2013-2017 included a goal *Council will support action to increase community safety, enhance perceptions of community safety and prevent crime across the municipality*. An action to develop a strategy to articulate Council's role in community safety and crime prevention was included and work commenced in partnership with Victoria Police to establish a committee. In 2015, in partnership with Victoria Police a Community Safety and Crime Prevention Committee (CS&CP Committee) was established to enhance local collaboration on crime and community safety issues and develop the Policy and Strategy.

PROPOSAL

Local government plays a key role in creating environments which supports health and wellbeing. The Public Health and Wellbeing Act 2008 requires councils to prepare a four-year municipal public health and wellbeing plan which sets goals and priorities to enable people living in the municipality to achieve maximum health and wellbeing. Feeling safe in the community enhances social connection and trust and improves health and wellbeing outcomes.

When individuals feel safe within their community, they are more likely to experience greater levels of social connections and trust, and are more likely to experience improved health and wellbeing outcomes. Action to address crime and community safety has strong synergies with community building, good health and wellbeing and improved access to employment, education and training. Perceptions of neighbourhood safety are linked with health outcomes.

Community Safety and Crime Prevention Policy Statement

The City of Whittlesea is committed to working in partnership to improve community perceptions of safety and support crime prevention activities locally to strengthen community and social connectedness (attachment 1).

Community Safety and Crime Prevention Strategy

There are 10 goals outlined in the strategy which will guide the work of the City of Whittlesea and the Community Safety and Crime Prevention Committee for the next four years. These goals will shape crime prevention actions and advocacy to improve community perceptions of safety and prevent and minimise crime.

Strategy Goals:

1. The built environment is safe, welcoming and promotes community connection
2. Crime against public and private property is minimised
3. Young people have education pathways and meaningful employment opportunities
4. Dangerous driving is minimised
5. Harms and negative impacts of financial vulnerability on community safety are minimised
6. Harms from alcohol are minimised
7. Harms from illicit drugs are minimised
8. Women and children live free from family violence
9. Employment programs are provided for key population groups
10. Negative community safety impacts from electronic and online crime are minimised

In addition to these goals, Council's resolution on 28 June 2016 to develop a CCTV policy is supported by this Strategy and will be undertaken through the Strategy implementation.

CONSULTATION

A consultation process was undertaken with relevant Council Departments, external stakeholders and local agencies to develop the Community Safety and Crime Prevention Policy and Strategy. Local crime and safety data, trends and issues were explored to identify opportunities to prevent crime and improve community safety.

The Community Safety and Crime Prevention Committee (CS&CP Committee) was instrumental in the development of this Policy and Strategy. CS&CP Committee members include representation from a range of agencies which play a role at a local level, including:

- City of Whittlesea
- Victoria Police
- Department of Justice and Regulation
- Hume Whittlesea Local Learning and Employment Network

- Neighbourhood Watch
- Northern Hospital
- Plenty Valley Community Health
- Uniting Care ReGen
- Victoria Police
- Whittlesea Community Connections
- Youth Support and Advocacy Service.

Consultation will be held as required to shape implementation of actions to achieve the Strategy goals to ensure responsiveness to community need. Continued engagement with community through the CS&CP Committee agencies will inform implementation. In addition to consultation held as required on specific actions throughout the implementation phase, an annual community safety forum is proposed to ensure the community is invited to have a say on issues that affect them and how action is developed to address these.

CRITICAL DATES

Nil

FINANCIAL IMPLICATIONS

The implementation of the Policy and Strategy will be coordinated by the Community Safety Officer within existing resources. External grant opportunities will be sought as relevant. This Policy and Strategy will assist Council to secure external grants such as Department of Justice and Regulation Community Crime Prevention Grants.

POLICY STRATEGY AND LEGISLATION

The Council Plan and Municipal Public Health and Wellbeing Plan 2013-2017 outlines the **Council Goal 5.3** *Council will support action to increase community safety, enhance perceptions of community safety and prevent crime across the municipality and;*

Actions:

1. Partner with Victoria Police to establish a local community Safety Committee
2. Prioritise opportunities in Local Area Community Safety Profile with a focus on social prevention and Crime Prevention Through Environmental Design (CPTED) in partnership with the Department of Justice

City of Whittlesea policy and strategy links:

- Draft Advocacy Strategy (2016)
- Anti-racism Strategy (2015-2019)
- Community Building Policy and Strategy (2016)
- Connect A municipal plan for children, young people and their families in the City of Whittlesea (2013 to 2018)
- Family Violence Strategy (2014-2018)
- Gambling Strategy (2014-2024)
- Growing Our Economy (in development)
- Open Space Strategy (2026)

- Preventing Alcohol Related Harm in the City of Whittlesea Policy and Action Plan (2016)
- Road Safety Strategy (in development)
- Spaces 8 to 12+ (2013-2018)
- Youth Plan (2030)

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION **Health and Wellbeing**

Theme **Safety**

Strategic Objective **There are crime reduction programs**

Action to prevent and minimise crime and improve perceptions of community safety has strong synergies with community building, good health and wellbeing and improved access to education, employment and training. Perceptions of neighbourhood safety are linked with health outcomes. When individuals feel safe within their community they are more likely to be socially connected and access services, supports and activities that support physical and mental health and wellbeing.

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

Local government supports community safety in many ways such as provision of local services, creating opportunities for social participation, providing access to local facilities and undertaking strategic planning for health and wellbeing. The City of Whittlesea is well-placed to lead and participate in crime prevention activity due to its functions and relationships to the community and other key partners. The Community Safety and Crime Prevention Policy and Strategy will facilitate opportunities and partnerships to improve community safety and prevent crime.

EXTENSION OF SPEAKING TIME

Cr Lalios requested an extension of speaking time.

COUNCIL RESOLUTION

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

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

CARRIED

EXTENSION OF SPEAKING TIME

Cr Kirkham requested an extension of speaking time.

COUNCIL RESOLUTION

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

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

CARRIED

RECOMMENDATION

THAT Council resolve to endorse the Community Safety and Crime Prevention Policy and Strategy 2016-2020

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*
SECONDED: *Cr Kirkham*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.2.2 COMMUNITY DEVELOPMENT GRANTS PROGRAM 2016/2017**File No:** 188043**Attachments:** 1 **Community Development Grants Program 2016-2017
Schedule of Recommendations****Responsible Officer:** Director Community Services**Author:** Manager Leisure and Community Facilities**REPORT****SUMMARY**

Council's Community Development Grants Program (CDGP) provides financial support for community initiatives that address local need, build on local capacity, promote social cohesion and improve the quality of life and wellbeing of the community as a whole. This report provides the list of recommended projects for Council's consideration.

The CDGP 2016 - 2017 has a total funding pool of \$130,400.

BACKGROUND

The objectives of the CDGP are to:

1. Encourage community cohesion and resource sharing, as demonstrated through co-operative and/or partner projects.
2. Generate opportunities for the community to make new connections and develop a greater understanding of each other.

The maximum grant available for a project is \$5,000. The CDGP 2016–2017 grant submissions period was from 21 March to 1 May 2016.

The CDGP process was run in accordance with Council's Grants Policy and Grants Administration Guidelines.

Overview of CDGP 2016 - 2017 Submissions Received

- CDGP 2016-2017 received 46 submissions with a total of \$200,274 in funding requested.
- The overall total value of projects submitted was \$579,784.
- The total estimated value of in-kind contributions towards project submissions was \$322,347. This can include items such as (however not limited to) volunteer time, venue hire and promotion.

CDGP application summary

Total value all applications	\$579,784
Total in-kind contributions	\$322,347
Total amount of funds requested from CDGP	\$200,274
Total amount of funds allocated	\$108,393

Criteria for Assessment

For groups and projects to be eligible for CDGP funding, applications are required to meet the following criteria:

Eligible Groups

- Groups that are incorporated or registered not-for-profit, as classified by the Australian Taxation Office, or a kindergarten, primary or secondary education provider.
- An organisation that is not incorporated is required to have an auspice organisation that is an incorporated or not-for-profit organisation. The auspice organisation will manage the funds and be responsible for the delivery and acquittal of the project.
- The organisation is required to have an Australian Business Number (ABN) or qualifies to submit a Statement by a Supplier.
- The organisation is required to hold current Public Liability Insurance appropriate to the activity outlined in the application.

Eligible Projects

- The project is for the benefit of City of Whittlesea residents.
- The project meets all four key areas of the CDGP assessment criteria and meets at least one of the CDGP objectives.
- Projects are to be delivered between 1 October 2016 and 30 September 2017.

Eligible project submissions were assessed against each of the four key criteria:

1. The project demonstrates value for money

- This can include a level of 'in-kind' support, financial contribution, volunteers, sponsorship and user fees.
- Sustainability beyond the life of the project.
- The number of community members that benefit and the extent they benefit.
- Project has the potential for spin off projects/links/partnerships.

2. The project addresses a demonstrated need in the Whittlesea community

- The need for the project must be validated, for example come from research/community feedback/group discussion.
- Complements or stems from another program.
- What it will mean to the community group in need if the project doesn't go ahead.
- A broad cross-section of the City of Whittlesea and/or a group not currently involved in the broader community will benefit from the project.

3. Realistic and achievable

- The applicant has demonstrated it has the capacity to deliver the project.
- Timelines are realistic.
- Budgets are realistic and justified with quotes.
- The applicant demonstrates a cohesive group that is committed to implementing the project.

4. The project delivers one or more of the CDGP goals

- Community self-sufficiency, resilience, leadership, ownership and innovation.
- Local community capacity building or skills development.
- Encourages community cohesion and resource sharing, as demonstrated through cooperative and/or collaborative projects.
- Generates opportunities for the community to make new connections and develop greater understanding of each other.

Submissions for projects either currently provided by Council, other agencies or are part of the applicant organisation's core business were not supported.

Projects where the benefits were restricted to narrow interest groups were given a low priority.

Applications were not considered for funding if:

- Funds are for a group's day to day operational expenses or core business.
- The group/organisation has conducted the project previously (including projects not funded by the CDGP).
- Retrospective funding is being sought for projects which have begun or are completed.
- Projects are a duplication of an existing service in the community.
- Projects are solely for fundraising purposes, without broader community benefit.
- Projects are for capital works or facility maintenance.
- Events are not open to the general public; for example conventions, conferences, club events or where access is restricted to members or delegates.
- Community activities planned are to be held in a gaming venue.
- Projects are the responsibility of State and/or Federal Government, either presently or previously.
- Projects have received full funding from another source.
- Applicants have not complied with acquittal conditions from previous Council funding.

Ineligible Items

- Equipment that will become an asset to the group at the completion of the granted project. (Equipment of minor value necessary for the delivery of the project will be considered eligible).
- Funding sought for catering costs where provision of food is not considered integral to the nature of the project.
- Recurrent funding such as staff costs/positions, rental reductions or refundable venue deposit fees.
- Funding for prizes, trophies, scholarships, donations, sponsorship, gifts, other grant programs, air travel or accommodation.

Assessment Process

Each organisation and project has been assessed against the CDGP criteria and the provision of all mandatory documentation. Where appropriate additional contact was made with applicants to seek further information where required to adequately assess applications. Applications were rated against each of the four key assessment criteria.

Project Applications

Below is a financial summary of the Schedule of Recommendations (Attachment 1) for the CDGP 2016-2017 totalling \$108,393.

	No. of Apps	Total cost of in-kind	Total cost of project	Amount requested	Amount Recommended
Project Submissions					
Recommended	23	\$218,168	\$335,666	\$97,092	\$97,393
Partially recommended	4	\$23,841	\$45,191	\$19,900	\$11,000
Total	27				\$108,393

PROPOSAL

Community Development Grants 2016 - 2017

That Council give consideration to the recommended list of applications under the CDGP 2015 - 2016. These programs provide valuable funding to community based organisations to undertake a broad range of initiatives which engage with and benefit local communities and groups.

CONSULTATION

Council Officers assessing the applications have consulted with every applicant to ensure accuracy and clarify any unclear items.

FINANCIAL IMPLICATIONS

The 2016 - 2017 CDGP budget allocation is \$130,400. The Schedule of Recommendations for the CDGP 2016 - 2017 totals \$108,393.

POLICY STRATEGY AND LEGISLATION

The 2016/17 CDGP have been assessed and administered in accordance with Council's Grants Policy, adopted on 5 August 2014.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Inclusive & Engaged Community
Theme	Community spirit
Strategic Objective	We encourage the development of community spirit

The provision of the Community Development Grants Program is consistent with Future Direction 1 of the Community Plan, Inclusive and Engaged Community.

In particular, Strategic Outcome 1.4 states that “*people have the skills, knowledge and opportunities to engage and participate in community life*”, and Council’s Community Development Grants program facilitates this outcome.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

Council’s Community Development Grants Program allocations, totalling \$108,393 for 2016 - 2017 provide a contribution towards the provision of a wide range of projects and initiatives led by and benefitting the local community. The CDGP leverages and builds on the existing skills and capacity of community based organisations, providing an excellent ‘return on investment’ for Council.

Cr Spinelli left the Council Chamber at 7:20 PM and returned at 7.31PM prior to the vote on this item.

RECOMMENDATION

THAT Council resolve to:

1. Endorse the 2016 - 17 Community Development Grants as outlined in Attachment 1; and
2. Advise the successful and unsuccessful applicants of the outcomes of the 2016 - 2017 Community Development Grants Program funding round.

COUNCIL RESOLUTION

MOVED: Cr Pavlidis

SECONDED: Cr Alessi

THAT Council resolve to adopt the Recommendation.

CARRIED

6.2.3 SENIOR CITIZENS CLUBS' GRANT 2016-2017**File No:** 194860**Attachments:**
1 Recommended Senior Citizens Clubs' Grants 2016-2017
2 New Applicant Senior Citizens Clubs' Grants 2016-2017**Responsible Officer:** Director Community Services**Author:** Team Leader Positive Ageing**REPORT****SUMMARY**

To consider the recommended Senior Citizens Clubs' Grants 2016/17

INTRODUCTION

Council's Senior Citizen Clubs' Grants are provided on an annual basis to eligible clubs in order to support and assist in their operation and development.

BACKGROUND

In 2016-2017 the following guidelines and funds allocation formula has been used, incorporating a 1.3% CPI increase.

- The base grant will be \$1182.90 for a club with an average weekly attendance of up to 20 resident members and newly recognised clubs.
- Clubs with an average weekly attendance of more than 20 resident members will receive \$1182.90 plus an additional \$20.50 per extra member.

Eligibility guidelines for a Senior Citizens Clubs' Grant are as follows:

- Be incorporated with the purpose of offering a range of social, recreational and educational activities for their members
- Have current Public Liability Insurance
- Be linked to Council support programs (i.e. participate in liaison programs)
- Provide an annual report to Council's Aged and Disability Department
- Use funds for normal activities of the group, not for the payment of subsidy of rental costs
- Have 95% of members over 55 years of age
- Club is based in the City of Whittlesea

For a new club to receive support it is expected that in addition to the above criteria, the club should also be meeting unmet need and not be duplicating the operations of existing clubs. At present, clubs are encouraged to adopt and abide by a 'Code of Conduct' however this is not currently mandatory.

Attention continues to be paid to ensuring that each club has been able to provide solid evidence of the number of members residing in the municipality and in particular to the average weekly attendance figures of the members who reside in the municipality.

PROPOSAL

The current number of formally recognised Seniors Club is 71. In 2016-17, all 71 recognised groups lodged grant applications. At the time of preparing this report, officers are satisfied that no recognised group has been inadvertently excluded from making an application.

Attachment 1 – Recommended Senior Citizen Clubs’ Grant 2016-2017 details the recommended allocation for grants for this financial year.

This year, one new club has applied to be recognised as a seniors club within the City of Whittlesea. Based upon this clubs’ ability to meet the eligibility guidelines, it is recommended that this club be recognised and therefore receive a seniors club grant in 2016-2017. Please refer Attachment 2 – New Applicant.

In the 2016-2017 grants round, 72 applications (71 currently recognised and 1 New Applicant) were received in total, and 72 clubs have been recommended to receive a grant.

CONSULTATION

Consultation has occurred with all currently recognised Senior Citizens Clubs in Whittlesea as well as the new applicant to the Senior Citizens Clubs’ Grant Program.

CRITICAL DATES

A function formally acknowledging the Senior Citizens Clubs’ Grants will be held in conjunction with the launch of the Positive Ageing Strategy on 15 September 2016.

FINANCIAL IMPLICATIONS

Attachment 1 shows the expected total allocation to be \$156,653.80 if all recommended applicants are awarded a grant. This exceeds the adopted budget of \$150,000. Additional funding will be accommodated within the Aged and Disability recurrent budget.

POLICY STRATEGY AND LEGISLATION

The 2016-2017 Seniors Citizens Clubs’ Grants are supported by the Positive Ageing and Community Building Strategies and have been assessed and administered in accordance with Council’s Grants Policy, adopted on 5 August 2014.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Inclusive & Engaged Community
Theme	Community spirit
Strategic Objective	We encourage the development of community spirit

Senior Citizens Clubs provide older people with the ability to build and maintain a social life in community. As they are volunteer led, supporting these groups demonstrates that Council acknowledges the capacity of older people and values the continued contributions of older people.

Social participation and social support are strongly connected to good health and wellbeing throughout life. Participating in leisure, social, cultural and spiritual activities in the community, as well as with the family, allows older people to continue to exercise their competence, enjoy respect and continue to establish and maintain supportive and caring relationships. The Clubs foster social integration and play a part in staying informed and living well.

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 awarding of funds to Clubs through the Senior Citizens Clubs' Grants Program assists the many Seniors Clubs in providing valuable programs, services and activities to their members.

RECOMMENDATION

THAT Council resolve to:

1. Award Senior Citizens Clubs' Grants as recommended in Attachment 1.
2. Inform all applicants in writing of their allocated grant.

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*
SECONDED: *Cr Lalios*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.3 CITY TRANSPORT AND PRESENTATION

6.3.1 PETITION - IMPROVE SAFETY CONDITIONS - WHITTLESEA PUBLIC GARDENS

File No: SU/194904

Attachments: 1 Whittlesea Public Gardens_Aerial Photo

Responsible Officer: Director City Transport & Presentation

Author: Parks Maintenance Supervisor

REPORT

SUMMARY

The purpose of this report is to consider a petition received requesting Council remove shrubs, plant trees for shade and improve safety from snakes at the Whittlesea Gardens.

BACKGROUND

A petition from 160 residents and 3 non-residents requesting that Council remove shrubs within the Whittlesea Public Gardens, plant trees for shade and improve safety from snakes was tabled at the Council Meeting on Tuesday 12 May 2016. Council resolved to receive the petition and that a report be prepared for it's consideration.

Whittlesea Public Gardens is a large, regional park located at the western end of Barry Road, Lalor. Until recently, the park was bordered by vacant land to the north and south and the Craigieburn Bypass (incorporating a shared path) to the west, however residential development is now nearing completion on the northern boundary (refer to Attachment 1).

The landscape is more than 10 years old now and consists of extensive grassed areas, maturing trees, granitic sand paths, a large ornamental lake, mulched garden beds, wetlands, native grass stands as well as a large wooden playground, BBQ's, dog off leash park, public toilets and exercise equipment. This park also hosts the annual Whittlesea Community Festival in March.

The park has approximately 3.1 hectares of garden beds which includes wetland areas that are managed by Melbourne Water. Garden beds and shrubs form the basis of most open space landscapes and add significantly to the visual amenity, diversity of desirable fauna and general appeal of parks.

Council's draft Open Space Strategy (2015) identifies Whittlesea Public Gardens as one of four Major Community Parks within the established area of the City of Whittlesea. The draft Strategy recommends Major Community Parks be upgraded to provide quality facilities which people from across the municipality can use.

The 2016/17 New Works Program includes funds to prepare a new Masterplan for the Whittlesea Public Gardens to guide its future development as part of the implementation of Council's Open Space Strategy.

DISCUSSION

Snakes can be present within any given natural environment including constructed landscapes such as Whittlesea Public Gardens and even on highly manicured landscapes such as golf courses. Snakes are most active during the warmer months and move freely between grassed area, garden beds, sand and even bitumen.

Snakes are a part of the natural ecosystem that exists at the Whittlesea Gardens, and along with other reptiles, they make up a significant proportion of the middle-order predators that keep natural ecosystems working. Snakes are protected under the Wildlife Act 1975. It is considered that removing the shrubs throughout the Whittlesea Public Gardens as requested in the petition would have minimal, if any, impact on the presence of snakes and would reduce the visual aspect of the park.

A consistently applied approach to the management of snakes in public spaces is to advise users of the possible presence of snakes through warning signage. Snake removal from internally used sections of park can also work on a reactive basis. It is proposed that snake warning signage be installed in Whittlesea Gardens, and relocate individual snakes if they are frequently present in intensively used sections of Whittlesea Gardens, such as the picnic area.

It is proposed to consider the request to provide additional tree planting for shade within Whittlesea Public Gardens a part of the Masterplan development as this will provide the direction for the appearance and function of the redevelopment of Whittlesea Public Gardens. The Masterplan provides a good opportunity for the community to input into the desired landscape character for the Gardens, which will determine future tree planting.

Residents living around Whittlesea Public Gardens and the Head Petitioner for this petition will be contacted as part of the community consultation process for the new Masterplan to discuss what they would like to see happen during the redevelopment of Whittlesea Public Gardens.

CONSULTATION

It is proposed that the Head Petitioner and nearby community be consulted as part of the preparation of the new Whittlesea Public Gardens Masterplan.

CRITICAL DATES

The Community Consultation process for the drafting of the Whittlesea Public Gardens Master plan is scheduled to commence from November 2016.

FINANCIAL IMPLICATIONS

The cost to supply and install signage relating to the potential presence of snakes is approximately \$1200. This cost will be funded from the Parks and Open Space Unplanned Works Budget.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Places and spaces to connect people
Theme	Open space
Strategic Objective	We have open spaces that are welcoming and safe for public gathering

The Open Space Strategy (draft) has provided the direction to improve Whittlesea Public Gardens as one of the four Major Community Parks via the preparation and implementation of the new Whittlesea Public Gardens Master Plan.

The Masterplan will provide direction for the improvement of the park and it's ongoing use as an attractive, welcoming and safe space for the community.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

This report considers a petition received requesting Council to remove shrubs from Whittlesea Public Gardens, Barry Road, Lalor, plant trees for shade and improve safety from snakes. Council officers have assessed the requests in the petition and believe it would be premature to remove shrubs or plant additional trees prior to the drafting of the new Whittlesea Public Gardens Masterplan. Signs warning park users of the potential presence of snakes are proposed to be installed. It is proposed to invite the Head Petitioner and nearby community to be involved in the community consultation for the preparation of the new Whittlesea Public Gardens Masterplan.

RECOMMENDATION

THAT Council resolve to:

- 1. Install snake awareness signage within Whittlesea Public Gardens.**
- 2. Refer the request for removal of shrubs and planting of additional shade trees within Whittlesea Public Gardens for consideration as part of the preparation of the new Whittlesea Public Gardens Masterplan;**
- 3. Contact all petitioners and nearby community as part of the community consultation process for the preparation of the new Whittlesea Public Gardens Masterplan.**
- 4. Contact the Head Petitioner and advise them of the above resolution.**

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.3.2 WHITTLESEA BICYCLE PLAN 2016 - 2020**File No:** 101443**Attachments:** 1 Whittlesea Bicycle Plan 2016 - 2020**Responsible Officer:** Director City Transport & Presentation**Author:** Senior Transport Planner**REPORT****INTRODUCTION**

To seek endorsement of the *Whittlesea Bicycle Plan 2016 – 2020*.

BACKGROUND

The draft *Whittlesea Bicycle Plan 2016 – 2020 (WBP)* updates and replaces the *Whittlesea Strategic Bicycle Plan 1992* and the *Whittlesea Bicycle Network Plan 2005*. It is a key action from Council's *Integrated Transport Strategy 2014 (ITS)* and a strategic objective from Council's *Shaping Our Future: Whittlesea 2030 – Strategic Community Plan*.

The draft *WBP* sets out how Council will advocate, facilitate and provide for increased bicycle infrastructure and participation in cycling in our new and established communities. This will assist in achieving positive health and wellbeing outcomes along with supporting sustainability.

PROPOSAL

The *WBP* outlines Council's approach to adopting bicycle use as a viable transport mode for a wide variety of trips. This will contribute to health, wellbeing, economic and environmental outcomes and encourage people to build social connections and participate in community life. The *WBP* details how Council will make bicycle riding safer; encourage and promote bicycle use through engagement programs and marketing communications; and build and maintain a high quality bicycle network through better trails, on-road bicycle routes and associated end-of-trip facilities. The *WBP* builds on other Council strategies to improve place making outcomes and the attractiveness of the municipality as a cycling destination.

CONSULTATION

Community consultation for the broader community and external stakeholders occurred from 13 November 2015 to 31 January 2016. The activities undertaken as part of the community consultation included:

- Public exhibition of the draft *WBP*
 - Council's web site
 - Local newspapers
 - Displays and banners at public events
 - Posters and postcards at libraries
 - Draft copies of the *WBP* on display at Council offices and Community Activity Centres
- Public access to an online questionnaire on Council's Community Voice web site and links via Council's Facebook page

- Letters sent to interested stakeholders including local bicycle shops, bicycle groups, Whittlesea Bicycle Users Group (WBUG), Bicycle Network Victoria and State Government agencies
- Presentation to the Whittlesea BUG's AGM on 25 November 2015
- Community consultation events at:
 - Carols by Candlelight at Redleap Reserve from 7pm - 9.30pm on 11 December 2015
 - Peter Lalor Walk from 9.30am - 11.30am on 12 December 2015

Council received 231 visitors to the *WBP* Community Voice consultation page and 35 visitors downloaded the draft *WBP*. A total of 68 responses were received on the Community Voice web site questionnaire. These responses were issue specific and listed sites where residents felt unsafe riding on-road and where recreational trails could be improved. A detailed response was also received from the Whittlesea Bicycle Users Group and a response from Banyule City Council. A summary of all responses are as follows:

- Cyclist safety was a key issue from inadequately designed bicycle lanes and paths and unsafe intersections
- Upgrades were identified for off-road paths and on-road bicycle lanes
- Supporting infrastructure including bicycle parking and signage is required
- Improved bicycle path and bicycle lane maintenance is sought
- Encouragement programs to grow the cycling community amongst all age groups are needed.

AMENDMENTS TO WHITTLESEA BICYCLE PLAN

The draft *WBP* captured the infrastructure improvements sought from the community for on-road bicycle lanes, recreational trails and at intersections. Other actions and initiatives in the draft *WBP* have been improved based on consultation responses including (refer to Attachment 1):

- Action 6.1 has been added to develop a marketing and communication plan to encourage cyclists of all ages. This complements existing actions that target schools, tertiary institutions, workplaces and women and persons aged 25 and over to encourage and promote cycling participation.
- Action 7.3 has been added to trial lighting on a shared path in the municipality
- Action 10.1 and 10.2 makes clear the need to improve bicycle signage across the municipality and ensure it is applied in a consistent manner
- Action 11.1 has been enhanced to ensure that end-of-trip facilities including change room facilities and bicycle parking is provided for all new developments in accordance with the Planning Scheme
- Action 11.4 has been enhanced to explore the option of installing a bicycle maintenance station in the municipality
- Action 11.5 has been enhanced to improve bicycle parking at Council facilities
- Action 13.1 has been enhanced to ensure that our bicycle assets including bicycle lanes and paths are recorded and mapped to inform the community
- Action 15.3 has been added to improve monitoring cyclist volumes through various digital platforms.

Other relatively minor changes include clarification on project descriptions and a minor re-structure of the draft *WBP*. It now includes a Policy Statement and Policy Principles, clearer rationale and a section on how the draft *WBP* was developed and a change from four Key Objectives to four Key Directions. The intent of these changes is to maintain consistency with the structure and terminology contained within other Council strategies and policies.

The policy statement of the draft *WBP* is:

The City of Whittlesea is committed to adopting cycling as a viable transport mode for a wide variety of trips, ensuring that the municipality is a great place to ride and residents have made the decision to ride more often.

To achieve this vision the draft *WBP* sets out four key directions:

1. Make cycling safer
2. Encourage and promote cycling
3. Build and maintain a high quality network
4. Monitor cycling into the future.

The key directions will be achieved through the implementation of 15 objectives and 46 actions identified in the plan.

FINANCIAL IMPLICATIONS

Funding the actions in the draft *WBP* will be considered as part of Council's annual budgetary processes. Funding will also be sought from external sources including developers, and State and Federal Governments. The exact level of funding provided in each financial year will be confirmed through Council's new works program and annual operational budget.

POLICY STRATEGY AND LEGISLATION

The *Whittlesea Bicycle Plan 2016 – 2020* is an action from Council's *Integrated Transport Strategy 2014* and a strategic objective. It is also aligned to the State Government's bicycle strategy, *Cycling into the Future 2013 – 2023*.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Accessibility in, out and around our city
Theme	Transport
Strategic Objective	We can cycle safely

The *Whittlesea Bicycle Plan 2016 – 2020* will assist in the delivery of four 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
- Health and Wellbeing
- Living Sustainably

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 *Whittlesea Bicycle Plan 2016 – 2020* identifies the path and implementation of actions required by Council to encourage and promote cycling to our community in a high quality network that is safer for all users. This will contribute to health and wellbeing, social connections and community engagement of our residents who choose to cycle for a wide variety of trips.

RECOMMENDATION

THAT Council adopt the *Whittlesea Bicycle Plan 2016 – 2020*.

COUNCIL RESOLUTION

MOVED: *Cr Lalios*

SECONDED: *Cr Alessi*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.3.3 ROAD SAFETY & TRAFFIC CONDITIONS: JORGENSEN AVENUE, DOREEN**File No:** S/166438**Attachments:**
1 Road network & location of petitioners
2 Traffic Survey Data Summary**Responsible Officer:** Director City Transport & Presentation**Author:** Traffic Engineer**REPORT****SUMMARY**

The purpose of this report is to consider a petition regarding road safety and traffic conditions in Jorgensen Avenue, Doreen.

BACKGROUND

A petition regarding road safety and traffic conditions in Jorgensen Avenue, Doreen, was tabled at Council's meeting on 26 April 2016. Council resolved *to receive the petition requesting Council install inhibitors in Jorgensen Avenue, Doreen, between Tucker Street and Werther Way and a report be prepared.*

The petition contained 28 signatures representing 22 properties along Jorgensen Avenue, (*Attachment 1*). In support of the request, the signatories raised concerns about:

- Traffic speeds;
- Increased traffic volumes;
- Safety of all road users, including pedestrians and commuters at the bus stop.
- Car crashes.

DISCUSSION**Road Network and Function**

Jorgensen Avenue is one of two collector roads in this neighbourhood in Doreen South (*Attachment 1*). The road was designed to cater for vehicle volumes up to 5,000 vehicles per day (vpd) and provide access for the immediate neighbourhood to and from Yan Yean Road. The abutting land use is residential except for Yarrambat Park on the south side of the road, west of Yan Yean Road. The speed limit along Jorgensen Avenue is 50km/h.

Jorgensen Avenue runs east-west between Yan Yean Road and the curve located between properties 26 and 32 Jorgensen Avenue, and then north-south between the curve and Vidler Avenue. The road is approximately 760m long and varies in width from approximately 12.7m in the east-west section, to 7.3m in the north-south section.

The function of Jorgensen Avenue changes from a collector road to a local street at Montsalvat Street where the collector road continues along Montsalvat Street (*Attachment 1*).

Parking is unrestricted on both sides of Jorgensen Avenue; the speed limit is 50km/h. Jorgensen Avenue forms part of bus routes 381 and 385.

Investigation

The scope of investigation and this report is limited to the collector road section of Jorgensen Avenue, ie. between Yan Yean Road and Montsalvat Street, as all of the petitioners reside in this section and the issues raised relate particularly to this section.

Current Traffic Conditions

Traffic surveys conducted in 2016 indicate traffic speeds are not acceptable. For example, in front of house no.18:

- Average and 85th percentile speeds (the speed at which 85% of drivers are driving at or below) are 54km/h and 64km/h. The speed limit along the road is 50km/h.
- 78% or 2,269 vehicles per day (vpd) exceed the 50km/h speed limit, and 29% or 844 vpd exceed 60km/h.

Traffic volumes peak at approximately 2,900 (vpd) vehicles per day, which is below the 5000 vpd which the road is designed to cater for.

A full summary of the 2016 traffic surveys, as well as a 2015 survey are in *Attachment 2*.

Road Safety

VicRoads' *CrashStats* (casualty crash data) indicates that between 2011 and 2016 there have not been any crashes recorded in Jorgensen Avenue. The Victoria Police have also indicated that they have no record of any crashes.

Notwithstanding, the petitioners provided evidence of a crash that occurred on 30 March 2016. The photographs indicate that the crash involved a west bound car running out of control on the curve in the road and crashing into trees near the bus stop opposite property no. 26 (*Attachment 1*).

Hoon Driving

There is evidence (tyre skid and burnout marks) of hoon driving on Jorgensen Avenue at the Werther Way intersection.

Future Traffic Conditions and Action

Traffic volumes in Jorgensen Avenue are likely to increase in the future, as are the number of speeding vehicles, when a roundabout is installed at the Jorgensen Avenue and Yan Yean Road intersection. The roundabout is expected to be completed in by the end of June 2017.

If the petitioner concerns are to be addressed, some action will be required.

Action can be in the form of Victoria Police enforcing the speed limit and targeting hoon driving behaviour. In this regard, Council often advocates to the Police on behalf of the community for increased enforcement of speeds and the targeting of hoon drivers. However, taking into account the frequency and number of speeding vehicles and Victoria Police operational constraints, in this case permanent speed deterrent measures are considered warranted.

Traffic management options available to Council to achieve a reduction in traffic speeds are limited, ie. in this case roundabouts are not an option, as intersecting roads are not suitably located.

The most obvious and cost effective option in the straight sections of the road are raised pavements. As Jorgensen Avenue is a bus route, raised pavements options are limited to asphalt road cushions (three sets would be required to accord with AusRoads' and VicRoads' guidelines), and given the road layout, three sets would be required. Streetscape and amenity improvements could also be integrated into the road cushion designs.

Through the curve, a raised central island approximately 1.5m (at the northern end), and gradually increasing to 2.5m (at the eastern end) would be suitable. This would still allow 3.3m traffic lanes to be maintained.

The raised median would achieve the main objective of restricting traffic speeds, and it would also improve lane discipline, as well providing a pedestrian refuge near the bus stop opposite no. 26 and also an opportunity for streetscape and amenity improvements.

Regardless of the above measures, minor sign and line-marking improvements should also be provided, eg. a continuous centre-line, advance curve warning signs, advisory speed signs and curve alignment markers to deter excessive speeds and improved lane discipline on the approaches to and through the curve.

CONSULTATION

The petitioners represent 22 of the 25 properties in the section of Jorgensen Avenue being investigated, indicating that there is a high level of resident support for action to be taken. The traffic management options discussed above are in-line with the petitioners' expectations.

Whilst it can be considered that there is a high level of resident support for these treatments, further consultation will need to be undertaken as detail designs are developed.

Dyson Bus Company has previously indicated road cushions are satisfactory on their bus routes.

FINANCIAL IMPLICATIONS

The cost of installing three sets of asphalt road cushions and a raised central median, both with streetscape improvements, as well as signs and line-marking would be approximately \$120,000.

There is no specific budget allocation for these works in the 2016/2017 New Works Program. General budget allocations for collector road traffic calming works have been allocated to higher priority road safety projects in the 2016/17 New Works Program.

The delivery of the proposed traffic management devices would therefore require a budget submission to be prepared for the works to proceed in the 2017/2018 New Works Program.

The estimated cost of the sign and line-marking works is approximately \$5,000. This will be funded through Council's 2016/2017 operational budget.

POLICY STRATEGY AND LEGISLATION

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

- CP Item 1.1 - Engage and consult with our community, stakeholders and customers in a meaningful way.
- CP Item 2.6 - Deliver road safety improvement projects to the satisfaction of authorities and residents.
- RSS – Action Plans 2 (relating to community consultation on road safety matters), 4 (pedestrian safety), 7 (children and road safety), 8 (older persons and road safety) & 9 (speed management).

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Health and Wellbeing
Theme	Safety
Strategic Objective	Our built form incorporates safety design

The installation of traffic management devices would reduce traffic speeds and thus the likelihood and severity of crashes, improving vehicle and pedestrian safety in the 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

Traffic surveys indicate current traffic speeds are not acceptable.

It is likely traffic volumes and speeds will increase in the future when a roundabout is installed at the Jorgensen Avenue and Yan Yean Road intersection.

If the petitioner concerns are to be addressed, some action will be required. In this case, Victoria Police action would be effective however given the frequency and number of speeding vehicles and Victoria Police operational constraints this is unlikely to be sustainable and permanent speed deterrent measures are warranted.

The most cost effective option available to Council is to install asphalt road cushions and a raised central median, both with streetscape improvements, as well as signs and line-marking. The estimated cost for these works is approximately \$120,000, however funds are not currently allocated for these works.

The estimated cost for the sign and line-marking works is approximately \$5,000. Funds are available in PID 443 (Traffic Control Devices – Unprogrammed Works) this component of the project.

The installation of the asphalt road cushions, central median and streetscape improvements will be referred to the 2017/18 New Works Program.

RECOMMENDATION

THAT Council resolve to:

1. Undertake sign and line-marking improvements in Jorgensen Avenue.
2. Undertake community consultation in preparation of detailed designs for the asphalt road cushions, raised central median and streetscape improvements.
3. Refer the installation of the asphalt road cushions, raised central median and streetscape improvements to the 2017/18 New Works Program.
4. Advise all petitioners of Council's decision on this matter.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

6.3.4 THE CITY OF WHITTLESEA OPEN SPACE STRATEGY**File No:** 190541**Attachments:**
1 Open Space Strategy 2016
2 Policies, Strategies and Legislation**Responsible Officer:** Director City Transport & Presentation**Author:** Team Leader Open Space Planning**REPORT****SUMMARY**

The Open Space Strategy (the Strategy) sets out how the City of Whittlesea will design, plan for, provide and manage open space within the City of Whittlesea through to 2026.

The intent of this report is to seek Council adoption of the Strategy following amendments arising from the community and stakeholder consultation undertaken in December 2015 and January 2016.

BACKGROUND

Open space is defined as the publicly owned land that is reserved for recreation, nature conservation and passive outdoor enjoyment. In the City of Whittlesea the public open space network has a number of key roles including to:

- Provide recreational spaces for the community to exercise, play sport, explore, play, socialise, relax and unwind.
- Protect the unique ecological values including the remnant River Red Gums, native grasslands and waterways.
- Protect and promote the culture heritage and contemporary cultural values of the community.
- Foster better connected communities by providing spaces for neighbours to meet and for the community to gather.
- Contribute to an attractive character for local neighbourhoods.

The Open Space Strategy guides the future design and management of public open space in the City of Whittlesea and provides a framework for the planning and provision of open space across the older established urban and rural areas of the municipality. This includes documenting and addressing the open space needs of the existing community and planning ahead to anticipate and meet the open space needs of the forecast population within the municipality.

The Strategy includes specific actions for all existing and proposed open space in these locations with high level estimate of costs allocated to them. This provides Council and the community with a clear and articulated direction for the extent and type of open space projects to be undertaken in the established urban areas and the Whittlesea township.

The location of open space in growth areas is not detailed within the Strategy, as this is covered by Precinct Structure Plans and Development Plans in these areas. However the principles and guidelines included within the Strategy set out an approach to the provision of open space and the standards of park development in growth areas.

At the Council meeting on 25 August 2015, Council resolved to place the draft Open Space Strategy on public exhibition with the following amendments:

- Amend the open space contribution on page 19 of the Draft Open Space Strategy at item 6.7 Open Space Contributions as follows:
 - 2 lot subdivision – No contribution applicable.
 - 3 lot subdivision – 2%
 - 4 lot subdivision – 3%
 - 5 lot subdivision – 4%
 - 6 lot subdivision or greater – 5%
- Upgrade of play equipment at Botanica Park, Bundoora.
- Provision of teenage appropriate equipment, such as outdoor table tennis facilities in new and existing parks.
- Develop a set of standards for developers which detail the level of development for various open space hierarchies that will be accepted by Council.

This public exhibition commenced on 1 December 2015 and finished on 1 February 2016.

PROPOSAL

Changes to the draft Strategy

The draft Open Space Strategy has been revised to incorporate community and stakeholder feedback resulting from the consultation undertaken in December 2015 and January 2016 (See attachment 1 for the revised Strategy). Whilst the majority of the revisions recommended as a result of the exhibition are minor and simply provide further clarification around a range of subjects the key change proposed for the draft Strategy relates to the location of one of the four major community parks.

The Strategy identifies four parks as being the flagship parks for the municipality. These parks will be the key gathering points for residents throughout the municipality and will be developed to a much higher standard than other parks. In the draft Strategy that was exhibited these parks were identified as Whittlesea Public Gardens, Norris Bank Reserve, Quarry Hills Regional Parkland and Redleap Recreation Reserve. Since the completion of the consultation further work has been carried out analysing the suitability of one of these parks, Redleap Recreation Reserve.

The existing River Red Gum population within Redleap Recreation Reserve means that there is insufficient space to accommodate a large playground and the associated parking that would be developed in the flagship parks. Mill Park Recreational Reserve, located adjacent to the Mill Park Leisure Centre, was identified as an alternative nearby site for a flagship park based on its size, frontage to Morang Drive, established trees to the rear of the park and its location adjacent to Mill Park Leisure Centre. The Strategy has been amended to identify Mill Park Recreation Reserve as one of the four major community parks instead of Redleap Recreation Reserve.

Open Space contributions

To help assist funding the implementation of the open space improvements Council currently administers an open space developer contribution levy for the established urban areas, rural areas and Whittlesea Township via the *Subdivision Act 1988*. A 'sliding scale' is applied subject to the number of lots / residences created through a development. The model for developer contributions was reviewed through the Strategy's development.

As part of endorsing the Strategy for public exhibition, Council resolved to retain the current approach to open space developer contributions using a sliding scale rather than applying flat 5% levy which was proposed in the draft Strategy tabled at the August 2015 Council meeting.

The advantages of using a sliding scale are that:

- experienced developers within the municipality are familiar with a sliding scale applied through the Subdivision Act; and
- it has a lower cost for smaller developers (and by association, the purchasers of these developments).

The disadvantages associated with administering a sliding scale compared to a fixed rate are that:

- it is estimated that a sliding scale will generate approximately \$8 million less for park upgrades than a fixed 5% rate over the life of the Strategy;
- it does not result in an equitable approach to levying contributions from infill developments across the municipality; and
- there are precedents for the sliding scale levy rate being successfully challenged at the Victorian Civil and Administrative Tribunal.

Opportunities to incorporate a sliding scale into the Whittlesea Planning Scheme were explored through the development of the Strategy. There are a range of risks associated with this approach, particularly with the ability to justify the strategic basis for a sliding scale which is required to receive Planning Panel support for the inclusion of the rate in the Planning Scheme. Because of these risks it is recommended that Council continues to apply a sliding scale open space levy through the Subdivision Act, rather than embedding rates into the Whittlesea Planning Scheme.

CONSULTATION

Significant community and stakeholder consultation was undertaken during the development of the Strategy. Initially, an open space survey was prepared as the main method of seeking community feedback to inform the Strategy during the background research and analysis phase of the project. A combined total of 630 completed surveys were received and the findings documented in Appendix A (Report on the Community Open Space Survey Outcomes) of the Technical Report.

The intent of the survey was to gain an understanding of what people valued about open space, existing patterns of use and key issues that the community would like addressed in open space. The key themes included that residents valued open space as a place to relax and unwind, as a place for children to play and for trees. Lack of time was the main reason people did not visit open space and the most frequently used facilities included walking paths, seating, open grassed areas and playspaces. Suggested improvements for open space included regular maintenance, more public toilets, improvements to playgrounds and additional seating. This information provided a basis for many recommendations within the Strategy.

The draft Strategy was placed on exhibition to seek community and stakeholder feedback from 1 December 2015 to 1 February 2016. This consultation included uploading the Strategy onto Council's website, distributing hard copies to and displaying flyers at municipal offices and community centres, 3 community consultation sessions and providing the documentation to government departments, service authorities, developers, consultancies and multicultural organisations. The website received 355 page views. The consultation results supported the Strategy, with minor amendments made to provide clarification of the strategy directions.

The intent of the second round of community and stakeholder consultation was to enable interested parties an opportunity to review the draft Strategy and Technical Report and provide feedback. Key themes from the community included that the design of open space in the growth areas was of a higher standard than that of the established areas and that the most important facilities contained within open space included paths, playspaces and public toilets. A range of suggestions for the improvement of specific open space was also recorded with these ideas to be further reviewed when specific open spaces are upgraded. Stakeholder feedback (government departments and service authorities) predominantly provided further clarification around roles and responsibilities associated with encumbered open space such as waterways, electrical transmission easements, pipetracks etc.

The detailed outcomes of both consultation periods are recorded in the Technical Report which accompanies the Strategy.

CRITICAL DATES

The existing Open Space Strategy was endorsed by Council in 1997 and predates significant municipal growth. This Strategy is no longer current and does not have an expiry date.

The Draft Strategy will be implemented post endorsement by Council and will guide open space up until 2026. The content of the Strategy will need to be periodically reviewed.

FINANCIAL IMPLICATIONS

The funding for open space improvement works and land acquisition for the established urban and rural areas, including Whittlesea Township will be sourced from a combination of Council revenue, external grants from State and Commonwealth agencies and open space contributions levied using a sliding scale of rates and the Subdivision Act 1988.

The total value of land acquisition and open space capital works as recommended in the Strategy is \$97.5 million over a period of ten years.

The continued use of the sliding scale to collect open space contributions will generate less income than what a calculated 5% flat rate would produce. This outcome will decrease the income that can be collected from developers and increase the amount of money Council will need to find to deliver the recommendations of the Open Space Strategy. This will also have the effect of prolonging the delivery time of improvements to Open Space.

POLICY STRATEGY AND LEGISLATION

The Strategy is consistent with the broader policy context set out in State planning documents including *Plan Melbourne* and the *Precinct Structure Planning Guidelines* for growth areas. Additionally, the Strategy has been developed with due regard to relevant Council strategies and policies.

A diagram (*Attachment 2*) is included in the appendices to identify how the Strategy links to relevant policies, strategies and legislation.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Places and spaces to connect people
Theme	Open space
Strategic Objective	We have open spaces that are welcoming and safe for public gathering

The Strategy will assist in delivery of 6 of the 7 directions described in the Strategic Community Plan (Community, Around Our City, Economy, Connect People, Wellbeing and Sustainability) and more specifically can be linked to Goal 4.1 (Council will continue to

provide a range of open spaces for use by the community) and 4.6 (Council will continue to provide a high quality network of local parks and recreational facilities across the urban and rural areas which are managed for community and environmental benefits) of the Council Plan 2013 – 2017.

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 adoption and implementation of the Open Space Strategy will result in a much improved network of parks within the established areas that will contribute to the liveability and greening of the local neighbourhoods across the city.

RECOMMENDATION

THAT Council resolve to adopt of the City of Whittlesea Open Space Strategy.

COUNCIL RESOLUTION

MOVED: *Cr Lalios*
SECONDED: *Cr Pavlidis*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.3.5 E6 PETITION

File No: 177059

Attachments:

- 1 Council Position on E6
- 2 Outer Metropolitan Ring Road and E6 Transport Corridor
- 3 E6 Transport Corridor in City of Whittlesea

Responsible Officer: Director City Transport & Presentation

Author: Senior Transport Planner

CHIEF EXECUTIVE OFFICER – EXPLANATORY NOTATION

In accordance with Clause 36 of the Procedural Matters Local Law, the Chief Executive Officer has withdrawn Item 6.3.5 – E6 Petition, with the consent of the Chairperson.

The report has been withdrawn to obtain further information regarding previous community consultation.

6.3.6 DOG OFF-LEASH AREA POLICY AND MANAGEMENT PLAN

File No:	NA
Attachments:	1 Dog Off-Leash Area Policy and Management Plan
Responsible Officer:	Director City Transport & Presentation
Author:	Directorate Projects Executive

REPORT**INTRODUCTION**

The purpose of this report is to seek Council endorsement of the Dog Off-Leash Area Policy and Management Plan (the Plan).

The Plan describes Council's approach to Dog Off-Leash Area facilities - why we have them, how we expect them to be used, what they might look like, where they might be located and how they could be funded. The Plan will provide the basis for all activities relating to Off-Leash Areas.

BACKGROUND

Dog Off-Leash Areas are designated areas that allow for the free running of dogs.

The purpose of providing Off-Leash Areas is to contribute to the physical and mental health of the community through physical exercise, social interaction and pet kinship.

There are currently six formally gazetted Off-Leash Areas within the City of Whittlesea (see Attachment 1, Appendix 1 for existing site locations and aerial images) which are well used by the community. The Plan outlines an approach to the provision of additional facilities and the standards to which these facilities will be developed. The Plan also defines Council's approach to managing the facilities.

PROPOSAL

The Plan proposes three types of Off-Leash Area, which are described below:-.

Open Unstructured

No constructed barrier to provide separation from other reserve users. Caters for dogs off-leash and play where facilitated by existing landscapes.

Confined Unstructured

Constructed barrier provides separation from other reserve users. Caters for dogs off-leash and play where facilitated by existing landscapes. Confined Unstructured Off-Leash Areas will generally be limited to 1 per suburb. New Confined Unstructured sites have been located considering:

- Dog population hot spots.
- Connectivity/access issues, such as path networks and road/waterway barriers.

Confined Structured

Constructed barrier provides separation from other reserve users. Caters for dogs off-leash and structured play facilitated by existing or modified landscapes and/or play/agility equipment. Confined Structured Off-Leash Areas will be provided on a regional basis (see Attachment 1, Appendix 2 for region map and site locations).

The Plan seeks to establish a network of Off-Leash Areas that provide equitable access to dog owners across the municipality's existing residential areas. Using Council's six existing Off-Leash Areas as a starting point, service gaps within the extent of existing residential areas were identified. Sites meeting the attribute requirements, and in close proximity to high concentrations of dog population density within the gap area, were identified as future Off-Leash Areas. The proposed sites provide residents in urban areas with a 20 minute walk from home to the Off-leash area and take into account barriers to movement such as roads and waterways. Individual site characteristics and the standard of surrounding Dog Off-Leash Areas were used to determine the type of Off-Leash Area.

The proposed future sites and type are:

- Blackwood Park, Doreen - Open Unstructured
- Wilton Vale Wetlands, South Morang - Open Unstructured
- Hendersons Creek Wetlands, South Morang - Confined Unstructured
- Winchester Park, Epping - Open Unstructured
- V.R. Michael, Lalor - Open Unstructured
- Sycamore Reserve, Mill Park - Open Unstructured
- Norris Bank Parkland, Bundoora - Open Unstructured

(see Attachment 1, section 'Identification of Future Off-Leash Areas' and Appendix 4.)

Future development of the North West region should include planning for additional sites to be provided by developers including one Confined Structured Off-Leash Area.

The Plan also outlines conditions of use for the facilities and other management approaches to mitigate risks associated with Dog Off-Leash Areas.

CONSULTATION

Between 30 May 2016 and 30 June 2016 consultation was carried out via Council's Community Voice website and at the six existing Dog Off-Leash Areas. There were 124 respondents.

Through the consultation process it was evident that the community supported Council's proposed approach to provision of Dog Off-Leash Areas and the standard of development of those areas.

Feedback was received relating to detailed aspects of off-leash facilities. This included a preference for the provision of additional shade, water tap and doggie bags.

The Plan has been amended to address this feedback as follows:

- Provision of shade through additional tree planting, with shelters to be considered at regional facilities.
- Water taps provided at all facilities.

The Plan does not recommend the provision of doggie bags at the sites as it is considered that a consistent approach to requiring community members to carry plastic bags at all times when walking a dog is preferred. This approach is encouraged in all public spaces through Council's Local Law.

FINANCIAL IMPLICATIONS

Funding for Council provided Off-Leash Areas will be managed via the New Works Program. The Plan provides a prioritised list of future sites taking into account indicators such as dog population density, community interest, existing amenities, ease of implementation and overlap with adjacent Off-Leash Areas. Based on work carried out during creation of the draft Plan, the 2016/17 program funds has been set at \$55,000. The total cost of development of the dog off-leash network is estimated to be \$381,000.

POLICY STRATEGY AND LEGISLATION

The Plan supports the objectives of the Open Space strategy which recommends the provision of areas for the exercising of dogs, and the management of potential impacts on Council's stock of open space and users of adjacent open space areas.

The Plan supports the Domestic Animal Management Plan, which incorporates actions for the implementation of Dog Off-Leash Areas and the safe and proper use of these areas by dog owners. The Domestic Animal Management Plan is a requirement of Section 68A of the Domestic Animals Act 1994.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Places and spaces to connect people
Theme	Open space
Strategic Objective	We have open spaces that are welcoming and safe for public gathering

This proposal supports the Council Plan by providing the majority of existing residential areas with opportunities for off-leash dog activities at locations that are fit for purpose and, where possible, situated in close proximity to areas of high dog registration density.

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

Dog Off-Leash Areas have become an important element in the community's open space network, offering owners the opportunity to exercise both themselves and their dogs in a safe environment, with the social aspects of use contributing to better mental health and fostering a sense of community amongst regular users. Implementing a standardised approach for determining their delivery and management methods allow Council to establish a network of Off-Leash Areas that provide equitable access to dog owners across the municipality's existing residential areas. Off-Leash Areas will be of a defined standard allowing better management of community expectations and allowing better planning of new Off-Leash Areas for delivery within the New Works Program.

RECOMMENDATION

THAT Council resolve to adopt the Dog Off-Leash Area Policy and Management Plan.

COUNCIL RESOLUTION

MOVED: *Cr Lalios*
SECONDED: *Cr Spinelli*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.4 CORPORATE SERVICES

6.4.1 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

File No:	166301
Attachments:	1 Instrument of Delegation to Members of Council Staff
Responsible Officer:	Director Corporate Services
Author:	Governance Officer

REPORT

SUMMARY

This report reviews delegations from Council to members of Council staff to reflect legislative amendments since the last review in October 2015 and to make changes to position titles to reflect the recent organisational restructure.

BACKGROUND

The Instrument of Delegation from Council to members of Council staff ('the Instrument') was last reviewed by Council on 27 October 2015. The Instrument contains delegations under a number of Acts and Regulations and ensures that delegations are made to appropriately qualified and trained officers in the organisation.

Training, advice and support is provided to staff who exercise delegations including their legal obligation to manage conflicts of interest consistent with both the Code of Conduct for Staff and Others and the provisions of the *Local Government Act 1989*.

PROPOSAL

The revised Instrument makes changes to position titles to reflect the recent organisational restructure in addition to number of minor legislative amendments including:

1. *Crematoria Act 2003* - ss86(2)-(6), 86(A) and 110A have now come into effect and sections s89(1) and s90 having been deleted;
2. *Cemeteries and Crematoria Regulations 2015* – have come into force and the 2005 Regulations have been revoked;
3. *Planning and Environment Act 1987* – amendments relating to infrastructure contribution plans and other minor amendments;
4. The *Planning and Environment (Fees) Interim Regulations 2015* - replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2014*; and

[Note: When planning fees were set in 2000 they did not include automatic annual indexation. When the *Planning and Environment (Fees) Regulations 2000* expired in 2010, the fees were not reviewed. In the meantime, interim regulations have been introduced annually for the past six years without any review of fees taking place to reflect Council's rising costs for administering its planning responsibilities];

5. *Road Management (General) Regulations 2016* - have replaced the *Road Management (General) Regulations 2005*, with minor amendments to Council duties where it is the coordinating road authority.

Amendments in the revised Instrument are shown in red text with deletions struck through. (Refer Attachment 1).

CONSULTATION

Members of Council Staff who are nominated as delegates have been consulted in the preparation of the Instrument.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposal.

POLICY STRATEGY AND LEGISLATION

As a legal entity, Council can exercise certain powers by resolution of the whole Council at a Council meeting or through members of Council staff acting on its behalf. This Instrument delegates Council powers directly from Council to members of Council staff under section 98 of the *Local Government Act 1989*.

Delegations are to positions and not to individuals to ensure that delegations do not become obsolete or ineffective in the event of a staff member leaving the organisation or being absent or on leave. In these instances, the delegated powers of the position are automatically transferred to the Council officer acting in the position.

LINKS TO THE COUNCIL PLAN

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is recommended that the attached Instrument of Delegation from Council to staff be adopted. The updated delegations will facilitate Council's decision making processes by ensuring that delegations are made to appropriate positions and reflect current legislation.

RECOMMENDATION

THAT Council resolve to delegate the powers, duties and functions set out in the attached Instrument of Delegation to members of council staff, subject to the conditions and limitations specified in the Instrument effective from 30 August 2016.

COUNCIL RESOLUTION

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

THAT Council resolve to delegate the powers, duties and functions set out in the attached Instrument of Delegation to members of Council staff, subject to the conditions and limitations specified in the Instrument effective from 30 August 2016 with the following amendment:

The delegation under section 69(2) of the *Planning and Environment Act 1987* be amended in relation to Column 2 (thing delegated) to state: 'power to extend and power to refuse an extension of time to a planning permit' and, further amended, in relation to Column 4 (conditions and limitations) to state: 'A refusal for an extension of time to be referred to Council regardless of changed circumstances.' and the words 'Where circumstances have not changed.' to remain.

CARRIED

**6.4.2 COMMITTEE OF COUNCIL RECOMMENDATION - LEASE - YARRA PLENTY
REGIONAL LIBRARY SERVICE - STAFF ACCOMMODATION**

File No: SU162306

Attachments: 1 Site Plan

Responsible Officer: Director Corporate Services

Author: Senior Property Officer

REPORT**SUMMARY**

To report on the recommendations presented by the Committee of Council regarding the proposed lease with Yarra Plenty Regional Library Service ('YPRLS'), for the exclusive use of part of Council's Plenty Ranges Arts and Convention Centre located at 35 Ferres Boulevard, South Morang (see *Attachment 1 – Site Plan*). The land is located within Council's South East Ward.

The proposal seeks to surrender the existing lease granted to YPRLS in 2011 for their use of part of Council's Civic Centre offices and enter into a new agreement for the use of the office space at Council's Plenty Ranges Arts and Convention Centre.

BACKGROUND

Council, at its meeting held on 19 July 2016, formally resolved to invite public submissions in relation to the proposed lease with the Yarra Plenty Regional Library Service ('YPRLS'), for the exclusive use of part of Council's Plenty Ranges Arts and Convention Centre located at 35 Ferres Boulevard, South Morang.

Under the terms and conditions of the lease, YPRLS would occupy the premises (235m²) for the purposes of providing back office accommodation to support regional libraries operating in the Cities of Whittlesea and Banyule and the Shire of Nillumbik.

The premises will be made exclusively available to YPRLS for a period of six months and receive an option for one further term of six months. A commencement date rental of \$80,000 per annum (plus GST) will be charged to YPRLS.

PROPOSAL

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

COMMITTEE OF COUNCIL

A Committee of Council, comprising of Cr Alessi, Cr Harris, Cr Kelly and Cr Lalios, was appointed to consider any written submissions received in response to Council's public notice advertised in the Whittlesea Leader newspaper on Tuesday 26 July 2016.

No submissions were received at the close of the advertising period (24 August 2016, 12 noon). A memo was sent to the Committee of Council on Wednesday 24 August 2016, advising that no public submissions were received and the Committee of Council hearing would not be required.

FINANCIAL IMPLICATIONS

Following discussions with YPRLS, Council's Manager Property & Valuations has agreed that the annual rental of \$80,000 per annum (plus GST) be applied for the initial term secured under lease. Rent will continue to be charged in advance and on a monthly basis.

POLICY STRATEGY AND LEGISLATION

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

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Growing our economy
Theme	Economic development
Strategic Objective	Local businesses are supported

The proposal seeks to extend the tenancy granted to YPRLS and ensure that the provision of back office accommodation to support regional libraries operating in the Cities of Whittlesea and Banyule and the Shire of Nillumbik, is maintained without interruption.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is recommended that the existing lease granted in 2011 to YPRLS for their use of part of Council's Civic Centre offices be surrendered and a new agreement entered into for the use of the office space at Council's Plenty Ranges Arts and Convention Centre.

RECOMMENDATION

THAT Council resolve to:

1. **Note that public submissions on the proposed lease with the Yarra Plenty Regional Library Service were invited in accordance with Section 223 of the *Local Government Act 1989* and that no submissions were received at the close of the public submission period.**
2. **Enter into a lease with Yarra Plenty Regional Library Service for the exclusive use of part of Council's Plenty Ranges Arts and Convention Centre located at 35 Ferres Boulevard, South Morang, under the following terms and conditions –**
 - a) **The Tenant will be granted a lease for a period of six months and receive an option for one further term of six months.**

- b) The Tenant will pay a commencement date rental of \$80,000 per annum pro rata (plus GST).
3. Authorise the Chief Executive Officer to negotiate all other terms and conditions.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.4.3 COMMITTEE OF MANAGEMENT - 160 BARRY ROAD THOMASTOWN

File No: 175648
Attachments: 1 Site Plan & Photo
Responsible Officer: Director Corporate Services
Author: Senior Property Officer

REPORT**SUMMARY**

This report seeks Council's approval to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 160 Barry Road, Thomastown (see *Attachment 1 – Site Plan & Photo & Attachment 2 - Locality Plan*). The land is in the municipality's South West Ward.

The proposal seeks to utilise the land for the provision of additional open space (adjacent to the Whittlesea Public Gardens) and protection and offset of native vegetation that would be otherwise lost through the future development of 135-161 Barry Road, Thomastown.

The proposal also allows progress of the residential development in accordance with the development plan conditions and ensures that funding for the management and maintenance of the Crown Land is addressed as a condition of the developer's Environmental Management Plan.

BACKGROUND

Council, at its meeting held on 7 June 2016, formally resolved to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 163-209 Barry Road, Thomastown, pursuant of Section (1) of the *Crown Land (Reserves) Act 1978*.

The land, which presently borders the future residential development site at 135-161 Barry Road, Thomastown, was viewed as a critical acquisition in establishing the continuity of open space provisions as well as protection and enhancement of the natural environmental values of this site.

Council officers have received notification that Council will be appointed as Committee of Management to ensure the establishment and preservation of these values is delivered.

However, Council officers were further advised that the appointment be conditional upon Council securing Committee of Management status over a secondary parcel (otherwise known as 160 Barry Road, Thomastown) that lies immediately north of the subject land and adjacent to the Whittlesea Public Gardens.

Parks Victoria has advised that it shall relinquish its rights in managing the land (3,600m²) on the provision that it be maintained by Council.

Whilst the land has not been previously considered for management of its conservation values, the proposal should be considered in support of the Environmental Management Plan that is endorsed within the immediate vicinity of the land. The land also provides further strategic advantages such as being an extension of the Whittlesea Gardens and the dog park.

It is therefore recommended that a further application be presented to the Minister for Planning in support of Council obtaining Committee of Management status over the section of Crown land known as 160 Barry Road, Thomastown.

PROPOSAL

To seek Council's approval to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 160 Barry Road, Thomastown and implement an Environmental Management Plan (EMP) that would allow developer to fund improvements and maintenance works to the future crown land and residential open space interface. The proposal will coincide with Council's resolution of 7 June 2016 to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 163-209 Barry Road, Thomastown.

CONSULTATION

Prior to the Planning Scheme Amendment C179 Council officers consulted with the Crown Land stakeholder, Department of Environment, Land, Water and Planning (DELWP) and Parks Victoria, in respect of integrating a suitable offset management plan that addresses the potential loss of native vegetation within the residential development of 135-161 Barry Road, Thomastown and appropriate open space maintenance into the future. Consultation was also extended to local residents and the relevant statutory authorities prior to the endorsement of Planning Scheme Amendment C179. Council's Established Areas Planning, Parks & Open Space and City Design & Transport departments were key contributors in endorsing the Amendment.

The proposal sought to create a consolidated and managed reserve comprising of the integrated parcels and establish a Committee of Management to handle the on-going maintenance and biodiversity works that would be directed under a Conservation Management Plan.

CRITICAL DATES

The owner of 135-161 Barry Road, Thomastown may not proceed with the development proposal until such time that the Committee of Management status is obtained by Council.

FINANCIAL IMPLICATIONS

As part of the native vegetation offset requirements, the developer is required to prepare an Environmental Management Plan (EMP). The EMP will inform contributions to be made to Council to fund the ongoing maintenance and management of the Crown Land to be used as a native vegetation offset.

Consistent with draft concept plans, the embellished open space areas provide for connectivity via a shared path. The shared path will be identified on the final plans and a standard condition on the planning permit will ensure that it is funded and delivered by the developer of 135 Barry Road, Thomastown.

POLICY STRATEGY AND LEGISLATION

Council must make an application to the Minister for Planning for Council to take Committee of Management status for the land pursuant of Section 4 (1) of the *Crown Land (Reserves) Act 1978* i.e. for the purpose of conservation, who in turn would make a recommendation to the Governor in Council.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Places and spaces to connect people
Theme	Open space
Strategic Objective	We have open spaces that are welcoming and safe for public gathering

The proposal seeks to utilise the land for the provision of additional open space (adjacent to the Whittlesea Public Gardens) and protection and offset of native vegetation that would be otherwise lost through the future development of 135-161 Barry Road, Thomastown.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

To seek Council's approval to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 160 Barry Road, Thomastown, pursuant of Section 4 (1) of the *Crown Land (Reserves) Act* 1978.

RECOMMENDATION

THAT Council resolve to submit an application to the Minister for Planning in support of Council obtaining Committee of Management status over a section of Crown land known as 160 Barry Road, Thomastown, pursuant of Section (1) of the *Crown Land (Reserves) Act* 1978.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.4.4 ASSEMBLIES OF COUNCIL REPORT - 30 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
Whittlesea Disability Network (WDN) 12 July 2016	Cr Kozmevski (Mayor) Cr Griffin Cr Stow	ARO MACDW MCW TLCCQC WWO	<ol style="list-style-type: none"> 1. Reports from Working Groups <ol style="list-style-type: none"> (a) Accessible Parking and Transport (b) Disability Cluster (c) Hospital Issues (d) Carers' Week (e) International Day of People with Disability (IDPWD) (f) Budget (g) <i>Our News</i> Newsletter (h) Employment (i) NDIS Preparation 2. State Disability Plan Discussion Paper 3. Other Business <p style="text-align: right;"><i>Nil disclosures</i></p>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum 26 July 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Harris Cr Lalios Cr Pavlidis Cr Stow	CEO CSO DCS DCRS DCTP DPMP DPE-A MCBP-A MCW MMC-A MOW SP SPPO TLSP	<ol style="list-style-type: none"> Community Safety and Crime Prevention Policy and Strategy. City of Whittlesea Gambling Advocacy Campaign. Community Solar Savers Program – Further Information on Business Case and Trial/Program Expansion CEO Employment Matters Advisory Committee Terms of Reference Chief Executive Officer KPI's for 2016/2017 <p><i>Nil disclosures</i></p>
Council Forum 2 August 2016	Cr Kozmevski (Mayor) Cr Alessi Cr Griffin Cr Harris Cr Lalios Cr Sinclair Cr Spinelli Cr Stow	CEO DCS DCRS DCTP DPMP DPE MCTD MLCF MPOS STP STTO TLCI TLOS	<ol style="list-style-type: none"> The City of Whittlesea Open Space Strategy Community Development Grants Program 2016-2017 Transport Priorities Whittlesea Bicycle Plan General Business <ol style="list-style-type: none"> Local Government Act Review Annual Accounts – 2015-2016 <p><i>Nil disclosures</i></p>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
ARO	Assistant Records Officer – Jordan Plowman	MMC-A	Acting Manager Marketing and Communications – Heather Crosling
CEO	Chief Executive Officer – Michael Wootten	MOW	Manager One Whittlesea – Sam Dureau
CSO	Community Services Officer – Elizabeth Meade	MPOS	Manager Parks and Open Spaces – Kristen Jackson
DCRS	Director Corporate Services – Helen Sui	SP	Social Planner – Rebecca Sirianni
DCS	Director Community Services – Russell Hopkins	SPPO	Social Policy and Projects Officer – Joanne Kyrkillis
DCTP	Director City Transport and Presentation – Nick Mann	STP	Senior Transport Planner – Troy Knowing
DPE-A	Acting Director Partnerships and Engagement - Sean McManus	STTO	Senior Traffic & Transport Officer – Malcolm Johnson
DPMP	Director Planning and Major Projects – Steve O'Brien	TLCC	Team Leader Community Care – Wayne Mitchell
MACDW	Metro Access Community Development Worker – Bernie Ezeokoli	TLCI	Team Leader Community Inclusion – Kelisha Nikitas
MCBP-A	Acting Manager Community Building and Planning – Belgin Besim	TLOS	Team Leader Open Spaces – Rod Spivey

Initials	Title of Officer	Initials	Title of Officer
MCTD	Manager City Transport and Design – Ben Harries	TLSP	Team Leader Sustainable Projects – Karen Rosenberg
MCW	Manager Community Wellbeing – Neville Kurth	WWO	Wellbeing at Work Officer - Agnieszka Miller
MLCF	Manager Leisure and Community Facilities – Paul Reading		

CONSULTATION

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

FINANCIAL IMPLICATIONS

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

POLICY STRATEGY AND LEGISLATION

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

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

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

LINKS TO THE COUNCIL PLAN

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

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

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

COUNCIL RESOLUTION

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

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

CARRIED

6.4.5 CERTIFICATION OF 2015-16 FINANCIAL STATEMENTS AND UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING**File No:** N/A

Attachments:

- 1 Draft Financial Statements 2015/16**
- 2 Draft Performance Statement 2015/16**
- 3 Unconfirmed Minutes of the Audit and Risk Committee Meeting held on 25 August 2016**

Responsible Officer: Director Corporate Services**Author:** Team Leader Financial Accounting**REPORT****SUMMARY**

Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The Annual Financial Statements and Performance Statement for the year ended 30 June 2016 are required to be submitted to the Auditor-General by 30 September 2016.

INTRODUCTION

This report seeks Council approval for adoption *in principle* of the City of Whittlesea Annual Financial Statements (*Attachment 1*) and Performance Statement (*Attachment 2*) for the year ended 30 June 2016 and authorisation of two Councillors to sign the certifications included in the Reports.

As required under Council's Audit and Risk Committee Charter, this report also presents the Unconfirmed Minutes of the Audit and Risk Committee meeting held on 25 August 2016 (*Attachment 3*).

BACKGROUND

The Financial Statements and Performance Statement are required to be certified by Council's Chief Executive Officer, Principal Accounting Officer and two Councillors on behalf of Council prior to Council's auditor signing the audit certifications.

The draft Annual Financial Statements and Performance Statement for 2015/2016 are firstly presented to Council's Audit and Risk Committee for review and recommendation for adoption by Council. The review focuses on:

- Accounting policies and practices, including any changes to accounting policies and practices
- Compliance with accounting standards and other reporting requirements
- Significant adjustments to the financial report (if any) arising from the audit process
- Significant variances from prior years.

AUDIT AND RISK COMMITTEE MEETING 25 AUGUST 2016

The Audit and Risk Committee discussed and reviewed the Annual Financial Statements and Performance Statement with representatives of Council's external auditor, Richmond Sinnott and Delahunty (RSD).

The Committee recommended a number of minor amendments which have been incorporated, and are reflected in the attached Draft Financial Statements and Performance Statement.

It is noted that Victorian Auditor General's Office (VAGO) Closing Audit Report identified a number of opportunities for improvement following the examination and audit review of the set of financial accounts, accordingly a detailed Management Letter was provided.

The Committee further recommended that the two Councillors on the Audit and Risk Committee be authorised to sign the Annual Financial Statements and Performance Statement.

The Committee also discussed the inclusion of *Note 2a – Reconciliation of Comprehensive Result to Underlying Surplus/(deficit)* (Note 2a). Management advised the Committee that based on discussion with the External Auditor (RSD), who had been provided with advice by VAGO, it had removed Note 2a from the original version of the Financial Statements. RSD noted it was the view of VAGO that such a note should be included in the Annual Report rather than the Financial Statements.

The Committee disagreed with VAGO's view and suggested that Management should reconsider its position in relation to Note 2a. The Committee was of the view that it was only a legislative requirement for Management to follow the Model Accounts at a minimum and then it was for Management to determine if it wished to include any other information that it felt would enhance the Financial Statements and ensure that the data provided was fully explained, as long as any additional information included was auditable, appropriate and relevant.

The Committee advised that its view was that Note 2a should be included in the 2015/2016 Financial Statements, however, would leave the final decision on its inclusion to be determined by Management and Councillors following further discussion with RSD and VAGO.

COMPREHENSIVE RESULT

The Comprehensive Income Statement includes an amount after the total surplus (deficit) that represents the net revaluation increase of all property and infrastructure assets. Therefore, the total comprehensive result for 2015/2016 is \$170.199M.

Council measures its underlying operational result to assist in the determination of whether it is operating in a sustainable fashion or not. The underlying result is an important indicator of Council's long-term financial sustainability. Whilst an underlying deficit in one financial year is not significant, the continued recording of deficits over a sustained period from Council's operations gradually erodes the net assets of Council.

The underlying result from operations excludes a number of transactions which are either 'non-recurring' or not operational in nature. These items are frequently unpredictable and typically can change from one year to the next. The best examples of these items are assets (roads, footpaths, drains, land reserves etc) that are given to Council by developers once a new subdivision is completed. There are also other accounting adjustments for 'found assets' (when assets that have not been previously recognised by Council are identified), 'lost assets' (when existing assets are written off) or when existing assets are revalued.

The aim of an underlying result is to determine whether Council's operational costs/income result is in a surplus or deficit outcome. In this way, Council can, in long-term financial planning, aim for an outcome where pure operational outcomes assist Council in achieving a sustainable organisation.

The table below shows the underlying operational result for the year ended 30 June 2016.

Comprehensive Result from Standard Comprehensive Income Statement	\$170.199M
Less Other Comprehensive Income:	
Asset revaluation increment (decrement)	(59.059M)
Net result for the year from Comprehensive Income Statement	\$111.140M
Less Non-operating Income and Expenditure	
Grants – capital	10.821M
Contributions - capital	2.362M
Contributions – cash (developer contributions)	16.174M
Contributions - Non-monetary assets	94.909M
Found assets	(6.823M)
Underlying surplus (deficit)	(\$6.303M)

While showing a total comprehensive result of \$170.199M, the table above shows that the City of Whittlesea's underlying operating result for 2015/2016 is a deficit of \$6.303M. This amount does not include commonwealth government Grants Commission grant instalment of \$6.3M relating to 2015/16 which was received in advance in 2014/2015.

The Comprehensive Income Statement summarises the Council's operating result for income and expenditure for the period 1 July 2015 to 30 June 2016.

FINANCIAL SUSTAINABILITY INDICATORS

The Victorian Auditor-General's Office publishes Council's result against a range of indicators used to assist in measuring performance and financial sustainability. The estimated result of the 2015/2016 indicators are presented in the table below.

RATIO	15/16	COMMENTS
Underlying Result (Adjusted net surplus / total underlying revenue)	7.92% Green	This ratio measures Council's ability to fund operations and asset renewal. Operating deficits cannot be sustained in the long term. A less than -10% (deficit) is deemed high risk (red) and a positive result is desirable (green).
Liquidity (Current assets / current liabilities)	3.16 Green	This ratio measures Council's ability to pay existing liabilities in the next 12 months. A result of less than 1 is deemed as high risk (red) and a result higher than 1.5 is desirable (green).

RATIO	15/16	COMMENTS
Self-financing (Net operating cash flows / underlying revenue)	29.90% Green	This ratio measures Council's ability to replace assets using cash generated from operations. A result of less than 10% is deemed as high risk (red) and a result higher than 20% is desirable (green).
Indebtedness (non-current liabilities / own-sourced revenue)	21.01% Green	This ratio measures Council's ability to cover its non-current liabilities with its own sourced revenue. A result of more than 60% is deemed as high risk (red) and a result lower than 40% is desirable (green).
Capital replacement (Capital expenditure / depreciation)	1.85 Green	Comparison of the rate of spending on infrastructure with its depreciation. A result lower than 1 is deemed high risk (red) and a result higher than 1.5 is desirable (green).
Renewal gap Renewal and upgrade expenditure / depreciation)	0.86 Amber	Comparison of the rate of spending on existing assets through renewing, restoring and replacing existing assets with depreciation. A ratio lower than 0.5 is deemed high risk (red) and a result higher than 1 is desirable (green). Council needs to improve its spending on renewing, restoring and replacing existing assets.
Overall assessment for long-term financial sustainability	Green	The City of Whittlesea remains low risk (green) for its long term financial sustainability.

PROPOSAL

It is proposed that Council:

1. Note the Minutes of the Audit and Risk Committee Meeting held on 25 August 2016.
2. Approve in principle the Financial Statements and Performance Statement for the year ended 30 June 2016, subject to any changes recommended or agreed to by the Victorian Auditor-General's Office.
3. Based on the recommendation of the Audit and Risk Committee Council include *Note 2a – Reconciliation of Comprehensive Result to Underlying Surplus/(Deficit)* in the final version of the 2015/2016 Annual Financial Statements subject to further discussion with Council's external auditor and the Victorian Auditor-General's Office.
4. Authorise the Mayor, Cr Kozmevski and Cr Kirkham to sign the 2015/2016 Annual Financial Statements and Performance Statement in their final form.

CONSULTATION

Consultation has been conducted with the relevant Council departments and external service providers as necessary through the course of the audit.

CRITICAL DATES

Council is required to submit its audited financial statements to the Minister for Local Government by 30 September each year.

FINANCIAL IMPLICATIONS

The cost of the annual audit by VAGO is included within Council's annual budget.

POLICY STRATEGY AND LEGISLATION

Local Government Act 1989 section 131 and the Local Government (Planning and Reporting) Regulations 2014.

LINKS TO THE COUNCIL PLAN

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The Unconfirmed Minutes of the Audit and Risk Committee meeting held on 25 August 2016, (*Attachment 3*) are presented for information.

The Financial Statements and Performance Statement have been reviewed by the Audit and Risk Committee and Council's external auditor at the Audit and Risk Committee meeting held on 25 August 2016 with no audit qualification or high risk issues identified.

Two Councillors are required to sign the certification of the Annual Financial Statements and Performance Statement once clearance is obtained from the Victorian Auditor-General and after the Principal Accounting Officer has signed his certification. In accordance with usual practice, the Councillors on the Audit and Risk Committee are to be authorised to sign the certification on behalf of Council after the necessary clearance has been obtained.

In the event that there may be some late changes made to the Annual Financial Statements or Performance Statement, it is also proposed that the approval given to the Councillors be extended to enable them to sign the certification after the necessary changes have been made

RECOMMENDATION

THAT Council resolve to:

1. Note the Minutes of the Audit and Risk Committee Meeting held on 25 August 2016.
2. Approve in principle the Financial Statements and Performance Statement for the year ended 30 June 2016, subject to any changes recommended or agreed to by the Victorian Auditor-General's Office.
3. Based on the recommendation of the Audit and Risk Committee Council include *Note 2a – Reconciliation of Comprehensive Result to Underlying Surplus/(Deficit)* in the final version of the 2015/2016 Annual Financial Statements subject to further discussion with Council's external auditor and the Victorian Auditor-General's Office.
4. Authorise the Mayor, Cr Kozmevski and Cr Kirkham to sign the 2015/2016 Annual Financial Statements and Performance Statement in their final form.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Kirkham

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

CARRIED

6.4.6 LOCAL GOVERNMENT ACT REVIEW - DRAFT SUBMISSION

File No: N/A

Attachments: 1 Draft Submission

Responsible Officer: Director Corporate Services

Author: Manager Governance

REPORT**SUMMARY**

The State Government is undertaking the first major review of the Local Government Act (the Act) since it was adopted in 1989.

A discussion paper was issued in late 2015 and a directions paper with proposed reforms has just been released. A copy has previously been provided to Councillors.

There are 157 proposed directions and comments are currently being sought on these.

Comments on the proposed reforms are due by 16 September 2016.

Attached is a draft submission from the City of Whittlesea for Council consideration.

BACKGROUND

The current review of the Act is the first since it was established in 1989. Since that time there have been significant changes to the sector, our community and to the environment within which we operate.

The 157 directions set out in the State Government's discussion paper intend to remove much of the prescription from the Act and therefore provide the opportunity for each council to govern within a broad principle based framework established by a new Act.

Council's submission (Attachment 1) provides a response to most of the 157 directions and also commentary where relevant.

The submission notes a number of the directions seek to provide the Minister for Local Government with additional powers in regard to the sector. The submission notes that there is a tension between proposals to reduce regulation on the one hand and on the other the proposed increase in the power of the Minister to intervene and provide direction to the sector as a whole or to individual councils. Such intervention should only occur in extraordinary circumstances and after the proposals have been through a robust parliamentary process and/or involve a strong partnership with the sector.

CONSULTATION

The State Government along with peak bodies in the sector have conducted a number of consultation sessions to inform the submissions process. Officers have also participated in sector consultation sessions to help inform sector specific responses to the directions. In addition Councillors have been provided with opportunities to input into the draft City of Whittlesea submission.

CRITICAL DATES

Submissions are due by 16 September 2016.

FINANCIAL IMPLICATIONS

Costs associated with the preparation of a submission are included in the recurrent budget.

POLICY STRATEGY AND LEGISLATION

The submission responds to 157 directions for reform of the Local Government Act. The Act is the primary legislation governing the role and function of local government and sets the framework for the effective operation of councils across Victoria.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION **Good Governance**

Theme **Continuous improvements**

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The first review of the Act since it was established in 1989 provides an opportunity for Council to respond to some 157 direction put forward by the State Government, addressing a broad range of proposed changes to the Act. The intent of the State to remove prescription and move towards a principle based Act is welcomed but increased powers to the Minister to intervene and provide direction to councils should be tempered by a robust parliamentary process with appropriate scrutiny.

Cr Kelly left the Council Chamber at 08:57 PM and returned at 8.58PM prior to the vote on this item.

RECOMMENDATION

THAT Council resolve to make a submission to the *Act for the Future - Directions for a new Local Government Act* as set out in Attachment 1 to this report.

COUNCIL RESOLUTION

MOVED: **Cr Lalios**
SECONDED: **Cr Spinelli**

THAT Council resolve to adopt the Recommendation.

CARRIED

6.5 PARTNERSHIPS & ENGAGEMENT

6.5.1 EPPING COMMUNITY SERVICES HUB - SUB TENANCIES

File No: 193865

Responsible Officer: Acting Director Partnerships & Engagement

Author: Acting Manager Community Building & Planning

REPORT

SUMMARY

Austin Health's Child and Adolescent Mental Health Service (Austin CAMHS), InTouch Multicultural Centre against Family Violence and EACH Social and Community Health have all expressed an interest in locating services at the Epping Community Services Hub (the Hub). Discussions have been held with Council officers and the lead tenant, Brotherhood of St Laurence (BSL), to ensure the services they provide are required by the local community and the agency supports the integrated service provision model stipulated by Council. BSL and Council officers are satisfied that both of these requirements are met.

In accordance with Council's resolution on 24 February 2015, to formally endorse tenancy applicants, this report recommends that Council endorse Austin CAMHS, InTouch Multicultural Centre against Family Violence and EACH Social and Community Health as tenants at the Hub. All three organisations have requested to commence their operations at the Hub in early to mid-September 2016.

BACKGROUND

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

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

At its meeting of 15 March 2016 and 5 April 2016, Council resolved to endorse a number of agencies as sub-tenants of the Hub. Subsequently, Austin CAMHS, InTouch Multicultural Centre against Family Violence and EACH Social and Community Health have approached the City of Whittlesea seeking accommodation for up to thirteen staff.

PROPOSAL

Austin CAMHS provides a comprehensive service for children, adolescents and their families who are experiencing psychiatric, psychological and behavioural problems. Its vision is *'to provide an effective, safe, supportive and responsible mental health service in partnership with consumers, carers and the wider community.'*

Program areas encompassed by Austin CAMHS include: Statewide Child and Adolescent Inpatient services; community outpatient teams; mobile outreach services; therapeutic treatment including family and group therapy and collaboration with local schools.

Austin CAMHS strives to provide multidisciplinary support in a collaborative manner delivering mental health services to children and young persons with their needs, wellbeing, and safety recognised and protected.

InTouch Multicultural Centre against Family Violence, (formerly known as immigrant Women Domestic Violence Service) was established in 1984 and is a state-wide service, which provides services, programs and responses to issues of family violence in CALD communities. By acknowledging the rights and diverse experiences of clients, InTouch has developed and implemented a number of culturally sensitive and holistic models for the provision of services to both victims and perpetrators of family violence. In tackling the issues of family violence the organisation acts on multiple levels – individual, relationship and community. The agency strives to create a world where all women and children will be safe and free from violence.

InTouch's work spreads across six strategic areas: Prevention and Early Intervention, Crisis Intervention, Post-crisis Intervention, Research and Advocacy, Building Sector Capacity and Strengthening Organisational Capacity.

InTouch will provide a great addition to the existing multicultural and family violence services which are soon to be operating from the Hub.

Each Social and Community Health provides the following NDIS services:

- Mental Health Needs Register – including individual outreach support, youth/adult residential rehabilitation and supported accommodation services.
- Early Childhood Intervention Services - A range of programs and activities designed to minimise the impact of a disability or developmental delay.
- Aged Care services - Home Care Packages are individually planned and coordinated suite of support and services designed to assist older people who need support to remain living independently.
- Family Relationship Support for Carers program providing flexible and tailored services for families who are caring for a family member with a disability. Services include counselling, mediation and future planning support for families.
- Disability Services, offering choice, promoting independence, and encourages community participation to people with disabilities.

EACH Social and Community Health provides a comprehensive and complementary suite of programs that will respond to the required need of the community, as well as offering additional collaborative opportunities with partner organisations.

Approval is sought from Council to include Austin CAMHS, InTouch Multicultural Centre against Family Violence and EACH Social and Community Health as tenants in the Hub. Should approval be given, BSL will proceed in drawing up sub-leasing arrangements with these agencies.

CONSULTATION

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

CRITICAL DATES

Austin CAMHS, InTouch Multicultural Centre against Family Violence and EACH Social and Community Health have requested to begin operations at the Epping Community Services Hub in early - mid September 2016.

FINANCIAL IMPLICATIONS

Nil

POLICY STRATEGY AND LEGISLATION

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

LINKS TO THE COUNCIL PLAN

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

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

CONCLUSION

Austin CAMHS, InTouch Multicultural Centre against Family Violence and EACH Social and Community Health will provide much needed services for Whittlesea residents. The agencies are fully committed to the vision for the Hub as an integrated service model and have been deemed to be important services to contribute to community wellbeing.

RECOMMENDATION

THAT Council resolve to endorse the following agencies as sub-tenants of the Epping Community Services Hub (713 High Street, Epping):

- **Austin CAMHS**
- **InTouch Multicultural Centre against Family Violence**
- **EACH Social and Community Health.**

COUNCIL RESOLUTION

MOVED: *Cr Lalios*
SECONDED: *Cr Pavlidis*

THAT Council resolve to adopt the Recommendation.

CARRIED

6.6 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION

7.1 NOTICE OF MOTION 815 - DISABILITY SERVICES - NATION WIDE ISSUE

Author: Cr Christine Stow

Please TAKE NOTICE that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 30 August 2016 at 6.30pm

RECOMMENDATION

THAT Council resolve to:

- 1. Acknowledge that the abuse, neglect and deaths in Disability Services is a nation-wide issue.**
- 2. With reference to the Victorian Parliamentary Inquiry into Abuse in Disability Services and representations made by the Victims of Crime organisation The Forgetmenot Foundation, Council agree to call upon the Federal Government to hold a National Royal Commission into Abuse, Neglect and Deaths in Disability Services/Facilities and care.**
- 3. Write to the Prime Minister of Australia, The Hon Malcolm Turnbull MP and Premiers within each State and Territory of Australia seeking their bipartisan support in launching a Royal Commission;**
- 4. Seek that consideration of an Independent body be appointed by the Prime Minister to consult to the Federal Government and monitor current and future reports of abuse, neglect and deaths and who will then ensure recommendations are adhered to, Nation-wide; and**
- 5. Seek that a national implementation of greater training of staff, monitoring of disability services and investigation of reporting takes place as matter of urgency irrespective of the decision whether to hold the Royal Commission.**

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Kirkham

THAT Council resolve to adopt the Recommendation.

CARRIED UNANIMOUSLY

8. QUESTIONS TO OFFICERS

NIL

9. URGENT BUSINESS

NIL

10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

10.1 WHITTLESEA RECONCILIATION GROUP

Cr Kelly provided an overview of a recent meeting of the Whittlesea Reconciliation Group when the following items were discussed:

- Resignation of the Co-Chair;
- Outreach to other bodies including the Whittlesea Multicultural Community Council;
- Working with Libraries;
- Christmas BBQ;
- Council's Social Planner, addressed the group with a presentation regarding the effects of gambling and the addiction to gambling machines; and
- Functioning and resignations within the group.

COUNCIL RESOLUTION

MOVED: ***Cr Pavlidis***

SECONDED: ***Cr Sinclair***

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.

11.1 EPPING POLICE STATION LEASE & OPERATION OF MERNDA POLICE STATION

Toni – Marie Wuelfert

For What length of time has the recent lease been signed, between the Council and the Epping Police Station

The Mayor Cr Stevan Kozmevski

The current Epping Police Station lease commenced on 1 February 2016 for a four year period with the option of two 1 year extensions.

Council is unable to speculate on operational matters related to Victoria Police such as the future allocation of Police resources. However Council will continue to actively advocate for additional police resources to serve our community.

11.2 BUS STOP IN JORGENSEN AVENUE MERNDA

Roslyn Twining

Dyson Bus drivers are using the stop on a bend in Jorgensen Avenue as a timing/staging point as they are unhappy with the one designated in Montsalvat Avenue.

With the acknowledged safety issues on this stretch of Jorgensen Avenue is there an option available for Council to ask Dyson to use either the designated stop or to find a more appropriate place to wait until their time is correct as this is compounding an already dangerous issue?

The Mayor Cr Stevan Kozmevski

Thank you for your question. The information Ms Twining provided is new to Council officers but it has since been confirmed by Dyson Bus Services.

Now that Council officers are aware of this situation we will work with Dysons and Public Transport Victoria to determine the most appropriate location for a timing/staging point in this area, noting that neither the Jorgensen Avenue or Monsalvat Avenue bus stops are considered ideal for a timing/staging point.

This means that collectively, we may need to agree on another bus stop altogether for a timing/staging point. Council officers will be in contact with you to let you know the outcome of the discussions.

12. CONFIDENTIAL BUSINESS

12.1 PLANNING AND MAJOR PROJECTS

12.1.1 LAND ACQUISITION - MERNDA

12.1.2 DESIGN CONSULTANCY SERVICES FOR THE CIVIC CENTRE HVAC & OFFICE UPGRADE CONTRACT 2014-101 - CONTRACT VARIATION REPORT

12.1.3 UPGRADE OF CIVIC CENTRE HEATING, VENTILATION & AIR CONDITIONING (HVAC) AND ASSOCIATED OFFICE REFURBISHMENT CONTRACT 2016-49 - TENDER EVALUATION REPORT

12.2 COMMUNITY SERVICES

12.2.1 THOMASTOWN RECREATION AQUATIC CENTRE (TRAC) CONTRACT VARIATION CT2014-160

12.2.2 PROVISION OF KINDERGARTEN FURNITURE AND EQUIPMENT CONTRACT NUMBER 2013-6A-K CONTRACT VARIATION

12.3 CITY TRANSPORT AND PRESENTATION

12.3.1 DAREBIN CREEK TRAIL STAGES 4-8 TENDER EVALUATION REPORT CONTRACT NO 2016-86

12.4 CORPORATE SERVICES

12.4.1 PROVISION OF FIRE HAZARD REMOVAL SERVICES - CONTRACT VARIATION - CONTRACT NO: SR121316

12.4.2 EMPLOYEE ASSISTANCE PROGRAM

12.4.3 CONTRACT FINALISATION - MAPS 1606-0104 RETAIL SUPPLY OF ELECTRICITY AND ASSOCIATED SERVICES TO LARGE AND SMALL SITES

12.5 PARTNERSHIPS & ENGAGEMENT

NIL REPORTS

12.6 EXECUTIVE SERVICES

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 1 AUGUST TO 19 AUGUST 2016

12.6.2 CODE OF CONDUCT MATTER

13. URGENT BUSINESS

13.1 LAND ACQUISITION –THOMASTOWN

13.2 FUNDING OF PROPERTY PURCHASES

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

12.1.1 LAND ACQUISITION - MERNDA

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

12.1.2 DESIGN CONSULTANCY SERVICES FOR THE CIVIC CENTRE HVAC & OFFICE UPGRADE CONTRACT 2014-101 - CONTRACT VARIATION REPORT

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

12.1.3 UPGRADE OF CIVIC CENTRE HEATING, VENTILATION & AIR CONDITIONING (HVAC) AND ASSOCIATED OFFICE REFURBISHMENT CONTRACT 2016-49 - TENDER EVALUATION REPORT

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

12.2.1 THOMASTOWN RECREATION AQUATIC CENTRE (TRAC) CONTRACT VARIATION CT2014-160

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

12.2.2 PROVISION OF KINDERGARTEN FURNITURE AND EQUIPMENT CONTRACT NUMBER 2013-6A-K CONTRACT VARIATION

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

12.3.1 DAREBIN CREEK TRAIL STAGES 4-8 TENDER EVALUATION REPORT CONTRACT NO 2016-86

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

12.4.1 PROVISION OF FIRE HAZARD REMOVAL SERVICES - CONTRACT VARIATION - CONTRACT NO: SR121316

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

12.4.2 EMPLOYEE ASSISTANCE PROGRAM

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

12.4.3 CONTRACT FINALISATION - MAPS 1606-0104 RETAIL SUPPLY OF ELECTRICITY AND ASSOCIATED SERVICES TO LARGE AND SMALL SITES

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

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 1 AUGUST TO 19 AUGUST

2016

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

12.6.2 CODE OF CONDUCT MATTER

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

13. URGENT BUSINESS

13.1 LAND ACQUISITION –THOMASTOWN

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

13.2 FUNDING OF PROPERTY PURCHASES

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

CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 9.28 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 11.23PM.

14. CLOSURE

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 11.23PM.

CONFIRMED THIS 20 SEPTEMBER 2016

**CR STEVAN KOZMEVSKI
MAYOR**