



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 20 SEPTEMBER 2016

AT 6:32PM

**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

LIANA THOMPSON

DIRECTOR PARTNERSHIPS & ENGAGEMENT

ANGELO MAMATIS

TEAM LEADER GOVERNANCE

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Note:

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

1. OPENING

1.1 MEETING OPENING AND PRAYER

The Chief Executive Officer opened the meeting with a prayer at 6:32pm.

1.2 MAYOR'S RECONCILIATION STATEMENT

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

1.3 PRESENT

Members:

Cr Stevan Kozmevski	Mayor (South West Ward)
Cr Kris Pavlidis	Councillor (South West Ward)
Cr Darryl Sinclair	Councillor (South West Ward)
Cr Norm Kelly	Deputy Mayor (South East Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Ken Harris	Councillor (South East Ward)
Cr Mary Laliotis	Councillor (South East Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Rex Griffin	Councillor (North Ward)
Cr Christine Stow	Councillor (North Ward)

Officers:

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

2. APOLOGIES

APOLOGY

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

COUNCIL RESOLUTION

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

THAT the apology from Cr Spinelli be received and leave be granted.

CARRIED

3. DECLARATIONS OF INTEREST

NIL

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

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

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

Ordinary Meeting of Council held 30 August 2016

CARRIED

5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS

5.1 PETITIONS

5.1.1 PETITION - STATION STREET LALOR - PARKING AND SPEED LIMIT ISSUES

File No: ST104544

Cr Pavlidis tabled a Petition from 26 residents requesting Council address the parking and speed limit issues in Station Street, Lalor.

COUNCIL RESOLUTION

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

THAT Council resolve to receive the petition requesting Council address the parking and speed limit issues in Station Street, Lalor and a report be prepared.

CARRIED

5.2 JOINT LETTERS

NIL REPORTS

6. OFFICERS' REPORTS**COUNCIL RESOLUTION**

MOVED: Cr Stow
SECONDED: Cr Sinclair

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 6.4.1, 6.4.5 and 6.4.6 .

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 66 LATITUDE BOULEVARD, THOMASTOWN - USE OF THE LAND FOR THE PURPOSES OF A SHOP (AMENDMENT)

File No: 714370

Attachments: 1 Locality Maps
2 Development Plans

Responsible Officer: Director Planning & Major Projects

Author: Planning Officer

APPLICANT: That's Amore Cheese

COUNCIL POLICY: Nil

ZONING: Commercial 2 Zone

OVERLAY: Development Contributions Plan Overlay

REFERRAL: Nil

OBJECTIONS: Two

RECOMMENDATION: That Council approve the application

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT

EXECUTIVE SUMMARY

The application is for the amendment of an existing planning permit (710370) which currently allows the use and development of the land for the purpose of industry (cheese manufacturing) and the sale of products manufactured on the land (manufacturing sales). The application for amendment seeks permission for the existing premises to also be used for the purpose of a shop to enable additional goods to be sold from the land that are not manufactured on the site. This will include take-away food.

The subject land is currently being used for the purpose of a shop. The currently application has been lodged following a request from planning compliance officers to legitimise the use as a complaint had been received that the use was unauthorised.

The application is affected by a restrictive covenant that requires, among other matters, that no beverages be sold from the land. The two objections that have been received particularly relate to this matter. The applicant has confirmed that beverages will not be sold from the premises. The application is therefore assessed on this basis.

The proposal to use part of the premises for a shop demonstrates a satisfactory level of compliance with the provisions and purposes of the relevant planning controls, specifically Clause 34.02 (Commercial 2 Zone) of the Whittlesea Planning Scheme. Accordingly, it is recommended that Council approve the application for an amendment of the existing permit. A condition will be placed on the amended permit restricting the sale of beverages from the small shop.

SITE AND SURROUNDING AREA

The subject site is a commercial property located on the south eastern side of Latitude Boulevard, Thomastown, directly north of the Metropolitan Ring Road (*see Attachment 1*). The site is flat and irregular in shape with a curved frontage to Latitude Boulevard of 66m and has a total site area of approximately 7,919m².

The site currently contains a cheese manufacturing factory (That's Amore Cheese) constructed out of precast walls.

The surrounding area is generally characterised by a mixture of commercial and industrial development and uses. Immediately to the south of the site is a Metropolitan Ring Road.

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

- Metropolitan Ring Road (30m south)
- Nick Ascenzo Reserve (600m northeast)
- Bus Route 556 – Epping Plaza Shopping Centre to Northland Shopping Centre (680m east)
- Thomastown Train Station/Bus Interchange (800m northwest)
- Thomastown High Street Mall (860m northwest)

RESTRICTIONS AND EASEMENTS

Covenant AL002550L affects the subject site and relates to land use and development restrictions. Specifically, the Covenant restricts the following:

- (a) *the subdivision of the Land or the creation thereon of two or more separate occupancies without first obtaining the written Consent of the registered proprietor or proprietors of the Parent Title;*
- (b) *the use of the Land wholly or partly for the retail sale of beverages;*
- (c) *the use of the Land for any of the following purposes:*
 - i. *brothel;*
 - ii. *concrete batching plant;*
 - iii. *concrete panel plant;*
 - iv. *recycling plant;*
 - v. *vehicle wreckers;*
 - vi. *junk yard;*
 - vii. *panel beaters;*
 - viii. *place of worship;*
 - ix. *place of assembly;*
 - x. *adult bookshop;*
 - xi. *agriculture;*
 - xii. *caretakers residence;*
 - xiii. *circus;*
 - xiv. *carnival;*
 - xv. *crop raising;*

- xvi. animal husbandry;*
- xvii. mining,*

(d) *the Land or any building on the Land to become unsightly or in a state of disrepair; and it is intended that this covenant shall appear as an encumbrance affecting the same and every part thereof on the Certificate of Title to be issued in respect of the lot hereby transferred and further that this covenant shall forever run at law.*

PROPOSAL

The applicant proposes to use the land for the purposes of a shop (see Attachment 2).

The existing manufacturing sales area of the factory (196m²) is proposed to be modified to cater for the needs of the proposed shop. This comprises a deli, refrigerated display units (ice cream and frozen pasta), island display units, sandwich bar (solely for takeaway), cheese appreciation education space, and a mozzarella/cooked food bar (named "L'angolo Della Nonna", comprising of premade and cooked pizza and pasta to take home). No sale of beverages will occur.

There is no indoor seating (to consume food) and no external modifications to the building are proposed.

It is proposed that the shop will operate between the hours of

- 8.00am to 5.00pm, Monday to Saturday
- 8.00am to 3.00pm on Sunday

The car parking spaces provided on site (94 spaces) are proposed to cater for the use of the shop.

A maximum of seven (7) staff will be on site at any given time.

PUBLIC NOTIFICATION

Advertising of the application has resulted in two objections being received. The ground of objection relates to the breaching of point (b) of Covenant AL00250L which relates to the retail sale of beverages.

PLANNING ASSESSMENT

The application has been assessed against the relevant planning controls that affect the subject land.

Clause 34.02 – Commercial Zone (Schedule 2)

The subject site is zoned Commercial 2. Pursuant to Clause 34.02-7 of the Whittlesea Planning Scheme, the following decision guidelines for uses in the Commercial 2 Zone are listed below:

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*
- *If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

The proposed amendment is considered to be conventional, appropriate, and supplementary to the primary purpose of the land. No detrimental impacts to surrounding land uses are anticipated as the proposed shop component will primarily be selling goods related to what has been manufactured on site – in particular, food products that complement the cheese/milk products manufactured on site. The site has a surplus of car parking spaces that have been approved as part of the initial permit (this is assessed in detail below), and the operation hours are considered to be consistent with surrounding land uses.

Clause 45.06 – Development Contributions Plan (Schedule 3)

The site is affected by the Development Contributions Plan Overlay. The requirements of this Overlay are not relevant to the current application and have previously been satisfied in relation to the original permit for development.

CAR PARKING

Under the permit, the current use of the land for industry/manufacturing sales has been assessed to require 81 car spaces. 94 car spaces have been provided on site, therefore an excess of 13 spaces is available. The proposed shop component will require seven (7) car spaces as required by the rate prescribed for a shop under Clause 52.06 'Car Parking' of the Whittlesea Planning Scheme. This requirement can be adequately met utilising the surplus spaces associated with the existing approved uses.

COMMENTS ON GROUND OF OBJECTION

The premises have contravened Covenant AL002550L as the retail sale of beverages (in particular, coffee) have been sold on site. However, this particular matter has now been addressed with the applicant who has confirmed that there will be no further retail sale of beverages on the site. Only food products will be sold on site. Further, the floor plan submitted demonstrates that there are no provisions for a fridge for drinks or a coffee machine.

A condition restricting the retail sale of beverages will be included on any approved amendments to the permit to further ensure that the applicant will not sell beverages on site.

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 is deemed to demonstrate a satisfactory level of compliance with the relevant planning controls, in particular, Clause 34.02 'Commercial 2 Zone' of the Whittlesea Planning Scheme. The shop component is seen to be an ancillary use that is conventional and appropriate within its context. It will contribute to the diversity of businesses within the Thomastown industrial area. The issue of the covenant is addressed by way of condition on permit. Accordingly, approval of the application is recommended.

RECOMMENDATION

THAT Council resolve to approve the amendment to Planning Application No. 714370 and issue a Notice of Decision to Grant an amended Permit that allows for the use of a shop on premise at 66 Latitude Boulevard, Thomastown, in accordance with the endorsed plans and subject to the following (amended) conditions:

- 1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. Within two months from the date of issue of this permit, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$5,000.00 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.**
 - (a) Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund up to 50% of the security deposit to the payee;**
 - (b) Subject to satisfactory maintenance of the landscaping works for a period of two years after the completion of such works, the Responsible Authority will refund to the payee the balance of the security deposit; and**
 - (c) In the event that the landscaping works are not completed or maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete and/or maintain the landscaping work and deduct the cost thereof (including supervision) from any security deposit lodged pursuant to this permit.**
- 4. Before the development starts a revised detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. This plan must include the following features:**
 - (a) Vehicle crossover visibility splays shown and annotated in accordance with Design Standard 1 of Clause 52.06-8 of the Whittlesea Planning Scheme.**
 - (b) All vegetation in compliance with Condition No. 31 of this permit.**
 - (c) Detailed site preparation and maintenance notes.**
 - (d) Existing street trees appropriately shown and annotated to indicate that they will be protected in accordance with AS 4970-2009 (Protection of Trees on Development Sites).**
 - (e) Proposed trees in a minimum container size of 45 litres of 400mm spring ring.**

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

at maturity, and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority. Any proposed trees must be at an advanced stage of growth when planted.

5. 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.
6. 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.

7. 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.

8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. 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.
10. 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.
11. 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.
12. 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.
13. The amenity of the area must not be detrimentally affected by the use or development through the:
 - (a) Transport of materials, goods or commodities to and from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) Presence of vermin.
14. 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.
15. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect to adjoining land.
16. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.
17. There must be no retail sale of beverages.
18. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the written direction of the Responsible Authority.
19. The permit holder must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Responsible Authority.
20. 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, 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.

SP AusNet Conditions (Nos. 28-36)

28. No part of the proposed building, including eaves, awnings, canopies, shelters and the like, is permitted on SPI PowerNet's easement.
29. Vehicles and equipment exceeding 3 metres maximum operating height are not permitted to operate on the easement during construction without prior written permission from SPI PowerNet Pty Ltd
30. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement. Trucks traversing the easement to access the proposed delivery areas is permissible.
31. All trees and shrubs planted on the easement must not exceed 3 metres

maximum mature growth height.

32. The storage of flammable materials is not permitted on the easement.
33. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from SPI PowerNet.
34. All services traversing the easement must be installed underground.
35. All future works within the easement must be submitted to SPI PowerNet and approved in writing prior to the commencement of work on site.
36. The applicant must –
 - (a) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - (b) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of “Power Line” in the favour of “SPI Electricity Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - (c) Obtain for the use of SPI Electricity Pty Ltd any other easements required to service the lots.
 - (d) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - (e) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

Environmental Protection Authority Conditions (Nos. 37–40)

37. Offensive odours must not be discharged beyond the boundary of the premises.
38. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
39. There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.
40. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the responsible authority.

Shop Component Conditions

41. The maximum number of staff on site must be no greater than 7 at any given time.

42. The shop may operate only between the following hours except with the prior written consent of the Responsible Authority:

- Monday to Saturday: 8:00am – 9:30pm
- Sunday: 8:00am – 3:00pm

43. There must be no retail sale of beverages at any time.

44. This permit will expire if:

- (a) the approved development is not completed within four years of the date of this permit;
- (b) the approved use is not commenced within two years of the completion of the development.

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

NOTES:

Advanced Trees

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

Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.

Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

Building Over Easements

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

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

Street Numbering Note

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

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

PERMIT AMENDMENTS

- The preamble of the permit must be amended as follows:

“Use and development of an industrial building for the purpose of manufacturing milk products (cheese factory) and use of the land for manufacturing sales and use of the land for the purposes of a shop in accordance with the endorsed plans”

- The following notation and table must be included in the permit:

This Permit has been amended as follows:

<i>Date of Amendment</i>	<i>Description of Amendment</i>
<i>(TBC after Notice of Decision process is completed)</i>	<ul style="list-style-type: none"> • <i>The permit preamble amended to allow for the Use and development of an industrial building for the purpose of manufacturing milk products (cheese factory) and use of the land for manufacturing sales and use of the land for the purposes of a shop in accordance with the endorsed plans.</i> • <i>Shop conditions added to the permit (conditions 41 to 43, inclusive).</i>

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.1.2 49 KINLORA AVENUE, EPPING - CONSTRUCTION OF TWO DWELLINGS

File No:	715093
Attachments:	1 Locality Maps 2 Development Plans
Responsible Officer:	Director Planning & Major Projects
Author:	Planning Officer
APPLICANT:	MS Designer Living Pty Ltd
COUNCIL POLICY:	Housing Diversity Strategy
ZONING:	General Residential Zone
OVERLAY:	Development Contributions Plan Overlay
REFERRAL:	Nil
OBJECTIONS:	Three
RECOMMENDATION:	That Council approve the application

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct two double storey dwellings on the subject land. One new vehicle crossing is proposed to service the two dwellings along the north and east boundaries. The existing crossing located along the north and west boundaries, is to be removed and reinstated to kerb and channel.

Advertising of the proposal resulted in three objections being received. The grounds of objection relate to overlooking, overshadowing, overdevelopment of the site, walls on boundaries/side setbacks, inappropriate floor layout, increase in traffic and increased noise.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme. All objectives of Clause 55 can be met. A number of standards have not been met but can be addressed through conditions of any permit that may be issued.

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

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

SITE AND SURROUNDING AREA

The subject site is a residential property located on the south side of Kinlora Avenue, approximately 270m east of High Street and 220m south of Findon Road, Epping (see *Attachment 1*). The site is irregular in shape and provides a frontage to Kinlora Avenue of 11.63m and a depth of approximately 29.0m, giving a total site area of 599m². The site is relatively flat and contains a detached single storey brick dwelling with a tiled hipped roof. Vehicular access to the site is provided via a double crossing common to the subject site and the adjoining property to the west along Kinlora Avenue. There is no vegetation of significance contained within the site.

The surrounding area is generally characterised by residential land uses with the existing single storey dwelling being typical of the prevailing built form with some double storey built form to the south of the site. There are a number of multi-dwelling developments within the immediate vicinity to the northwest of the site and the area is further characterised by public open space to the east.

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

- Darebin Creek Parklands (12m east).
- Bus route 577 – South Morang Station to Pacific Epping Shopping Centre (235m north).
- Bus route 357 – Wollert West to Thomastown (300m west).
- Bus route 356 – Wollert East to Epping Station (300m west).
- Epping Recreation Reserve (300m west).
- Epping Secondary College (330m southeast).
- Epping Preschool (350m southwest).
- Epping Primary School (580m southwest).

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 23 on Plan of Subdivision 200565A. Covenant M378555A applies to the land and requires the external walls of any dwelling to be substantially constructed in brick or brick veneer. A 2.0m wide service easement is located along the southern (rear) property boundary. The proposed dwellings have been designed to comply with the Covenant with all external walls to be constructed in brick veneer.

PROPOSAL

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

Each dwelling comprises a similar floor plan with a varied configuration. At ground level, the dwellings will contain an open plan family/meals/kitchen area, a powder room and laundry. Dwelling No. 2 will also include a separate lounge room. At first floor level, the dwellings will each contain three bedrooms and bathroom facilities. The dwellings will be provided with a double space garage and utilise a shared accessway located within the middle section of the property. Additionally, the dwellings will be provided with private open space and secure external storage accessible from their respective living areas.

In terms of external colours, materials and finishes, the dwellings will be constructed in a contemporary design using select face brickwork, concrete roof tiling, rendered piers, aluminium windows, colorbond gutters, fascias and downpipes and garage doors.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3	6.0m front (north), 0m side (west) and 2.4m rear (south).	120m ² (including 57m ² of secluded private open space)	Double garage (6.0m x 5.5m)	7.5m (overall)
Dwelling No. 2	Double Storey	3	10.5m front (north), 0m side (east) and 2.2m rear (south).	60m ² (all secluded private open space)	Double garage (6.0m x 5.5m.)	7.3m (overall)

PUBLIC NOTIFICATION

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

1. Overlooking into neighbouring properties
2. Overshadowing
3. Side setbacks
4. Over development of the site
5. Increased noise
6. Increase in traffic and cars parked on the street
7. Inappropriate floor layout

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme 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>Development within the area generally consists of detached, average size single and double storey dwellings in mixed 1980's style. Garages, where provided, are prominent and located in front of the main building line. Neighbouring properties along Kinlora Avenue have varying street frontage setbacks ranging from 6-10m and front fences are generally low or absent.</p> <p>The immediate surrounding area is also characterised by a number of medium density developments exist to the north and west of the subject site.</p> <p>The design of the proposed dwellings and material used including concrete roof tiles, brickwork, 22.5° degree roof pitch, gutters, fascia and eaves, complement the existing character of the area.</p>
B2	Residential Policy	✓	✓	<p>The subject site is located within the Suburban Residential Change Area within the <i>Housing Diversity Strategy</i>. This Change Area encourages standard density with the preferred housing types comprising detached dwellings, duplexes and dual occupancies. Key design principles include low building heights, to reflect the existing suburban scale and character; a front setback to allow for significant landscaping and large canopy trees to create a sense of openness to the street; increased side and rear setbacks to provide for building separation and landscaping and increased areas of private open space to allow for significant landscaping, large canopy trees in the front setback and extra-large canopy trees in the rear setback.</p> <p>Generally, the proposed two dwelling development achieves the key design principles for the Suburban Residential Change Area. The double storey nature of dwellings is consistent with the surrounding built form, particularly to the south of the site and sufficient separation has been provided between the two dwellings. The proposed setbacks from title boundaries will allow for generous landscaping to be provided throughout the development, including a large canopy tree within the front setback of the property.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	x	<p>The standard requires a street setback that is the average of the front walls of the existing dwellings on the two abutting properties or 9.0m whichever is the lesser.</p> <p>The proposed street setback for Dwelling No. 1 is 6.0m and 10.0m for Dwelling No. 2.</p> <p>The average street setback of the two dwellings on the abutting properties is 7.5m which results in a reduction of 1.5m for Dwelling No. 1.</p> <p>The proposed street setbacks are consistent with predominant setbacks in the street and will not have a detrimental visual impact on the existing streetscape. The dwellings have been designed to promote greater transition between the varying setbacks of the dwellings on the abutting properties and enable the development to proceed without compromising the existing neighbourhood character.</p>
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	x	<p>The entry to Dwelling No. 2 should be redesigned to include a glass panel on either side of the front door to maximise northern light into the living areas in accordance with the standard requirements. A highlight window along the east facing living room wall should also be included to increase the amount of daylight to these areas.</p> <p>The above requirements can be dealt with by a condition on any permit that is issued.</p>
B11	Communal and public 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	Lighting should be provided along the internal accessway and southern property boundary between the proposed garages for the safety and security of residents in accordance with the standard requirements. It is considered that this can be dealt with by a condition on any permit that is issued.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B13	Landscaping	✓	✗	A landscape plan has not been provided with the application. It is considered that this can be dealt with by a condition on any permit that is issued.
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✗	<p>The proposed rumpus room window for Dwelling No. 1 and the Bedroom 2 window for Dwelling No. 2 at first floor level have the potential to cause overlooking into the abutting properties.</p> <p>The plans should be revised to show fixed, obscure glazing in any part of the window below 1.7m above floor level in accordance with the standard requirements. It is considered that this can be dealt with by a condition on any permit that is issued.</p>
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	Although the registered restrictive Covenant (M378555A) requires the external walls to be constructed substantially in either brick or brick veneer, the front façade of each dwelling should include a minimum of 25% render to break up the extensive brick work currently being proposed. It is considered that this can be dealt with by a condition on any permit that is issued.
B32	Front fences	✓	✓	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

CAR PARKING

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

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

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

Pursuant to Clause 52.06-8 of the Scheme, accessways must have a corner splay or area at least 50% clear of visual obstructions extending at least 2.0m along the frontage road from the edge of an exit lane and 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height. A revised plan must be submitted showing a visibility splay on either side of the accessways. This requirement can be addressed via a condition on any permit that is issued.

The proposed garage for Dwelling No. 2 is located over an existing 2.0m wide drainage and sewerage easement. The applicant will be required to seek approval from Yarra Valley Water as the responsible authority to build over this easement. The applicant has requested that this approval be provided at the building permit stage of the development. This is considered reasonable as Yarra Valley Water now require full structural and engineering plans with build over easement applications. There are no Council assets within this easement.

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. Overlooking into neighbouring properties**

The proposed habitable room windows at first floor level for each dwelling have been appropriately located at a distance to minimise the impact of overlooking into neighbouring properties with the exception of the Rumpus room window of Dwelling No. 1 and the south facing bedroom window of Dwelling No. 2. The provision of fixed obscure glazing in accordance with the standard requirements of Clause 55.04-6 of the Scheme will ensure that the objector's concerns are addressed. This requirement can be addressed via a condition on any permit that is issued. Accordingly, this ground of objection can be resolved via conditions of permit.

2. Overshadowing

The shadow diagrams submitted with the application show that the level of overshadowing experienced by neighbouring properties will be minimal and in accordance with Clause 55 of the Whittlesea Planning Scheme which aims to ensure buildings do not significantly overshadow existing secluded private open space of an existing dwelling. The shadow diagrams show a minor shadow cast over existing outbuildings within the private open space areas of the abutting properties to the south and onto an existing pergola with a solid roof on the adjoining property to the east. Accordingly, this ground of objection cannot be substantiated.

3. Side setbacks

The objector has raised concerns regarding the proposed side setback from the western property boundary and in particular the impact the proposed 0m setback will have on the recently constructed 'Colorbond' fence that is common to the subject site and the objector's property at 47 Kinlora Avenue. Although the proposal complies with the standard requirements of Clause 55.04-1, the applicant has agreed to amend the plans to show a setback of 200mm from the western property boundary in order to address the objector's concerns. Accordingly, this ground of objection can be resolved via conditions of permit.

4. Over development of the site

Council's Housing Diversity Strategy nominates the subject site as located within the Suburban Residential Change Area where detached dwellings and dual occupancies are encouraged. Additionally, the proposal provides sufficient car parking, generous private open space areas and meets the site coverage and permeability requirements of Clause 55 and is therefore considered appropriate for the site. Accordingly, this ground of objection cannot be substantiated.

5. Increased noise

The development as proposed complies with Standard B24 of the Whittlesea Planning Scheme which seeks to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise. The proposal is for residential use of the land in a residential area and the development will not require external mechanical plant or any other inappropriate source of noise. Whilst some additional noise will be generated by virtue of the greater number of residents on the land, this is

considered acceptable in a residential area. Accordingly, this ground of objection cannot be substantiated.

6. Increase in traffic and cars parked on the street

The proposal is not expected to generate a significant increase in the number of vehicles along Kinlora Avenue and therefore will not cause an adverse impact on the volume of traffic within the surrounding road network. The proposal complies with the relevant on-site car parking provisions within Clause 52.06 of the Scheme. The location of the new crossover and reinstatement of the existing crossover will ensure that there is no reduction in the on-street car parking spaces along Kinlora Avenue. Accordingly, this ground of objection cannot be substantiated.

7. Inappropriate floor layout

The objector has raised concerns with the proposed location of the laundry and powder rooms along the common boundaries with the adjoining properties to the east and west of the subject site. The concerns relate to potential odours and noise emanating from these areas and therefore reducing the enjoyment and useability of the private open space areas of the adjoining properties. The dwellings comply with the setback requirements outlined in Clause 55.04-1 of the Scheme. Additionally, in context of the existing surrounds, the proposal is for residential use of the land in a residential area where it is expected that there will be some level of odours and noise emanating from a residential property. Accordingly, this ground of objection cannot be substantiated.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 715093 and issue a Notice of Decision to Grant a Permit for the construction of two dwellings at 49 Kinlora Avenue, Epping in accordance with the endorsed plans and subject to the following conditions:

- 1. Prior to the endorsement of the plans required under Condition No. 2 of this permit, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 (Schedule 3) of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. Before the development starts, three copies of a revised plan must be submitted to and approved by the Responsible Authority, showing:**

-
- a) A landscape plan in accordance with Condition No. 3.
 - b) A printed sample/schedule of all external colours and materials to be used in the construction of the dwellings.
 - c) Visibility splays in accordance with Clause 52.06-8 of the Scheme.
 - d) Lighting along the internal accessway and southern property boundary between the proposed garages.
 - e) A glass panel on either side of the front door of Dwelling No. 2.
 - f) A highlight window to the eastern living room wall of Dwelling No. 2.
 - g) The west facing Rumpus room window of Dwelling No. 1 and the south facing Bedroom 2 window of Dwelling No. 2 with obscure glazing in any part of the window below 1.7m above floor level.
 - h) A minimum of 25% render to the façade of each dwelling.
 - i) Dwelling No. 1 with a setback of 200mm from the western property boundary.
3. Before development commences, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plan 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.
 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. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
 6. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 7. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
 8. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
 9. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
 10. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
 11. Before starting any buildings or works, engineering plans showing a properly
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prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.

12. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
13. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
14. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
15. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
16. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
17. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.
18. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
19. 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.
20. In accordance with the Planning and Environment Act 1987 this permit will expire if:
 - (a) the approved development does not start within 2 years of the date of this permit; or
 - (b) the approved development is not completed within 4 years of the date of this permit.

The responsible authority may extend the periods referred to above if a request

is made in writing. This request must be made before or within 6 months after the permit expiry date where the development has not yet started and within 12 months after the permit expiry date where the development allowed by the permit has lawfully started before the permit expires.

NOTES:**Advanced Trees**

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

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

Easements

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

Property Numbering

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

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.1.3 AMENDMENT TO THE MAYFIELD GROVES DEVELOPMENT PLAN.**File No:** 165166**Attachments:**
1 Proposed Amendment to the Mayfield Groves Development Plan
2 Locality and Zoning Map
3 Mernda Strategy Plan - Precinct 4
4 Current Mayfield Groves Development Plan**Responsible Officer:** Director Planning & Major Projects**Author:** Strategic Planner**ELECTION PERIOD STATEMENT**

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**SUMMARY**

The purpose of this report is to consider an amendment request for the *Mayfield Groves Development Plan*. The *Mayfield Groves Development Plan* area entails land bounded by the Mernda Town Centre to the north, Plenty Road to the east, the Mayfield Historic Precinct to the south and the Renaissance Rise residential estate to the west.

The request to amend the *Mayfield Groves Development Plan* has been made by the applicant for Planning Permit 715520. Planning Permit Application 715520 proposed to develop land at 1395 Plenty Road for a childcare and medical centre, and was refused on the basis that it was not generally in accordance with the *Mayfield Groves Development Plan*. The applicant has since sought a review of this decision at the Victorian Civil and Administrative Tribunal on the grounds that it is generally in accordance with the *Mayfield Groves Development Plan*. The hearing is scheduled for February 2017.

Nonetheless, the applicant has submitted an amendment to the *Mayfield Groves Development Plan* as a "fall back" position, in the event that Planning Permit application 715520 is still determined to not be generally in accordance with the *Mayfield Groves Development Plan*. The Development Plan Amendment proposes a site specific change at 1395 Plenty Road from 'integrated housing' designation (which is to enable medium density residential development to occur on lots between 200sqm and 450sqm) to a 'local community facility' designation (which is proposed to contain a childcare centre and medical centre).

The applicant has made a request to the Victorian Civil Administrative Tribunal that, should Council fail to determine the Development Plan Amendment within the statutory timeframe or refuse the application, the Development Plan Amendment be heard in conjunction with Planning Permit Application 715520.

For Development Plans and any proposed amendments, to be approved they must be in accordance with any Incorporated Plans. The *Mayfield Groves Development Plan* area is affected by the Incorporated Plan Overlay (which gives effect to the *Mernda Strategy Plan*) and as such the Development Plan and any proposed amendments must be in accordance with the incorporated *Mernda Strategy Plan*. Following officer assessment of the Development Plan Amendment it is considered that the proposal is not generally in

accordance with the *Mernda Strategy Plan* and therefore it is recommended that Council refuses the proposed amendment to the *Mayfield Groves Development Plan*.

PROPOSAL

The *Mayfield Groves Development Plan 2016 Amendment (DP Amendment)*, prepared by Ellis Group Architects on behalf of the proponent, proposes to supersede the current *Mayfield Groves Development Plan 2010 (MGDP)* approved by Council on 23 February 2010, under Schedule 5 of the Development Plan Overlay which affects the land. Currently, all development in the Development Plan Area has taken place pursuant to the existing approved MGDP.

The DP Amendment seeks to make provision for a commercial development comprising a childcare centre and medical centre at 1395 Plenty Road. To enable this, it is proposed to replace the current designation of the land as an 'integrated housing' site (see *Attachment 1*) with a designation of 'local community facility'.

More specifically, the DP Amendment proposes the following changes:

- Identify the location of the local community facility, by way of a yellow star marking, at the north-east corner of the MGDP;
- Making consequential changes to text within the MGDP report to refer to the provision of a 'local community facility'.

BACKGROUND

Since the approval of the MGDP in 2010, most of the area has been developed for residential housing (approximately 90 properties on lots between 250sqm and 600sqm) in accordance with the MGDP. Two areas remain undeveloped and this includes land to the north-west of the MGDP area earmarked for a future P-12 school (currently under construction) and land at 1395 Plenty Road (3308sqm in area) that has been nominated for integrated housing. *Attachment 2* shows the area covered by the MGDP and its locational context.

The DP Amendment has been made at the request of the proponent as a result of the refusal of Planning Permit 715520 for the use and development of a childcare centre at 1395 Plenty Road, on the basis that it was not considered to be in accordance with the *Mernda Strategy Plan (MSP)* and MGDP.

This report will discuss the proposed DP Amendment in the context of the applicable strategic and statutory frameworks.

SITE DESCRIPTION & CONTEXT

The MGDP area (see *Attachment 2*) forms part of the Mernda-Doreen growth corridor that has been guided by the strategic frameworks of the MSP. The area is 12ha in size and bounded by the Mernda Town Centre (**MTC**) to the north, Plenty Road to the east, Mayfield Historic Precinct to the south and the Renaissance Rise residential estate to the west.

The area has been almost fully developed and provides a mix of standard density and some medium density housing (on lots between 250sqm and 600sqm). A large parcel of land (2.6ha) at the north-west corner of the MGDP area is currently under development. This land has been set aside for a P-12 school in accordance with the provisions of the MSP, and is due to open in 2017.

With the exception of the far north-east corner of the site, the MGDP area is generally flat, with a number of significant native trees. These trees are largely River Red Gums and have been retained and incorporated into the development of the area via the creation of pocket parks and conservation reserves in accordance with the MGDP and Clause 22.10 *River Red Gum Policy* of the Whittlesea Planning Scheme.

A significant feature of the site is the former historic bluestone quarry, which is located to the north-east of the site, immediately south of 1395 Plenty Road. The quarry and the escarpment adjacent to the quarry have been incorporated in an open space reserve.

Beyond the MGDGP area to the north and to the east across Plenty Road is land that has been set aside for the formation of the regionally significant MTC. The area to the north is to generally contain large scale commercial development, which requires pad sites, as well as convenience retail. Land to the east across Plenty Road is part of the medium density residential component of the MTC and has largely been built. The areas to the north of that area are part of the MTC core retail area and provide for a range of residential development mostly at medium density. The MTC core is currently the subject of planning for the purposes of building the Mernda Railway Station as part of the train line extension from South Morang.

To the west of the site is the Renaissance Rise residential estate. The estate contains residential development at standard and medium density, with open space and drainage reserves, a Precinct Activity Centre that provides a range of retail and community uses and the balance of the P-12 site nominated within the MGDGP area. To the south is the Mayfield Historic Precinct, which is protected by a Heritage Overlay. The precinct contains a number of historic buildings including the Mayfield School and Residence, the "Poplars" (a historic Cottage and Inn) and the Mayfield Presbyterian Church. These buildings and features are important icons of the rural history of the area. A VCAT issued planning permit authorised part of that precinct to be developed for the purposes of a school.

STRATEGIC POLICY

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

Mernda Strategy Plan (MSP)

The MGDGP area is included within Precinct 4 of the MSP (*Attachment 3*) and nominates the site for medium density residential development (on lots between 200sqm and 450sqm) with the exception of the far north-west corner of the site which is to form part of a future government P-12 school.

Other features of the MSP in the MGDGP area include:

- Protection of the River Red Gums through appropriate subdivision design, with trees located on larger lots. Road reserves or pocket parks.
- Provision of a key east-west collector road through the site.
- Immediately west of the MGDGP area there is provision for a Precinct Activity Centre, this is to provide a range of convenience based retail and community uses to service the Renaissance Rise and Mayfield Groves Estate areas.

Mernda Strategy Plan Development Contributions Plan (DCP)

The 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. However, the DCP is based on assumptions as to how many dwellings will be built and what proportion of the available developable area will be developed for dwellings compared to, for example, commercial facilities. The change sought in the MGDGP from 'integrated housing' to 'local community facility' will result in less dwellings being constructed and will impact the funds able to be collected under the DCP leading to a loss to the DCP and a consequent limitation on the ability to deliver infrastructure which has been planned.

Development Plan Overlay – Schedule 5 (DPO5)

DPO5 requires preparation of a Development Plan, to the satisfaction of the Responsible Authority, prior to the granting of a permit to subdivide land, construct a building, or construct or carry out works.

DPO5 applies to Precinct 4 of the MSP and requires the following (but not limited to) to be shown in a Development Plan and/or amendment to a Development Plan.

- A written report submitting how the Development Plan responds to and applies the design principles and key objectives of the MSP and associated Precinct Plans;
- Protection and enhancement of identified conservation areas;
- Retention and integration of individual and stands of mature trees, particularly indigenous River Red Gums;
- Recognition of important landscape views and vistas;
- Provision of appropriate transition and interface design treatments between designated land uses identified within the MSP, including:
 - MTC and other Precinct Activity Centres;
 - Low density residential areas;
 - Primary and secondary arterial roads;
 - Major open space reserves;
- Opportunities for a diverse range of allotment densities and dwelling types; and
- Provision of a road network providing a high degree of connectivity and external and internal permeability.

Current Mayfield Groves Development Plan (MGDP)

The MGDP was approved by Council on 23 February 2010, in accordance with Clause 43.03 of Whittlesea Planning Scheme, as it responded to the above requirements (see *Attachment 4*).

In particular the MGDP provided the following key features (but not limited to) to respond to the provisions of DPO5 and the MSP.

- Use of the land for residential development and support roles of nominated activity centres with an efficient road, pedestrian and bike trail network with the benefit of having higher densities of residential development in areas closer to the MTC.
- The construction of Francesca Drive as an east-west collector road to connect traffic from Plenty Road to the Renaissance Rise Precinct Activity Centre and the western estates of Mernda.
- The construction of Pomaderris Drive as a north-south collector road which connects Francesca Drive to the MTC to the north of the site.
- A service road along Plenty Road to limit access to the arterial road so as to provide for access to for instance, residential development.
- A local street network that is sensitive to existing large old River Red Gums.
- The retention of 31 maturing River Red Gums that exist on site.
- Provision of road reserves to the south to link into the Mayfield Historic Precinct at an appropriate time in the future.

- Design guidelines for lots immediately adjacent to the Mayfield Historic Precinct to ensure that development is sympathetic to the heritage significance of the church building.
- The provision of a P-12 school, which is to open in 2017.
- Two future medium density 'integrated housing' sites at the north-east corner of the MGDP area, in relative proximity to the adjacent MTC.
- Retention of the steep Quarry Escarpment as a pedestrian open space link to the west of 1395 Plenty Road.

It should be noted that, to date, the MGDP has been substantially implemented apart from the site subject to the DP Amendment (1395 Plenty Road), in accordance with the MGDP.

STATUTORY PLANNING FRAMEWORK

Zoning

All land within the MGDP area is affected by the General Residential Zone – Schedule 1 (GRZ1) (Clause 32.08).

Overlays

All land within the MGDP area is affected by 4 planning scheme overlays, which include:

- Development Contributions Plan Overlay – Schedule 8 (DCPO8) (Clause 42.02)
- Development Plan Overlay – Schedule 5 (DPO5) (Clause 43.04)
- Vegetation Protection Overlay – Schedule 1 (VPO1) (Clause 42.02)
- Incorporated Plan Overlay – Schedule 1 (IPO1) (Clause 43.03)

1395 PLENTY ROAD PLANNING HISTORY

Since the approval of the MGDP in 2010 four planning permit applications have been lodged for 1395 Plenty Road, Mernda. These include:

- **713422** – Use and development of the land for 19 dwellings and staged subdivision including a balance lot (approved 22 June 2012);
- **714331** – Use and development of the land for a multi-unit development and subdivision of the land into 16 lots (approved 30 June 2014);
- **715076** – Subdivision of the land into 4 lots (refused 30 June 2015);
- **715520** – Use and Development of the land for a childcare facility (refused 16 May 2016);

Application 713422

The first planning permit application lodged for 1395 Plenty Road, Mernda applied to both parcels identified as 'integrated housing' in the MGDP. More specifically it established the 19 dwellings on the western integrated housing site and created a super lot (Lot B) for the eastern integrated housing site (the specific site subject to this report).

The application was approved on the basis that the proposed development was generally in accordance with both the 'medium density residential development' designation of the MSP and 'integrated housing' designation of the MGDP.

Application 714331

Planning Permit 714331 was lodged in 2013 and applied to the eastern parcel of land identified as 'integrated housing' in the MGDP. The application was approved on the basis that the provision for a multi-unit development and subdivision of the land created medium density housing on lots around 300sqm which was consistent with the designation of the land

for 'integrated housing' in accordance with the MGDGP and 'medium density residential development' in accordance with the MSP.

Application 715076

Planning Permit application 715076 for a four lot subdivision was refused on the basis that it was not generally in accordance with the provisions of the MSP or MGDGP. The assessment concluded that the MGDGP identifies the site as 'integrated housing', which under the MSP is defined as medium density residential development on lots between 200sqm and 450sqm. The proposal sought to create lots between 631sqm and 745sqm and was therefore considered to be not generally in accordance with the applicable development plan and other components of the strategic framework.

Application 715520

The recent Planning Permit application 715520 for a childcare centre was refused on the basis that it was not generally in accordance with the provisions of the MSP or MGDGP. As with Planning Permit application 715076, the assessment of Planning Permit application 715520 concluded that the MGDGP identified the site as 'integrated housing', which under the MSP is defined as medium density residential development (on lots between 200sqm and 450sqm). The use and development of the land for a childcare centre was not regarded as being generally in accordance with the applicable strategic framework.

The applicant has sought a review of Council's decision at the *Victorian Civil and Administrative Tribunal (VCAT)*. This review has been made on the grounds that the proposal is generally in accordance with the MSP and MGDGP however there is a dispute as to whether that assertion is correct or not. The VCAT hearing has been scheduled for February 2017.

The applicant, who has sought the VCAT review of Planning Permit application 715520, is also the proponent requesting that Council now consider the amendment to the MGDGP that is the subject of this report as a type of "fall back" position.

PROPOSED DEVELOPMENT PLAN AMENDMENT DISCUSSION

Council Officers have a number of concerns with the DP Amendment. The most significant issue relates to how the DP Amendment challenges and is inconsistent with important strategic objectives and principles of the MSP and Precinct 4.

Precinct Activity Centres

In addition to providing part of the MTC core, a key feature of Precinct 4 is the provision of a 'Precinct Activity Centre'. Precinct Activity Centres are a relatively low order activity centre sometimes otherwise described as a local activity centre. They are difficult to establish and thus, when being planned, Planning Authorities endeavour to direct as many other trip generating activities as is appropriate to these centres. This includes uses that fall within the designation of "social infrastructure" as identified below. The purpose of Precinct Activity Centres (in conjunction with the MTC core) within the MSP is to create integrated neighbourhood strategic hubs (informed by background analysis) that are easily accessible via walking and public transport to accommodate the retail and social infrastructure needs of Mernda and Doreen residents.

The MSP identifies the following land uses under the category "social infrastructure", and encourages co-location of these uses with or within the Precinct Activity Centres nominated:

- Schools;
- Pre-Schools;
- Maternal & Child Health Centres;
- Childcare Centre;

- Libraries and;
- Youth Outreach Centres.

In accordance with the provisions of Precinct 4, a Precinct Activity Centre is currently under development 500 metres to the west of 1395 Plenty Road, Mernda, at the corner of Breadalbane Avenue and Francesca Drive. When completed, the Precinct Activity Centre will incorporate a community activity centre which includes a pre-school, Maternal Child Health centre operated by Council and community meeting space to cater for the community needs for residents within the MGD area. A private childcare centre has established within the Precinct Activity Centre and accommodates close to 100 children. Access to the P-12 school will also be located adjacent to the Precinct Activity Centre providing a high degree of connectivity between the two facilities.

It is considered that the location of childcare facilities within the Precinct Activity Centre strongly implements the principles of the MSP by providing community uses within an activity precinct adjacent to other community facilities. The location is substantiated by Clause 22.05 of the Whittlesea Planning Scheme – *Childcare Centre Policy* – which encourages childcare centres to “*locate adjacent to or in proximity to other community support facilities such as schools, preschools, open space, medical centres, and recreational facilities*”.

The provision of medical facilities within the Precinct Activity Centre would be a logical complement to other community type uses (albeit commercial in operation). A medical centre has not yet established within the Renaissance Rise Precinct Activity Centre; however with land still available for development it is considered that the Precinct Activity Centre would be an appropriate and planned location for a medical centre. The location of a medical centre in the Precinct Activity Centre would be more in accordance with the MSP to co-locate such uses with other community facilities and complement the function of the Precinct Activity Centre. This position is also supported by Clause 22.07 of the Whittlesea Planning Scheme – *Medical Centre Policy* – which encourages “*the co-location and integration of medical centres within local activity centres and [existing] non-residential land uses in residential areas*”. The policy also encourages “*medical centres to locate adjacent to or in proximity to other community support facilities such as schools, preschools, open space, childcare centres and recreational facilities*”.

1395 Plenty Road, Mernda, whilst within walking distance of the Renaissance Rise Precinct Activity Centre is not directly adjacent to it and the establishment of the use here would not support the establishment of the Precinct Activity Centre. By being separated by housing, the location of a ‘local community facility’ here would serve no purpose in substantiating the role of the Precinct Activity Centre. It is considered that establishment of this so called ‘local community facility’ would be comparable to an out-of-centre development that would challenge and potentially undermine the key objective of the MSP to create integrating strategic hubs, by diluting the function of the Precinct Activity Centre.

It is acknowledged that 1395 Plenty Road directly abuts the south-western corner of the MTC core. However the land uses within the section of the MTC adjacent to the subject site are more akin to bulky goods retail with large pad sites, and therefore it is considered that the site does not afford the opportunity integrate with other retail uses as envisaged by the MSP. Fine grain retail and community facilities (including a medical centre and childcare centre) within the MTC are to locate to the north-east of the subject site on the opposite side of Plenty Road further bringing into question the notion of a dispersed commercial development as proposed.

Furthermore, all Precinct Activity Centres within the MSP are purposely not located on any major arterial roads to emphasise the walkability design objective. The proposed ‘local community facility’ as described being directly adjacent to Plenty Road (with access from a service road), is not appropriate noting that Plenty Road is ultimately to become a 6 lane arterial road under the provisions of the MSP. The site is considered to be relatively isolated and as an attractor to customers by walking, draws people through a hostile environment for

pedestrians especially from the north and east through its poor access arrangements, its location adjacent to bulky goods retail and on an arterial road. The location of the so called 'local community facility' is also inconsistent with Clause 22.05 of the Whittlesea Planning Scheme which states that the '*establishment of childcare centres within cul-de-sacs and on main roads is discouraged*'.

'Medium Density Residential' designation

The site itself has been nominated by the MSP (which is an incorporated document) for medium density residential development on lots between 200sqm and 450sqm. The Incorporated Plan Overlay provides that a planning permit must be generally in accordance with the Incorporated Plan. Under DPO5 a Development Plan must be generally in accordance with the MSP. It is therefore important to ensure an appropriate level of consistency between the various levels of planning for this area. It would not be appropriate to set up a scenario whereby a Planning Permit is not generally in accordance with the Incorporated Plan (which it would clearly not be in this case). This would be the result if the MGDG was amended as sought, whereby the Planning Permit would be in accordance with the MGDG, but both the MGDG and Planning Permit would be inconsistent with the MSP (the Incorporated Plan). It is not considered appropriate to retrofit an existing endorsed Development Plan that aligns to the strategic work of the Incorporated Plan, to accommodate a planning permit outcome that serves to undermine this key principle of DPO 5.

The MGDG nominates the site for integrated housing which is a type of medium density housing and it no doubt does this taking into account the infill nature of the site, the opportunities the site presents in terms of its abuttal to other residential, services and the proximity to the future school, local centre as well as the MTC. It is considered that the MGDG is clearly responding to the MSP by nominating the site specifically for more intensive housing to maximise on the opportunities created by the range of nearby services available to serve a higher number of residents.

With regards to nominating land for a childcare centre, there has been much debate about the extent to which a childcare centre is a 'residential use'. In the case *Amber Vision PL v Wyndham CC [2007]*, VCAT Order 1297 identified that:

"A childcare centre is the type of non-residential use that could reasonably be expected to be located in a residential area, and hence would be generally in accordance with a development plan which shows residential area, unless there is some specific aspect of the development plan or schedule to the overlay that would lead to a different conclusion."

In that case the area was designated the more broad "residential" rather than the much more specific "integrated housing" as applies here. But the same principle applies when assessing a Development Plan proposal against an Incorporated Plan. In this case, not only is the site designated the fairly specific integrated housing rather than the more broad "residential" but also, under the MSP there is clear guidance given on the location of "social infrastructure" type uses, which under the framework of the MSP is encouraged to locate adjacent to a Precinct Activity Centre and not within areas designed "residential".

Compliance with DPO5

A requirement of DPO5 is that a '*written report must be submitted discussing how the Development Plan responds to and applies the design principles and key objectives of the MSP and associated Precinct Plans*'. It is considered that the application does not provide enough justification for how the site is more appropriate for a local community facility (childcare centre / medical centre) than medium density housing and how that better aligns with the principles of the MSP.

Neither has there been any discussion in the material on how it is that that locating these facilities at the subject site (away from the core of the Precinct Activity Centre) would not compromise the planning that has been undertaken to enable the Renaissance Rise Precinct Activity Centre to fully and sustainably achieve and maintain its intended role to service the

residents of Precinct 4. This has the potential to further undermining the strategic work implemented by the MSP.

For the reasons set out above, it is considered that the proposal is not generally in accordance with the MSP (contrary to the Incorporated Plan Overlay). It is also considered that as the DP Amendment would not be consistent with the MSP it would also be contrary to the DPO 5. Accordingly, it is considered that the DP Amendment must be refused.

CRITICAL DATES

- **October 2004** – Approval of the *Mernda Strategy Plan*;
- **February 2010** – Approval of the *Mayfield Groves Development Plan*;
- **June 2012** – Planning Permit 713422 (Multi-dwelling development and staged subdivision) approved;
- **June 2014** – Planning Permit 714331 (Multi-unit development and subdivision) approved;
- **June 2015** – Planning Permit 715076 (Four lot subdivision) refused;
- **May 2016** – Planning Permit 715520 (Childcare centre) refused;
- **May 2016** – Planning Permit 715520 refusal, lodged with VCAT for review;
- **August 2016** – Formal lodgement of the Amendment to the *Mayfield Groves Development Plan*;
- **February 2017** – Planning Permit 715520 VCAT Hearing to be held.

POLICY STRATEGY AND LEGISLATION

As the proposed DP Amendment is not considered to be generally in accordance with the approved Incorporated Plan (IPO1) and not consistent with the MSP for the purposes of DPO 5, the proposal is not considered to meet the provisions of the Whittlesea Planning Scheme or the objectives of the State Planning Policy Framework and Local Planning Policy Framework.

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

As the proposed DP Amendment does adequately respond to or uphold the strategic principles and objectives of the MSP, the proposal is not considered to accord with the future directions of Council’s Plan.

FINANCIAL IMPLICATIONS

There are nil financial implications as a result of the proposed Amendment to the *Mayfield Groves 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 proposed amendment to the *Mayfield Groves Development Plan* has been submitted on the basis to allow for a ‘local community facility’ (which includes a childcare centre and medical centre) to be developed at 1395 Plenty Road, Mernda.

Designation of the site as a ‘local community facility’ adversely challenges the strategic principles and objectives of the *Mernda Strategy Plan* to provide a range of commercial, office and community uses within designated Precinct Activity Centres, by establishing an out-of-centre development.

Furthermore, the site has been nominated for medium density residential development by the *Mernda Strategy Plan* and with this use being supported by the designation of integrated housing within the *Mayfield Groves Development Plan*. The proposal would therefore not be appropriate under Incorporate Plan Overlay – Schedule 1. The proposed land use designation undermines the achievement of the outcomes envisaged in the *Mernda Strategy Plan* for the area within the important Mernda-Doreen growth corridor.

The proposed amendment to the *Mayfield Groves Development Plan* is considered to be inconsistent with the *Mernda Strategy Plan* and therefore cannot be supported pursuant to the Development Plan Overlay – Schedule 5.

Accordingly it is recommended that Council resolve to:

- Refuse the *Mayfield Groves Development Plan 2016 Amendment* for the various reasons set out in the report;
- Advise the proponent of Council’s decision.

RECOMMENDATION

THAT Council resolve to:

1. Refuse the *Mayfield Groves Development Plan 2016 Amendment*; and
2. Advise the proponent of Council’s resolution above.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.1.4 2015/16 YEAR END NEW WORKS PROGRAM REPORT

File No: 192600

- Attachments:**
- 1 Attachment 1 - Financial Summary
 - 2 Attachment 2 - Project Progress Report
 - 3 Attachment 3 - Carry Forward Funding
 - 4 Attachment 4 - Photos

Responsible Officer: Director Planning & Major Projects

Author: Team Leader Business Support

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT

SUMMARY

The purpose of this report is to inform Council of the financial performance of the New Works Program at the end of the 2015/16 financial year and the proposed carry forward funding to 2016/17 for the New Works Program.

BACKGROUND

The approved 2015/16 New Works Program budget is \$51,694,907. The value of work completed is \$40,498,368 as at 30 June 2016 which derives an unadjusted delivery rate of 78.3%. The adjusted delivery rate is 90.0% after taking into consideration abnormal items such as net surplus, unbudgeted income (eg grants) and unavoidable circumstances. Projects such as the Civic Precinct Redevelopment (\$5,122,246) involved an extended business case review period; the expanded Animal Welfare Facility required additional time to rescope, negotiate and formalise the regional partnership agreement (\$2,699,216); and the Roads to Recovery funded project at Yan Yean Road and Jorgensen Road Intersection in Doreen (\$696,770) had funding delayed to 2016/17, are examples of unavoidable circumstances which contribute to the adjusted delivery rate.

The proposed carry forward of funds into 2016/17 is \$18,226,935. The total recommended carry forward amount is greater than the unspent budget, primarily due to the fact that additional grant funds were received through the financial year for projects that span more than one year, including an amount of \$4.9M of grants received from the Interface Growth Fund (State Government) in December 2015 that needs to be carried across, and other funds from the Roads to Recovery program. Refer Attachment 3 for a full list of every project recommended for carry forward and the reason behind it. The carry forward also includes \$8.4M for three projects (Animal Welfare Facility, Mill Park Leisure Centre Redevelopment and the Civic Centre Heating Ventilation and Air Conditioning projects) that were impacted by delays to review of their project scope and reconfirmation of business cases prior to proceeding to delivery. Taking into account the unavoidable delays associated with these projects, and the grant funding received in December 2015, the underlying carry forward amount is approximately \$5.0M.

The net surplus from the 2015/16 New Works Program is \$2,540,909 with \$1.1m resulting from the Interface Growth Fund projects provided towards the 2016/17 New Works Program

budget. The balance of the surplus is a direct result of projects being completed under budget with this amount returned to consolidated revenue.

The fourth quarter was a period when many projects have progressed to completion or substantially near completion. In particular, the following projects have achieved significant milestones throughout the year:

- Completion of construction and signalisation of the Bassetts Road and Bridge Inn Road Intersection in Mernda;
- Completion of the Korin Korin Child and Family Centre in Epping North;
- Completion of the shared path program including Darebin Creek Shared Path (Ring Road to Findon Road);
- Completion of the Epping Community Services Hub in Epping;
- Completion of the expanded Laurimar Town Park Sports Pavilion, Doreen;
- Completion of the additional toilet and change room amenities at Meadowglen International Athletics Stadium;
- Completion of 6 of the 8 playgrounds being developed or redeveloped;
- Completion of local road resurfacing and reconstruction program;
- Completion of the street lighting replacement program;
- Completion of the Sycamore Reserve Pavilion Upgrade;
- Completion of the Waterview Recreation Reserve Pavilion and Multipurpose Facilities in Mernda;
- Completion of the footpath program including Yan Yean Road, north of Bridge Inn Road, Doreen;
- Commencement of the new Animal Welfare Facility in Epping;
- Commencement of the Barry Road Community Activity Centre extension and refurbishment;
- Commencement of the Hawkestone Parade Early Learning Centre in Mernda South;
- Continued upgrade of the Lalor Recreation Reserve Tennis Facilities;
- Commencement of the urbanisation of McKimmies Road, Mill Park;
- Commencement of the laying of a synthetic surface on Oval 2 at Mill Park Lakes Reserve;
- Significant progress on the expansion of the pavilion at Mill Park Lakes Reserve, South Morang;
- Commencement of construction and signalisation of the Painted Hills Road and Bridge Inn Road Intersection in Mernda; and
- Commencement of the Pavilion Upgrade at RGC Cook Reserve;

To build on previous improvements in the New Works delivery rate for the 2016/17 program, quarterly reports will continue to be presented to Council with a more detailed mid-year financial review in early 2017. The mid-year review will provide an opportunity to reallocate funds from projects that are delayed from unavoidable external reasons, or freed-up by grants, to future year projects that have been through the planning and feasibility process and are ready to commence.

CONSULTATION

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

FINANCIAL IMPLICATIONS

The 2015/16 budget includes \$51,694,907 for the New Works Program (including carry forward funding). The value of work completed for the year-to-date is \$40,498,368. A summary of progress on the Program performance by Group can be found below whilst a description of key projects with recommended carry forward funding has been included in Attachment 3.

Financial Status of the New Works Program by Group:

Group	Year-end Actuals	Year-end Budgets	Year-end Variance	Annual Budget
Buildings	15,089,863	25,302,636	10,218,675	25,302,636

The Buildings category has an underspend compared to the year-end budget of \$10,218,675 with budgets to be carried forward to complete projects where commitments/contracts are in-place.

The key projects contributing to the variance are:

- The new Animal Welfare Facility in Epping which is funded over multiple years and required additional time to negotiate and formalise the regional partnership with the City of Darebin and the Moreland City Council.
- The Barry Road Community Activity Centre Extension and Redevelopment which is funded across multiple years and received an Interface Growth Fund grant from the State Government mid-way through the year.
- The Civic Centre Heating Ventilation and Air Conditioning Upgrade (HVAC) project which is funded across multiple years and involved an extended business case review period.
- The Redevelopment of the Mill Park Leisure Services Centre which is funded across multiple years and required additional time to consider options suggested by Council and complete the feasibility study.
- The Relocation of the Prefabricated Modular Buildings from Whittlesea Township to Redgum Child and Family Centre, is no longer proceeding due to changes in service demand.

Group	Year-end Actuals	Year-end Budgets	Year-end Variance	Annual Budget
Drains	155,075	246,512	91,437	246,512
Feasibility & Planning	136,112	125,000	(11,112)	125,000

The Drains category has been underspent compared to the year-end budget by an amount of \$91,437.

The key project contributing to the variance is:

- Hillcroft Estate Drainage – Section 173 agreement to be resolved with the land owner which has delayed progress on the project.

Feasibility and Planning – currently showing a minor overspend compared to the year-end budget of \$11,112 for the planning of future projects.

Group	Year-end Actuals	Year-end Budgets	Year-end Variance	Annual Budget
Open Space	5,680,870	6,418,778	737,908	6,418,778

The Open Space category has an underspend compared to the year-end budget of \$737,908.

The key projects contributing to the variance is:

- The Lalor Recreation Reserve Upgrade of Tennis Facilities is funded across multiple years and was successful in receiving an Interface Growth Fund grant mid-way through the year. The unspent funding will be carried forward and utilised towards the next stage of works in 2016/17.
- Construction of two tennis courts at Mill Park Lakes CAC – this project not proceeding due to an unsuccessful grant application to Sport Recreation Victoria.
- Sycamore BMX Track Development – delays have been encountered due to procurement of a specialist designer for the track upgrade.

Group	Year-end Actuals	Year-end Budgets	Year-end Variance	Annual Budget
Plant & Equipment	2,618,311	3,055,647	437,336	3,055,647
Transport	2,119,402	2,005,999	(113,403)	2,005,999

The Plant and Equipment category has an underspend of \$437,336 compared to the year-end budget.

The key project contributing to the variance is:

- IT-Aged Care Rostering System – the new aged care rostering system has been delayed due to the scheduling of other systems.
- IT-HRIS System – funded and delivered across multiple years.

The Transport category has a budget overspend of \$113,403 compared to the year-end budget.

The key project contributing to the variance is:

- Construction and Signalisation of the Painted Hills and Bridge Inn Road Intersection – this is a project funded over multiple years and has progressed ahead of schedule with services being upgraded earlier than anticipated.

Group	Year-end Actuals	Year-end Budgets	Year-end Variance	Annual Budget
Roads & Paths	14,704,637	14,540,335	(164,302)	14,540,335

The Roads and Paths category has an overspend of \$164,302 compared to the year-end budget.

The key project contributing to the variance is:

- Black Length funded project on Bridge Inn Road – the overspend due to additional works undertaken will be funded from the Black Length Grant Fund Program.

Forecast

A number of key projects will be continuing into the 2016/17 financial year with significant expenditure within the first six months of the new financial year. In particular, the practical completion of the Mill Park Lakes Reserve Pavilion Extension and the Synthetic Surfacing of the Mill Park Lakes Reserve Oval No. 2 will be completed within the first quarter.

The proposed carry forward of funding to 2016/17 is \$18,226,935. Key items in the carry forward include multi-year projects which have funding allocations across multiple financial years. A full listing is contained in Attachment 3 to this report.

POLICY STRATEGY AND LEGISLATION

The business case associated with individual projects identifies the respective policy to which they relate and is in accordance to the Project Management Framework.

LINKS TO THE COUNCIL PLAN

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

CONCLUSION

This report provides a summary of the year-end status of the 2015/16 New Works Program. The New Works Program is undergoing continual improvement of processes and systems to enable regular reports on the status of the New Works Program.

The unadjusted completion rate of 78.3% for the 2015/16 New Works Program is an improvement from the 2014/15 New Works Program of 76%. The adjusted delivery rate for 2015/16 is 90% after taking into consideration abnormal items such as net surplus, unbudgeted income (grants) and unavoidable circumstances. Overall, the New Works Program is meeting the challenges of providing much needed infrastructure for a range of community services across the municipality.

RECOMMENDATION

THAT Council resolve to:

1. **Accept the 2015/16 Year End New Works Program Report; and**
2. **Note the proposed funding of carry forward projects into 2016/17 totalling \$18,226,935.**

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.2 COMMUNITY SERVICES

NIL REPORTS

6.3 CITY TRANSPORT AND PRESENTATION

6.3.1 ROAD SAFETY AND TRAFFIC: BREADALBANE AVENUE, MERNDA

File No: ST/176207

Attachments: 1 Locality Plan

Responsible Officer: Director City Transport & Presentation

Author: Traffic Engineer

REPORT

SUMMARY

The purpose of this report is to consider a petition requesting traffic and pedestrian safety investigation in Breadalbane Avenue, Mernda, and to provide details on past and future traffic safety improvements for the area.

BACKGROUND

A petition containing 36 signatures from residents spanning across Mernda, Doreen and South Morang area was tabled at Council's meeting on 8 December 2015. The petitioners requested Council officers to carry out a traffic management investigation in Breadalbane Avenue in Mernda, outside the shops, to ascertain the safety of traffic and pedestrians.

Council resolved to receive the petition and carry out further traffic management investigations in Breadalbane Avenue Mernda to ascertain the safety of traffic and pedestrians and report back on the outcome.

An investigation of the traffic and pedestrian safety in the area commenced following the receipt of the petition and involved site inspections, review of past community concerns and actions taken, and review of the past and current traffic data in the subject area.

New traffic data was collected in late March 2016 following the start of the new school year to ascertain if traffic conditions and patterns have settled in the area.

DISCUSSION

Road & Roadside Conditions

Breadalbane Avenue is a collector road with a 50km/hour speed limit that runs north-south between Bridge Inn Road and Waterview Drive in Mernda (refer Attachment 1). The road is divided between Bridge Inn Road and Melliodora Drive and again between Vasari Gardens and Francesca Drive; all other sections of the road are undivided. The road is approximately 1.4km in length providing a single traffic lane in each direction, indented parking and bicycle lanes on both sides of the road between Bridge Inn Road and Francesca Drive. There is right angle centre of road angle parking between Leonardo Drive and Francesca Drive.

Breadalbane Avenue provides access to local streets in the surrounding residential area as well as the Jindi Family and Community Centre (Jindi FCC), a kindergarten, a small local shopping centre and the Mernda Central Primary & Secondary (P-12) School. The school is currently under construction and scheduled to open in February 2017.

The 387 bus route operates both ways on Breadalbane Avenue. Bus stops are located at approximately 400m intervals, two of these are either side of the road, in front of the shops.

Investigation

The scope of investigation and this report focuses on the section of the Breadalbane Avenue between Vasari Gardens and Francesca Drive, ie. near the shops and the Jindi FCC, as this is the area of concern raised by the petitioners.

Traffic and Pedestrian Conditions

Traffic surveys were conducted in Breadalbane Avenue, between Francesca Drive and Leonardo Drive in May 2015 and in March 2016. The results are summarised in the following table:

Location	Date	24 hour vehicle volume (vpd)	Average speed (km/h)	85th th percentile speed ¹ (km/h)	Vehicles Over % (no.)	
					50 km/h	60 km/h
Between Francesca Drive and Leonardo Drive	May 2015	6,042	40	44	2% (121)	0.1% (6)
	Mar 2016	8,343	36	41	0.5% (42)	0% (nil)

1. The 85th percentile or operating speed of a road is the speed at which 85% of vehicles travel at or below, and is the factor used in assessing safe operating speeds on a road.

The results indicate that traffic volumes have increased in the past 12 months, from approximately 6,000 vpd to over 8,000 vpd. Traffic speeds have decreased slightly with the average and 85th percentile speeds both considerably lower than the 50km/hour speed limit.

The current traffic volumes in Breadalbane Avenue are due to the inadequate capacity of Plenty Road (drivers seeking to avoid Plenty Road congestion), and an incomplete local road network. Breadalbane Avenue is currently the sole north-south local collector road in this area of Mernda.

There are two existing *non-flashing light* pedestrian (zebra) crossings in Breadalbane Avenue, just north of Francesca Drive (at the shops) and the other just south of Leonardo Drive (at the Jindi FCC). In September 2015 some minor works to enhance pedestrian safety were completed in the vicinity of the pedestrian crossings. This involved the removal of three right angle parking bays and some low hanging street tree branches, both of which improved visibility of pedestrians and the crossings.

With the opening of the Primary to Year 12 school in February 2017, traffic conditions in the area will change with increased traffic volumes and pedestrian activity in peak school pick-up and drop-off times. To accommodate the increased activity, 40km/hour school speed limits (in this case permanent rather than timed-based) and children’s crossings are to be implemented prior to the opening of the school. The school speed limit will be applied on the school perimeter roads, including Breadalbane Avenue. The location of children’s crossings is to be determined in collaboration with the school, at least one new children’s crossing will be in Breadalbane Avenue.

The traffic conditions along Breadalbane Avenue will continually be monitored through Council’s ongoing Road Safety Programs to assess the ongoing safety of the traffic and pedestrian environment once the school commences operation.

Crash History

VicRoads' *CrashStats* (crash database) indicates only one crash has occurred in Breadalbane Avenue in the past five years. This was at the Waterview Drive Intersection, which is outside the investigation area.

Findings

Although there has been a significant increase in traffic volumes along Breadalbane Avenue in the last 12 months, traffic speeds are almost entirely below the 50km/hour speed limit and safe traffic conditions exist. Pedestrian connectivity across Breadalbane Avenue is provided by two zebra crossings. Traffic and pedestrian activity along the road will increase considerably once the Mernda Central School commences operating in February 2017. The establishment of a 40km/hour school zone speed limit and children's crossings will help maintain traffic and pedestrian safety along Breadalbane Avenue.

CONSULTATION

Residents adjacent to the children's crossing sites will be consulted. The broader community will be advised of the 40 km/hour school speed zone.

FINANCIAL IMPLICATIONS

Estimated costs to install 40km/hour school speed limit signs around the school perimeter roads, including Breadalbane Avenue, is approximately \$6,000. The cost to install a children's school crossing is approximately \$5,000. There are adequate funds in the Councils 2016/17 New Works Budget to fund this work.

The appointment of a crossing supervisor is approximately \$15,000 per year. VicRoads provides a subsidy for eligible crossing sites on Council roads (currently \$3,100), the balance of costs is provided by Council. Funds will also be made available for school crossing supervisors.

POLICY STRATEGY AND LEGISLATION

- Road Management Act 2004
- City of Whittlesea Road Safety Strategy

LINKS TO THE COUNCIL PLAN

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

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 traffic volume on Breadalbane Avenue is currently higher than originally forecast; however, the design of the road is currently catering for this increased traffic safely with

current vehicle speeds recorded on average to be under 40km/hour and well below the 50km/hour speed limit.

Considerable change in local traffic and pedestrian activity will occur from February 2017 when Mernda Central School commences operation. The installation of 40km/hour school speed limit in early 2017 on the school perimeter roads, combined with supervised school children's crossings will assist in maintaining a safe road environment when the school opens.

Traffic conditions in Breadlbane Avenue will be monitored on a regular basis through Council's ongoing Road Safety Programs.

RECOMMENDATION

THAT Council note that:

1. A 40km/hour school speed zone will be installed prior to the 2017 school year.
2. Children's crossings will be installed on Breadalbane Avenue at locations to be determined in collaboration with the Mernda Central School.
3. All petitioners will be advised of the scheduled road safety improvements.

COUNCIL RESOLUTION

MOVED: Cr Kirkham
SECONDED: Cr Kelly

THAT Council resolve to adopt the Recommendation.

CARRIED

6.3.2 PROPERTY ACCESS, SAFETY & TRAFFIC CONCERNS: HARCOURT LANE, WOLLERT

File No: SU/147652
Attachments: 1 Area Plan
Responsible Officer: Director City Transport & Presentation
Author: Acting Team Leader Traffic Engineering

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**SUMMARY**

Residents of Sturgeon Walk, Wollert have raised concerns regarding the safety and operation of Harcourt Lane, including difficulties accessing garages.

The residents' concerns have been investigated. It has been concluded that both Harcourt Lane and the resident's garages have been constructed in accordance with relevant standards.

The investigations however noted that access and egress to resident's garages is often difficult when vehicles are parked in Harcourt Lane. It is proposed to install "No Parking" signs to assist residents gain access to their properties.

BACKGROUND

A joint letter from residents of Sturgeon Walk was tabled at the Council Meeting on 5 April 2016, and Council resolved to receive the joint letter *regarding the safety and traffic issues surrounding Harcourt Lane, Wollert and a report be prepared*.

The joint letter from five of the six single residential properties in Sturgeon Walk that currently have vehicle access to Harcourt Lane, raised concerns about the width of the lane, difficulties accessing their double garages and the safety and operation of Harcourt Lane.

DISCUSSION**Road Network, Lane & Garage Layout**

Harcourt Lane is a no through road in the Aurora Estate (*Attachment 1*). It has a 7.0 metre wide concrete pavement (as required in the approved sub-division construction plans), it is approximately 64 metres in length and it currently provides access and egress to the rear of six properties fronting Sturgeon Walk. In the future, Harcourt Lane will provide access and egress to an additional 11 residences of a multi-unit development site (88A Eaststone Avenue) which is currently under construction.

All of the six lots on Sturgeon Walk have been constructed with 5.5 metre wide double garages, and 4.8 metre wide roller doors which accord with the National Construction Code. However, the design layout of the lane, the size of garages and the positioning of the garage door openings does not allow sufficient space for vehicles to be parked in Harcourt Lane without encumbering access to residents entering or exiting their properties.

Traffic Conditions

The traffic volume in Harcourt Lane is estimated at less than 50 vehicles per day (vpd). When the 11 residences on the east side of Harcourt Lane are completed and occupied, it is estimated that the traffic volume will be in the order of 140 vpd. These estimates are based on the 17 residences generating on average eight vehicle trips per day.

Parking Conditions

The investigation involved a number of inspections at various times of the day and days of week together with a review of aerial photographs of Harcourt Lane. Vehicles were observed parking in the lane which made access or egress to properties difficult.

Harcourt Lane has not been designed to accommodate parking. Cars that are parking in the lane currently make access / egress to properties difficult. To address this issue it is proposed to restrict parking from Harcourt Lane with “No Parking” signs to be installed.

CONSULTATION

Residents who signed the joint letter represent five of the six residences currently occupied and abutting Harcourt Lane. The eleven properties on the east side are not completed and thus not currently occupied. The view of the residents who signed the joint letter is representative of the existing residents and thus no further consultation was undertaken.

In the event “No Parking” signs are installed (*Attachment 1*), residents will be advised of this action prior to the signs being erected.

FINANCIAL IMPLICATIONS

The estimated cost to install “No Parking” signs is approximately \$600. This can be funded within existing 2015/16 operational budget allocation.

POLICY STRATEGY AND LEGISLATION

City of Whittlesea, Municipal Road Safety Strategy, 2004: Action Plan 3. Ensure that a safer road environment is developed and maintained.

City of Whittlesea, Integrated Transport Strategy, 2014: Action RF 2.2. Manage local roads to improve amenity and safety for users and ensure consistency with Smart Roads principles.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Accessibility in, out and around our city
Theme	Transport
Strategic Objective	Our road network provides adequate access to the Advocate municipality and beyond

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

Harcourt Lane has been constructed in accordance with the City of Whittlesea *Guidelines for Urban Development (December 2015)*, and the resident’s garages have been constructed in accordance with the National Construction Code (NCC). The lane has only been designed to provide access/ egress to abutting properties and has not been designed to accommodate parking.

Access and egress to the double garages is often difficult when vehicles are parked in the Harcourt Lane, therefore “No Parking” signs are required to address residents’ concerns about access and egress to their garages.

RECOMMENDATION

THAT Council resolve to:

1. Install “No Parking” signs in Harcourt Lane to assist residents with access and egress to their garages.
2. Contact all residents along Harcourt Lane to advise them of Council’s investigation.

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.4 CORPORATE SERVICES

6.4.1 ASSEMBLIES OF COUNCIL - 20 SEPTEMBER 2016

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

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

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
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting 18 July 2016	Cr Kozmevski (Mayor) Cr Kelly Cr Pavlidis Cr Sinclair	MG-A	The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting: <ol style="list-style-type: none"> 1. Alanah Illioski – Sporting Grant – Interstate 2. Quaider Lenny Kea – Sporting Grant – Interstate <p style="text-align: right;"><i>Nil disclosures</i></p>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting 28 July 2016	Cr Kozmevski (Mayor) Cr Kelly Cr Pavlidis Cr Spinelli	MG	The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting: 1. Shante Pisani – Sporting Grant – Interstate <i>Nil disclosures</i>
Council Forum 16 August 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Harris Cr Kirkham Cr Lalios Cr Sinclair Cr Spinelli Cr Stow	CEO DCS DCRS DCTP DPMP DPE-A MG MJI MOW MPC MPV	1. Farm Rate Differential and Assessments 2. Local Government Act Review- Draft Submission 3. Election Caretaker Period Arrangements <i>Nil disclosures</i>
CEO Employment Matters Advisory Committee Meeting 23 August 2016	Cr Kozmevski (Mayor) Cr Lalios	CEO MPC	1. CEO Performance Review <i>Nil disclosures</i>
Council Forum 23 August 2016	Cr Kozmevski (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Griffin Cr Kirkham Cr Lalios Cr Sinclair	CEO DCRS DCTP DPE DPMP MJI MG MOW MPOS MPV STP TLBI TLPOSP	1. Naming of Localities – Municipal Review 2. Service Planning – Parks and Gardens Maintenance Service Review 3. Dog Off-Leash Area Policy and Management Plan Community Consultation Outcomes 4. E6 Transport Corridor 5. Land Acquisition Opportunity Thomastown <i>Nil disclosures</i>
Arts, Cultural and Sporting Grants Program for Young People Advisory Committee Meeting 1 September 2016	Cr Kozmevski (Mayor) Cr Kelly Cr Pavlidis Cr Spinelli	MG	The advisory Committee made a recommendation to the delegate regarding the following application via a virtual meeting: 1. Ezra Ieu – Sporting Grant - Overseas <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
CEO	Chief Executive Officer – Michael Wootten	MJI	Manager Jobs & Investments – Tracey Mallett
DCS	Director Community Services – Russell Hopkins	MOW	Manager One Whittlesea – Sam Dureau
DCRS	Director Corporate Services – Helen Sui	MPC	Manager People & Culture – Yvette Reardon
DCTP	Director City Transport and Presentation – Nick Mann	MPOS	Manager Parks & Open Spaces – Kristen Jackson

Initials	Title of Officer	Initials	Title of Officer
DPMP	Director Planning & Major Projects – Steve O’Brien	MPV	Manager Property & Valuations – Gino Mitrione
DPE	Directorate Projects Executive – Jack Jansen	STP	Senior Transport Planner – Troy Knowling
DPE-A	Acting Director Partnerships and Engagement – Sean McManus	TLBI	Team Leader Business Improvement – Robert Kisgen
MG	Manager Governance – Michael Tonta	TLPOSP	Team Leader Parks Operations & Strategic Projects – Stephen Comben
MG - A	Acting Manager Governance – Colleen Lazenby		

CONSULTATION

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

FINANCIAL IMPLICATIONS

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

POLICY STRATEGY AND LEGISLATION

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

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

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

LINKS TO THE COUNCIL PLAN

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

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

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

COUNCIL RESOLUTION

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

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

CARRIED

**6.4.2 NATIONAL GROWTH AREAS ALLIANCE (NGAA) 2016 CONGRESS,
WANNEROO - 14 - 15 NOVEMBER 2016**

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

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**SUMMARY**

To approve the attendance of interested Councillors at the National Growth Areas Alliance (NGAA) 2016 Congress to be held on 14 - 15 November 2016 in Wanneroo, Western Australia.

INTRODUCTION

The NGAA represents the interests of fast growing areas across Australia. The NGAA formed in response to a recognition by local councils in fast growing areas that the cost of building the infrastructure communities need is high and is projected to increase; but that the cost of under servicing is even higher – for families, communities and the nation. The 2015 Congress saw delegates engage in high level workshop discussions designed to result in solid recommendations for setting outer urban growth areas on the road to the new economy. Moderated panels debated the issues and good practice projects were showcased.

PROGRAM

The program has not yet been released by the NGAA.

CRITICAL DATES

Registration for the NGAA 2016 Congress have not yet opened.

It is noted that this Congress will not be held until after the 2016 local government elections. Given the timing, this report provides authorisation for any interested Councillor post-election to travel interstate to this Congress. A discussion will be held with the newly elected Councillors to determine their availability.

FINANCIAL IMPLICATIONS

The cost of attending the Congress is (to be advised) per person plus airfare, accommodation and other associated costs.

The costs have been included in the 2016-2017 budget for Councillor training and development.

POLICY STRATEGY AND LEGISLATION

Council approval is required for any interstate or overseas travel by Councillors.

LINKS TO THE COUNCIL PLAN

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

Attendance at the NGAA 2016 Congress will better equip Councillors in advocating on behalf of the community.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

That Councillors consider their attendance at the NGAA 2016 Congress to be held on 14 - 15 November 2016 in Wanneroo, Western Australia.

RECOMMENDATION

THAT Council resolve to approve the attendance of interested Councillors at the NGAA 2016 Congress to be held on 14 - 15 November 2016 in Wanneroo, Western Australia.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

6.4.3 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS, TOOWOOMBA - 9-11 NOVEMBER 2016

File No: 145265
Responsible Officer: Director Corporate Services
Author: Governance Officer

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**PURPOSE**

To approve the attendance of interested Councillors at the 2016 National Local Roads and Transport Congress to be held 9 - 11 November 2016 in Toowoomba, Queensland.

BACKGROUND

Every year the National Local Roads and Transport Congress bring Councils together to strengthen the Local Government case for increasing federal investment in local transport infrastructure.

The National Local Roads and Transport Congress is a major forum convened by Local Government to discuss, plan and advocate for the transport needs of communities. It provides an opportunity for Council to help shape the future direction of local government road and transport policies at a national level.

The Congress presents a wide range of topics of direct relevance to Council and will provide the City's representatives with a comprehensive overview of current and future roads and transport issues and facilitate networking with key industry contacts.

PROGRAM OVERVIEW

A key aim of the National Local Roads and Transport Congress is to highlight the importance of federal funding in overcoming road and infrastructure challenges and reinforce the need for increased and permanent funding under the Roads to Recovery program (R2R) beyond June 2019.

The "Roads to Recovery" program was developed following a National Local Roads and Transport Congress in 2000.

For the 2015/16 financial year, the City of Whittlesea received approximately \$2 million from Roads to Recovery funding for local roads projects.

The Congress has a strong history of allowing the local government sector to reflect on road and transport issues specific to local communities, and to come up with innovative ways to address these issues.

The provisional program includes:

Thursday 10 November 2016

- ALGA President’s Welcome
- Keynote Address: Martin Matthews, former Ministry of Transport Chief Executive, New Zealand
- Government Speaker: Minister for Infrastructure and Transport, the Hon Darren Chester MP (invited)
- Partnerships for improved infrastructure
- Freight Investment Prospectus launch
- Partnerships for improved infrastructure Panel
- Workshop: How prepared is your council to engage in regional road planning

Friday 11 November 2016

- Opposition Address: Shadow Minister for Infrastructure and Transport, Cities and Regional Development, the Hon Anthony Albanese MP
- Emerging Policy Initiatives
- Panel Session: Road Reform Partners
- The Local Government Transport Agenda
- President’s Close

The Congress has historically been well attended by representatives of both State and Federal Governments and has proven to be an effective advocacy forum for local government on road and transport issues.

The Congress provides a forum for identifying local government road priorities for Infrastructure Australia and provides an avenue for direct dialogue with Infrastructure Australia on key selection criteria for future projects.

CRITICAL DATES

Following the October Council elections, Councillors who comprise the newly elected Council will be asked to confirm their interest in attending the Congress.

FINANCIAL IMPLICATIONS

The cost of attending the Congress is \$990 plus airfare, accommodation and associated costs.

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

It is recommended that Council approve the attendance of interested Councillors at the 2016 National Local Roads and Transport Congress to be held 9 - 11 November 2016 in Toowoomba, Queensland.

RECOMMENDATION

THAT Council resolve to approve the attendance of interested Councillors at the 2016 National Local Roads and Transport Congress to be held 9 - 11 November 2016 in Toowoomba, Queensland.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

6.4.4 RESCHEDULING OF COUNCIL MEETING DATES

File No: 140318
Responsible Officer: Director Corporate Services
Author: Governance Officer

ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT

PROPOSAL

This report proposes to change a number of scheduled Council meeting dates following the Council Elections. The Special Council meeting to swear-in the new Council and to elect the Mayor and Deputy Mayor is rescheduled to Thursday 3 November 2016. It is also proposed to reschedule the Ordinary Council Meeting on 15 November 2016 to 22 November 2016.

The newly elected Council will be given the opportunity to consider and adopt the Council meeting schedule for 2017 after the Council elections. Therefore, it is proposed to set the 2017 Council meeting schedule at the November Council meeting with the Council meeting cycle for 2017 to commence on 7 February 2017.

BACKGROUND

Recent changes to the *Local Government (Electoral) Regulations* provide for a further 5 days to be allowed for postal votes to be received after the close of voting. This will impact on the timelines for the election process including the date for the declaration of the poll and will require the date of the Special Council Meeting, currently scheduled for Thursday 27 October 2016, to be moved to Thursday 3 November 2016. This Special Council meeting is to swear-in the new Council and to elect the Mayor and Deputy Mayor.

It is also proposed to reschedule the Ordinary Council Meeting currently planned for 15 November 2016 to 22 November 2016. This will enable time to commence the induction and training program for the newly elected Council prior to its first Council meeting.

CRITICAL DATES

Section 71(3)(a) of the *Local Government Act 1989* prescribes that the Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year.

FINANCIAL IMPLICATIONS

Any costs associated with holding Council Meetings are covered in existing budgets.

LINKS TO THE COUNCIL PLAN

FUTURE DIRECTION	Inclusive & Engaged Community
Theme	Participation & decision making
Strategic Objective	People are involved in issues that affect them

Council will work to build a stronger sense of community within neighbourhoods and across the municipality, and create new opportunities for social networks and civic engagement.

Conducting Council meetings throughout the year gives the community access to become involved in Council’s decision making process on issues that affect 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

It is recommended that the changes to Council meeting dates be adopted by Council.

RECOMMENDATION

THAT Council resolve to:

1. **Reschedule the Special Council meeting to swear-in the new Council and elect the Mayor and Deputy Mayor from Thursday 27 October 2016 to Thursday 3 November 2016 at 7pm.**
2. **Reschedule the Ordinary Council Meeting from 15 November 2016 to 22 November 2016 at 6.30pm.**
3. **Schedule the first Ordinary Council Meeting for 2017 to be held on 7 February 2017 at 6.30pm.**
4. **Set the venue of the meetings set out above as the Council Chamber, Council Offices, 25 Ferres Boulevard, South Morang.**
5. **Give public notice of these meeting dates.**

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED

6.4.5 PROPOSED NAMING OF LOT 3 490 COOPER STREET EPPING - 'EPPING ANIMAL WELFARE FACILITY'**File No:** 195110**Attachments:**
1 Plan of Lot 3 490 Cooper Street Epping
2 Minutes of Advisory Committee 30 August 2016**Responsible Officer:** Director Corporate Services**Author:** Strategy & Systems Accountant**ELECTION PERIOD STATEMENT**

The recommended decision is not a 'Major Policy Decision' or an 'Inappropriate Decision' under sections 93A and 93B of *the Local Government Act 1989*.

REPORT**SUMMARY**

At the Council meeting on 19 July 2016, Council endorsed a proposal to name Lot 3 490 Cooper Street, Epping, '*Epping Animal Welfare Facility*' (see Attachment 1 for plan). Council appointed an Advisory Committee comprising five Councillors to hear and consider any submissions. At the close of the submissions period, one submission was received and a Committee of Council meeting was held.

BACKGROUND

Naming processes are regulated by the State Government's Office of Geographic Place Names Guidelines ('the Guidelines') which set out the process for naming and renaming features, localities and roads. Council is the naming authority on behalf of the State Government.

The guidelines state that the proposed name must comply with a number of principles and Council is required to provide a detailed assessment against each principle.

In Principle Approval

Prior to public submissions being invited, in principle approval was sought from the Office of Geographic Place Names that the proposed name complies with Guideline principles. This in principle support was received from the Registrar of Geographic Names on 21 July 2016.

CONSULTATION

Public submissions were invited on the proposed name and the submission period closed on 23 August 2016. One submission was received proposing an alternate name for the facility.

The Guidelines for Geographic Names 2010 state that "only objections that relate to the principles of these guidelines must be addressed by the naming authority". As the submission was suggesting an alternative name only, under the Guideline principles it is not considered an objection.

The alternate name proposed, *Epping Community Animal Welfare Centre*, was referred to the Advisory Committee for consideration, but was not considered appropriate as it implies

that the facility will be for the Epping community only. The Advisory Committee minutes are included in this report (see Attachment 2).

FINANCIAL IMPLICATIONS

Costs associated with advertising the proposal in the local press will be approximately \$1,000 and will be covered within the overall project cost.

POLICY STRATEGY AND LEGISLATION

The naming process is governed by State Government Guidelines and there is a requirement for the proposed name to be assessed against specific criteria set out in the Guidelines for Geographic Names 2010. In principle support was obtained from the Registrar of Office of Geographic Place Names however their approval following consultation and Council endorsement still needs to be obtained.

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

Naming this building provides an opportunity to promote the Facility as a hub for the northern area and it recognises the joint venture with Moreland City Council and City of Darebin.

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

Given there have been no formal objections received to the naming proposal it is recommended that Council endorse the proposed name.

RECOMMENDATION

THAT Council resolve to:

1. **Endorse the proposed name of the facility located at Lot 3 490 Cooper Street Epping as ‘*Epping Animal Welfare Facility*’.**
2. **Refer the proposal to the Registrar of Office of Geographic Place Names for approval and gazettal.**
3. **Notify the submitter of Council’s decision and the reasons for the decision.**

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Sinclair

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

CARRIED

6.4.6 UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING

File No: 160616

Attachments: 1 **Unconfirmed Minutes Audit & Risk Committee Meeting 1 September 2016**

Responsible Officer: Director Corporate Services

Author: Internal Compliance Officer

ELECTION PERIOD STATEMENT

The recommended decision is not a ‘Major Policy Decision’ or an ‘Inappropriate Decision’ under sections 93A and 93B of *the Local Government Act 1989*.

REPORT

SUMMARY

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

BACKGROUND

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

The Audit & Risk Committee considered a number of reports at its meeting held on 1 September 2016, as well as confirming minutes from the previous meeting held on 26 May 2016.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Risk Management Report
- Internal Audit:
 - Internal Audit Status Report and Proposed Scopes
 - Internal Audit Review: Better Practice Procurement
- Outstanding Action items Report from Previous Internal Audits
- Internal Compliance Reviews
- Cyber Security – Self Assessment Against Internal Audit Hot Topic
- Changes to the Independent Broad-based Anti-corruption Commission Act 2011 and the Introduction of Mandatory Notifications
- Ombudsman Report - Misuse of Council Resources
- Audit & Risk Committee Summary for 2015-2016 Annual Report

LINKS TO THE COUNCIL PLAN

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

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 1 September 2016

COUNCIL RESOLUTION

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

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

CARRIED

6.5 PARTNERSHIPS & ENGAGEMENT

NIL REPORTS

6.6 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION**7.1 NOTICE OF MOTION NO 817 - RESPITE FACILITY****File No:** 180229**Author:** Cr Mary Lalios

Councillor Mary Lalios of the South East Ward has given notice that it is their intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 20 September 2016 at 6:30pm:

MOTION**THAT Council resolve to:**

1. Note the recent State Government announcement of \$2.5 million in funding for construction of a new six bed adult respite facility in the City of Whittlesea;
2. Authorise Council Officers to work with the Department of Health and Human Services to expedite the process of identifying a suitable site for the facility; and
3. Authorise Council Officers to do all things necessary and reasonable, within the constraints of the Election Period, legislation and delegations, to expedite the establishment of the respite facility in our City.

COUNCIL RESOLUTION**MOVED:** Cr Lalios**SECONDED:** Cr Stow**THAT Council resolve to:**

1. Note the recent State Government announcement of \$2.5 million in funding for construction of a new six bed adult respite facility in the City of Whittlesea;
2. Authorise Council Officers to work with the Department of Health and Human Services to expedite the process of identifying a suitable site for the facility; and
3. Authorise Council Officers to do all things necessary and reasonable, within the constraints of the Election Period, legislation and delegations, to expedite the establishment of the respite facility in our City.

CARRIED UNANIMOUSLY

8. QUESTIONS TO OFFICERS

NIL

9. URGENT BUSINESS

NIL

10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

NIL

11. QUESTIONS TO COUNCILLORS

NIL

12. CONFIDENTIAL BUSINESS

12.1 PLANNING AND MAJOR PROJECTS

12.1.1 SUPPLY AND IMPLEMENT AN ENTERPRISE PROJECT MANAGEMENT OFFICE SYSTEM (EPMOS)

12.2 COMMUNITY SERVICES

12.2.1 SPORTING CLUBS OUTSTANDING DEBTORS

12.3 CITY TRANSPORT AND PRESENTATION

12.3.1 SR101112A-D SUPPLY OF ASPHALT WORKS- CONTRACT FINALISATION

12.4 CORPORATE SERVICES

12.4.1 FUNDING METHOD FOR LAND ACQUISITIONS

12.4.2 NOTICE OF MOTION NO 816 – RESCISSION OF COUNCIL RESOLUTION ITEM 12.1.1 LAND ACQUISITION – MERENDA MADE AT THE COUNCIL MEETING HELD ON 30 AUGUST 2016

12.5 PARTNERSHIPS & ENGAGEMENT

NIL REPORTS

12.6 EXECUTIVE SERVICES

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 22 AUGUST TO 9 SEPTEMBER 2016

12.6.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS - QUARTERLY UPDATE

12.6.3 CODE OF CONDUCT MATTER

COUNCIL RESOLUTION

MOVED: Cr Stow
SECONDED: Cr Griffin

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 SUPPLY AND IMPLEMENT AN ENTERPRISE PROJECT MANAGEMENT OFFICE SYSTEM (EPMOS)

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

12.2.1 SPORTING CLUBS OUTSTANDING DEBTORS

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

12.3.1 SR101112A-D SUPPLY OF ASPHALT WORKS- CONTRACT FINALISATION

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

12.4.1 FUNDING METHOD FOR LAND ACQUISITIONS

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

12.4.2 NOTICE OF MOTION NO 816 – RESCISSION OF COUNCIL RESOLUTION ITEM 12.1.1 LAND ACQUISITION – MERENDA MADE AT THE COUNCIL MEETING HELD ON 30 AUGUST 2016

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

12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 22 AUGUST TO 9 SEPTEMBER 2016

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

12.6.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS - QUARTERLY UPDATE

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

12.6.3 CODE OF CONDUCT MATTER

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

CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:04 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 9:07 PM.

13. CLOSURE

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 9:07PM.

CONFIRMED THIS 11TH DAY OF OCTOBER 2016

**CR STEVAN KOZMEVSKI
MAYOR**