



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 13 DECEMBER 2016**

**AT 6:30PM**

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



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## COUNCILLORS

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RICKY KIRKHAM	MAYOR, NORTH WARD
JOHN BUTLER	NORTH WARD
EMILIA LISA STERJOVA	NORTH WARD
NORM KELLY	DEPUTY MAYOR, SOUTH EAST WARD
SAM ALESSI	SOUTH EAST WARD
ALAHNA DESIATO	SOUTH EAST WARD
MARY LALIOS	SOUTH EAST WARD
LAWRIE COX	SOUTH WEST WARD
STEVAN KOZMEVSKI	SOUTH WEST WARD
CAZ MONTELEONE	SOUTH WEST WARD
KRIS PAVLIDIS	SOUTH WEST WARD



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## SENIOR OFFICERS

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MICHAEL WOOTTEN

CHIEF EXECUTIVE OFFICER

PAUL READING

ACTING 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

MICHAEL TONTA

MANAGER GOVERNANCE



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## 1. OPENING

### 1.1 MEETING OPENING AND PRAYER

The Chief Executive Officer opened the meeting with a prayer at 6:30PM.

### 1.2 MAYOR'S RECONCILIATION STATEMENT

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

### 1.3 PRESENT

#### Members:

Ricky Kirkham	Mayor (North Ward)
John Butler	Councillor (North Ward)
Emilia Lisa Sterjova	Councillor (North Ward)
Norm Kelly	Deputy Mayor (South East Ward)
Sam Alessi	Councillor (South East Ward)
Alahna Desiato	Councillor (South East Ward)
Mary Lalios	Councillor (South East Ward)
Lawrie Cox	Councillor (South West Ward)
Stevan Kozmevski	Councillor (South West Ward)
Caz Monteleone	Councillor (South West Ward)
Kris Pavlidis	Councillor (South West Ward)

#### Officers:

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

## 2. APOLOGIES

NIL

## 3. DECLARATIONS OF INTEREST

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

NIL

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

Cr Alessi declared a direct interest in item 9.1 – Mernda Rail Extension, on the grounds that he holds shares in Woolworths.

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

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Laliotis*  
**SECONDED:** *Cr Kelly*

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

Ordinary Meeting of Council held 22 November 2016

**CARRIED**

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

**5.1 PETITIONS**

**5.1.1 PETITION - RIVERSIDE COMMUNITY ACTIVITY CENTRE (RCAC) 8 DOREEN ROGEN WAY, SOUTH MORANG**

Cr Lalios tabled a petition from 53 residents and Friends of South Morang (FOSM) Inc members objecting to Planning Permit 705556 at Riverside Community Activity Centre (RCAC) 8 Doreen Rogen Way, South Morang from FOSM.

**COUNCIL RESOLUTION**

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

**THAT Council resolve to receive the petition from objecting to Planning Permit 705556 and a report be prepared.**

**CARRIED**

**5.2 JOINT LETTERS**

**NIL REPORTS**



6. OFFICERS' REPORTS

COUNCIL RESOLUTION

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.9, 6.2.2, 6.4.1, 6.4.2 and 6.4.3.**

**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 41 TILBURY STREET, THOMASTOWN - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF THREE DWELLINGS**

**File No:** 714341

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

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

**Author:** Planning Officer

**APPLICANT:** J Khneisser

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential

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

**RECOMMENDATION:** That Council refuse an extension of time

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714341) allowing the construction of three double storey dwellings at 41 Tilbury Street, Thomastown. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 28 February 2014 under delegation by officers (as no objections were received). There have been no previous extensions granted. The permit expired on 28 February 2016 as development had not yet commenced. An extension request was received within the allowable six month period following the lapse date.

At its meeting on 30 August 2016 and prior to this application being determined under delegation, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be refused as it is unlikely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Suburban Residential' in which preferred housing is to be characterised by standard density housing such as single dwellings and dual occupancies. The development approved under the Permit has been assessed as potentially being inconsistent with this preferred housing and character.

## **SITE AND SURROUNDING AREA**

The subject site is formally described as Lot 1 on Plan of Subdivision 122727 and more generally known as 41 Tilbury Street, Thomastown. The site is located on the north side of Lanark Street, approximately 100m south of Main Street, Thomastown (see *Attachment 1*). The site is an irregularly shaped allotment that is relatively flat and has a total site area of 723m<sup>2</sup>. The site is encumbered along the length of the rear west boundary by a 2.4m wide easement and along the length of the north side boundary by a 1.8m wide easement.

The site contains a single storey brick veneer dwelling and vehicular access is provided via an existing concrete crossing located within the southwest corner of the land.

The surrounding area is generally characterised by single storey brick veneer dwellings. There are also a number of dual occupancy developments within the immediate surrounds and particularly along Northumberland Drive. West of the site is the Findon Creek Park and Darebin Creek.

## **BACKGROUND**

Planning Permit No. 714341 was granted on 28 February 2014 authorising the construction of three double storey dwellings (see *Attachment 2*). The application was issued under delegation by officers as no objections were received.

Condition No. 20 of the Permit states:

*In accordance with the Planning and Environment Act 1987 a permit for the development expires:*

- (a) the approved development is not started 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 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.*

Development under the Permit did not commence prior to the Permit lapse date and no plans have yet been endorsed or drainage contribution plans paid.

## **CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (28 February 2016) to commence and complete the development due to family and financial reasons.

## **ASSESSMENT**

When the permit was issued on 22 February 2014 the land was located in a Residential 1 Zone. In October 2015 Amendment C181 was approved by the Minister for Planning which introduced the new Statewide reformed residential zones to all established areas within the Whittlesea Planning Scheme. Amendment C181 also included Council's adopted Housing Diversity Strategy (HDS) within the Municipal Strategic Statement (which forms part of the Planning Scheme). In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Suburban Residential' change area in which preferred housing is to be characterised by standard density housing comprising single dwellings and dual occupancies.

The HDS sets out 'Key Design Principles' that encourage separation of dwellings at ground level, increased areas of private open space and provision for significant landscaping including canopy trees. Building heights are to reflect existing suburban scale and character.

The proposed development (see *Attachment 2*) is for three double storey dwellings (the two rear dwellings are to be attached). The proposed development is not considered to be consistent with the Key Design Principles for the Suburban Residential change area. While the secluded private open space for each proposed dwelling is compliant with Clause 55.05-4 of the Whittlesea Planning Scheme, the Key Design Principle requiring an increased area of private open space to allow for significant landscaping, including the provision of larger canopy trees cannot be adequately provided. The current layout of the development restricts the ability to provide significant landscaping, particularly within the secluded private open spaces of the rear dwellings (side and rear setbacks). Under the current plans, canopy trees would be generally restricted to the front setback.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change in policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context is no longer supportive of the current proposal. These policy changes were exhibited and adopted after the permit was originally approved in 2014 and Amendment C181 was gazetted over a year ago in October 2015.

A change in planning policy does not prohibit a permit being extended and the context of the site may be taken into account. Where there are already examples of medium density development that may be non-compliant with a recently introduced change to the planning provisions, a responsible authority may exercise its discretion to extend a planning permit if other tests can be reasonably met. However, in cases such as this, where the surrounding area is broadly consistent with the proposed change in policy, an extension of time should not be supported because it would potentially result in a development outcome that is inconsistent with both the existing and preferred character of the area.

*Whether the landowner is seeking to 'warehouse' the permit*

There is no evidence that the permit holder is seeking to 'warehouse' the permit (i.e. not intending to act on the permit in the foreseeable future).

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder's own family and financial situations. It is the view of officers that these intervening circumstances provide insufficient justification for allowing an extension of time when weighted against other more critical planning criteria.

*The total elapse of time*

A period of two years has elapsed since the permit was initially granted in 2014.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The permit holder was given the benefit of a standard two year commencement period.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. No development has commenced under the permit, nor have plans been submitted for endorsement or required contributions paid.

*The probability of a permit issuing should a fresh application be made*

Under the HDS the site is located within the Suburban Residential change area. This change area nominates the preferred housing type as single dwellings and dual occupancies. There is no certainty that the permit for the construction of three new dwellings would be granted on the subject land should a fresh application be made. Based on other similar decisions recently made by VCAT, it is likely that this application would be refused based on the changed planning zone and policy.

In a recent VCAT decision (23 June 2016) (*Alliance Property Solutions v City of Whittlesea P467/2016*), a senior legal member (H. McM. Wright QC) refused an application for review of an extension of time request similar to the current application.

This matter related to permit that had been granted for three dwellings on a 773m<sup>2</sup> lot at 16 Hall Street, Epping (also subject to a 'Suburban Residential' change area introduced by the HDS). The Tribunal stated in this recent case that:

*The two Kantor tests of relevance in this case are:*

- *whether there has been a change of planning policy; and*
- *The probability of a permit issuing should a fresh application be made.*

*The two tests are related in that the planning policy will be a major determinant as to whether the permit would issue on a fresh application.*

.....

*The Tribunal is of the opinion that in cases where there is a real and substantial divergence of opinion as to the planning merits of a new application it is not appropriate to resolve the debate on an application for an extension of time of the existing permit. At this stage it cannot be said that the Kantor test regarding the probability of a permit issuing should a fresh application be made is satisfied. On the other hand if a fresh application is made what is presently speculation will be translated into actuality.*

.....

*....in cases where the use or development is still permitted the prudent course is to see whether it, of some modification of it [the development] will be permitted.*

.....

*In the ever changing kaleidoscope of planning policy and planning controls it should never be assumed that a permit will be extended.*

## 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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change in circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it would be unlikely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that the extension of time be refused. The applicant is not prevented from making a further application for medium density development on the land which complies with current planning provisions.

## RECOMMENDATION

THAT Council resolve to refuse the application to extend Planning Permit No. 714341 for the construction of three double storey dwellings at 41 Tilbury Street, Thomastown and advise the applicant accordingly.

## COUNCIL RESOLUTION

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

THAT Council resolve to approve the application to extend Planning Permit No. 714341 for a further two years (the development must commence by 28 February 2018) for the construction of three dwellings at 41 Tilbury Street, Thomastown and advise the applicant accordingly.

**CARRIED**



**6.1.2 28 TILBURY STREET, THOMASTOWN - REQUEST FOR AN EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF FOUR DWELLINGS**

**File No:** 714817

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

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

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** P Kalotihos

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential

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

**RECOMMENDATION:** That Council refuse an extension of time

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714817) allowing the construction of four dwellings at 28 Tilbury Street, Thomastown. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 1 December 2014 under delegation by officers (as no objections were received). The permit expired on 1 December 2016. Prior to the expiry an application requesting the extension of time was received.

At its meeting on 30 August 2016, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be refused as it is unlikely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Suburban Residential' in which preferred housing is to be characterised by standard density housing such as detached dwellings and duplexes. The development approved under the Permit has been assessed as being inconsistent with this preferred housing and character.

**SITE AND SURROUNDING AREA**

The subject site is formally described as Lot 1 on Title Plan 117487D. The site is located on the east side of Tilbury Street, approximately 30m north of Ardoch Avenue, Thomastown (see Attachment 1).

The subject land is regular in shape and has a total site area of 708m<sup>2</sup>. The site is encumbered along the length of the rear east and north side boundaries by a 2.4m wide easement.

The site currently comprises a triple fronted rendered, brick veneer dwelling with a tiled hipped roof setback approximately 7.9m from Tilbury Street. An existing vehicular crossing is located in the southwest corner of the site with a driveway along the southern boundary. The site is bound by 1.8m high fencing.

The surrounding area is generally residential with double or triple fronted dwellings being predominantly single storey with hipped roofs and eaves. There are very few other medium density developments in the area.

## BACKGROUND

Planning Permit No. 714817 was granted on 1 December 2014 authorising the construction of four new dwellings (see *Attachment 2*). The application was determined under delegation by officers as no objections were received.

Condition No. 20 of the Permit states:

*In accordance with the Planning and Environment Act 1987 a permit for the development expires:*

- (a) the approved development does not start within 2 years of the date of this permit; or*
- (b) the approved development is not completed within 4 years of the date of this permit.*

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

Development under the permit did not commence prior to the Permit lapse date and no plans have yet been endorsed or drainage contributions paid.

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension period of two (2) years from the current Permit lapse date (1 December 2016) to commence the development due to family health issues, uncertainty of work and an upcoming family wedding.

## ASSESSMENT

When the permit was issued on 1 December 2014 the land was located in a Residential 1 Zone. In October 2015 Amendment C181 was approved by the Minister for Planning which introduced the new Statewide reformed residential zones to all established areas within the Whittlesea Planning Scheme. In relation to the subject land and surrounds, the General Residential Zone was applied. Amendment C181 also included Council's adopted Housing Diversity Strategy (HDS) within the Municipal Strategic Statement (which forms part of the Planning Scheme). In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Suburban Residential' change area in which preferred housing is to be characterised by standard density housing and dual occupancies/ duplexes. These areas are typically not in close proximity to public transport and activity centres.



The HDS sets out 'Key Design Principles' that encourage separation of dwellings at ground level, increased areas of private open space and provision for significant landscaping including canopy trees. Building heights are to reflect existing suburban scale and character.

The development (see *Attachment 2*) is for the construction of four new dwellings. The secluded private open space for each proposed dwelling is compliant with Clause 55.05-4 of the Whittlesea Planning Scheme; however, the Key Design Principle requiring an increased area of private open space to allow for significant landscaping, including the provision of larger canopy trees can not be met. The current layout of the development restricts opportunities for significant landscaping - particularly within the secluded private open spaces of each dwelling. Under the current plans such trees would generally be restricted to the front setback. The provision of a canopy tree in the rear yard of the rear dwelling (Dwelling No. 4) is particularly constrained because this area is encumbered by a drainage and sewerage easement.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change in policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context is no longer supportive of the current proposal. Amendment C181 was being exhibited at the time the application proposal was under consideration and was approved subsequent to the issue of the permit. A period of over a year has elapsed since the approval date.

A change in planning policy does not prohibit a permit being extended and the context of the site may be taken into account. Where there are already examples of medium density development that may be non-compliant with a recently introduced change to the planning provisions, a responsible authority may exercise its discretion to extend a planning permit if other tests can be reasonably met. However, in cases such as this, where the surrounding area is broadly consistent with the proposed change in policy, an extension of time should not be supported because it would potentially result in a development outcome that is inconsistent with both the existing and preferred character of the area.

*Whether the landowner is seeking to 'warehouse' the permit*

There is no evidence that the permit holder is seeking to 'warehouse' the permit (i.e. not intending to act on the permit in the foreseeable future).

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder has incurred delays to commence the development as a result of family health issues, uncertainty of work and an upcoming family wedding. It is the view of officers that these intervening circumstances provide insufficient justification for allowing an extension of time when weighted against other more critical planning criteria.

*The total elapse of time*

A period of two years has elapsed since the permit was initially granted in 2014.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The permit holder was given the benefit of a standard two year commencement period.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder/ proponent is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. No development has commenced under the permit, nor have plans been submitted for endorsement or required contributions paid.

*The probability of a permit issuing should a fresh application be made*

Under the HDS the site is located within the Suburban Residential change area. This change area nominates the preferred housing type as single dwellings and dual occupancies. There is no certainty that the permit for the construction of four new dwellings would be granted on the subject land should a fresh application be made. Based on other similar decisions recently made by VCAT, it is likely that this application would be refused based on the changed planning zone and policy.

In a recent VCAT decision (23 June 2016) (*Alliance Property Solutions v City of Whittlesea P467/2016*), a senior legal member (H. McM. Wright QC) refused an application for review of an extension of time request similar to the current application.

This matter related to permit that had been granted for three dwellings on a 773m<sup>2</sup> lot at 16 Hall Street, Epping (also subject to a 'Suburban Residential' change area introduced by the HDS). The Tribunal stated in this recent case that:

*The two Kantor tests of relevance in this case are:*

- *whether there has been a change of planning policy; and*
- *The probability of a permit issuing should a fresh application be made.*

*The two tests are related in that the planning policy will be a major determinant as to whether the permit would issue on a fresh application.*

.....

*The Tribunal is of the opinion that in cases where there is a real and substantial divergence of opinion as to the planning merits of a new application it is not appropriate to resolve the debate on an application for an extension of time of the existing permit. At this stage it cannot be said that the Kantor test regarding the probability of a permit issuing should a fresh application be made is satisfied. On the other hand if a fresh application is made what is presently speculation will be translated into actuality.*

.....

*....in cases where the use or development is still permitted the prudent course is to see whether it, of some modification of it [the development] will be permitted.*

.....

*In the ever changing kaleidoscope of planning policy and planning controls it should never be assumed that a permit will be extended.*

## 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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change in circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it would be unlikely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that the extension of time be refused. The applicant is not prevented from making a further application for medium density development on the land which complies with current planning provisions.

## RECOMMENDATION

THAT Council resolve to refuse the application to extend Planning Permit 714817 for the construction of four dwellings at 28 Tilbury Street Thomastown and advise the applicant accordingly.

## COUNCIL RESOLUTION

**MOVED:** *Cr Laliotis*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to approve the application to extend Planning Permit No. 714817 for a further two years (the development must commence by 1 December 2018) for the construction of four dwellings at 28 Tilbury Street, Thomastown and advise the applicant accordingly.**

**CARRIED**



**6.1.3 6 TRAVERS STREET, THOMASTOWN - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF THREE DWELLINGS**

**File No:** 714816

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

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

**Author:** Planning Officer

**APPLICANT:** Mr D Tair

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential Zone

**OVERLAY:** Development Contributions Plan Overlay

**RECOMMENDATION:** That Council approve an extension of time

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714816) allowing the construction of three dwellings at 6 Travers Street, Thomastown. The application seeks to extend the time for the commencement and completion of the development. The permit was originally granted on 28 October 2014 by Council (as two objections were received). This is the first request for an extension of time. The permit expired on 28 October 2016 as development has not yet commenced. The permit allows for extension requests to be made within six months of the lapse date.

At its meeting on 30 August 2016, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be approved as it is highly likely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Neighbourhood Interface' in which preferred housing is to be characterised by medium and standard density housing such as single dwellings, dual occupancies, townhouses and multi-units. The development approved under the permit is considered to be consistent with this preferred character.

**SITE AND SURROUNDING AREA**

The subject land is located on the north side of Travers Street, Thomastown (*see Attachment 1*). The site is a regular shaped allotment with a total site area of 641m<sup>2</sup> and has a gradual slope of approximately 1.0m in a north to south direction. The site contains a single storey

weatherboard dwelling, two outbuildings and a garage along the east property boundary. Vehicular access is provided via an existing concrete crossing located within the southeast corner of the land.

The surrounding area is generally characterised by a mixture of detached single and double storey dwellings constructed circa 1950's. The adjoining property to the east comprises a double storey dwelling and to the west is a single storey dwelling. There are also a number of recently constructed medium density developments of a double storey and single storey nature within the immediate surrounds and particularly along Travers Street. Further east of the site is the Lalor Shopping Centre and to the south is the Thomastown Shopping Centre.

## BACKGROUND

Planning Permit No. 714816 was granted on 28 October 2014 authorising the construction of three double storey dwellings. The application was determined by Council on this date as there were two objections at the end of the advertising period. The endorsed plans are shown in *Attachment 2*.

Condition No. 22 of the Permit states:

*In accordance with the Planning and Environment Act 1987 this permit will expire if one of the following circumstances applies:*

- (a) the development is not started within two years of the date of this permit;*
- (b) the development is not completed within four years of the date of this permit.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.*

An application for the extension was received on 5 October 2016. This request has been received within the time specified above and can therefore be considered. It is noted, this is the first request for an extension of time to the planning permit.

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension of two (2) years from current Permit lapse date (28 October 2016) to commence and complete the development citing insufficient funding at the present time as the reason for the request.

## ASSESSMENT

When the permit was issued on 28 October 2014 the land was located in a Residential 1 Zone. In October 2015 Amendment C181 was approved by the Minister for Planning which introduced the new Statewide reformed residential zones to all established areas within the Whittlesea Planning Scheme. In relation to the subject land and surrounds, the General Residential Zone was applied. Amendment C181 also included Council's adopted Housing Diversity Strategy (HDS) within the Municipal Strategic Statement (which forms part of the Planning Scheme). In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Neighbourhood Interface' change area in which preferred housing is to be characterised by medium and standard density housing comprising single dwellings, dual occupancies, town houses and multi-unit developments. These areas are within moderate proximity (10-15 minute walk) to public transport and activity centres.

The HDS sets out 'Key Design Principles' that encourage low to medium building heights, moderate front setbacks and sufficient side and rear setbacks to allow for medium site coverage and useable private open space with landscaping to complement medium density built form.

The proposed development (*see Attachment 2*) is for three double storey dwellings and is therefore consistent with the preferred density and building heights for the Neighbourhood

Interface change area. The indicative landscape areas shown on the plans submitted allow sufficient private open space to accommodate a small to medium canopy tree for each dwelling which will soften the impact of the proposed built form on site. The generous front setback can also accommodate a large tree or a number of medium canopy trees to further enhance the streetscape.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change of policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context supports the current proposal.

*Whether the landowner is seeking to 'warehouse' the permit*

There is no evidence that the landowner is seeking to warehouse the permit. This is the first request for an extension of time to the planning permit. No reasons (other than those mentioned below) were provided in the application for the extension of time. As the development is one that continues to be supported under the planning provisions, a further extension is reasonable.

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder has insufficient funding to commence the development at the present time.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is just over two years. However, because planning circumstances continue to support this form of development, an extension is considered reasonable.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The permit holder was given the benefit of a standard two year commencement period.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. No evidence has been provided indicating that the permit holder is under any economic burden because of commitments made in relation to the proposal.

*The probability of a permit issuing should a fresh application be made*

Under the HDS the site is located within the Neighbourhood Interface change area. This change area nominates the preferred housing type as single dwellings, dual occupancies, townhouses and multi-units such as that proposed. It is likely the current development would be supported if a new application were to be made.

#### **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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change of circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it is highly likely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that one further extension of time be approved.

#### **RECOMMENDATION**

**THAT Council resolve to approve the application to extend Planning Permit No. 714816 for a further two years (until 28 October 2018) for the construction of three dwellings at 6 Travers Street, Thomastown and advise the applicant accordingly.**

#### **COUNCIL RESOLUTION**

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.1.4 16 LANARK STREET, EPPING - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF A DOUBLE STOREY DWELLING TO THE REAR OF AN EXISTING DWELLING**

**File No:** 714829

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

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

**Author:** Planning Officer

**APPLICANT:** R & D Tairawhiti

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential Zone

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

**RECOMMENDATION:** That Council approve an extension of time

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714829) allowing the construction of a double storey dwelling to the rear of the existing dwelling at 16 Lanark Street, Epping. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 22 September 2014 under delegation by officers (as no objections were received). The permit expired on 22 September 2016 as development has not yet commenced. The permit allows for extension requests to be made within six months of the lapse date.

At its meeting on 30 August 2016 and prior to this application being determined under delegation, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be approved as it is highly likely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Suburban Residential' in which preferred housing is to be characterised by standard density housing such as single dwellings and dual occupancies. The development approved under the permit is considered to be consistent with this preferred character.

## **SITE AND SURROUNDING AREA**

The subject land is located on the north side of Lanark Street, Epping (see *Attachment 1*). The site is an irregularly shaped allotment that is relatively flat and has a total site area of 723m<sup>2</sup>. The site contains a single storey brick veneer dwelling and vehicular access is provided via an existing concrete crossing located within the southwest corner of the land.

The surrounding area is generally characterised by single storey brick veneer dwellings constructed circa 1980's. There are also a number of dual occupancy developments within the immediate surrounds and particularly along Northumberland Drive. West of the site is the Findon Creek Park and Darebin Creek.

## **BACKGROUND**

Planning Permit No. 714829 was granted on 22 September 2014 authorising the construction of a double storey dwelling to the rear of the existing dwelling. The application was issued under delegation. The endorsed plans are shown in *Attachment 2*.

Condition No. 17 of the Permit states:

*In accordance with the Planning and Environment Act 1987 a permit for the development expires:*

- (a) the approved development is not started 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 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.*

An application for the extension was received on 3 August 2016. This request has been received within the time specified above and can therefore be considered.

## **CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (22 September 2016) to commence the development due to only acquiring the property and the associated permit earlier this year.

## **ASSESSMENT**

When the permit was issued on 22 September 2014 the land was located in a General Residential Zone. In October 2015 Amendment C181 was approved by the Minister for Planning which introduced the new Statewide reformed residential zones to all established areas within the Whittlesea Planning Scheme. Amendment C181 also included Council's adopted Housing Diversity Strategy (HDS) within the Municipal Strategic Statement (which forms part of the Planning Scheme). In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Suburban Residential' change area in which preferred housing is to be characterised by standard density housing comprising single dwellings and dual occupancies. These areas are not within a walkable proximity (more than a 20 minute walk) to public transport and activity centres.

The HDS sets out 'Key Design Principles' that encourage low building heights, standard front setbacks and increased side and rear setbacks to allow for building separation and landscaping.

The proposed development (see *Attachment 2*) is for a standard double storey dwelling behind the existing single storey dwelling and is therefore consistent with the preferred density and building heights for the Suburban Residential change area. The indicative landscape areas shown on the plans submitted allow for increased private open space areas that will consequently also allow for landscaping opportunities. Further, the generous front setback can also accommodate a large tree to further enhance the streetscape.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change of policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context supports the current proposal.

*Whether the landowner is seeking to 'warehouse' the permit*

This is the first extension to the permit requested and there is no substantial evidence that the new owner is seeking to 'warehouse' the permit.

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder only recently acquiring the land and associated permit.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is two years. However, because planning circumstances continue to support this form of development, an extension is considered reasonable.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The former permit holder was given the benefit of a standard two year commencement period and this timeframe continues under any new ownership.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. No evidence has been provided indicating that the permit holder is under any economic burden because of commitments made in relation to the proposal.

*The probability of a permit issuing should a fresh application be made*

Under the HDS the site is located within the 'Suburban Residential' change area. This change area nominates the preferred housing type as single dwellings and dual

occupancies, such as that proposed. It is likely the current development would be supported if a new application were to be made.

### 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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change of circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it is highly likely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that one further extension of time be approved.

### RECOMMENDATION

**THAT Council resolve to approve the application to extend Planning Permit No. 714829 for a further two years until 22 September 2018, for the construction of a double storey dwelling to the rear of the existing dwelling at 16 Lanark Street, Epping and advise the applicant accordingly.**

### COUNCIL RESOLUTION

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**

**6.1.5 38 CRAMPTON CRESCENT, MILL PARK - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF A DWELLING TO THE REAR OF AN EXISTING DWELLING**

**File No:** 714753

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

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

**Author:** Planning Officer

**APPLICANT:** J Kriaris

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential Zone

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

**RECOMMENDATION:** That Council approve an extension of time.

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No.714753) allowing the construction of one single storey dwelling to the rear of an existing dwelling. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 24 July 2014 under delegation by officers (as no objections were received). The permit allows for extension requests to be made within six (6) months of the expiry date.

At its meeting on 30 August 2016, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be approved as it is highly likely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Suburban Residential' in which preferred housing is to be characterised by standard density housing such as detached housing and dual occupancies/duplexes. The development approved under the permit is considered to be consistent with this preferred character.

**SITE AND SURROUNDING AREA**

The subject site is located on the east side of Crampton Crescent, Mill Park approximately 40m north of the intersection with Grenda Drive (*see Attachment 1*). The property is flat and irregular in shape with a frontage of 24m and a depth of 29m, with a total site area of 631m<sup>2</sup>.

The site is currently occupied by a single storey brick veneer dwelling with associated outbuilding. Adjoining the site to the north is also a single storey brick veneer dwelling. To the east and south is the Findon Recreation Reserve and associated car park.

The surrounding area is generally characterised by a mixture of double and single storey dwellings. Examples of medium density development within the immediate vicinity are located approximately 75m to the south of the subject site at 1, 4 and 7 Lukin Court.

## BACKGROUND

Planning Permit No. 714753 was granted on 24 July 2014 authorising the construction of one double storey dwelling to the rear of the existing dwelling. The application was determined under delegation by officers as no objections were received at the end of the advertising period. The endorsed development plans are shown in *Attachment 2*.

Condition No. 17 of the Permit states:

*In accordance with the Planning and Environment Act 1987 a permit for the development expires if:*

*(a) The approved development does not start within 2 years of the date of this permit*

*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.*

An application for the extension was received on 29 September 2016. This request was received within the time specified above and can therefore be considered. This is the first request for an extension of time.

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension of two (2) years from the current lapse date (24 July 2016) to commence the development citing insufficient funding at the present time as the reason for the request.

## ASSESSMENT

The Planning Permit was issued on 24 July 2014, prior to the introduction of the Housing Diversity Strategy. In October 2015 Amendment C181 was approved by the Minister for Planning, which adopted the Housing Diversity Strategy (HDS) within the Municipal Strategic Statement, which forms part of the Planning Scheme. In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Suburban Residential' change area in which preferred housing is to be characterised by standard density housing such as detached housing and dual occupancies/duplexes. The front setback of these dwellings is to allow for significant landscaping and large canopy trees to create a sense of openness to the street, as well as side setbacks which are to provide building separation and landscaped areas. A canopy tree has been approved in the rear yard of the proposed dwelling under the approved landscape plan.

The proposed development (*see Attachment 2*) is consistent with the preferred density and building heights for the Suburban Residential change area.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide

decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change of policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context supports the current proposal.

*Whether the landowner is seeking to 'warehouse' the permit*

Since the issuing of the permit, the applicant has submitted drainage plans, which have been endorsed by Council's Engineering team. It is therefore not apparent that the owner is seeking to warehouse this permit

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder has insufficient funding to commence the development at the present time.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is now two years. However, because planning circumstances continue to support this form of development, an extension is considered reasonable.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The permit holder was given the benefit of a standard two year commencement and four year completion period.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. The request to extend the permit was made after the permit expiry date and this is the first request for an extension of time to commence the approved development. There is no evidence that the permit holder is not committed to the permit proposal.

*The probability of a permit issuing should a fresh application be made.*

Under the HDS the site is located within the Suburban Residential change area. This change area nominates the preferred housing type as standard density housing such as detached housing and dual occupancies/duplexes. It is likely the current development would be supported if a new application were to be made

## 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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change in circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it is highly likely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that the extension of time be approved.

## RECOMMENDATION

**THAT Council resolve to approve the application to extend Planning Permit No. 714753 for a further two years until 24 July 2018, for the construction of a dwelling to the rear of the existing dwelling at 38 Crampton Crescent, Mill Park and advise the applicant accordingly.**

## COUNCIL RESOLUTION

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.1.6 1 PACKARD COURSE, MILL PARK - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF A DWELLING TO THE REAR OF AN EXISTING DWELLING**

**File No:** 714701

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

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

**Author:** Planning Officer

**APPLICANT:** Architectural Plans & Permits Pty Ltd

**COUNCIL POLICY:** Housing Policy

**ZONING:** General Residential Zone

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

**RECOMMENDATION:** That Council approve an extension of time.

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No.714701) allowing the construction of one double storey dwelling to the rear of an existing dwelling. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 20 August 2014 under delegation by officers (as no objections were received). The permit allows for extension requests to be made within six months of the expiry date.

At its meeting on 30 August 2016, Council resolved to make amendments to its Instrument of Delegation to require that requests for extensions of time to planning permits under section 69(2) of the *Planning and Environment Act 1987* be determined by Council where planning circumstances have changed since the grant of a permit or where there is a recommendation by officers to refuse an extension.

This report recommends that the extension of time relating to the subject permit be approved as it is highly likely that if a fresh application were to be made for the same development a further planning permit would be granted.

The changed circumstances set out in this report relate to Council's Housing Diversity Strategy. The outcomes of this Strategy now form part of the Whittlesea Planning Scheme and provide direction on preferred housing character in different parts of the municipality. Under the Strategy the subject land is now classified as 'Neighbourhood Interface' in which preferred housing is to be characterised by medium and standard density housing such as detached housing, dual occupancies, townhouses and multi units. The development approved under the permit is considered to be consistent with this preferred character.

**SITE AND SURROUNDING AREA**

The subject land is located on the southwest side of the intersection of Packard Course and Peugeot Pursuit approximately 300m north of Centenary Drive, Mill Park (*see Attachment 1*). The subject site is flat and irregular in shape with frontage to Packard Course of 21.0m and a

depth of 27.1m along Peugeot Pursuit, giving a total site area of 731m<sup>2</sup>. The site currently contains a detached double storey dwelling constructed of brick with a concrete tiled hipped roof.

The surrounding area is generally characterised by single storey and double storey dwellings. The adjoining property to the south contains a single storey dwelling constructed from rendered brick and the adjoining property to the west (rear) contains a double storey dwelling constructed of brick. Examples of medium density development within the immediate vicinity are located at 2, 10, 17, 19 and 21 Packard Course; 1, 4-8, 41 and 65 Peugeot Pursuit; and 2 Pivot Place.

## **BACKGROUND**

Planning Permit No. 714701 was granted on 20 August 2014 authorising the construction of one double storey dwelling to the rear of the existing dwelling. The application was determined under delegation by officers as no objections were received at the end of the advertising period. The endorsed development plans are shown in *Attachment 2*.

Condition No. 17 of the Permit states:

*In accordance with the Planning and Environment Act 1987 a permit for the development expires if:*

*(a) the approved development does not start within 2 years of the date of this permit;  
or*

*(b) the approved development is not completed within 4 years of the date of this permit.*

*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.*

An application for the extension was received on 6 October 2016. This request was received within the time specified above and can therefore be considered. This is the first request for an extension of time.

## **CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (20 August 2016) to commence the development citing delays in obtaining a building permit as the reason for the request.

## **ASSESSMENT**

The Planning Permit was issued on 20 August 2014, prior to the introduction of the Housing Diversity Strategy. In October 2015 Amendment C181 was approved by the Minister for Planning, which adopted the Housing Diversity Strategy (HDS) within the Municipal Strategic Statement, which forms part of the Planning Scheme. In particular, Clause 21.09-4 was introduced to define residential change areas and the preferred housing character within these areas. The subject land was included in a 'Neighbourhood Interface' change area in which preferred housing is to be characterised by medium and standard density housing such as detached housing, dual occupancies, townhouses and multi units.

The proposed development (see Attachment 2) is consistent with the preferred density and building heights for the Neighbourhood Interface change area. The endorsed landscape plan require a canopy tree to be established both in the front setback of the additional dwelling and in the rear private open space.

The applicable principles for considering extensions of time have been established by VCAT, are based on legal precedent and are applied by all councils. These tests are referred to as the 'Kantor' tests (named after the legal case which introduced them). The tests guide decisions and provide a degree of certainty for all stakeholders who may be affected by decisions relating to the extensions of time.

It should be noted that there are no statutory provisions for notifying other affected persons of extension of time requests.

The 'Kantor' tests are set out below with comments under each heading relevant to the current application.

*Whether there is a change of planning policy*

The change of policy brought about by the approval of Amendment C181 and the introduction of the HDS and associated changes to the Local Planning Policy Framework have been discussed previously in this report. The changed policy context supports the current proposal.

*Whether the landowner is seeking to 'warehouse' the permit*

There is no evidence that the permit holder is seeking to 'warehouse' the permit (i.e. not intending to act on the permit in the foreseeable future).

*Intervening circumstances bearing on the grant or refusal of the extension*

There are no intervening circumstances bearing on the grant or refusal of the extension other than the permit holder experiencing delays in obtaining a building permit before commencing the development.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is now two years. However, because planning circumstances continue to support this form of development, an extension is considered reasonable.

*Whether the time limit originally imposed was adequate*

The time limit imposed was reasonable. The permit holder was given the benefit of a standard two year commencement and four year completion period.

*The economic burden imposed on the landowner by the permit*

This relates to the degree to which the permit holder is economically committed to the permit proposal as a consequence of actions taken to give effect to the permit. The request to extend the permit was made after the permit expiry date and this is the first request for an extension of time to commence the approved development. There is no evidence that the permit holder is not committed to the permit proposal.

*The probability of a permit issuing should a fresh application be made.*

Under the HDS the site is located within the Neighbourhood Interface change area. This change area nominates the preferred housing type as medium and standard density housing such as detached housing, dual occupancies, townhouses and multi units. It is likely the current development would be supported if a new application were to be made.

**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 purpose of limiting the life of a permit is to ensure that it does not become inappropriate due to a change in circumstances. The HDS was introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that it is highly likely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that the extension of time be approved.

**RECOMMENDATION**

**THAT Council resolve to approve the application to extend Planning Permit No. 714701 for a further two years until 20 August 2018, for the construction of a dwelling to the rear of the existing dwelling at 1 Packard Course, Mill Park and advise the applicant accordingly.**

**COUNCIL RESOLUTION**

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**

**6.1.7 23-25 NICKSON STREET, BUNDOORA - CONSTRUCTION OF EIGHT TRIPLE STOREY DWELLINGS AND A REDUCTION IN THE REQUIRED CAR PARKING RATE**

<b>File No:</b>	<b>715748</b>
<b>Attachments:</b>	<b>1 Locality Maps</b> <b>2 Development Plans</b> <b>3 Proposed Revised Plans</b>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Principal Planner</b>
<b>APPLICANT:</b>	<b>Kangjun Huang</b>
<b>COUNCIL POLICY:</b>	<b>Housing Diversity Strategy</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b>
<b>REFERRAL:</b>	<b>Not applicable</b>
<b>OBJECTIONS:</b>	<b>Five objections, including petition with 86 signatories</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

<b>REPORT</b>
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**EXECUTIVE SUMMARY**

The applicant proposes to demolish two existing dwellings and construct eight triple storey dwellings on the subject site. Vehicular access for seven of the eight dwellings will be provided from an existing crossover to Cook Street, whilst an existing crossover to Nickson Street will be removed and relocated to service Dwelling No. 1.

Advertising of the proposal resulted in five objections being received, including a petition with 86 individual signatures. The grounds of objection relate to overdevelopment; traffic congestion and lack of car parking; overlooking, loss of privacy and overshadowing; loss of property values; safety concerns; increase in noise (particularly during construction); limited landscaping; dwelling height; and inappropriate bin storage location.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme, subject to appropriate conditions being included in any permit that is issued.

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

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

## SITE AND SURROUNDING AREA

The subject site is located on the southeast corner of Nickson Street and Cook Street, in Bundoora (see *Attachment 1*). The site comprises of two allotments with a total site area of 1,057.5m<sup>2</sup>. The site contains two existing dwellings both fronting Nickson Street, with vehicular access to No. 23 from Nickson Street (northeast corner) and vehicular access to No. 25 from Cook Street (southwest corner). The site is located approximately 30m north of Settlement Road and 215m from Plenty Road to the east.

The immediate surrounding locality is characterised by the Bundoora Neighbourhood Activity Centre, an ageing residential housing stock and pockets of medium density residential development present. The character of the area is made up of older single and double storey dwellings typically from the 1960s onwards, with examples of newer infill development dispersed throughout and a greater focus at the western end of Nickson Street where there are in excess of 100 residential dwellings in medium to higher density developments ranging from effectively double storey townhouses through to 3-4 storey apartment buildings. Other examples of medium density residential development in the surrounding locality include No. 20 Nickson Street; Nos. 3, 4, 9 and 11 Julie Street; No. 10 Kathleen Court; Nos. 5, 9, 13, 15, 16 and 18 Brownhill Street; Nos. 1, 2 and 3 Joseph Street; Nos. 29 and 33 Settlement Road; and No. 10 Edward Street. Additionally, a seven storey apartment building has been approved at No. 21 Plenty Road, approximately 200m from the subject site (see *Attachment 1*).

The change being experienced in this area is reflective of the sites location in proximity to the following sites, services and infrastructure:

- St Damien's Primary School and Catholic Church (50m south).
- Bundoora Activity Centre (including shopping centre, with Coles, Woolworths and various specialty shops (75m east).
- Northside Christian College (120m north).
- Nickson Street West Neighbourhood Park (200m west).
- Norris Bank Parklands (360m northwest).
- Principal Public Transport Network including tram and bus access along Plenty Road within approximately 200m (Bus Route 955 - Night Bus – City – Brunswick – Ivanhoe – Bundoora – Mill Park – South Morang – Mernda; Bus Route 566 – Epping Plaza Shopping Centre – Northland Shopping Centre via Keon Park; and Bus Route 382 – Whittlesea – Northland Shopping Centre via South Morang Station and Tram Routes).

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lots 41 and 42 on Plan of Subdivision 068676. A 2.4m easement traverses the southern boundary of the two lots. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

The applicant proposes to construct eight triple storey dwellings on the subject site (see *Attachment 2*). The existing dwellings will be demolished.

All dwellings will have a double garage (except Dwelling No.8 which will have a single garage), storage, bedroom and ensuite or powder room at ground floor level. The dwellings will have an open plan kitchen, dining and living area, powder room and laundry at first floor level, with access to a balcony. Dwelling No. 1 will also have a bedroom at first floor level. All dwellings will have two bedrooms, each with ensuites at second floor level. Dwelling Nos. 2-8 will utilise the existing vehicular crossing to Cook Street, with a central shared

accessway. Dwelling No. 1 will be provided with a new crossover to Nickson Street, with the existing crossover to be removed.

Dwelling Nos. 5 to 8 will front Cook Street, with Dwelling No. 8 provided with a secondary pedestrian access from Nickson Street. Dwelling No. 1 will front Nickson Street, with a pedestrian access to service Dwelling Nos. 2-5 from Nickson Street along the eastern side boundary.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Three Storey	Four	4.8m (front) from Nickson Street; 2.0m from eastern (side) boundary.	26m <sup>2</sup> (including 16m <sup>2</sup> balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 2	Three Storey	Three	2.0m from eastern (side) boundary.	10m <sup>2</sup> (balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 3	Three Storey	Three	2.2m from eastern (side) boundary.	10m <sup>2</sup> (balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 4	Three Storey	Three	2.4m from eastern (side) boundary.	10m <sup>2</sup> (balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 5	Three Storey	Three	1.5m (front) from Cook Street; 5.0m from southern (side) boundary.	23m <sup>2</sup> (including 9m <sup>2</sup> balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 6	Three Storey	Three	1.5m (front) from Cook Street.	24m <sup>2</sup> (including 9m <sup>2</sup> balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 7	Three Storey	Three	1.5m (front) from Cook Street.	25m <sup>2</sup> (including 9m <sup>2</sup> balcony)	Double carport (6.0m x 5.5m)	9m (overall)
Dwelling No. 8	Three Storey	Two	1.5m (front) from Cook Street; 4.6m (secondary frontage) from Nickson Street.	85m <sup>2</sup> (including 17m <sup>2</sup> balcony)	Single carport (6.0m x 3.6m)	9m (overall)

## PUBLIC NOTIFICATION

Advertising of the application has resulted in five objections (including an 86 signature petition) being received. The grounds of objection can be summarised as follows:

1. Loss of views
2. Overshadowing
3. Loss of property values
4. Safety concerns / burglars
5. Loss of privacy
6. Congestion due to reduction in visitor car parking
7. Overdevelopment and inconsistent with neighbourhood character

8. Limited landscaping
9. No noise reduction measures
10. Dwelling height excessive

## 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 HDS 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 should and should not be encouraged. 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.

The subject site is located within a *Neighbourhood Renewal Area* in the HDS (see *Attachment 4*) where Strategy 4.2 at Clause 21.09-4 specifically encourages medium and higher density housing in *Neighbourhood Renewal Areas* that is appropriate in a neighbourhood context.

The housing capacity assessment process undertaken as part of the preparation of the HDS supported the designation of this area for medium and higher density housing because of its close proximity to the Bundoora Activity Centre and public transport.

## 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>One of the objectives of this standard is to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>The site has been identified as a Neighbourhood Renewal Change Area within the HDS.</p> <p>The housing capacity assessment process undertaken as part of the preparation of the HDS supports this area for medium and high density housing because of its close proximity to the Bundoora Activity Centre and</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>public transport.</p> <p>This locality will accommodate similar densities of residential development in the future. The proposal provides for a satisfactory response to the preferred density and design principles of this Change Area</p> <p>The existing character largely defined by an ageing dwelling stock is already seeing change through newer infill developments typically ranging between 2 and up to 3 or 4 storeys. This change brings with it an emerging new character resulting in a variety of built forms and materials used, which is not uncommon with the existing predominantly 1960s single and double storey forms. The proposed development responds to the emerging character through a contemporary design acknowledging the commercial centre to the east and large scale residential further west, as well as muted tones reflective of the broader area.</p> <p>Existing double storey dwellings with pitched rooves exist directly opposite the site to both the north and west and are dispersed more broadly throughout the area ensuring the built form proposed is not inconsistent. There are existing canopy trees both in the public and private realm that will soften the development, in addition to further landscaping opportunities for small-medium canopy trees on the development site fronting Nickson Street.</p> <p>On balance, the proposal provides an appropriate response to the emerging and existing character of the area, reflective of the sites context adjacent to an Activity Centre with access to public transport, schools and other services.</p>
B2	Residential Policy	✓	✓	<p>The subject site is located within the Neighbourhood Renewal Change Area within the HDS. This Change Area encourages medium and higher density housing, including townhouses, multi-units, small scale apartments, shop-top housing and mixed use development. This Change Area encourages a range of medium building heights that allow street enclosure along main streets; building heights that allow for all levels to achieve passive surveillance.</p> <p>The HDS reflects core planning principles found within both the State and Local Planning Policy Frameworks that seek to increase densities and provide diversity of</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>housing close to activity centres, public transport and other services.</p> <p>This Change Area also recommends reduced front setbacks to encourage activation of the street, whilst still allowing sufficient space for low level landscaping; a medium to higher site coverage to facilitate a balance between increased densities and landscape opportunities; usable private open space, balconies and communal shared spaces; and landscaping to complement medium to higher density built form. The proposed development is consistent with the preferred density and key design principles outlined in the HDS and will result in additional activation of Cook Street which is currently dominated by side fencing and will maintain provision along Nickson Street to accommodate small-medium canopy trees.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	X	<p>The objective for this standard seeks to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. To meet the standard and existing setback character of the 1960s dwellings, the setback from Nickson Street should be 8.7m and 3.0m from Cook Street.</p> <p>The development will be setback between 4.6 and 4.8m from Nickson Street and a minimum of 1.5m from Cook Street.</p> <p>The HDS encourages reduced front setbacks within Neighbourhood Renewal Change Areas to encourage activation of the street, whilst still allowing sufficient space for low level landscaping. Additionally, the emerging character for the area of developments in such close proximity to an activity centre with great access to public transport is for less setback to improve use of the site.</p> <p>The benefit of reducing the setback in this instance allows for greater activation of both Nickson Street and Cook Street and facilitates increased densities consistent with both State and Local Planning Policies objectives.</p> <p>The proposed site layout balances the above</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				and maintains provision for small-medium canopy trees within the Nickson Street frontage, whilst the staggered setbacks of Dwelling Nos. 5 to 8 allow for low level planting within the Cook Street frontage improving the appearance when compared with solid blank fencing at present.  It is considered that the proposed development is consistent with this key design principle, and accordingly, is consistent with the objective detailed above.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space (communal)	✓	✓	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	✓	
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	Cond 3 (c)	The objective of this standard seeks to limit views into existing secluded private open space and habitable room windows.  In this regard, a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9.0m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9.0m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> <li>▪ Offset a minimum of 1.5m from the edge of one window to the edge of the other.</li> <li>▪ Have sill heights of at least 1.7m above floor level.</li> <li>▪ Have fixed, obscure glazing in any part of the window below 1.7m above floor level.</li> <li>▪ Have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent.</li> <li>▪ Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard.</li> <li>▪ Screens used to obscure a view should be: <ul style="list-style-type: none"> <li>- Perforated panels or trellis with a maximum of 25% openings or solid translucent panels.</li> <li>- Permanent, fixed and durable.</li> <li>- Designed and coloured to blend in with the development.</li> </ul> </li> </ul> <p>Whilst the proposal is able to comply with this standard, through the provision of appropriately placed screening or alternative measures, this detail has been omitted from the plans. It is recommended that a condition be included on any permit that is issued requiring screening or alternative measures to be shown on revised plans demonstrating compliance with Standard B22 (Clause 55.04-6).</p>
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
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
Dwelling No. 1	4	2	2	Yes
Dwelling No. 2	3	2	2	Yes
Dwelling No. 3	3	2	2	Yes
Dwelling No. 4	3	2	2	Yes
Dwelling No. 5	3	2	2	Yes
Dwelling No. 6	3	2	2	Yes
Dwelling No. 7	3	2	2	Yes
Dwelling No. 8	2	1	1	Yes
Visitor Car parking		1	Nil	Cond 3 (b)

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.

During the application process, concerns were raised with the applicant regarding the configuration of Dwelling No. 8 and potential for the ground floor living area to be converted into a third bedroom (which would require a second car space for this dwelling). A revised

plan for Dwelling No. 8 was submitted subsequent to the advertising of this application showing reconfiguration (see *Attachment 3*) to remove the ground floor powder room, provide a bedroom at ground floor level, delete the second bedroom at second floor level and provide an additional terrace area fronting Cook Street. A condition should be included in any permit that is issued requiring revised plans generally in accordance with *Attachment 3* to be submitted.

The proposed development generates a requirement for one visitor car space to service the dwellings, however no visitor car parking is proposed. The site has a street frontage of approximately 60m to Nickson Street and Cook Street. The existing vehicular crossing to No. 25 Nickson Street will be maintained, whilst the existing vehicular crossing to No. 23 Nickson Street will be removed and relocated. The site is also within easy walking distance of a range of shops and facilities including public transport.

Whilst the surrounding street network, including the existing site frontage, can easily accommodate one visitor space as needed, it is considered the site layout can be slightly modified to provide a visitor car space adjacent to Dwelling No. 4. The bin storage area and external storage for Dwelling Nos. 2, to 7 will need to be reconfigured or relocated to allow for this which is possible due to the setback from the southern boundary. A condition should be included on any permit that is issued requiring this reconfiguration.

### **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. Loss of views**

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that there is no right to a view in an urban setting and the any loss of an existing view is not a relevant planning consideration.

#### **2. Overshadowing**

The shadow diagrams submitted with the application show that the level of overshadowing experienced by neighbouring properties will be in accordance with Clause 55.04-5 of the Whittlesea Planning Scheme which aims to ensure buildings do not significantly overshadow existing secluded private open space of an existing dwelling.

#### **3. Loss of property values**

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

#### **4. Safety concerns**

Concerns were raised that the pedestrian access way fronting Dwelling Nos. 1-4 will result in reduced safety and provide opportunities for burglars to access adjoining

properties. Activation of this area through front entrances as well as low level planting and appropriate ground floor level glazing to habitable rooms will provide for passive surveillance of this area and ensure safety is not unreasonably compromised. It is noted that vehicle and pedestrian access to the existing dwelling at No. 23 Nickson Street is currently located along this boundary.

**5. Loss of privacy**

Whilst the proposed habitable room windows at first and second floor level for each dwelling have generally been designed to prevent overlooking, appropriate screening measures in accordance with the requirements of Clause 55.04-6 have not been clearly included on the plans. It is considered appropriate to include a condition on any permit that is issued requiring the submission of revised plans showing compliance with Clause 55.04-6.

**6. Congestion due to reduction in visitor car parking**

The proposal is not expected to generate a significant increase in the number of vehicles along Nickson Street and Cook Street and therefore will not cause an adverse impact on the volume of traffic within the surrounding road network. Subject to minor modifications to the site layout, a visitor car space can be provided and accordingly, the proposal can comply with the relevant on-site car parking provisions within Clause 52.06 of the Scheme. It is also noted that the site is well serviced by public transport, with bus and tram routes located just 200m in Plenty Road and the Bundoora Activity Centre located within a short 75m walk.

**7. Overdevelopment / Inconsistent with neighbourhood character**

Council's HDS nominates the subject site as located within the Neighbourhood Renewal Change Area where medium to high density housing development is encouraged. As outlined within the discussion above, the proposal provides an appropriate response to both the existing and emerging character and demonstrates compliance with Clause 55 subject to conditions.

**8. Limited landscaping**

Whilst reduced setbacks do limit opportunities for landscaping within the site, the development has been designed to ensure canopy trees and low level planting can be provided within the frontage of each dwelling. The HDS indicates landscaping within Neighbourhood Renewal Change Areas should complement medium to higher density build form, with reduced setbacks encouraged, whilst still allowing sufficient space for low level landscaping. It is considered that the proposal is consistent with these key design principles. A detailed landscape plan for the development should be provided as a condition on any permit that is issued.

**9. No noise reduction measures**

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. Construction noise associated with the development is not a relevant planning consideration and if found to be a problem can be addressed via Local Laws or other legislative provisions.

## 10. Dwelling height

Clause 55.03-2 of the Whittlesea Planning Scheme states that the 'maximum building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m'.

The proposed development complies with this requirement, with the highest points of the development ranging between 8.7m and 9m above finished ground level. As discussed earlier, the built form within the area varies between older single and double storey, examples of newer double storey and higher 3-4 storey further west along Nickson Street. The building height is considered medium scale and consistent with the HDS. The upper floor areas are setback further from the street and side boundaries than the lower floor areas, whilst the design, articulation and use of varying materials which frame the lower section all combine to ensure the built form is not excessively high or bulky.. All dwellings will be three storey in height, with various differences in overall roof height to ensure a variety in articulation. This will ensure that its height and scale is respectful of the preferred neighbourhood character, having regard to the HDS.

## 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 including the State and Local Planning Policy Frameworks and in particular the objectives and standards of Clause 52.06, Clause 55 and the HDS. The proposal has strong policy support for increased densities and diversity in such close proximity to the Bundoora Activity Centre and public transport. It is considered that the proposal is consistent with the preferred neighbourhood character outcomes set out in the HDS and accordingly approval of the application is recommended.

<h2>RECOMMENDATION</h2>
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THAT Council resolve to approve Planning Application No. 715748 and issue a Notice of Decision to Grant a Permit for the construction of eight dwellings and reduction in the required car parking rate at 23-25 Nickson Street, Bundoora in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans required under Condition 3 of this permit, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.
2. Prior to the endorsement of the plans required under Condition No. 3, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$1,600 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.



Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.

3. Before the development starts, three copies of a revised plan must be submitted to and approved by the Responsible Authority, showing:
  - (a) Revised plans consistent with Drawing Nos. A100-109 Revision D dated 12 September 2016 prepared by Pillar and Post.
  - (b) Modification of the site layout to provide a visitor car space adjacent to Dwelling No. 4 in accordance with Clause 52.06 of the Whittlesea Planning Scheme. The bin storage area and external storage for Dwelling Nos. 2, 3, 4, 5, 6 and 7 must be reconfigured or relocated.
  - (c) Diagrams representing full compliance with Clause 55.04-6 of the Whittlesea Planning Scheme must be provided for the first and second floors of Dwelling Nos. 1-5, or appropriate screening / alternative measures to the satisfaction of the Responsible Authority;
  - (d) Provision for the display of street numbering on garages as well as entries to the satisfaction of the responsible authority;
4. Prior to the commencement of buildings and works, a detailed landscape plan, prepared by a person suitably qualified or experienced in landscape design, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and show all proposed landscaping, including details of any 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. Before the development starts, Lots 41 and 42 LP 68676 must be consolidated under the *Subdivision Act 1988*, unless otherwise agreed in writing by the responsible authority.
6. The development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the prior written consent of the Responsible Authority.
7. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the proposed dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the proposed dwellings hereby approved, the car parking areas and accessways 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.
10. 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.
11. 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.
12. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
  13. 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.
  14. 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.
  15. 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.
  16. 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.
  17. Prior to the 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.
  18. 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.
  19. 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.
  20. 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.
  21. 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.

22. In accordance with the Planning and Environment Act 1987, a Permit for the development expires:-

- (a) The approved development does not start within two years of the date of this permit; or
- (b) The approved development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing. This request must be made before or within six 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.

#### Permit 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.

#### Property Numbering

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

<b>MOTION</b>
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MOVED: *Cr Lalios*  
 SECONDED: *Cr Kelly*

THAT Council resolve to refuse Planning Application No. 715748 and issue a Refusal to

Grant a Planning Permit for the construction of eight dwellings and a reduction in the required car parking rate at 23-25 Nickson Street, Bundoora on the following grounds:

1. The proposed development:
  - does not satisfactorily respond to its context and surrounding residential development;
  - does not respect the character of the neighbourhood and streetscape;
  - will impact on privacy and contribute to traffic congestion along the street; and
  - is considered an overdevelopment of the site.
2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme in relation to the provision of visitor car parking.
3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:
  - (a) Clause 55.02-1 (Neighbourhood Character)
  - (b) Clause 55.02-5 (Integration with Street)
  - (c) Clause 55.03-1 (Street Setback)
  - (d) Clause 55.03-7 (Safety)
  - (e) Clause 55.03-8 (Landscaping)
  - (f) Clause 55.04-5 (Overshadowing)
  - (g) Clause 55.04-6 (Overlooking)

**AMENDMENT**

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Cox*

**THAT Council resolve to add point 4 and 5 to the motion as follows:**

4. **The proposed development makes inadequate provision for waste management on site as it does not comply with Council's Waste Management Strategy, which requires developments of more than 6 dwellings to provide an internal waste collection system and demonstrate the collection vehicle can enter and exit the site in a forward motion.**
5. **The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme in relation to the design and layout of parking and traffic movements on site not providing for easy and efficient use.**

**CARRIED**

**The motion as amended was put and carried and became the substantive motion.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalios*

**SECONDED:** *Cr Kelly*

**THAT Council resolve to refuse Planning Application No. 715748 and issue a Refusal to Grant a Planning Permit for the construction of eight dwellings and a reduction in the required car parking rate at 23-25 Nickson Street, Bundoora on the following grounds:**

- 1. The proposed development:**
  - does not satisfactorily respond to its context and surrounding residential development;
  - does not respect the character of the neighbourhood and streetscape;
  - will impact on privacy and contribute to traffic congestion along the street; and
  - is considered an overdevelopment of the site.
- 2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme in relation to the provision of visitor car parking.**
- 3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:**
  - (a) Clause 55.02-1 (Neighbourhood Character)
  - (b) Clause 55.02-5 (Integration with Street)
  - (c) Clause 55.03-1 (Street Setback)
  - (d) Clause 55.03-7 (Safety)
  - (e) Clause 55.03-8 (Landscaping)
  - (f) Clause 55.04-5 (Overshadowing)
  - (g) Clause 55.04-6 (Overlooking)
- 4. The proposed development makes inadequate provision for waste management on site as it does not comply with Council's Waste Management Strategy, which requires developments of more than 6 dwellings to provide an internal waste collection system and demonstrate the collection vehicle can enter and exit the site in a forward motion.**
- 5. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme in relation to the design and layout of parking and traffic movements on site not providing for easy and efficient use.**

**UNANIMOUSLY CARRIED**



**6.1.8 112 HAZEL GLEN DRIVE, DOREEN - CONSTRUCTION OF 10 TRIPLE STOREY DWELLINGS AND EXEMPTION OF VISITOR CAR PARKING**

**File No:** 716024

**Attachments:** 1 Locality Maps  
2 Previous Grounds of Refusal (2011)  
3 Developement Plans

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

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** MAP Architecture

**COUNCIL POLICY:** Nil

**ZONING:** General Residential

**OVERLAY:** Vegetation Protection (Schedule 1)

**REFERRAL:** Nil

**OBJECTIONS:** Three

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

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct ten triple storey dwellings on the subject site which occupies a prominent location at the entrance to the Laurimar Town Centre. The applicant also seeks an exemption from providing visitor car parking spaces for the development (two spaces are required).

Advertising of the proposal resulted in three objections being received. The grounds of objection relate to overdevelopment, detrimental impact on neighbourhood and streetscape character, inadequate car parking, traffic congestion, insufficient building setbacks, insufficient provision for landscaping, overshadowing, noise impacts, safety concerns and property devaluation.

The current application is identical to an earlier proposal considered by Council five years ago. This application (No. 712870) was recommended for approval by officers but refused by Council at its meeting on 20 September 2011. This decision was subsequently overturned at VCAT upon appeal on 20 September 2012 and a planning permit was subsequently issued. Development under this permit did not commence and a request was not received to extend the permit. The permit expired on 20 September 2014. The current application seeks to reinstate the same development under a new application for permit.

This report provides a reassessment of the proposal having regard to the current planning framework and development context. The Laurimar Town Centre and surrounds has experienced sustained growth since the original permit was considered by Council. Neighbourhood and streetscape character has further emerged and a better appreciation of traffic and parking issues is now available. The subject land continues to provide a strategic opportunity for medium density housing at an appropriate scale. However, it is considered that the proposed development, notwithstanding previous approval by VCAT, has a number

of planning and design deficiencies when reassessed under the provisions of the Whittlesea Planning Scheme. A number of these issues will not be capable of amendments to the plan without substantial redesign. These issues largely relate to the overdevelopment of the site, building mass and scale, the need to provide visitor car parking, sense of address and inadequate arrangements for private waste collection. This report recommends that the application be refused.

## **SITE AND SURROUNDING AREA**

The subject land (*see Attachment 1*) comprises an area of 1,044m<sup>2</sup> and is located on the northwest corner of Hazel Glen Drive and Laurimar Boulevard, Doreen. The land is relatively flat with a fall of less than 1.0m from the west boundary to the southeast corner of the site. The site has frontages to Hazel Glen Drive (32.6m), Laurimar Boulevard (29.7m) and Barr Lane (19.6m). There are no established trees or other vegetation on the land.

The northern portion of the site has a 14.6m frontage to a small linear reserve that connects Laurimar Boulevard to Barr Lane. This reserve is embellished with some landscaping. North of this reserve is a further integrated medium density housing site (1 Laurimar Boulevard) in separate ownership that is yet to be developed (no planning permit has yet been granted).

Barr Lane currently provides rear vehicle access to six dwellings on smaller lots and their associated double garages. The laneway makes no provision for a footpath and is to provide further access to the dwellings proposed in the current application and the vacant medium density housing site to the north.

Double storey dwellings have now been constructed on smaller lots of between 200-300m<sup>2</sup> along the northern side of Hazel Glen Drive to the west of the subject land. These dwellings provide a transition from larger lots to the Town Centre environs. Immediately to the west of the subject land two double storey townhouses have been constructed (which have rear access from Barr Lane), which did not exist at the time the original application was considered by Council and the Tribunal. The owner and occupier of the dwelling now abutting the western boundary of the subject land are objectors to the current application.

To the north west of the site, four double storey rear loaded town houses are nearing construction, all fronting Hazelton Drive with rear vehicles access from Barr Lane.

The Town Centre contains a mixture of double and triple story built form including shop top housing. The retail and commercial development diagonally opposite the subject land has been constructed since the original permit was issued. The remaining two objectors are the owner and tenants of this development.

The subject land lies opposite the Laurimar Community Activity Centre (west) which contains a single storey building with higher architectural roof presenting at the opposite (eastern end) side of the site that is setback from Laurimar Boulevard by a large intervening area of ground level car parking. The Laurimar Wetlands reserve and associated trail network are located to the south opposite Hazel Glen Drive. The Laurimar Primary School and a childcare centre are located within a walkable distance (less than 200m) from the subject land.

The site abuts Bus Route No. 556 which runs along Hazel Glen Drive and a new bus route extends along Laurimar Boulevard.

## **RESTRICTIONS AND EASEMENTS**

The Certificate of Title for the land (legally described as Lot 403 PS 608563Q) provides for a 3.0m wide drainage and sewerage easement along the west boundary of the site.



The subject land is affected by a restrictive covenant (AH763593D) which requires that the land must only be used for residential purposes, must not be subdivided into more than ten lots and that buildings be in accordance with design guidelines and construction plans approved by the estate developer (this approval has been previously obtained). Surrounding residential areas contain restrictions requiring that dwellings heights be limited to double storey. However, this restriction does not burden the subject land. None of the restrictions affecting the subject land prevent the current application from being considered.

## **BACKGROUND**

At its meeting on 20 September 2011, Council determined to refuse the same development proposal (Application No. 712870) currently under consideration notwithstanding an officer report recommending approval subject to conditions. A total of five objections were received and considered in the officer report. The grounds of Council's refusal are shown in *Attachment 2*. In summary, it was the view of Council that the application would result in an inappropriate design response for the site and surrounding area; that the height, scale and bulk of the building would dominate the streetscape and surrounding area; and the development would have an adverse amenity impact on nearby and future residents as a result of insufficient visitor parking, on site waste management, solar access and overlooking.

An appeal against Council's refusal was lodged by the applicant and a hearing convened at VCAT to review the decision. Council was represented by an independent planning consultant who presented a comprehensive submission in support of Council's position. Notwithstanding this representation, the Tribunal, in a decision dated 20 September 2012, set aside the Council decision and directed that a planning permit be issued. The Tribunal concluded that 'while three storey development is not common in this area, in this location I am satisfied it responds positively to the strategic intent of the masterplan for the area and will sit comfortably within the neighbourhood.'

Development under this permit did not commence and a request was not received to extend the permit. The permit subsequently expired on 20 September 2014. The current application seeks to reinstate the same development approved under the earlier permit granted at the direction of VCAT.

Since the original permit was granted there has been further development within the Laurimar Town Centre (a designated Neighbourhood Activity Centre) and surrounding residential areas. Residential, commercial, community and educational uses have expanded together with associated traffic and parking demand. Neighbourhood and streetscape character is also now further defined. It is appropriate that the current application be reconsidered having regard to this new context.

## **PROPOSAL**

This application proposes the construction of ten triple storey dwellings (*see Attachment 3*). Five of the dwellings have a direct frontage to Hazel Glen Drive, while the other five front Barr Lane and the small reserve to the north. Each block of five dwellings is configured in an attached built form arrangement.

Dwelling Nos. 1 to 4 and Dwelling Nos.7 to 10 are to contain a double car garage, bedroom and storage on the ground floor; open plan kitchen/dining/living area and amenities on the first floor; and two bedrooms and a bathroom on the second floor. Dwelling Nos. 5 and 6 are to contain a single car garage, small study and storage space on the ground floor; open plan kitchen/dining/living area and amenities on the first floor; and two bedrooms and a bathroom on the second floor.

Vehicle access is proposed from Barr Lane and a central common driveway, while pedestrian access is gained from Laurimar Boulevard. Construction materials comprise selected blockwork and slim brick detail, tiled roofing, lightweight timber cladding to upper levels, sliding doors, selected glass balustrades and aluminium framed windows. Colours and styles are to accord with the design guidelines prepared for the estate.

Further details of the proposed development are outlined in the following table:

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Triple storey	3	2.0m front (south), 3.0m side (west), 0m side (east), 17.5m rear (north)	59m <sup>2</sup> including 28m <sup>2</sup> secluded private open space at ground floor + 9m <sup>2</sup> balcony + 22m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.07m (overall)
Dwelling No. 2	Triple storey	3	2.0m front (south), 0m side (west), 0m side (east), 17.5m rear (north)	23m <sup>2</sup> including 9m <sup>2</sup> balcony + 14m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.07m (overall)
Dwelling No. 3	Triple storey	3	3.1m front (south), 0m side (west), 0m side (east), 17.5m rear (north)	31m <sup>2</sup> including 9m <sup>2</sup> balcony + 22m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.19m (overall)
Dwelling No. 4	Triple storey	3	2.0m front (south), 0m side (west), 0m side (east), 17.0m rear (north)	25m <sup>2</sup> including 9m <sup>2</sup> balcony + 16m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.19m (overall)
Dwelling No. 5	Triple storey	2	1.9m front (south east), 0m side (west), 2.2m side (east), 17.0m rear (north)	45m <sup>2</sup> including 11m <sup>2</sup> balcony + 34m <sup>2</sup> front yard	One car parking space within a garage (approx. 6.0m x 3.5m)	10.60m (overall)
Dwelling No. 6	Triple storey	2	2.6m front (north), 0m side (west), 2.0m side (east), 16.5m rear (south)	50m <sup>2</sup> including 9m <sup>2</sup> balcony + 41m <sup>2</sup> front yard	One car parking space within a garage (approx. 6.0m x 3.5m)	10.58m (overall)
Dwelling No. 7	Triple storey	3	1.9m front (north), 0m side (west), 0m side (east), 16.5m rear (south)	23m <sup>2</sup> including 9m <sup>2</sup> balcony + 14m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.09m (overall)
Dwelling No. 8	Triple storey	3	1.3m front (north), 0m side (west), 0m side (east), 17.0m rear (south)	19m <sup>2</sup> including 9m <sup>2</sup> balcony + 10m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.32m (overall)

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 9	Triple storey	3	1.8m front (north), 0m side (west), 0m side (east), 17.0m rear (south)	22m <sup>2</sup> including 9m <sup>2</sup> balcony + 13m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.13m (overall)
Dwelling No. 10	Triple storey	3	1.2m front (north), 5.0m side (west), 0m side (east), 17.0m rear (south)	18m <sup>2</sup> including 9m <sup>2</sup> balcony + 9m <sup>2</sup> front yard	Two car parking spaces within a garage (6.0m x 5.5m)	11.13m (overall)

## PUBLIC NOTIFICATION

Advertising of the application has resulted in three objections being received. *Attachment 1* shows the location of the objectors. The grounds of objection can be summarised as follows:

1. Development inconsistent with neighbourhood and streetscape character.
2. Inadequate car parking and traffic congestion
3. Insufficient building setbacks
4. Insufficient opportunities for landscaping
5. Overshadowing
6. Noise levels
7. Impact on infrastructure
8. Property devaluation

### Addendum

At the time of finalising this report a further late objection was received by a resident of the Laurimar Estate. The objection raises a number of issues and requests that the application not be supported.

## STATE PLANNING POLICY FRAMEWORK

The following State Planning Policy Framework objectives and strategies are relevant to the current proposal:

- Encourage a diversity of housing types at higher densities around activity centres (Clause 11.01-2).
- Ensure new urban development promotes good urban design and responds to its context in terms of urban character (Clause 15.01-1).
- Identify strategic redevelopment sites that are in or beside Neighbourhood Activity Centres that are served by public transport or are able to provide ten or more dwellings units close to activity centres and well served by public transport (Clause 16.01-3).
- Ensure an adequate supply of car parking that is appropriately designed and located (Clause 18.02-5).

## LOCAL PLANNING POLICY FRAMEWORK

Council's recently adopted Local Planning Policy Framework states that housing provision in newer estates is increasingly required to become more varied to meet the needs of a diverse and changing population. Character is an important element in all urban areas and in this context the Framework places a strong emphasis on ensuring that redevelopment and infill

development proposals respect and add to the character of existing urban areas. High quality urban design outcomes are sought for both existing and future urban areas with a particular focus on activity centres and major gateways (refer Clauses 21.08 and 21.09).

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

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	<p>The Laurimar Town Centre and surrounds comprises a master planned community. Its development and design has occurred in accordance with stringent guidelines to ensure a high quality built form which is sensitive to its natural environment and provides contemporary homes combining both rural and suburban features. A particular urban character has emerged along the northern side of Hazel Glen Drive which predominantly comprises two storey dwellings set back between 2-3m from the street and 1-2m from side boundaries. Building materials are consistently brick, rendered brick, lightweight weatherboard cladding and roof tiles of similar colours. Windows are both timber and aluminium. Dwellings are generally double-fronted with a projecting room and roofs are consistently hip and gable.</p> <p>The adjacent Laurimar Town Centre comprises a more urban form with a number of two and three storey buildings in blocks containing ground level commercial uses and shop top housing. Larger commercial buildings such as supermarkets also form part of the centre with parking at the rear.</p> <p>The Laurimar Community Activity Centre, opposite the subject land, is of a lower building scale (single storey). The built form is set back from Laurimar Boulevard with public open space and ground level car parking.</p> <p>The VCAT decision relating to the previous approval noted that the subject land is located at the intersection of two important roads but it is also 'at the transition and "marker" locating and identifying the town centre to the east and the residential area to</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>the west and north. To that extent its identification on the masterplan as a medium density site makes sense...' VCAT has found that while it 'had some concerns in respect of the built form comprising of a continuous three storey building', it was a unique site located at an integral location and the transition to three levels was acceptable in this context.</p> <p>Although the site is considered appropriate for medium density housing the Council position put to VCAT was that the development needs to better mediate between the more modest two storey scale to the west and the more intensive town centre scale to the east. It is necessary for the development to demonstrate (in a design sense) that it has evolved from its existing setting, and not stand apart from it. The development is a substantial built form that makes a strong presentation to the streetscape but it gives little back to the streetscape. For example, it remains the case that the buildings fronting Laurimar Boulevard do not front this street and both buildings have elements of blank walls.</p> <p>Because of the building mass the proposal will not provide a suitable transition between existing development and the Town Centre and has the potential to have an adverse impact on neighbourhood character. A lesser number of redesigned dwellings on the site would address this concern. This could still include recessed three storey elements.</p>
B2	Residential Policy	✓	✓	The proposed development of the site for medium density housing is consistent with State and Local planning policy. Council's <i>Housing Diversity Strategy</i> does not apply to the subject land.
B3	Dwelling Diversity	✓	✓	Proposals involving the development of ten or more dwellings should provide a range of dwelling sizes and types. The application proposal provides a mixture of two-and three-bedroom dwellings, although it is noted that a majority are three bedroom dwellings. An opportunity is available to provide a less intense development incorporating additional two bedrooms in lieu of three bedroom given the proximity to the activity centre. Ground floor bedrooms are provided in the current proposal.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B4	Infrastructure	✓	✓	The proposed development will have access to all services.
B5	Integration with the street	x	x	A number of dwellings are orientated to front streets and the small lineal reserve. Dwelling Nos. 9 and 10 will face the internal laneway. VCAT were satisfied that this was an acceptable outcome and could be mitigated through landscaping. The current context however has raised concerns about the suitability of this treatment as well as the interface with the lineal reserve. Barr Lane contains no footpath, provides predominantly vehicles access for a number of rear loaded dwellings and does not present as a traditional streetscape. Additionally, the lineal reserve is now planted out and provides poor viability and access to the dwellings, also creating a poor integration with the street. A lesser number of dwellings would potentially remove the need for dwellings to front the Laneway.
B6	Street setback	x	x	<p>The setback to be achieved to meet the standard must be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street. Dwellings to the west fronting Hazel Glen Drive have setbacks of 2.0m. Under the approved design guidelines for the estate, the proposed development on the vacant land to the north is also proposed to have a 2.0m setback to Laurimar Boulevard. The 2.0m setback for the proposed development is therefore generally in accordance with the standard. Setbacks at first floor level are between 4.2 to 5.2m and slightly more at the upper level.</p> <p>When the development was originally considered by Council, the setback under the standard was required to be 4.0m because there was at that time no other development abutting the adjoining lot on Hazel Glen Drive.</p> <p>Dwellings fronting the reserve and Barr Lane (Dwelling Nos. 6-10) to the north are to have front setbacks varying between 1.2m and 2.6m and this is not considered to be in accordance with the objective and standard. As stated previously, a redesign and reduction in dwelling numbers would have potential to remove the need for dwellings to front Barr Lane.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B7	Building height	x	x	<p>This standard seeks to ensure that the height of buildings respects the existing or preferred neighbourhood character. The relevant standard states that building height should not exceed 9.0m. The proposed development will provide for overall heights typically above 11m with a maximum of 11.32m exceeding the standard by over 2m. While the standard should normally be met, Council has discretion to consider a variation where it is satisfied that the objective (respecting existing and preferred neighbourhood character) can be met. Relevant decision guidelines under this provision include the relationship between the proposed building height and the height of existing adjacent buildings and the visual impact of the building when viewed from the street and from adjoining properties.</p> <p>As previously set out in this report, VCAT stated that the proposed height was acceptable having regard to the context of the land as it achieves an appropriate transition between the surrounding two storey built form and the town centre. The officer assessment confirms that in principle a three storey built form is appropriate for this site but not in the context of the scale and massing proposed as well as overall height. To provide some context, the adjoining two storey dwellings would be around 7.5m transitioning down to the Community centre that would be closer to 5 or 6m high at the highest point. Diagonally opposite, the three storey commercial development which contains large verandas, recession at upper levels and a high ground floor podium level has an overall maximum height of 11.3m and this forms part of the commercial precinct. Further south along Waterway Boulevard exists a strategic redevelopment site that also has approval for three storey residential development and as this extends further away from the activity centre reduces its height to a maximum of 9.25m. A reduced number of dwellings would allow for a more appropriate transition to any three storey development with greater recession and reduced massing with a lower height.</p>
B8	Site coverage	✓	✓	Proposed site coverage is 51% (below the 60% maximum specified).
B9	Permeability	✓	✓	Approximately 48% of the site will not be covered by impervious surfaces (including the driveway which is to be semipervious

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				pavement) thus reducing the impact of stormwater runoff.
B10	Energy efficiency	✓	✓	The proposed development has been designed to achieve a 6-star energy rating. Windows and balconies have been appropriately located to achieve solar efficiency and natural ventilation. The multi-storey and attached design allows heat loss to be minimised.
B11	Open space	✓	✓	The proposed development has been designed to front the lineal reserve which is essentially a laneway with some landscaping linking Laurimar Boulevard and Barr Lane.
B12	Safety	x	x	The entrances to dwellings 6-10 are poor and lack visibility with no clear sight lines from Laurimar Boulevard or Hazelton Drive. The lineal reserve contains landscaping that obstructs views, whilst Barr Lane serves predominantly as a vehicle access lane with no footpath and garages that interface with the lane as opposed to active frontages of dwellings.
B13	Landscaping	x	x	<p>A landscape plan has not been submitted despite a request for its submission to assist officers in assessing the broader merits of the proposal. The proposed setbacks will not allow the provision of larger canopy trees. While the VCAT decision stated that landscaping did have the potential to enhance the site and soften the built form impact, that outcome has been difficult to discern without the benefit of detailed plans.</p> <p>The opportunity to establish further street trees within the Hazel Glen Drive nature strip immediately in front of proposed dwellings may have some potential to compensate for the limited opportunities within frontages, however typically nothing meaningful that would soften the built form can be achieved in 2-3m wide areas on site. Opportunities for internal landscaping would be better enhanced with a reduced number of dwellings.</p>
B14	Access	✓	✓	<p>No crossovers are to be provided on either Hazel Glen Drive or Laurimar Boulevard. This will ensure a safe vehicle and pedestrian environment in proximity to the intersection.</p> <p>The proposed accessway from Barr Lane (5.0m in width) will serve a total of 18 garaged car spaces. The design will ensure</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				that vehicles can exit the site in a forward manner. Barr Lane has been designed to accommodate both existing and proposed development (including dwellings proposed on 1 Laurimar Boulevard).
B15	Parking location	✓	✓	The objective seeks to ensure that convenient parking for resident and visitor car parking is provided. As discussed further in this report, required visitor car parking is not proposed on site and any redesign to provide this outcome will be difficult.
B17	Side and rear setbacks	x	x	<p>This standard aims to ensure that the height and setback of a building from a boundary, respects the existing or preferred neighbourhood character and limits amenity impacts on existing dwellings. Specifically, a new building not on or within 150mm of a boundary should be set back from the side or rear boundary 1.0m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1.0m for every metre of height over 6.9m.</p> <p>Dwelling No. 1 is setback from the western side boundary 3.0m, with a wall height of approximately 9.0m. This wall requires a setback of 4.1m. The Dwelling No. 1 setback of 3.0m does not comply with the standard.</p> <p>At the time the application was initially considered by Council and VCAT in 2012, the adjoining land parcel was vacant and the impact was therefore not able to be accurately measured. A dwelling has now been constructed on the adjacent land and its private open space and living areas are orientated to the north. The eastern elevation of this newer dwelling does not provide any living areas or habitable room windows facing proposed Dwelling No 1. Dwelling No 1 itself also provides only high light windows along the western elevation. Reasonable standards of amenity could therefore be achieved with the proposed reduced setback although the redesign and reduction of dwellings recommended in this report may have potential to allow the standard to be met.</p>
B18	Walls on boundaries	N/A	N/A	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B21	Overshadowing open space	✓	✓	The secluded private open space associated with the existing adjoining dwelling to the west will not be unduly overshadowed by proposed dwellings and shadow diagrams have been submitted to support this position.
B22	Overlooking	✓	✓	All balconies are orientated to face outwards to Hazel Glen Drive, Laurimar Boulevard and the small reserve to the north.
B23	Internal views	x	x	The VCAT decision found that 'there is no direct overlooking into the secluded private open space of any of the proposed dwellings within the development and as such this is not an issue.' However, the proposed internal northern and southern elevations indicate that views into the habitable room windows (kitchen/living areas) of Dwelling Nos. 1-4 and 7-10 are likely. This issue could be resolved through conditions or redesign.
B24	Noise impacts	✓	✓	The proposed development has been adequately designed to contain noise sources and to protect residents from external noise. There are no mechanical plants proposed adjacent to or located near bedrooms of adjoining existing dwellings.
B25	Accessibility	✓	✓	
B26	Dwelling entry	x	x	The entrances to dwellings 6-10 are poor and lack visibility with no clear sight lines from Laurimar Boulevard or Hazelton Drive. The lineal reserve contains landscaping that obstructs views, whilst Barr Lane serves predominantly as a vehicle access lane with no footpath and garages that interface with the lane as opposed to active frontages of dwellings.
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	Dwelling No. 1 is the only dwelling to have ground floor secluded open space comprising the easement setback and along the western side. Remaining dwellings are to be provided with balconies with a minimum area of 9m <sup>2</sup> , widths in excess of 1.7m and convenient access from a living room. Front open space of various sizes are also proposed which is to be landscaped. A less intensive form of development on the site would potentially allow for increased areas of open space at ground level and within balcony areas.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B29	Solar access to open space	x	x	<p>The Council submission to the VCAT hearing criticised the location of secluded private open space (SPOS) balconies for Dwelling Nos. 1-6 being located on the south side of the building. In response VCAT stated in its findings that: 'While it is obviously preferable to locate SPOS areas to the north there often needs to be a balance of competing needs. In this instance the obvious benefit to the individual dwellings and the streetscape is to orientate the SPOS areas to not only address the street and provide surveillance but to also take advantage of the views afforded over the parklands located on the south side of Hazel Glen Drive. To do otherwise would be a greater amenity loss for each of these dwellings.' Solar access to main living areas can still be obtained through windows located on the north side of the building or multiple balconies, however these would largely be shaded by the dwellings to the north indicating a poor design response to the site.</p> <p>Remaining dwellings to the north are adequately located to take advantage of solar orientation.</p>
B30	Storage	x	x	<p>The planning submission claims that 6m<sup>3</sup> of easily accessed and secure storage facilities is to be provided in the garage of each dwelling. The submitted plans do not detail this outcome and this outcome would need to be confirmed through as part of amended plans. It is noted that the areas nominated when scaled would prove extremely difficult to achieve 6m<sup>3</sup>.</p>
B31	Design detail	x	x	<p>The applicant has confirmed that the design accords with design guidelines approved by the developer for the estate in term of proposed architectural styles, scale and height, roof form, windows, doors and materials. However, as previously set out in this assessment, the design response will result in what is considered to be a visually bulky development. While the mixture of materials assists in breaking up some of the bulk along each elevation, there is limited compositional logic to the design. The design should read as a cohesive whole and not change approach for each level, including use of cantilevering. Similarly, the continuous built form and cantilevering is considered unacceptable, unimaginative and symptomatic of the proposal being an overdevelopment.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B32	Front fences	✓	✓	
B33	Common property	✓	✓	
B34	Site services	x	x	<p>Development over six dwellings must have an internal waste collection system in accordance with Council's <i>Waste Management Strategy</i>. A proposal must be able to demonstrate the ability for a collection truck to enter and exit the site in a forwards motion and the specific internal waste collection points.</p> <p>The proposal for a Council waste collection along the Council kerbside for all ten dwellings at this prominent and gateway location is not considered acceptable (and this was supported by VCAT). The proposed development will require redesign to address this concern and it is not appropriate to simply condition the requirement for private waste collection without having first understood how it will work and being factored into the design. The former VCAT decision deferred this issue to a conditional requirement.</p>

## CAR PARKING

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

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	3	2	2	Y
2	3	2	2	Y
3	3	2	2	Y
4	3	2	2	Y
5	2	1	1	Y
6	2	1	1	Y
7	3	2	2	Y
8	3	2	2	Y
9	3	2	2	Y

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
10	3	2	2	Y
Visitor car spaces		2	0	N

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements in relation to the proposed dwellings. However, for developments of ten dwellings, two visitor car spaces are required to be provided onsite. The previous VCAT decision concluded that visitors are likely to park in nearby indented parking areas or communal parking areas provided within the town centre. It stated that 'it is both unnecessary and inefficient to provide visitor parking on site.'

In support of the current proposal the applicant has provided a traffic assessment confirming that there is adequate off site provision for visitor car parking. However, a review of this assessment by Council's traffic engineers has not supported this finding. In relation to Laurimar Boulevard only three of the seven previously available on street spaces in proximity to the subject land are now available because spaces have recently been converted to a 'Bus Zone'. Those spaces that are available will also need to cater for future development on 1 Laurimar Boulevard. Council's traffic engineers have confirmed that a minimum of one visitor space must be provided on site for the proposal or a reduced number of dwellings. It may be possible to provide this space within the landscaped area/ private open space adjacent to Dwelling No. 1 but that would further diminish opportunities for canopy trees/ private open space, may not provide for adequate turning manoeuvres and is not recommended.

## COMMENTS ON GROUNDS OF OBJECTION

### 1. Development inconsistent with neighbourhood and streetscape character

Although this concern has only been raised by a single objector, this assessment has confirmed that the proposed development will have an adverse impact on neighbourhood and streetscape character, is an overdevelopment of the site and should not be supported on this basis.

### 2. Inadequate car parking, traffic congestion and safety concerns

Two of the three objectors are located within the nearby Laurimar Town Centre have objected to the request for the exemption of visitor car parking. Those concerns are justified as noted above.

The objector to the west has raised further objections relating to traffic congestion and safety, particularly in Barr Lane. Council's traffic engineers are satisfied that Hazelton Drive and Barr Lane can accommodate increases in traffic that may result from proposed development and any additional development on vacant land to the north. Traffic movements to and within the site can also be safely accommodated including vehicles exiting the site in a forward motion.

### 3. Insufficient building setbacks

The proposed 2.0m building setback to Hazel Glen Drive is the same setback to the dwelling occupied by the objector. The set back is consistent with the estate design

guidelines as the Clause 55 standards. The setbacks of dwellings to Barr Lane are not compliant with the standard and it is reasonable that this be further addressed as part of a redesign under a new application. The setbacks to Laurimar Boulevard have been assessed in this report as satisfactory.

#### **4. Insufficient opportunities for landscaping**

This concerns is canvassed within the Clause 55 assessment set out earlier in this report. A modified development with a lesser number of dwellings will allow for more generous landscaping.

#### **5. Overshadowing**

The proposed development complies with the relevant objectives and standards and solar access to the objector's private open space will be maintained to an acceptable standard.

#### **6. Noise**

It is considered that the proposed development can reasonably meet the objective and standard for the reasons previously set out in this report.

#### **7. Impact on infrastructure**

An objector has raised concerns that there is insufficient infrastructure to accommodate the scale of development proposed on the subject land in terms of drainage and sewerage. However it is confirmed that infrastructure servicing can be made available and this will not have any adverse impact on the servicing of other areas including nearby schools.

#### **8. Impact on property values**

It has been consistently upheld by VCAT that loss of property values are not relevant planning considerations.

### **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 subject land is an ideal location for a medium density housing site located at a gateway to the Laurimar Town Centre. Because of the site's prominence it is important that it provide an appropriate built form transition from existing dwellings into the Town Centre environs to ensure that neighbourhood and streetscape character is maintained. Notwithstanding an earlier VCAT decision supporting the proposal and suitability of the site for medium density housing, the context and circumstances have changed since the original decision and the reassessment of the current application has found that the proposal will result in an overdevelopment of the site due to its bulk and mass. This outcome has contributed to other design deficiencies when assessed against relevant provisions of the Whittlesea Planning Scheme. Accordingly, it is recommended that the application be refused.

**RECOMMENDATION**

**THAT Council resolve to refuse Planning Application No. 716024 and issue a Refusal to Grant a Planning Permit for construction of ten dwellings and reduction of visitor car parking at 112 Hazel Glen Drive, Doreen on the following grounds:**

- 1. The proposed development does not satisfactorily respond to its context and surrounding residential development and does not respect the character of the neighbourhood and streetscape.**
- 2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme in relation to the provision of visitor car parking.**
- 3. The proposed development does not satisfactorily respond to the following objectives and standards of the Whittlesea Planning Scheme:**
  - a) Clause 55.02-1 (Neighbourhood Character)**
  - b) Clause 55.02-5 (Integration with the street)**
  - c) Clause 55.03-1 (Street Setback)**
  - d) Clause 55.03-2 (Building Height)**
  - e) Clause 55.03-7 (Safety)**
  - f) Clause 55.03-8 (Landscaping)**
  - g) Clause 55.04-1 (Side and Rear Setbacks)**
  - h) Clause 55.04-7 (Internal Views)**
  - i) Clause 55.05-2 (Dwelling entry)**
  - j) Clause 55.05-5 (Solar Access to Open Space)**
  - k) Clause 55.05-6 (Storage)**
  - l) Clause 55.06-1 (Design Detail)**
  - m) Clause 55.06-4 (Site Services)**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Butler*  
**SECONDED:** *Cr Sterjova*

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

**CARRIED**





**6.1.9 PROPOSED WHITTLESEA PLANNING SCHEME AMENDMENT - MERNDA TOWN CENTRE ADVERTISING SIGNAGE PROVISIONS**

**File No:** 195441  
**Attachments:** 1 Locality & Zoning Plan  
**Responsible Officer:** Director Planning & Major Projects  
**Author:** Strategic Planner

**REPORT****EXECUTIVE SUMMARY**

At the request of landowners, it is proposed that Council undertake a Planning Scheme Amendment for the advertising signage provisions for the Mernda Town Centre to better align with the proposed uses.

The Mernda Town Centre is currently zoned Comprehensive Development – Schedule 1, which does not specify any provisions for advertising signage. In the absence of specific provisions, the zone automatically defaults to the stringent Category 3 – ‘High Amenity Areas’, controls that are typically applied to residential areas. Category 3 controls prohibit certain types of signage including Panel Signs and Promotion Signs, which are commonly associated with bulky goods retail and supermarkets, uses which are supported to locate within the Mernda Town Centre.

In retail and commercial precincts such as the Mernda Town Centre, the provisions of Category 1 – ‘Commercial Areas’ are more commonly applied. The mixed use nature of the Mernda Town Centre means that there will be a mix of different land use categories across the precinct. As such it is important to ensure that appropriate signage controls are applied for the different land use categories which balance the competing commercial and residential interests of the Mernda Town Centre.

It is proposed to insert advertising signage requirements into Schedule 1 of the Comprehensive Development Zone to nominate all land within the Mernda Town Centre for Category 1 provisions, except for land used and developed for residential purposes which will remain Category 3. The signage controls proposed by this Amendment, will more accurately reflect the status of the Mernda Town Centre as a regionally significant mixed use commercial and residential precinct.

As the Amendment will essentially involve a technical update the advertising controls to accurately reflect the intent of the Mernda Town Centre, it is proposed in the first instance to request the Minister undertake the Amendment via Section 20(2) of the *Planning and Environment Act 1987*. Amendments considered under Section 20(2) provide a level of exemption from notice and review requirements which is considered appropriate given the circumstances of this Amendment proposal. The exemptions will fast track consideration. In the instance that this is not supported by the Minister, a standard Planning Scheme Amendment process would be undertaken.

**BACKGROUND**

The approval of Whittlesea Planning Scheme Amendment C30 and C45 in 2004 facilitated the rezoning of the Mernda Town Centre (**Town Centre**), generally the area adjoining the intersection of Plenty Road and Bridge Inn Road (see *Attachment 1*). Amendment C30 incorporated the *Mernda Strategy Plan* (**Strategy Plan**) and Amendment C45 incorporated the *Mernda Town Centre Comprehensive Development Plan* (**Comprehensive**

**Development Plan**) into the Whittlesea Planning Scheme. Both documents provide for a range of guiding principles for the implementation of the Town Centre.

Amendment C30 introduced the Comprehensive Development Zone (**CDZ**) to the land for the earmarked for the Town Centre. Other zones were considered but ultimately given the significance of the Town Centre, the CDZ was chosen on the basis it would help to implement mixed use outcomes with a level of flexibility.

Since this time, significant work has been undertaken to ready the Town Centre precinct for development in accordance with the Strategy Plan and Comprehensive Development Plan, including the assessment of detailed development plans, advocacy for rail and road infrastructure, etc.

As part of background negotiations regarding development proposals, a number of key commercial stakeholders have expressed concerns relating to the current advertising signage provisions of the Town Centre. Specifically their concerns relate to restrictive nature of the Category 3 – ‘High Amenity Areas’ provisions, which prioritise protection of sensitive uses over supporting commercial operations through prohibition of certain types of signage.

The strategic documents applying to the Town Centre are all silent on the provision of advertising signage. This has led to an unintended consequence that given there is no reference made within any strategic or statutory documents relating to the advertising signs within Town Centre, pursuant to Clause 37.05-2 of the Whittlesea Planning Scheme the advertising signage requirements default to Category 3, controls which are typical of common residential areas. Therefore it is considered appropriate to consider amending the controls pertaining to advertising signage to ensure that this ‘technical’ impediment does not impact on implementation as a regionally significant mixed use residential and commercial precinct.

## PROPOSAL

The Amendment proposes to insert a new Subclause 7.0 ‘Advertising Signs’ into Schedule 1 of the Comprehensive Development Zone of the Whittlesea Planning Scheme.

More specifically, Subclause 7.0 will set out that all land within the Mernda Town Centre is in Category 1 – ‘Commercial Areas’, with the exception of land used and developed for residential purposes which will remain in Category 3 – ‘High Amenity Areas’.

## CRITICAL DATES

- **October 2004:** Approval of Amendment C30 and the *Mernda Strategy Plan*;
- **October 2004:** Approval of Amendment C45 and the *Mernda Town Centre Comprehensive Development Plan*;
- **September 2012:** Approval of the *Mernda Town Centre Development Plan*;
- **December 2012:** Approval of the *Mernda Town Centre North West Development Plan*;
- **October 2015:** Approval of the *Mernda Town Centre South West Development Plan*; and
- **October 2016:** Approval of the *Mernda Town Centre North East Development Plan*.

## DISCUSSION

The current underlying zone applying to the Mernda Town Centre area is the CDZ1, the purpose of which is to reflect the intended land-uses of the incorporated Comprehensive Development Plan. In this case CDZ is supporting the intent of the Comprehensive Development Plan to create a sub-regional mixed-use activity centre.

The Comprehensive Development Plan and (to a broader extent) the Strategy Plan provide for a range of urban design principles to assist with the development, configuration and

integration of land uses and infrastructure for the Town Centre. However both the Comprehensive Development Plan and Strategy Plan are silent on the requirements of advertising signage, and this has been reflected within Schedule 1 to the CDZ.

As discussed earlier in the report, in the absence of any guidance, the advertising signage controls applied automatically default to Category 3 – ‘High Amenity Areas’, controls which are applied to predominantly residential areas. This blanket approach is undertaken to ensure that the more sensitive uses permissible under the CDZ and Comprehensive Development Plan have an appropriate level of amenity protection. Category 3 controls prohibit advertising signage including Panel Signs and Promotion Signs, which are commonly associated with retail uses such as bulky goods and supermarkets, which have been promoted for development within the Town Centre. The current controls clearly do not reflect the strategic intent of the Town Centre.

To resolve the situation, it is considered that Council could amend Schedule 1 to the CDZ to update advertising signage controls to Category 1 – ‘Commercial Areas’, controls which are applied to commercial precincts that provide for retail, office and community uses. This proposal however does not effectively address the issue of signage, as a complete change of controls for all land to Category 1 will not consider the amenity impacts of the intended residential land uses of the Town Centre.

To provide appropriate guidance for both land uses, it is considered that a hybrid control that incorporates both categories is required to reflect the intent of both commercial and residential interests within the Town Centre. The wording to be inserted at Subclause 7.0 of Schedule 1 to the CDZ needs to be tailored to this effect where all land within the Town Centre is included within Category 1, to coincide with the retail, office and community uses of the precinct, with the exception of land nominated for the use and development for residential purposes which will remain under the provisions of Category 3. This approach was supported by legal advice.

The proposed Amendment will have no direct impact on various stakeholders, as land planned for residential development will have the same advertising controls applied, and remaining developable land will have controls that reflect their intended use and town centre character. It is considered that the advertising controls proposed by this Amendment will provide greater certainty regarding the development of the land within the Town Centre, and consistency between the different proposed uses.

Given the technical nature of the proposed Amendment and the fact that this is bringing the signage provisions in line with the intended purpose of the Town Centre, it is not considered that full exhibition of the amendment would serve any practical purpose. To this end it is recommended that Council seek the Minister for Planning to consider the Amendment under Section 20(2) of the Act, whereby it is recommended that only Prescribed Ministers under the Act are notified. Alternatively, if the Minister was not supportive of any of the above, a full exhibition process would be required.

## **POLICY STRATEGY AND LEGISLATION**

The proposed Amendment reflects the ambitions of the extensive set of Council policies. Several notable Community Plan Strategic Objectives include:

- Growing our economy – We have strategies that encourage new business investment.
- Growing our economy – there are a diverse range of local employment opportunities.

The Amendment is consistent with the Municipal Strategic Statement and Local Policy Framework. Retail and employment are identified in Clause 21.02-3 under ‘Key Issues’. The Amendment addresses these issues, helping the municipality sustain long-term employment within a diversity of sectors through progressively upgrading the appearance of employment

centres and increasing the choice and location of land available for employment generating activities.

The Amendment is also consistent with Clause 21.10 – Economic Development of the Local Planning Policy Framework, as it provides appropriate conditions for local businesses and the development of increased local employment opportunities for the town centre.

These build upon the strategies and objectives of the State Government’s key Metropolitan Planning Strategy *Plan Melbourne* particularly:

- Initiative 1.2.2 – Maintain the competitiveness of employment land in Melbourne’s growth areas.
- Initiative 1.2.3 – Plan for commercial land and activity centre needs.

Most importantly the Amendment is in accordance with Planning Practice Note 29 *Ministerial Powers of Intervention*, whereby the proposal is anomalous in nature and the update of advertising signage requirements will enable the development of the Mernda Town Centre as envisaged by the relevant strategic frameworks.

## LINKS TO THE COUNCIL PLAN

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

The proposed Amendment will provide much needed guidance relating to Advertising Signage within the Town Centre. As such, it is considered that the Amendment will meet the direction of “growing our economy”. The Amendment will support commercial businesses wishing to invest within the Town Centre, whilst simultaneously ensuring that residential land uses within the Town Centre are not compromised with inadequate controls.

## 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

An issue has been identified regarding the current signage controls applicable to the Mernda Town Centre.

The absence of statutory guidance has resulted in a blanket approach whereby advertising controls default to the stringent Category 3 – ‘High Amenity Areas’, controls for predominantly residential areas. This was clearly not an intended outcome given the range of uses planned for in a Mixed Use Context.

The technical change proposed will ensure that signage controls are effectively linked to the specific land uses. This change will provide the certainty required to ensure this issue does not impact on the implementation of development within the Mernda Town Centre.

It has been noted that the Amendment is considered to be a procedural matter, with no adverse impact on the landowners/stakeholders within the Mernda Town Centre. Therefore it is recommended that Council requests the Minister provide a level of exemption from notice

and review for this Amendment to provide a more expedited process. Should the Minister for Planning not support any level of exemption from notice and review than a normal amendment process will be required.

More specifically it is recommended that Council resolve to:

- Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act 1987*, to insert subclause 7.0 into Schedule 1 to the Comprehensive Development Zone, following receipt of the relevant statutory fee from the proponent;
- If the above is NOT supported by the Minister for Planning, seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme, to insert subclause 7.0 into Schedule 1 to the Comprehensive Development Zone, under a standard amendment process;
- Advise the proponent of the above resolution.

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

1. **Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act 1987*, to insert subclause 7.0 into Schedule 1 to the Comprehensive Development Zone, following receipt of the relevant statutory fee from the proponent;**
2. **If 1. Above is NOT supported by the Minister for Planning, seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme, to insert subclause 7.0 into Schedule 1 to the Comprehensive Development Zone, under a standard amendment process;**
3. **Advise the proponent of 1 and 2 above.**

<b>COUNCIL RESOLUTION</b>
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**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.1.10 PLANNING SCHEME AMENDMENT C198 - BUSHFIRE MANAGEMENT LOCAL PLANNING POLICY****File No:** 192160**Attachments:**  
1 Exhibited clause 21.07 & 22.03  
2 Revised clauses incorporating post exhibition changes**Responsible Officer:** Team Leader Strategic Planning Policy**Author:** Senior Planning Policy Officer**REPORT****EXECUTIVE SUMMARY**

Council resolved on the 9 August 2016, to prepare and exhibit Planning Scheme Amendment C198 to the Whittlesea Planning Scheme. The Amendment seeks to introduce a Bushfire Management local planning policy at Clause 22.03, and update the Municipal Strategic Statement at Clause 21.07 (Environmental Risk) in the Whittlesea Planning Scheme. The development of this policy was made possible by the State Government's *Support Fund for Implementing New Bushfire Planning Provisions*, as part of its response to implement the recommendations of the 2009 Victorian Bushfires Royal Commission.

The Amendment was placed on public exhibition for 4 weeks from 15 September 2016 to 14 October 2016 in accordance with Section 19 of the Planning and Environment Act 1987.

A total of five submissions were received from a resident, developers and State authorities. With respect to submissions, minor amendments have been made to the exhibited local policy to resolve all submissions. All submissions have now been resolved and withdrawn.

It is recommended that Council adopt the Amendment with the post exhibition changes, and submit it to the Minister for Planning for approval.

**INTRODUCTION**

Planning Scheme Amendment C198 ("the Amendment") seeks to introduce a local planning policy (clause 22.03 - Bushfire Management) into the Local Planning Policy Framework, and amends Clause 21.07 (Environmental Risk) of the Municipal Strategic Statement in the Whittlesea Planning Scheme. This process has been driven by the outcomes of the 2009 Victorian Bushfires Royal Commission. The Amendment has been subject to statutory exhibition and a number of submissions have been received.

The purpose of this report is to discuss the outcomes of the statutory exhibition process for the Amendment and outline the legislative requirements in finalising the Amendment. On the basis that all the submissions have been resolved subject to some minor changes to the Amendment, it is recommended that Council adopt the Amendment with the post exhibition changes and submit it to the Minister for Planning for approval.

**BACKGROUND**

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

- Seek to strengthen consideration of bushfire throughout the planning process.

- Better integrate the planning and building systems.

The Victorian State Government subsequently developed an implementation plan (Implementing the Government's Response to the 2009 *Victorian Bushfires Royal Commission*, May 2011) to oversee the progress and fulfilment of actions across its various agencies. To progress necessary updates to the planning system, the State Government established the Support Fund for Implementing New Bushfire Planning Provisions to assist Councils in updating planning provisions and hazard identification at a local level. The City of Whittlesea Bushfire Management Local Policy project, which commenced in 2012, has been made possible through this funding.

The exhibited local policy is the key output of the project.

## PROJECT PURPOSE

The purpose of the Bushfire Management Local Policy project was to strengthen Council and the community's resilience to bushfires through the development of a bushfire local planning policy that seeks to reduce the risks and impacts of bushfire. Specifically, the project will provide objectives and strategies within a new Clause 22 local planning policy that will enable Council planners to make informed land-use planning decisions to minimise the risk to human life and property.

The Bushfire Management Local Policy project has delivered:

1. A draft Clause 22 Bushfire Management local planning policy.
2. Updates to the Municipal Strategic Statement (MSS) at Clause 21.07 (Environmental Risk) of the Planning Scheme to include overarching objectives and resource documents that underpin the local policy.

The Amendment seeks to introduce the above policy changes into the Whittlesea Planning Scheme. The exhibited Clause 21.07 and Clause 22.03 have been included in this report as *Attachment 1*.

## BUSHFIRE PROVISIONS AND PLANNING

To mitigate and manage bushfire risk across the State of Victoria, there are two key mapping tools that help decision making in the building permit and planning permit processes: the Bushfire Prone Area (BPA) and the Bushfire Management Overlay (BMO).

Widely mapped across Victoria, the BPA designation relates to medium to extreme fire risk areas that require a response through building construction standards. The BPA is determined by the Minister for Planning, and is implemented through the Building Regulations 2006 and the building permit process. The regulations require that development of new residential buildings, schools, child care centres, hospitals, aged care facilities and associated buildings in a declared BPA area is assessed at the building permit stage to determine the level of construction required to respond to the local bushfire hazard, with such buildings to be constructed to a minimum 12.5 Bushfire Attack Level (BAL) rating.

In contrast, the BMO mapping is only applied to the BPA areas of extreme bushfire risk within the municipality, so it covers a much smaller area. The BMO is implemented through the Planning Scheme, triggering a planning permit and requiring a site based response to the fire risk.

This leaves a gap as the remaining areas of medium-high fire risk identified in the wider BPA mapping are much more prevalent in our municipality and reflect other fire risks such as



grassfire, which is a growing issue on the rural-urban interface. Therefore the application of the BMO in areas of extreme bushfire risk is not an accurate representation of overall fire risk in our municipality.

At present, the BMO is the only planning tool available in the Whittlesea Planning Scheme relating to the management of fire risk. If a proposed development in a non-BMO area requires a planning permit due to other planning permit triggers (e.g. zones/overlays), even if the site is located within a designated BPA, there is no planning guidance or objectives in the planning scheme with respect to Council's consideration and management of fire risk under the planning scheme. The policy in this Amendment seeks to fill this gap. The policy will:

- Apply to all BPA areas that are not covered by the BMO.
- Assist Council officers in making decisions on planning applications within a BPA area, where a permit has been triggered by the planning scheme.
- Set out the overarching strategic and settlement planning objectives for when bushfire risk is a consideration.

As a local planning policy, it is critical to note that the proposed policy does not trigger an additional requirement for a planning permit, nor does it add any additional application requirements, where they do not already exist. Rather, it will assist by providing guidance on the matters to be taken into account in discretionary decision making on land where bushfire or grassfire is a consideration of a planning permit.

The proposed policy also does not make any changes, or interact with, the building permit process and/or BAL construction standards triggered under the BPA. The policy is simply utilising the BPA mapping to identify areas of fire risk that require planning consideration.

## STATUTORY EXHIBITION

The statutory exhibition period commenced on 15 September 2016 and concluded on 14 October 2016. Notification of the Amendment was given to the prescribed Ministers, and relevant service authorities and state agencies.

Notice of the Amendment appeared in the Whittlesea Leader newspaper on the 13 September and in the Victorian Government Gazette on 15 September 2016.

In addition to the formal notification process, the following communication tools were also utilised; namely Council website, Facebook, media release, phone message-on-hold, Council's column in the Whittlesea Leader newspaper, media release, Rural News, and internal communication channels to inform Council staff members.

There were five submissions, two received within the notification period, and three in the week after the exhibition period.

In summary the key matters raised in the submissions relate to:

- The impact the Amendment would have on the prospect of an individual submitter to receive an extension to a site plan endorsed under Clause 52.39: 2009 Bushfire - Replacement Buildings.
- Request to seek clarification on the reference to the 60 metres fire break and make it clear that this distance can be reduced if deemed appropriate by the Municipal Fire Prevention Officer (MFPO) in line with the current process. It also recognises that it is

the developer's responsibility to develop an acceptable alternative for consideration by the MFPO.

- General concern over duplication of existing bushfire risk controls
- Clarification of how the term "bushfire behaviour" would be interpreted, ensuring that it did not trigger a requirement to submit a bushfire report.

The submissions are discussed in more detail below.

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

A summary of the five submissions received to the Amendment and the officer response to each are provided in the Table 1 below. Officers have been in ongoing discussion with all submitters since the close of exhibition. As a result, all submissions have been resolved. The submitters have provided written advice that they are satisfied that their submission has been addressed. The revised version of the local policy (Clause 22.03) in *Attachment 2* provides the officer's suggested wording via tracked changes, provided to and agreed by the relevant submitters, who have now withdrawn their respective submissions. This post exhibition version of the policy will be advanced as part of this Planning Scheme Amendment process subject to Council approval.

A minor technical update has also been proposed by Council officers to the exhibited version of Clause 21.07 (Environmental Risk), to adhere to the naming convention of reference documents in the Planning Scheme. The revised Clause 21.07 has also been included in *Attachment 2*.

**Table 1: Summary of Submissions and Officer Response**

Submitter	Issues	Officer's comments	Submission Resolved
Individual submitter	The Submitter sought assurance from Council that the proposed policy (or any other changes of circumstances) would not affect her ability to receive an extension of an endorsed site plan to rebuild her dwelling destroyed during the Black Saturday bushfire in 2009.	<p>This property is within the BMO area therefore the policy does not apply and has no impact on the submitter's property. The policy only affects properties in the BPA not covered by a BMO.</p> <p>The submitter's current permission was not obtained via a planning permit, but a special provision under Clause 52.39 "2009 Bushfire - Replacement Buildings". Therefore, as advised by the Development Assessment Department, the submitter's request for an extension would be assessed under Clause 52.39 subject to the expiry clause in that policy.</p> <p>The submitter was satisfied with this clarification. No changes were required.</p>	Yes
Country Fire Authority (CFA)	<p>CFA support the Amendment given it places greater emphasis on bushfire and grassfire risk within the decision making process, and ensures future development is built with high level fire safety considerations.</p> <p>Minor amendments were sought to remove any potential duplication and clarify existing arrangements whereby the 60 metres fire break can be reduced subject to an applicant developing an acceptable alternative, which is to be approved by the MFPO.</p>	<p>The policy is not intended to duplicate existing arrangements. Minor amendments have been made to the policy (see <i>Attachment 2</i>) to reflect current practice which allows a site specific response to be developed and approved by the MFPO.</p> <p>The revised policy also articulates the role of the MFPO in approving fire management plan and issuing municipal fire prevention notice.</p>	Yes

Submitter	Issues	Officer's comments	Submission Resolved
Victorian Planning Authority (VPA)	VPA support the Amendment, noting that the general approach is consistent with current practice in precinct structure planning. Minor amendments were suggested to improve clarity of the fire break arrangements.	Minor amendments have been made to the policy (see <i>Attachment 2</i> ) to address the matters identified. The amendments simplify the language that describes the fire break buffer under the subdivision arrangements.	Yes
Dennis Family Corporation	The Submitter is concerned about the potential duplication of existing controls.  Concerns were raised that existing provisions such as PSP, clause 56, Practice Note 64, BPA, and other controls are already available to adequately address bushfire management issues. Amendments to the policy have been requested to remove this duplication.	The policy is not intended to duplicate existing arrangements.  A local policy is appropriate to provide guidance on how Council will consider bushfire management issues, as required by state planning policy.  After consulting with the CFA, it was agreed to remove specific reference to the 60m fire break as this was causing unnecessary confusion and concerns about duplication. It was agreed that the reference to the Australian Standard is sufficient in achieving the policy objective.  Other minor amendments have been made to the policy (see <i>Attachment 2</i> ) to address the matters identified. The amended wording clarifies the process but is careful not to duplicate existing approval processes. Reference to Practice Note 64 has been added in the Reference Document section.	Yes
Mirvac	The Submitter is concerned about the potential duplication of existing controls.  Concerns were raised about the policy applying to land within the Urban Growth Zone, as it is already subject to specific application requirements relating to bushfire management as prescribed in the relevant Precinct Structure Plan.  Subsequent discussion also revealed concerns with the ambiguity around the term "bushfire behaviour" and the mechanism to address it in an application.  The submitter requested some minor changes to the policy to address these concerns.	The policy is not intended to duplicate existing arrangements.  A local policy is appropriate to provide guidance on how Council will consider bushfire management issues, as required by state planning policy.  Minor amendments have been made to the policy (see <i>Attachment 2</i> ) to address the matters identified. The amended wording clarifies the process but does not duplicate existing approval processes. In particular, reference has been added in the Decision Guidelines to any Site Management Plan already approved for the site. Reference to "bushfire behaviour" has also been removed to avoid any confusion, as other policy clauses and decision guidelines are considered sufficient.	Yes
Officers	Minor correction to the term "Reference Documents"	The change was made to reflect the naming convention of reference documents.	N/A

## REFERRAL

The Amendment was referred to the State government agencies, including: CFA, Metropolitan Fire Brigade, VPA, Emergency Management Victoria, Native Title Services Victoria and the prescribed ministers in accordance with Section 19 (1)(c) of the Planning

and Environment Act 1987. Officers worked closely with the CFA, seeking their guidance and expertise in resolving submissions. All of the proposed changes were supported by CFA.

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

## **POLICY STRATEGY AND LEGISLATION**

The Amendment meets the requirements of Section 12 of the Planning and Environment Act 1987 by implementing a key objective of planning, namely to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

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

### ***State Planning Policy - Bushfire planning strategies and principles***

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

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

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

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

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

### **Community Plan 2030**

The Amendment reflects the Council Plan Strategic Objectives of:

- Health and Wellbeing – Safety: Our built form incorporates safety design

## **LINKS TO THE COUNCIL PLAN**

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

The adoption (and approval by the Minister for Planning) of the Amendment will assist in the achievement of this objective by requiring siting, design, and access among other factors to be considered in areas that are subject to bushfire and grassfire risk, as part of the planning permit process.

## **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.

## **DISCUSSION**

The Amendment seeks to introduce a Bushfire Management local policy and update the Municipal Strategic Statement of the Whittlesea Planning Scheme, in response to the recommendations of the Victorian Bushfire Royal Commission. The policy seeks to strengthen the bushfire resilience of Council and the community. Specifically the policy will provide assistance to Council planners in making informed land-use planning decisions to minimise the risk to human life.

The policy does not trigger an additional requirement for a planning permit, nor does it add any additional application requirements, where they do not already exist. Five submissions were received during the amendment process. They have all been resolved.

A collaborative process was used to develop the policy and the expertise and guidance of the CFA informs the resolution of the post exhibition changes to address submitters' concerns. This Bushfire Management local policy will enable Council to adequately respond to the threat of bushfire in our municipality to protect and strengthen our community's resilience.

## **CONCLUSION**

The Amendment seeks to introduce a Bushfire Management local planning policy at Clause 22.03, and update the Municipal Strategic Statement at Clause 21.07 (Environmental Risk) in the Whittlesea Planning Scheme. The proposed post-exhibition changes to the exhibited local policy seek to address the submissions received and are supported by CFA and

Council's Municipal Fire Prevention Officer. These changes are minor in nature and have been supported by the submitters. The changes provide greater clarity to the exhibited amendment. The exhibited Clause 21.07 has also been updated to meet the naming convention of reference documents within the Planning Scheme.

As there are no unresolved submissions, it is recommended that Council adopt the exhibited Amendment in line with the post exhibition changes as detailed in *Attachment 2* in this report and submit it to the Minister for Planning for approval.

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

1. Adopt the exhibited Planning Scheme Amendment C198 incorporating the post-exhibition changes detailed in Attachment 2 of this report;
2. Submit the Amendment detailed in 1. above to the Minister for Planning for approval.
3. Advise submitters of 1. and 2. above.

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

THAT Council resolve to defer this item to a subsequent Council meeting.

**CARRIED**

**6.1.11 SUBMISSION TO GOVERNMENT LAND STANDING ADVISORY COMMITTEE-  
PART 95 WILLIAMSONS ROAD, SOUTH MORANG**

**Attachments:**

<b>1</b>	<b>Locality Map</b>
<b>2</b>	<b>Draft Submission to Government Land Standing Advisory Committee- 95 Williamsons Road, South Morang</b>

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

**Author:** Senior Strategic Planner

<b>REPORT</b>
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**EXECUTIVE SUMMARY**

Melbourne Water are proposing to rezone part of the land they own at 95 Williamsons Road, South Morang from Public Use Zone - Schedule 1 (PUZ1) to Mixed Use Zone (MUZ) and apply the Development Plan Overlay (DPO) and Vegetation Protection Overlay - Schedule 1 (VPO1). As this site has been declared surplus by the State Government, it is required to be rezoned and subsequently sold. Council have been asked to comment on the proposed planning controls.

The proposal is being facilitated by the Fast Track Government Land Service (FTGL Service), a part of the Department of Environment, Land, Water and Planning, and will be referred to the Government Land Standing Advisory Committee (the Advisory Committee). The Advisory Committee will make recommendations to the Minister of Planning who is the planning authority for the amendment.

The site is located in proximity to the future Marymede Train Station and is in the vicinity of the employment and social offerings within Plenty Valley.

Council officers have reviewed the proposed amendment documentation and have prepared a submission to the Advisory Committee (Attachment 1). It is considered that the proposed planning controls are appropriate for the site. The controls provide for the development of the site in a manner which makes best use of the strategic attributes of the site whilst responding to the site sensitivities and constraints.

The controls do not make provision of social and affordable housing as part of the development. Given the significant strategic support in state and local policy for the provision of social and affordable housing on redevelopment sites in proximity to public transport it is recommended that controls be updated to encourage the provision of social and affordable housing.

The proposed amendment documentation was exhibited between 31 October 2016 to 9 December 2016. The FTGL Service have granted the City of Whittlesea permission to submit a 'late' submission to accommodate consideration of the amendment at this Council meeting.

It is recommended that Council endorse the draft submission prepared by Council officers included in Attachment 2 and forward this submission to the Advisory Committee.

**INTRODUCTION**

The Fast Track Government Land Service (FTGL Service) is a new initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian government.

Melbourne Water are using the service in respect to land they own at 95 Williamsons Road, South Morang. Melbourne Water have deemed part of the site (refer to Attachment 1) as surplus to their needs, as such, the State Government has requested that the land be rezoned and eventually sold.

The site is approximately 2.8ha and is generally flat. It is adjacent to four large water tanks to the west of the site that are still required by Melbourne Water. It is approximately 80m from the proposed Marymede railway station, and 500m from South Morang Station. The site is located in an area consisting of residential and education facilities, commercial and industrial uses and the Mernda Railway Extension reserve. The site also adjoins the future Findon Road extension. The land required for the extension is not affected by the proposed rezoning.

In order to sell the land, Melbourne Water are proposing that the land be rezoned from Public Use Zone - Schedule 1 to Mixed Use Zone and apply the Development Plan Overlay (DPO) and Vegetation Protection Overlay 1(VPO1).

The proposed changes to the Whittlesea Planning Scheme were exhibited between 31 October 2016 to 9 December 2016. The proposal and submissions will be referred to the Government Land Standing Advisory Committee (the Advisory Committee). Council, like landowners and other relevant stakeholders, are able to submit to this process. The Advisory Committee will make recommendations to the Minister of Planning who will be the planning authority for the amendment.

## PLANNING ASSESSMENT

The proposed amendment is to rezone the subject land from Public Use Zone 1 - Service and Utility (PUZ1) to Mixed Use Zone (MUZ) and apply a Development Plan Overlay (DPO) and Vegetation Protection Overlay - Schedule 1(VPO1). Details of each of these elements are discussed in turn below.

### **Mixed Use Zone (MUZ)**

The purposes of the Mixed Use Zone (MUZ) are:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*

*To provide for housing at higher densities.*

*To encourage development that responds to the existing or preferred neighbourhood character of the area.*

*To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

The Mixed Use Zone (MUZ) accompanied with the proposed overlays to the subject site are considered to be appropriate. The site is located in close proximity to the future Marymede Train Station and is surrounded by a variety of uses. The application of the MUZ provides flexibility which can allow for the fine grain land use planning to be resolved through the preparation of a Development Plan for the site.

### **Development Plan Overlay (DPO)**

The purposes of the Development Plan Overlay (DPO) are:



*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

*To exempt an application from notice and review if it is generally in accordance with a development plan.*

The application of the DPO will require a Development Plan to be prepared which will provide a framework for the future development of the site. This is important to ensure that the development of the site occurs in co-ordinated manner that maximises the strategic attributes of the site whilst responding to the site sensitivities and constraints.

Council officers have reviewed the draft Development Plan Overlay schedule. The schedule requires the Development Plan to address a number of important issues including:

- Proposed land uses;
- Traffic and transport;
- River Red Gums and trees;
- Noise and vibration from the adjoining railway;
- Stormwater and drainage; and
- Landscaping.

The schedule also requires contributions to be made in respect to road, bicycle and pedestrian connections which may be required to connect the site to the future Marymede Train Station.

The schedule, however, does not include any requirement in respect to the provision of social and affordable housing on the site. The City of Whittlesea's Social and Affordable Housing – Policy and Strategy identifies the need for additional social housing in areas such as South Morang with access to public transport. This is supported by Council's recently adopted Municipal Strategic Statement (Amendment C197) which identifies strategies to:

*Support the provision of social and affordable housing associated with larger residential development/ mixed use development or on strategic redevelopment sites.*

*Promote and facilitate affordable housing in locations with good access to public transport and/ or services.*

*Facilitate a balanced mix of private, affordable and social housing within new developments.*

As such it is recommended that Council, submit to the Advisory Committee on this matter.

### **Vegetation Protection Overlay (VPO)**

The purposes of the Vegetation Protection Overlay (VPO) are:

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To protect areas of significant vegetation.*

*To ensure that development minimises loss of vegetation.*

*To preserve existing trees and other vegetation.*

*To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*

*To maintain and enhance habitat and habitat corridors for indigenous fauna.*

*To encourage the regeneration of native vegetation.*

The subject site contains native vegetation including River Red Gums. Surrounding land in private land ownership contains this VPO1. Therefore, it is considered that the application of the VPO1: *Significant Vegetation (River Redgum Grassy Woodland)* is appropriate.

### **NOTIFICATION**

The proposal was exhibited between 31 October 2016 to 9 December 2016 as a part of the Advisory Committee process. Adjacent residents, landowners and relevant agencies were notified. An information session was conducted by the FTGL Service on the 17 November 2016 at the Mill Park Community Centre.

Marymede College have approached Council Officers and advised that they have purchased the site to the east of the subject site. The intent is to use the newly acquired land to expand school services. As such, consideration must be given to how the subject site will be developed and the future relationship to the expanded school site considered.

### **CRITICAL DATES**

Key Steps in Advisory Committee Process

- Step 1: Site is referred to the Advisory Committee
- Step 2: Exhibition starts – 31 October 2016
- Step 3: Information Session – 17 November 2016
- Step 4: Exhibition Closes – 9 December 2016
- Step 5: Public Hearing – February 2017
- Step 6: Advisory Committee Report submitted to Minister for Planning – April 2017

### **DISCUSSION**

Given the current public land status of the site, there is no guidance provided in any of the overarching strategic land use plans.

However, given the site's location is in close proximity to the future Marymede Train Station and surrounding land uses, it is considered that the proposed planning controls are appropriate for the subject site. The controls provide flexibility to maximise the strategic attributes whilst ensuring the protection of important assets and addressing potential issues with future development. The Mixed Use Zone in particular, is a residential zone but provides the flexibility to incorporate other uses deemed appropriate in the context of the train station and school.

The application of the DPO is particularly important to require the preparation of a Development Plan prior to any planning permit applications being lodged and to ensure the

development is consistent with the broader objectives of the South Morang Local Structure Plan and transport orientated development.

The proposed controls are deficient in respect to supporting the provision of social and affordable housing on the site. It is recommended that Council submits on this matter to ensure consistency with Council's local policy given the strategic redevelopment nature of the site and its proximity to public transport and services.

As such, the proposed attached submission generally supports the proposed planning scheme controls 'in principle' and recommends the inclusion of controls for the provision of social and affordable housing on the site.

In light of the above, it is recommended that Council submit generally in accordance with attached draft submission to the Advisory Committee for consideration.

## POLICY STRATEGY AND LEGISLATION

In preparing submission, Council officers have considered the following relevant policies and strategies:

- State Planning Policy Framework (SPPF)
  - Clause 11 (Settlement)
  - Clause 12 (Environmental and Landscape Values)
  - Clause 16 (Housing)
  - Clause 18 (Transport)
- Local Planning Policy Framework (LPPF)
  - Clause 21.04 (Settlement)
  - Clause 21.05 (Environmental and Landscape Values)
  - Clause 21.09 (Housing)
  - Clause 21.11 (Transport)
  - Clause 22.10 (River Redgum Protection Policy)
- City of Whittlesea: Social and Affordable Housing - Policy and Strategy
- Melbourne Metropolitan Planning Strategy - Plan Melbourne

## LINKS TO THE COUNCIL PLAN

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

The development of the government surplus land will provide opportunities for urban development within an established area in close proximity to a future Train Station. The application of the DPO and VPO1 will ensure the development is well designed and integrated and maintains native vegetation which will help to build connection to place and the community.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The Melbourne Water proposal to rezone part of the land they own at 95 Williamsons Road, South Morang from Public Use Zone - Schedule 1 (PUZ1) to Mixed Use Zone (MUZ) and apply the Development Plan Overlay (DPO) and Vegetation Protection Overlay - Schedule 1 (VPO1), has been exhibited as part of the Government Land Standing Advisory Committee process.

The proposed controls are considered generally appropriate for the subject site. The controls provide flexibility to maximise the strategic attributes whilst ensuring the protection of important assets and addressing potential issues with future development. The proposed controls are deficient in respect to supporting the provision social and affordable housing on the site and it is recommended that Council submits on this matter to ensure that any potential opportunities are maximised.

Council officers have reviewed the proposed amendment documentation and have prepared a submission to the Government Land Standing Advisory Committee (Attachment 2). It is recommended that Council endorse the draft submission prepared by Council officers included in Attachment 2 and forward it submission to the Government Land Standing Advisory Committee.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Submit to the Government Land Standing Advisory Committee in respect to the proposed rezoning of part 95 Williamsons Road, South Morang generally in accordance with the draft submission included in Attachment 2.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalios*  
**SECONDED:** *Cr Butler*

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

**CARRIED**

## 6.1.12 REDEVELOPMENT OF THE MILL PARK LEISURE CENTRE - SCHEMATIC DESIGN UPDATE

<b>Attachments:</b>	<b>1</b>	<b>Attachment 1 - Mill Park Leisure Centre Redevelopment - Schematic Design</b>
	<b>2</b>	<b>Attachment 2 - Mill Park Leisure Centre Redevelopment - Project Changes</b>
	<b>3</b>	<b>Attachment 3 &amp; 4 - Mill Park Leisure Centre Redevelopment - Consultation</b>

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

**Author:** Team Leader Infrastructure Programs

### REPORT

#### EXECUTIVE SUMMARY

This report provides an update to Council on the current design process being undertaken for the redevelopment of the Mill Park Leisure Centre. It seeks endorsement from Council on the schematic design undertaken, and the proposed project changes.

#### BACKGROUND

The redevelopment of the Mill Park Leisure Centre is identified in Council's Major Leisure and Aquatic Facility Strategy 2014 (MLAFS). The redevelopment will provide water play features, a warm water pool, improved strength training and cardio areas, new change room facilities and improved access for people with a disability.

A Feasibility Study was undertaken in 2015 which investigated a range of options incorporating a range of features to meet the community needs. The final feasibility study and cost estimate were endorsed by Council at its meeting on 23 February 2016. At that meeting Council resolved to;

1. Endorse the Final Concept Plan for a draft budget of \$21,500,000 for the redevelopment of the Mill Park Leisure Centre to be expended over four financial years.
2. Direct officers to commence the next stages of the project – design development and documentation.

A design contract was subsequently awarded to Mantric Architecture on 7 June 2016 to undertake the detail design of the Mill Park Leisure Centre redevelopment. Mantric subsequently prepared a schematic design to progress on detail, enable more accurate costing to be undertaken and consultation to be progressed. The schematic diagrams, revised costing and consultation outcomes were subsequently presented to Council for feedback. Key items suggested for consideration included:

- Additional shower(s) in the change village;
- The outdoor recreation space;
- Material selection and finishes;
- Privacy in the gym layout;
- Closure of the aquatic centre; and
- Accessibility options including hoist, pool pod and ramp.

All items raised, with the exception of the ramp, will be given further consideration through the course of detailed design and consultation. The ramp will be the subject of a further options report to Council.

## PROPOSAL

A draft schematic design plan (See Attachment 1) has been prepared. It is consistent with the concept plan endorsed in the Feasibility Study and includes:

- New leisure pool;
- New learn to swim pool and warm water program pool;
- Family change facilities;
- Group change options;
- Crèche / Occasional care upgrade;
- Spa and sauna;
- Expansion of the Café and foyer area;
- Expansion of the gymnasium and program rooms;
- Universal design principles incorporated in the redevelopment, including pool pod access into the existing 25m pool, ramps into the new pools and improved disability change facilities;
- Outdoor recreation area, including BBQ/Picnic area, play areas, shaded seating and landscaping;
- New forecourt; and
- Reconfigured and extended car park with water sensitive drainage system (which will be undertaken as a separate project).

During the schematic design development process, additional assessment by the design consultant team identified a number of additional items that require further scoping, including:

- Changing Places toilets – to meet the needs of disability users;
- All works to the existing 25 metre pool and pool hall (includes pool concourse and mechanical ductwork);
- Refurbishment of dry change room; and
- Staging of construction works.

Refer to Attachment 2 for a detailed list of changes\*\* for consideration.

The Feasibility Study Report endorsed by Council on 23 February 2016 identified that the construction works can be staged to enable some of the aquatic areas to remain open during the works. Further assessment by the design consultant has identified a significant amount of demolition and construction work in the aquatic areas, which will require a short period of approximately two months for closure. This is required to ensure a safe workplace and to avoid a lengthy construction period and excessive construction costs. Further information will be provided regarding the construction methodology during the detail design phase.

## CONSULTATION

A project of this scale and complexity requires significant stakeholder engagement and consultation. A summary of the previous consultation undertaken during the master planning and feasibility stages of this project is included in Attachment 3 for information.

In order to facilitate consultation with relevant stakeholders during the design process, a Communication Working Group has been established with representations from various functions across Council.

Stakeholder consultation was undertaken between 14 and 26 November 2016 with the following individuals/groups:

- Regular leisure centre members and casual centre users and visitors;
- Centre user groups;
- Schools;
- Internal Council stakeholders;
- Facility manager (YMCA); and
- Sport Recreation Victoria (State Government).

As part of this engagement, a number of information and drop-in sessions were organised where user groups, schools and members of the community could attend and discuss the design directly with Council officers. The response received during these sessions is shown in Attachment 4.

In addition, a meeting was organised with the Whittlesea Disability Network on the schematic design and the various accessibility features including an electronic platform ('pool pod') into the main 25 metre pool, which allows for independent operation. Nevertheless, the Whittlesea Disability Network preference is for the inclusion of ramp for the 25 metre pool as they believe it would better cater for people with severe disabilities and enable a greater volume of access into the 25 metre pool.

The inclusion of a ramp into the 25 metre pool may require the existing water space to be reduced to accommodate the ramp within the existing pool structure. While this is a cost effective option to provide a ramp, as it will reduce the number of lanes available, it will have an adverse impact on the use of the pool for lap, or squad swimming. Alternatively, the extension of the pool structure to accommodate a pool ramp will require the adjoining building wall structure to be demolished and the building extended. These works will be at significant cost and extend closure of the pool to the community by at least 12 months. The extended closure period will also have a consequential impact to the YMCA's operation of the centre and operational revenue. These matters would need to be negotiated with Council.

Officers have also investigated the inclusion of an overhead support rail and hoist from a change room for people with disabilities to the warm water as well as the 25 metre pool. This will meet the needs of people with severe disabilities and is supported by Sport and Recreation Victoria.

The original Feasibility Study included a number of design options, one of which included a ramp into the 25 metre pool by extending the building footprint. Following a number of iterations with Council, the final concept option endorsed by Council in February 2016 included the provision of a 'pool pod' in lieu of a ramp into the 25 metre pool.

Considering the above matters, a detailed independent accessibility options study will be prepared and reported back to Council in February 2017 on the various access options, their benefits and impacts. The inclusion of a ramp into the 25 metre pool affects part of the schematic design and, whilst even its investigation will impact the delivery timeframe, it is recommended to progress with all other possible elements of design and reduce the impact.

## CRITICAL DATES

The current timeframe for construction is expected to commence in March 2018 and be completed in March 2020. This timeline does not cater for the inclusion of a ramp into the 25 metre pool, which will add more time.

Dates for the staging of works will be identified during the detailed design phase and key stakeholders will be consulted to minimise impact to operation of the centre and inconvenience to users.

## **FINANCIAL IMPLICATIONS**

Council endorsed the Final Feasibility Study Concept Plan draft budget of \$21,500,000 (excluding the cost of the car park) for the redevelopment of the Mill Park Leisure Centre on the 23 February 2016.

As a result of the schematic design process, the project changes as outlined in Attachment 2 totals \$1,455,489, which, if added in full would take the total project budget to \$22,955,489.

If a ramp was added to the existing 25 metre pool, the works will require the extension of the building adjacent to the 25 metre pool to provide the required width to build the ramp. The indicative cost of these works would be in the order of \$1.7 million.

The project is intended to be funded from borrowings. External funding opportunities of up to \$3,000,000 are being actively pursued with Sport and Recreation Victoria under the Victorian Government's 'Better Pools' Program. A representative from Sport and Recreation Victoria has been included in the Project Working Group to provide comment on the design and ensure the project meet's Sport and Recreation Victoria's funding criteria. Other funding opportunities are also being investigated including any future Growing Suburbs Funding program.

## **POLICY STRATEGY AND LEGISLATION**

The project delivers on key objectives of the following Council Policies and Plans:

- Whittlesea 2030 Strategic Community Plan
- Council Plan 2013 – 2017
- Municipal Public Health and Wellbeing Plan 2013-2017
- Disability Action Plan 2013-2016

## **LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Leisure &amp; recreation</b>
<b>Strategic Objective</b>	<b>Our recreation facilities and open spaces are accessible and respond to local need</b>

## **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

## **CONCLUSION**

The schematic design plan provided and the proposed project changes are generally consistent with the previous Council endorsed concept plan. In response to consultation with the Whittlesea Disability Network, the option of a ramp into the 25 m pool is to be reinvestigated.



As the addition of a ramp in to the 25m pool will require extended closure of the pool and have significant cost implications, an independent specialist assessment of the proposal is recommended. In addition, it is recommended Council endorse the schematic design, note the increase in project scope and consider additional budget allocations as part of the upcoming budget review process.

The outcome of the independent investigation into the additional ramp will be presented to Council early in the new year for consideration. Should Council resolve to include the addition of a ramp, the schematic design will be adjusted accordingly.

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

1. Endorse the schematic design plan for a revised total project budget of \$22,955,489 for the redevelopment of the Mill Park Leisure Centre.
2. Refer the additional project budget allocation to the 2017/18 Council Budget process for the construction phase.
3. Undertake an independent accessibility options analysis and report back to Council to determine the most appropriate and practical outcome, including benefits and impacts.

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

**THAT Council resolve to defer this item to a subsequent Council meeting.**

**CARRIED**



## 6.2 COMMUNITY SERVICES

### 6.2.1 FINAL PROGRESS REPORT ON COUNCIL'S DISABILITY ACTION PLAN 2013-2016

**File No:** 155042

**Responsible Officer:** Director Community Services

**Author:** Team Leader Access

#### REPORT

##### EXECUTIVE SUMMARY

The City of Whittlesea Disability Action Plan 2013-16 (DAP), was adopted by Council in March 2014, and outlined measures for Council to work towards developing an inclusive community for all.

The DAP 2013 – 2016 was a whole-of-Council strategy which guided Council's priorities and actions to achieve equity for people of all abilities in an inclusive, diverse and fast-growing municipality.

The DAP 2013 – 2016 was divided into the following seven major areas for Council action.

1. Governance, consultation and community engagement
2. Employment
3. The built environment
4. Transport
5. Arts, culture, leisure and recreation
6. Support services
7. Implementation and evaluation

There were a total of 81 actions in the DAP, of which 58 have been completed (72%). Highlights included:

- Council in conjunction with Respite Alliance Whittlesea and the Whittlesea Disability Network has achieved a significant increase in the number of respite facilities within the municipality including;
  - a six bed respite facility, run by Scope, built on Council land under a long term lease, which opened in May 2015;
  - State Government funding for a further respite facility to be constructed in South Morang in 2017, announced in August 2016;
- In Partnership with the YMCA, delivering 3178 incidents of services to children with disabilities via accessing school holiday program via the Whittlesea Special Kids School Holiday (WhiSKHA) and WhiSKHA Teen programs over the life of the plan;
- Supported local residents, services providers and Council in transition to the National Disability Insurance Scheme; and
- Renovated and redevelopment of the built environment to be accessible across Council facilities, streetscapes and public transport infrastructure.

Some challenges were in the area of employment and establishing the business case for the regional all abilities playspace.

This report informs Council on the progress of actions that were outlined in the DAP as at 31 July 2016 (the end of the Plan period)

## INTRODUCTION

The Australian Disability Discrimination Act (1992) makes it illegal for people or organisations to discriminate against people with disabilities, their carers and associates either intentionally or unintentionally. The Australian Human Rights Commission recommends that organisations including governments develop Disability Action Plans to both ensure that they do not discriminate and to act as a defence against possible discrimination claims.

Additionally the Victorian Disability Act 2006 requires all public sector bodies to have a DAP. A DAP can help reduce discrimination and increase the access for people with a disability to everyday services and employment. DAPs are also useful in addressing attitudinal barriers in organisations and communities.

This Disability Action Plan 2013 - 2016 is the third DAP for the City of Whittlesea.

## BACKGROUND

The DAP 2013 – 2016 was a whole-of-Council strategy which guided Council's priorities and actions to achieve equity for people of all abilities in an inclusive, diverse and fast-growing municipality.

The DAP 2013 – 2016 is divided into seven major areas for Council action:

### **1) Governance, consultation and community engagement**

**Goal:** All residents have the opportunity to participate equally in the planning and consultation processes which shape our community.

### **2) Employment**

**Goal:** All residents have equal access to employment opportunities in our community.

### **3) The built environment**

**Goal:** The built environment in our municipality will be universally accessible.

### **4) Transport**

**Goal:** Accessible transport services will be available to meet the varying needs of all residents.

### **5) Arts, culture, leisure and recreation**

**Goal:** All residents will have the opportunity to participate in, contribute to and enjoy arts, cultural and recreational activities.

### **6) Support services**

**Goal:** Support services in the municipality are responsive and accessible to the needs and aspirations of people with disabilities, their families and carers.

### **7) Implementation and evaluation of the DAP**

**Goal:** Implementation and evaluation of the DAP 2013 – 2016 will enable Council to strategically achieve an inclusive community within the municipality.

### Highlights / Outcome Measures from the DAP 2013-16

For the period of the DAP, 58 actions of the 81 actions were progressed and/or finalised. The remaining actions were either carried forward into 16/17 or were not completed.

Some of the highlights include:

- Council in conjunction with Respite Alliance Whittlesea and the Whittlesea Disability Network has achieved a significant increase in the number of respite facilities within the municipality as outlined earlier in this report;
- Access audits completed on all Council Buildings in 2014 to identify access issues and priority refurbishment plan developed;
- Completion of accessibility upgrades at Epping Memorial Hall, Greenbrook Community House, Epping North Community Activity Centre and developed plans for upgrades to Epping Depot;
- New concession rates at Council's Leisure Centres for people receiving the Disability Support Pension and Carer's Payment from July 2014;
- An average of 30 residents with disabilities, service providers, and carers attending and participating in the monthly Whittlesea Disability Network meetings;
- Over 700 people receiving the "Our News" newsletter each month;
- Over 160 staff attended Disability Awareness training which increased their knowledge on the Disability Discrimination Act and Council's DAP;
- A number of local residents with varying disabilities were invited to participate in the development of a video to speak about their experience of living with a disability in the City of Whittlesea. This video has been incorporated into the Disability Awareness training;
- 3178 incidents of services to children with disabilities accessing school holiday program via the Whittlesea Special Kids School Holiday (WhiSKHA) and WhiSKHA Teen programs over the life of the plan;
- Installation of Braille way-finding signage throughout the Civic Centre;
- Access audits at Council major events such as Council's Australia Day event;
- Establishment of the Whittlesea Community Futures Disability Cluster;
- Over 20 bus stops being made compliant with the relevant Australian Standard and over 15 Disabled Persons Parking bays created or made compliant with the relevant Australian Standard. These bays have been implemented at schools, childcare centres and reserves throughout the municipality;
- Over 100 carers of people with disabilities attend Council's Carers Week event each year with a 90% satisfaction rating;
- Delivered over 25 community events for International Day of People with Disabilities; and
- Supported community and local service providers with the transition to the National Disability Insurance Scheme.

### Continuing Actions

There are a number of actions of the DAP that will be carried forward into the next Plan. These include:

- Disability Awareness Training for Councillors at induction (to be delivered in early 2017);

- Review of Council's consultation processes to ensure that people with disabilities are included in all consultations;
- Continue to encourage compliance with relevant Australian Standards at the earliest stage of planning for all new buildings with a particular focus on town/shopping centre precincts;
- Enhance the accessibility of public toilets across the municipality;
- Advocacy for a proportion of accessible and adaptable new housing developments;
- Advocacy for consideration of people with disabilities for new or proposed Public Transport facilities;
- All Council events, programs and celebrations will be as accessible as practically achievable by:
  - Undertaking a feasibility assessment of proposed sites across the municipality for their potential to deliver accessible events and festivals;
  - Ensure accessible facilities are provided and promoted in all media communications for all events.
- Advocacy for all events and activities operated in conjunction with external partners to be as inclusive and accessible as practically achievable; and
- Continue to support the community in the transition to the National Disability Insurance Scheme.

### Challenges

Some actions in the DAP have been more challenging to achieve. These include:

#### Employment

- A number of actions relate to improving employment opportunities at Council; work that has been done in this area includes the establishment of a Whittlesea Disability Network Employment working group and establishing a strong working relationship with the National Disability Recruitment Coordinator in order to develop more inclusive recruitment processes within Council. Employment will be a major focus of the next DAP.

#### Regional Accessible Play Space

- A comprehensive business case will be further developed for this project.

### PROPOSAL

To provide Council an update and Highlights of the DAP 2013-2016.

### CONSULTATION

All responsible departments provide a quarterly progress report on relevant DAP actions.

Consultation occurred with the Whittlesea Disability Network in the development of the current RAP, and it will be a key stakeholder and reference group as the new one is developed.

The DAP 2013-16 report will be made public via distribution to the Whittlesea Disability Network and placed on Council website.

## CRITICAL DATES

The process of auditing the DAP 2013-16 and developing the next DAP is underway. Ongoing actions under the current DAP will continue until the development and adoption of the new DAP.

In early 2017, the process of consultation internally and externally will commence to develop the next Council DAP 2017-2020, with a report to Council for consideration in 2017.

## FINANCIAL IMPLICATIONS

DAP actions for 16/17 have already been included in operational budgets.

## POLICY STRATEGY AND LEGISLATION

Relevant policy strategy and legislation is listed below:

- Australian Disability Discrimination Act 1992 (DDA)
- Victorian Disability Act 2006
- Victorian State Disability Plan 2013-16
- City of Whittlesea Disability Action Plan 2013-16.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Participation &amp; decision making</b>
<b>Strategic Objective</b>	<b>People are involved in issues that affect them</b>

The DAP links to the directions and themes of the Council Plan 2013-2017 “Shaping Our Future”

Direction 1: Inclusive & Engaged Community

- Community Spirit
- Participation & Decision Making

Direction 2: Accessibility in, out and around our City

- Access to Services
- Transport
- Access to Information

Direction 3: Growing our Economy

- Employment

Direction 4: Places and spaces to connect people

- Open space
- Community Hubs
- Planning our space
- Leisure & Recreation

Direction 5: Health and Wellbeing

- Healthy 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

Council's DAP provides clear direction for Council in ensuring that services, programs and facilities are accessible to people of all abilities. There have been many achievements associated with the implementation of the DAP over the life of the plan as highlighted within this report.

Consultation in relation to the development of Council's next RAP will occur in 2017.

<b>RECOMMENDATION</b>
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**THAT Council resolve to note the final report on the City of Whittlesea Disability Action Plan (DAP) 2013-16.**

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

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

**CARRIED**



**6.2.2 2016/2017 COMMUNITY REPRESENTATIVES - COMMUNITY ACTIVITY CENTRES AND MEADOWGLEN INTERNATIONAL ATHLETICS STADIUM****File No:** 177690**Responsible Officer:** Director Community Services**Author:** Team Leader Community Facilities**REPORT****EXECUTIVE SUMMARY**

The Community Representatives for the City of Whittlesea Community Activity Centres and Meadowglen International Athletics Stadium, Committees of Management (CoM) have been nominated for 2016/17. Under the terms of each CoM *Incorporated Association Rules* (the rules), nominated Community Representatives require Council ratification. This report provides each CoM's nominated representatives for Council's consideration.

**BACKGROUND**

As part of each CoM Annual General Meeting (AGM) and member election process, nominations for Community Representatives were advertised in the local paper and residents were invited to apply. Nominations were accepted and moved in a motion at each AGM.

The Community Representatives play a key role in providing a broader community voice to the Committee of Management.

**PROPOSAL**

That the Community Representatives listed in the table below be ratified by Council. Each CoM Rules include Community Representation clauses; however, the number of representatives across facility CoM's may vary.

<b>Nominated Community Representative</b>	<b>Facility</b>	<b>Background</b>
Carmel Mercovich	Riverside Community Activity Centre (RCAC)	Carmel has previously been a member of the RCAC Committee and would like to continue on in her capacity as Community Representative. She is active in her Probus group involvement and in the RCAC.
Graeme Scott	Riverside Community Activity Centre (RCAC)	Graeme has been a long term Committee member of the RCAC. He is involved as a long standing member with many non-profit organisations within the community.
Bev Scott	Riverside Community Activity Centre (RCAC)	Bev has been the RCAC Chairperson for 16 years. She is a committed and active member of the Committee and also involved in many other non-profit community organisations.

Pam McLeod	Epping Community Activity Centre (ECAC)	Pam has been a part of the ECAC Committee for many years. She has been an active Committee and community member for the City of Whittlesea and is involved with many different community organisations and initiatives.
Bruce White	Epping Community Activity Centre (ECAC)	Bruce has been a long standing and active Committee member of the ECAC as well as other boards within the community. Over the years he has held executive positions on these boards.
Peter French	Barry Road Community Activity Centre (BRCAC)	Peter is involved in many community organisations and has over 30 years' experience in community volunteering. He has chaired the BRCAC Committee for seven years.
Pam McLeod	Meadowglen International Athletics Stadium (MIAS)	Pam has had widespread involvement with this committee since 2003 and longer with the broader community supporting and advocating for community sport and recreation opportunities.
Cheryl Duff	Meadowglen International Athletics Stadium (MIAS)	Cheryl has been involved with the MIAS CoM for many years through her dedication and involvement with Regional Little Athletics.

## CONSULTATION

No consultation was required for this process.

## FINANCIAL IMPLICATIONS

There are no financial implications.

## POLICY STRATEGY AND LEGISLATION

Under the Associations Incorporation Reform Act 2012, every incorporated association must have Incorporated Association Rules. The CoM Rules state that the Committee shall include City of Whittlesea resident(s) ratified by the Council who take on the position of Community Representatives. Therefore, this report and Council's resolution will address this requirement.

## LINKS TO THE COUNCIL PLAN

### FUTURE DIRECTION

**Places and spaces to connect people**

### Theme

**Community hubs**

### Strategic Objective

**We have areas that bring people together around services and entertainment experiences**

The Committee of Management governance structure was established for these centres to encourage community engagement and accessibility. The Community Representatives provide a broad community view for the benefit of each centre.

## 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 Community Representatives for the City of Whittlesea Community Activity Centres and Meadowglen International Athletics Stadium Committees of Management (CoM) have been nominated for 2016/17. Under the terms of each CoM Incorporated Association Rules (the rules), the nominated Community Representatives require Council ratification.

Many of the Community Representatives have been long standing and active members of the Committees of Management of each centre as well as other community organisations. The Community Representatives play a key role in providing a voice for the broader community relating to each centre, how they are run and operate.

## RECOMMENDATION

THAT Council resolve to:

1. Ratify the nominated Community Representatives tabled as shown for 2016/17:
  - Riverside Community Activity Centre - Carmel Mercovich, Graeme Scott, Bev Scott.
  - Epping Community Activity Centre – Pam McLeod, Bruce White
  - Barry Road Community Activity Centre – Peter French
  - Meadowglen International Athletics Stadium – Pam McLeod, Cheryl Duff
2. Notify Community Representatives in writing that their nominations have been ratified by Council.
3. Notify the Committees of Management in writing that the nominations of Community Representative have been ratified by Council.

## COUNCIL RESOLUTION

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**



## **6.4 CORPORATE SERVICES**

### **6.4.1 AUSTRALIA DAY - EXPRESSION OF INTEREST - COMMITTEE REPRESENTATION**

**File No:** 194663

**Responsible Officer:** Director Corporate Services

**Author:** Governance Officer

#### **REPORT**

#### **EXECUTIVE SUMMARY**

To seek Council's approval of nominated Community Representatives, following an expression of interest period in accordance with the Terms of Reference of Council's Australia Day Committee.

#### **BACKGROUND**

Council adopted the Terms of Reference for the Australia Day Committee (City of Whittlesea) at its meeting on 15 March 2011 and an amendment to clause 3.1 of the Terms of Reference was adopted by Council on 6 May 2014.

In accordance with Clause 3 of the Terms of Reference, the two year term of two committee representatives appointed in 2014 expired in October 2016.

Nominations for the two vacant Community Representative positions for a two year term were advertised in the local paper and on Council's website inviting residents to lodge an expression of interest to become a member of the Committee.

#### **PROPOSAL**

At the close of the Expression of Interest period, two nominations were received:

- Carmel Mercovich – a local resident who is a very active member of the community. She is currently a member of various groups and committees including Riverside Community Activity Centre, two probus clubs, and St Francis of Assisi Church.
- Luz Bland – holds experience in policy development, procurement, data analysis and stakeholder management. She wishes to expand her involvement in the City and believes her skills could be used in this Committee.

At the Australia Day Committee meeting on 21 November 2016, a retiring Committee member, Innes Creighton verbally submitted an expression of interest to become a nominated Community Representative on the Committee. As there were three nominations and only two positions, a lot was conducted by the Mayor, Cr Kirkham. Based on the conduct of the lot, Carmel Mercovich and Luz Bland were the declared the successful nominees.

The Australia Day Committee recommended that Carmel Mercovich and Luz Bland be endorsed and appointed as Community Representatives on the Australia Day Committee for the period November 2016 to December 2018.

**LINKS TO THE COUNCIL PLAN**

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

It is recommended that the two Community Representatives nominated for the Australia Day Committee be ratified by Council for a term of two years ending December 2018.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve the following Community Representatives for a two year term ending 31 December 2018:**

- a) Carmel Merkovic; and
- b) Luz Bland.

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

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.4.2 FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2016**

**File No:** 146746

**Attachments:** 1 Financial Performance Report - September 2016

**Responsible Officer:** Director Corporate Services

**Author:** Team Leader Management Accounting

**REPORT****EXECUTIVE SUMMARY**

The Financial Performance Report for the period ended 30 September 2016, is presented for consideration by Council, in accordance with the *Local Government Act 1989*.

**BACKGROUND**

The Financial Performance Report includes the following financial statements:

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

A detailed analysis of income and expenditure in the comprehensive income statement is included in the report. The statement shows a favourable year to date variance of Council's underlying surplus of \$4.63 million. Significant income and expenditure variances for the first quarter are highlighted below.

The favourable income variances have occurred in rates and charges (supplementary valuations) (\$702,000), and contributions - cash (\$1.4M). The favourable expenditure variation is predominately in materials and services (\$1.96M).

Variances will continue to be monitored over the next quarter to determine if they are permanent variances or due to timing.

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

The financial implications are detailed in the report.

**POLICY STRATEGY AND LEGISLATION**

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

**LINKS TO THE COUNCIL PLAN**

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

For the three month period ending 30 September 2016, Council's underlying surplus shows a favourable year to date variance of \$4.63 million against budget. Although this result is generally in-line with budget predictions, variances will be continued to be monitored over the next quarter.

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

**THAT Council resolve to note the Financial Performance Report for the period ended 30 September 2016.**

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

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Monteleone*

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

**CARRIED**

### 6.4.3 ASSEMBLIES OF COUNCILLORS - 13 DECEMBER 2016

**File No:** 188199

**Responsible Officer:** Director Corporate Services

**Author:** Governance Officer

## REPORT

### EXECUTIVE SUMMARY

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

### BACKGROUND

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

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

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

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

### PROPOSAL

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

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum <b>8 November 2016</b>	Cr Kirkham (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Butler Cr Desiato Cr Kozmevski Cr Lalios Cr Monteleone Cr Pavlidis Cr Sterjova	CEO DCS DCRS DCTP DPMP DPE MG TLG	1. Discussion on the Purpose and Conduct of Council Forum Meetings. 2. 2017 Meeting Cycle. 3. Fundamentals of Land use Planning in Whittlesea.  <i>Nil disclosures</i>
Council Forum <b>15 November 2016</b>	Cr Kirkham (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Butler Cr Cox	DCS DCRS DCTP DPMP DPE MG	1. Overview of Council Meeting Procedure – Local Government Act and Procedural matters Local Law. 2. Overview of items for the first Council Meeting. 3. Conduct Mock Council Meeting  <i>Nil disclosures</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
	Cr Desiato Cr Kozmevski Cr Lalios Cr Monteleone Cr Sterjova		
Australia Day Committee Meeting <b>21 November 2016</b>	Cr Kirkham (Mayor) Cr Kozmevski	GO-1 GO-2 ECO CO	<ol style="list-style-type: none"> <li>1. Expression of Interest – Community Representatives.</li> <li>2. Awards update – nominations close 25 November 2016.</li> <li>3. Communications Report.</li> <li>4. Event Report. <ol style="list-style-type: none"> <li>a) Status update</li> <li>b) Set up</li> <li>c) Entertainment – including singer of National Anthem.</li> </ol> </li> <li>5. Australia Day Awards Nominee Recognition Event.</li> <li>6. General Business.</li> <li>7. Next Meeting – Monday 12 December 2016.</li> </ol>

*Nil disclosures*

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
CEO	Chief Executive Officer – Michael Wootten	RO	Records Officer – Jordan Plowman
DCS	Director Community Services – Russell Hopkins	PPO	NDIS Prepare Project Officer – Kathy Pompetti
DCRS	Director Corporate Services – Helen Sui	MAO	Metro Access Officer - Bernie Ezeokoli
DCTP	Director City Transport and Presentation– Nick Mann	PAO-A	Acting Project Access Officer – Agnieszka Miller
DPE	Director Partnerships and Engagement – Liana Thompson	GO-1	Governance Officer – Narelle Williamson
DPMP	Director Planning & Major Projects – Steve O'Brien	GO-2	Governance Officer – Sarah Weir
MG	Manager Governance – Michael Tonta	CO	Communications Officer – Natalie O'Connell
TLG	Team Leader Governance – Angelo Mamatis	ECO	Events Co-Ordinator – Julie McBride
TLA	Team Leader Access – Stephen Bell		

## CONSULTATION

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

## FINANCIAL IMPLICATIONS

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

## POLICY STRATEGY AND LEGISLATION

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

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

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

#### LINKS TO THE COUNCIL PLAN

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

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

#### DECLARATIONS OF CONFLICTS OF INTEREST

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

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

#### CONCLUSION

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

#### RECOMMENDATION

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

#### COUNCIL RESOLUTION

**MOVED:** Cr Kelly  
**SECONDED:** Cr Monteleone

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

**CARRIED**



**6.4.4 COMMUNITY COUNCIL MEETINGS 2017****Responsible Officer:** Director Corporate Services**Author:** Governance Officer**REPORT****EXECUTIVE SUMMARY**

As part of the 2017 meeting schedule it is proposed to hold one Ordinary Council Meeting at a community venue. This meeting will include consideration of reports that would usually be transacted at a Council meeting, but will also include other elements to provide an opportunity for the community to hear about and ask Councillors questions about other programmes and initiatives of the Council relating to the area where the meeting will be held.

**BACKGROUND**

At the Council Meeting on 22 November 2016 the 2017 Council Meeting schedule was set and it was proposed that three Council meetings will be held at community locations.

It is proposed to hold the first community Council meeting in the North Ward at the Mernda Village Community Activity Centre.

**PROPOSAL**

It is proposed that the Council Meeting scheduled for 21 March 2017 be held at Mernda Village Community Activity Centre commencing at 7.30pm. Prior to the start of the Council meeting there will be a presentation to the community and an opportunity for discussion with Councillors on issues relevant to the local community.

**FINANCIAL IMPLICATIONS**

Any costs associated with holding Council Meetings at community locations would be covered in existing budgets.

**LINKS TO THE COUNCIL PLAN**

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

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.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

It is recommended that the Council Meeting scheduled for 21 March 2017 be held at Mernda Village Community Activity Centre commencing at 7.30pm.

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

**THAT Council resolve to**

1. Hold the ordinary Council meeting scheduled for 21 March 2017 at the Mernda Village Community Activity Centre commencing at 7.30pm.
2. Give public notice of the meeting venue and start time.

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

**MOVED:** *Cr Kirkham*

**SECONDED:** *Cr Kelly*

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

**UNANIMOUSLY CARRIED**



**6.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**



**6.6 EXECUTIVE SERVICES**

**NIL REPORTS**



**7. NOTICES OF MOTION**

**7.1 NOTICE OF MOTION NO 818 - CITY OF WHITTLESEA COMMUNITY FESTIVAL REVIEW & RELOCATION**

**Author:** Cr Ricky Kirkham

**The Mayor Cr Kirkham gave notice of his intention to move the following Motion at the Ordinary Meeting of Council held on Tuesday 13 December 2016 at 6:30pm.**

THAT Council resolve to relocate the City of Whittlesea Community Festival from Barry Road, Thomastown to South Morang, including consideration of a day/night street festival to be run in either February or March;

1. Establish a working group consisting of the Mayor and one Councillor from each ward and Council Officers.
2. Investigate the following locations;
  - a. Option 1 - McDonalds Road between Ferres Boulevard and South Morang Central; and
  - b. Option 2 - Findon Road between Mill Park Lakes Boulevard and the Great Eastern Way.
3. Event planning will be for 2017/18 financial year implementation.
4. Begin discussions with Westfield regarding a partnership that will have regard to:
  - a. Parking and stall locations;
  - b. Working in conjunction with effected businesses; and
  - c. Possible sponsorship and commercial support.

<b>MOTION</b>
---------------

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

THAT Council resolve to relocate the City of Whittlesea Community Festival from Barry Road, Thomastown to South Morang, including consideration of a day/night street festival to be run in either February or March;

1. Establish a working group consisting of the Mayor and one Councillor from each ward and Council Officers.
2. Investigate the following locations;
  - a. Option 1 - McDonalds Road between Ferres Boulevard and South Morang Central;

- and
- b. Option 2 - Findon Road between Mill Park Lakes Boulevard and the Great Eastern Way.
  3. Event planning will be for 2017/18 financial year implementation.
  4. Begin discussions with Westfield regarding a partnership that will have regard to:
    - a. Parking and stall locations;
    - b. Working in conjunction with effected businesses; and
    - c. Possible sponsorship and commercial support.
  5. Regularly report back to Council on the progress.

**EXTENSION OF SPEAKING TIME**

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

**THAT Council resolve to extend the speaking time for Cr Pavlidis by two minutes.**

**CARRIED**

**EXTENSION OF SPEAKING TIME**

**MOVED:** *Cr Kozmevski*  
**SECONDED:** *Cr Cox*

**THAT Council resolve to extend the speaking time for Cr Alessi by two minutes.**

**CARRIED**

**AMENDMENT**

**MOVED:** *Cr Butler*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to add a point 2 c to the motion as follows:**

**2 c. Investigate other locations.**

**CARRIED**

**The motion as amended was put and carried and became the substantive motion.**

**DIVISION**

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Kirkham	Cr Kozmevski	Cr Pavlidis
Cr Kelly	Cr Alessi	
Cr Lalios	Cr Cox	
Cr Monteleone	Cr Sterjova	
Cr Desiato		
Cr Butler		

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

**CARRIED**

**SUBSTANTIVE MOTION**

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

THAT Council resolve to relocate the City of Whittlesea Community Festival from Barry Road, Thomastown to South Morang, including consideration of a day/night street festival to be run in either February or March;

1. Establish a working group consisting of the Mayor and one Councillor from each ward and Council Officers.
2. Investigate the following locations;
  - a. Option 1 - McDonalds Road between Ferres Boulevard and South Morang Central; and
  - b. Option 2 - Findon Road between Mill Park Lakes Boulevard and the Great Eastern Way.
  - c. Investigate other locations.
3. Event planning will be for 2017/18 financial year implementation.
4. Begin discussions with Westfield regarding a partnership that will have regard to:
  - a. Parking and stall locations;
  - b. Working in conjunction with effected businesses; and
  - c. Possible sponsorship and commercial support.
5. Regularly report back to Council on the progress.

**AMENDMENT**

**MOVED:** *Cr Sterjova*

**SECONDED:** *Cr Alessi*

THAT Council resolve to delete point 1 from the motion which reads “Establish a working group consisting of the Mayor and one Councillor from each ward and Council Officers”.

**CARRIED**

The motion as amended was put and carried and became the substantive motion.

**EXTENSION OF SPEAKING TIME**

**MOVED:** *Cr Kelly*

**SECONDED:** *Cr Butler*

THAT Council resolve to extend the speaking time for Cr Lalios by two minutes.

**CARRIED**

**SUBSTANTIVE MOTION**

**MOVED:** *Cr Kirkham*

**SECONDED:** *Cr Lalios*

THAT Council relocate the City of Whittlesea Community Festival from Barry Road, Thomastown to South Morang, including consideration of a day/night street festival to be run in either February or March;

1. Investigate the following locations;
  - a. Option 1 - McDonalds Road between Ferres Boulevard and South Morang Central; and
  - b. Option 2 - Findon Road between Mill Park Lakes Boulevard and the Great Eastern Way.
  - c. Investigate other locations.
2. Event planning will be for 2017/18 financial year implementation.
3. Begin discussions with Westfield regarding a partnership that will have regard to:
  - a. Parking and stall locations;
  - b. Working in conjunction with effected businesses; and
  - c. Possible sponsorship and commercial support.
4. Regularly report back to Council on the progress.

**CARRIED**



<b>DIVISION</b>
-----------------

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Kirkham	Cr Pavlidis	Nil
Cr Kelly	Cr Kozmevski	
Cr Lalios	Cr Alessi	
Cr Monteleone	Cr Cox	
Cr Desiato	Cr Sterjova	
Cr Butler		

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

**CARRIED**

**8. QUESTIONS TO OFFICERS**

NIL

**9. URGENT BUSINESS**

**URGENT BUSINESS**

The Mayor, Cr Kirkham sought leave to raise an item of urgent business in relation to the Mernda Rail Extension.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Kirkham*

**SECONDED:** *Cr Lalios*

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

**CARRIED**

**9.1 MERNDA RAIL EXTENSION**

**MOTION**

**MOVED:** *Cr Kirkham*

**SECONDED:** *Cr Kelly*

THAT Council resolve to:

1. Fund the construction of:
  - a. Station Road, Mernda, between the proposed Mernda Town Centre east-west main street and Bridge Inn Road;
  - b. A “left in left out” intersection at Station Road and Bridge Inn Road; and
  - c. The extension of the town centre main street across the rail corridor.
2. Incorporate this funding as part of Council’s New Works Program;
3. Enter into a Section 173 Agreement under the Planning and Environment Act with the landowner of 1410A Plenty Road, Mernda for the:
  - a. Full reimbursement of constructing Station Road to Council prior to seeking a Statement of Compliance for the first stage of the subdivision of the Mernda Town Centre; and
  - b. Creation of the ultimate road reservation for Station Road, including its intersection with a (future) duplicated Bridge Inn Road;
4. Authorise the Chief Executive Officer to negotiate and execute the Section 173 Agreement;
5. Write to the Level Crossing Removal Authority advising that Council will fund the construction of Station Road, and seeking a change to the design of the Mernda bus interchange, so that bus stops are incorporated into Station Road; and
6. Make funding for the works contingent on a change to the Mernda bus interchange design.

### DECLARATION OF INTEREST

During discussions on this matter, Cr Alessi declared a direct interest in item 9.1 – Mernda Rail Extension, on the grounds that he holds shares in Woolworths.

Prior to any vote taken in relation to the matter, Cr Alessi left the Council Chamber at 9:18PM and advised the Mayor accordingly.

Cr Alessi returned to the Council Chamber at 9:37PM following the vote on this item.

### EXTENSION OF SPEAKING TIME

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Butler*

**THAT Council resolve to extend the speaking time for Cr Kirkham by two minutes.**

**CARRIED**

### COUNCIL RESOLUTION

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

**THAT Council resolve to:**

1. Fund the construction of:
  - a. Station Road, Mernda, between the proposed Mernda Town Centre east-west main street and Bridge Inn Road;
  - b. A “left in left out” intersection at Station Road and Bridge Inn Road; and
  - c. The extension of the town centre main street across the rail corridor.
2. Incorporate this funding as part of Council’s New Works Program;
3. Enter into a Section 173 Agreement under the Planning and Environment Act with the landowner of 1410A Plenty Road, Mernda for the:
  - a. Full reimbursement of constructing Station Road to Council prior to seeking a Statement of Compliance for the first stage of the subdivision of the Mernda Town Centre; and
  - b. Creation of the ultimate road reservation for Station Road, including its intersection with a (future) duplicated Bridge Inn Road;
4. Authorise the Chief Executive Officer to negotiate and execute the Section 173 Agreement;
5. Write to the Level Crossing Removal Authority advising that Council will fund the construction of Station Road, and seeking a change to the design of the Mernda bus interchange, so that bus stops are incorporated into Station Road; and
6. Make funding for the works contingent on a change to the Mernda bus interchange design.

**UNANIMOUSLY CARRIED**

CR KOZMEVSKI LEFT THE COUNCIL CHAMBER AT 9:41PM PRIOR TO THE VOTE IN ITEM 10 AND DID NOT RETURN TO THE MEETING.

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

### 10.1 WHITTLESEA COMMUNITY CONNECTIONS

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

- Meeting was held on 12 December 2016.
- A number of new Directors have been appointed to the Board.
- An incident occurred at the Whittlesea Community Connections where the hot water service failed and flooded the centre resulting in evacuation.
- Staff are now working from an alternate location and are continuing to make a difference to our community.
- Council have been great in providing much needed assistance.
- 2017 is anticipated to be very busy.
- The Whittlesea Community Connections is dependent on funding, they are in the process of applying for applications for funding.

#### COUNCIL RESOLUTION

**MOVED:** *Cr Pavlidis*

**SECONDED:** *Cr Sterjova*

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

**CARRIED**

### 10.2 WHITTLESEA YOUTH COMMITMENT

Cr Sterjova provided an overview of a recent meeting of the Whittlesea Youth Commitment when the following items were discussed:

- This organisation is a wonderful collaboration within the City of Whittlesea.
- Acknowledgment of the tremendous work the Whittlesea Youth commitment, noting they wish to reach out to as many young people as they can.
- Cr Sterjova will be getting dunked to raise funds for the Whittlesea Youth Commitment invigorating education to help young people stay at school.

#### COUNCIL RESOLUTION

**MOVED:** *Cr Pavlidis*

**SECONDED:** *Cr Alessi*

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

**CARRIED**

**11. QUESTIONS TO COUNCILLORS**

**NIL**

**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**12.1.1 DESIGN SERVICES FOR MOSAIC RECREATION RESERVE CONTRACT 2016-112**

**12.1.2 BARRY ROAD CAC EXTERNAL LANDSCAPING, PUBLIC LIGHTING UPGRADE AND ASSOCIATED CIVIL WORKS CONTRACT 2016-145 - TENDER EVALUATION REPORT**

**12.2 COMMUNITY SERVICES**

**NIL REPORTS**

**12.3 CITY TRANSPORT AND PRESENTATION**

**12.3.1 2014-119 SUPPLY OF ROADSIDE HAZARD PROTECTION - CONTRACT VARIATION**

**12.3.2 CONTRACT FINALISATION FOR PROVISION OF MOTOR VEHICLE FLEET INSURANCE - CONTRACT NO 2015-72**

**12.3.3 BRUSH ROAD CONSTRUCTION**

**12.3.4 TENDER EVALUATION FOR CONTRACT 2016-89 SUPPLY AND INSTALLATION OF PARK AND PLAYGROUND WORKS AT MAIN STREET RECREATION RESERVE, THOMASTOWN**

**12.3.5 TENDER EVALUATION FOR CONTRACT 2016-90 SUPPLY AND INSTALLATION OF PARK AND PLAYGROUND WORKS AT VICTORIA DRIVE PARK THOMASTOWN, WENDEN ROAD PARK MILL PARK AND KALARA CLOSE PARK LALOR**

**12.3.6 MERNDA RAIL - FINDON ROAD BRIDGE AND MERNDA TOWN CENTRE**

**12.4 CORPORATE SERVICES**

**12.4.1 PROVISION OF BANKING SERVICES**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 14 NOVEMBER TO 2 DECEMBER 2016**

**COUNCIL RESOLUTION**

**MOVED:** Cr Lalios  
**SECONDED:** Cr Monteleone

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 DESIGN SERVICES FOR MOSAIC RECREATION RESERVE CONTRACT 2016-112**

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

**12.1.2 BARRY ROAD CAC EXTERNAL LANDSCAPING, PUBLIC LIGHTING UPGRADE AND ASSOCIATED CIVIL WORKS CONTRACT 2016-145 - TENDER EVALUATION REPORT**

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

**12.3.1 2014-119 SUPPLY OF ROADSIDE HAZARD PROTECTION - CONTRACT VARIATION**

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

**12.3.2 CONTRACT FINALISATION FOR PROVISION OF MOTOR VEHICLE FLEET INSURANCE - CONTRACT NO 2015-72**

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

**12.3.3 BRUSH ROAD CONSTRUCTION**

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

**12.3.4 TENDER EVALUATION FOR CONTRACT 2016-89 SUPPLY AND INSTALLATION OF PARK AND PLAYGROUND WORKS AT MAIN STREET RECREATION RESERVE, THOMASTOWN**

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

**12.3.5 TENDER EVALUATION FOR CONTRACT 2016-90 SUPPLY AND INSTALLATION OF PARK AND PLAYGROUND WORKS AT VICTORIA DRIVE PARK THOMASTOWN, WENDEN ROAD PARK MILL PARK AND KALARA CLOSE PARK LALOR**

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

**12.3.6 MERNDA RAIL - FINDON ROAD BRIDGE AND MERNDA TOWN CENTRE**

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

**12.4.1 PROVISION OF BANKING SERVICES**

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

1989.

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER - 14 NOVEMBER TO 2 DECEMBER 2016**

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

**CARRIED**

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**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 9:43PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 10:09PM.**

**13. CLOSURE**

**THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 10:09PM.**

**CONFIRMED THIS 7<sup>th</sup> DAY OF FEBRUARY 2017.**

**CR RICKY KIRKHAM  
MAYOR**